IN THE ENVIRONMENT COURT **ENV-**
CHRISTCHURCH

I MUA TE KOOTI TAIAO O AOTEAROA
I TE ŌTAUTAHI ROHE

IN THE MATTER	of the Resource Management Act 1991 ("**Act**")
AND	
IN THE MATTER	of Clause 14(1) of Schedule 1 of the Act
BETWEEN	**KIWIRAIL HOLDINGS LIMITED**
	Appellant
AND	**BULLER DISTRICT COUNCIL**
	GREY DISTRICT COUNCIL
	WESTLAND DISTRICT COUNCIL
	Respondents

NOTICE OF APPEAL AGAINST DECISIONS ON PROPOSED TE TAI O POUTINI PLAN

8 DECEMBER 2025

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To: The Registrar
The Environment Court
CHRISTCHURCH

KIWIRAIL HOLDINGS LIMITED ("**KiwiRail**") appeals against parts of the decision of Buller District Council, Grey District Council and Westland District Council ("**Councils**") on the Proposed Te Tai o Poutini Plan ("**Proposed Plan**").

BACKGROUND AND DECISIONS APPEALED

1. KiwiRail made a submission on the Proposed Plan on 27 October 2022.[1] KiwiRail presented evidence and legal submissions in support of its submission.

2. KiwiRail received notice of the Councils' decision on the Proposed Plan on 10 October 2025 ("**Decision**").

3. KiwiRail is not a trade competitor for the purposes of section 308D of the Act.

4. KiwiRail is the State-Owned Enterprise responsible for the management and operation of the national railway network. This includes managing railway infrastructure and land, as well as freight and passenger services within New Zealand. KiwiRail is also a requiring authority under section 167 of the Act for land designated for railway purposes throughout New Zealand.

5. KiwiRail's rail network in the West Coast region plays an important role in the regional and national transport network. KiwiRail has an interest in protecting its ability to operate, maintain and upgrade these lines now and into the future, as well as seeking to ensure the safety and amenity of those parties occupying land adjacent to the rail corridor.

SCOPE OF APPEAL

6. KiwiRail appeals the parts of the Decision that rejected, or accepted only in part, the following relief sought by KiwiRail:

   (a) amendments to the rail noise and vibration provisions seeking the noise and vibration controls be measured from the rail corridor designation boundary instead of the edge of the railway tracks;

[1] Submission Number 442.

(b) technical amendments to NOISE-R3 to improve readability and workability of the provisions to ensure adverse effects on noise sensitive activities are appropriately managed;

(c) standards requiring new and altered buildings to be set back 5 metres from the rail corridor designation boundary in the following zones:

(i) General Residential Zone;

(ii) Medium Density Residential Zone;

(iii) Settlement Zone;

(iv) Mixed Use Zone;

(v) Commercial Zone;

(vi) Neighbourhood Centre Zone; and

(vii) Town Centre Zone.

(d) inclusion of a matter of discretion for applicants to demonstrate engagement with KiwiRail under the new rule TRN-R14 (protection of sight lines at rail level crossings), in the Transport Chapter; and an amendment to rule TRN-R7 to ensure it is clear that compliance with the permitted activity standard requires no buildings, structures, planting or other visual obstructions to be located in the "Obstruction Free Zone" identified in TRN - Figure 9 – Sight Line Requirements at Railway Crossings;

(e) various amendments to the following chapters to ensure the safe and effective operation of the rail network:

(i) Infrastructure Chapter;

(ii) Ecosystems and Indigenous Biodiversity Chapter;

(iii) Natural Character and Margins of Waterbodies Chapter;

(iv) Coastal Environment Chapter; and

(v) Temporary Activities Chapter.

GENERAL REASONS FOR APPEAL

7. The Decision:

   (a) will not promote the sustainable management of the natural and physical resources in the Buller, Grey or Westland Districts ("**Districts**"), and is therefore contrary to or inconsistent with Part 2 and other provisions of the Act;

   (b) is inconsistent with other relevant planning documents, including the West Coast Regional Policy Statement ("**WCRPS**") and West Coast Regional Land and Water Plan;

   (c) will not meet the reasonably foreseeable needs of future generations;

   (d) will not enable the social, economic, and cultural wellbeing of the people of the Districts;

   (e) does not avoid, remedy or mitigate actual and potential adverse effects on the environment; and

   (f) is not the most appropriate way to achieve the objectives of the Proposed Plan in terms of section 32 of the Act.

8. In addition to the general reasons outlined above, KiwiRail appeals the Decision for the specific reasons set out below.

SPECIFIC REASONS FOR APPEAL

Noise Chapter

9. KiwiRail's submission sought the inclusion of noise and vibration controls requiring acoustic insulation and ventilation to be installed in new (or altered) noise sensitive activities, within 100 metres and 60 metres respectively of the rail corridor designation boundary.

Noise and vibration overlay measurement

10. The noise and vibration provisions sought by KiwiRail have generally been included in the Decision. However, the Panel rejected KiwiRail's relief seeking the noise and vibration controls be measured from the rail corridor designation boundary. The Panel considered that the measuring point being at the rail corridor designation boundary covered a larger area of land than required by

the notified provisions and instead the Decision includes the edge of the railway tracks as the relevant measuring point.[2]

11. KiwiRail considers the Proposed Plan should measure the noise and vibration controls from the rail corridor designation boundary, not the existing tracks. Within its rail corridor designation, KiwiRail is legally authorised to use the entirety of the designated land for rail activities. KiwiRail can move existing, or lay new, track anywhere within the designation boundary at any time as may be required for operational reasons – including for sidings, shunts or additional tracks.

12. If the noise and vibration controls are measured from the rail tracks as they exist today, it would not adequately protect local communities for the life of the Proposed Plan. This is short-sighted and has real world consequences, and will mean people will be adversely affected by noise and vibration arising from the operation of the railway.

13. Dr Chiles' evidence is the 100 metre distance from the rail corridor designation boundary is not a conservative approach; if anything, a 100 metre width is, in some cases, likely to be too narrow. Dr Chiles' evidence is that setting a distance for the application of controls that includes most land affected by rail noise and vibration would ideally extend 200 metres from railways.[3]

14. A distance of 100 metres from the rail corridor designation boundary therefore represents a reasonable compromise if the aim is to capture the most affected sites without requiring assessment where building treatment is less likely to be required. However, measuring from the rail tracks means even less land is subject to the noise and vibration controls than the compromise position.

15. To appropriately avoid, remedy and mitigate adverse effects for the life of the Proposed Plan, it is important the area subject to the noise and vibration controls is measured from the boundary of the designation, rather than the current location of the existing rail tracks.

16. The measurement of noise and vibration controls from the designation boundary has been confirmed by councils and the Environment Court in a number of planning processes around the country.[4] Taking this approach in

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2 Recommendation Report of the Hearing Panel – Noise at [391].

3 Statement of Evidence of Stephen Chiles on behalf of KiwiRail Holdings Limited, dated 6 August 2024 at [7.2] and Appendix A at [9.13].

4 Ms Heppelthwaite's Supplementary Statement dated 14 February 2025 sets out examples from district plans throughout the country.

the Proposed Plan is following common practice and ensures planning consistency.

NOISE-R3 and NOISE-APP1 – Technical amendments

17. The Decision does not integrate NOISE-R3(2) and (3) correctly with the chapeau of the Rule, which is now located in NOISE-R3(1) (likely a result of the restructuring of the rule). The result is that the drafting of NOISE-R3(2) and (3) unduly constrains the application of the noise, and vibration controls to habitable rooms and sleeping spaces rather than noise sensitive activities generally. NOISE-R3(4), (5) and (6) also have the same integration issue.

18. The Decision creates the potential for the Proposed Plan to insufficiently capture all activities most sensitive to noise and means adverse effects on noise sensitive activities will not be appropriately managed through the rules in the Decision.

19. The Decision also includes a number of minor drafting issues which affect the workability of the rule, which include the following:

    (a) NOISE-R3(2):

        (i) the interaction of subclauses (i), (ii) and (iii) do not accurately reflect the application of these options in practice; and

        (ii) subclause (ii) does not specify a 6dB per doubling of distance beyond 40m.

    (b) NOISE-R3(3): the brackets at the end need to add the word "statistical" to read "statistical maximum weighted velocity";

    (c) NOISE-R3(7): should explicitly exclude part 3;

    (d) NOISE-R3(7)(i): "and" is needed at the end of this first item list; and

    (e) NOISE-R3 Advice Notes 3: "and meets the ventilation requirements of NOISE-R3.7" should be deleted (this is not relevant for vibration).

20. The Decision's drafting of NOISE-APP1 also includes an error in the location of the final sentence "[N]ew buildings and alterations must meet the ventilation requirements of NOISE - R3.7", which should be located under Part A, not Part B.

Relief Sought

21. KiwiRail seeks NOISE-R3 and NOISE-APP1 in the Proposed Plan be amended as set out in **Attachment A** to ensure the noise and vibration controls are measured from the rail corridor designation boundary and to correct the technical errors in NOISE-R3, including those identified above, or such alternative or consequential relief that addresses KiwiRail's concerns.

Setback of structures from rail corridor

22. KiwiRail's submission sought a 5 metre setback from the rail corridor designation boundary for buildings and structures in all zones which adjoin the rail corridor. This included new matters of discretion when there is non-compliance with the rail boundary setback rule.

23. The Panel accepted KiwiRail's relief in the General Industrial Zone, Light Industrial Zone, General Rural Zone, Rural Lifestyle Zone and Port Zone (with a 4.5 metre setback included in the Sport and Active Recreation Zone, and Open Space Zone). However, the Panel rejected KiwiRail's relief in the following zones where a setback distance of 1.5 metres from the rail corridor is included in the Decision:

(a) General Residential Zone;

(b) Medium Density Residential Zone;

(c) Settlement Zone;

(d) Mixed Use Zone;

(e) Commercial Zone;

(f) Neighbourhood Centre Zone; and

(g) Town Centre Zone.

24. The Panel considered that a 5 metre setback would be excessive and inappropriate when considering the nature and frequency of all rail movements.[5]

25. Setbacks are a critical planning control to manage the interface between rail operations and development on adjacent land. Insufficient space between development and the rail corridor creates a critical safety risk to both the

5 Recommendation Report of the Hearing Panel – Residential Zones at [78].

community and rail operations if people or objects enter the rail corridor. A requirement in the Proposed Plan for buildings to be sufficiently set back from the rail corridor designation boundary (including in the zones in paragraph [23] above) is therefore an appropriate mechanism to reduce the likelihood of adjoining land users or objects entering the rail corridor.

26. A 5 metre setback is required as a minimum to ensure there is sufficient space for landowners and occupiers to safely access and maintain their buildings without needing to gain access to the rail corridor.

Relief Sought

27. KiwiRail seeks the Proposed Plan be amended to include a 5 metre building setback from the rail corridor designation boundary as a permitted activity, a restricted discretionary rule for activities that cannot comply with that standard and associated matters of discretion, in the General Residential Zone, Medium Density Residential Zone, Settlement Zone, Mixed Use Zone, Commercial Zone, Neighbourhood Centre Zone, and Town Centre Zone as set out in **Attachment A** or such alternative or consequential relief that addresses KiwiRail's concerns.

Transport Chapter

28. KiwiRail sought the inclusion of a new rule, TRN-RX Appendix 1-TRN-SX in the Transport Chapter to protect sight lines at rail level crossings.

29. The Panel partially accepted KiwiRail's relief through amendments to TRN-R7, and the inclusion of the sight line diagrams provided by KiwiRail in TRN Figure 9.[6] However, the Decision does not include the information requirement sought by KiwiRail that requires consent applicants (where there is a non-compliance with the permitted activity standards in TRN-R7) to provide evidence of engagement with KiwiRail.

30. The permitted activity standard in TRN-R7 requires compliance with TRN Figure 9. TRN Figure 9 shows an "Obstruction Free Zone" however, there needs to be express recognition in the TRN-R7 that no buildings, structures, planting or other visual obstructions are to be located within this zone.

31. Public safety at level crossings is crucial, and protection of sight lines is a key means of ensuring safety outcomes. Any non-compliance with permitted activity standards governing sight lines requiring consent has the potential to

6 Recommendation Report of the Hearing Panel – Energy, Infrastructure and Transport at [1504].

have an adverse effect on safety and on the operation of the rail line. It is important TRN-R7 is clear as to what is required to comply with the permitted activity standard. For any non-compliances requiring consent under TRN-R14 it is important that consent applicants engage with KiwiRail in relation to any non-compliances (and provide evidence of that engagement to Council as part of the resource consent application). This will enable Council to have sufficient information to assess the effects of the non-compliance.

Relief Sought

32. KiwiRail seeks that new Rule TRN–R7 be amended as set out in **Attachment A** to provide clarity around compliance with TRN Figure 9 and Rule TRN-R14 be amended to include as a matter of discretion engagement with KiwiRail, or such alternative or consequential relief that addresses KiwiRail's concerns.

Infrastructure Chapter

33. KiwiRail sought several amendments to the Infrastructure Chapter to ensure that rail infrastructure is appropriately included in the Infrastructure Chapter provisions.

INF-P1

34. KiwiRail sought INF-P1 to be retained as notified which stated:

> Recognise and provide for the positive social, economic, cultural and environmental benefits from the development, continued operation and upgrading of utilities and infrastructure.

35. The Panel deleted "and provide for" from INF-P1 on the basis that the West Coast Regional Plan does not require the provision of Regionally Significant Infrastructure in all cases.[7]

36. While it is important the Proposed Plan includes recognition of the benefits of infrastructure, "provide for" is much more directive language and more appropriately reflects the language used in the WCRPS. Infrastructure is critical to the functioning and wellbeing of communities providing positive social, economic, cultural and environmental benefits and it is important that this is not only recognised but provided for in the Proposed Plan.

7 Proposed Plan Decision Report 6 at [947].

INF-P2

37. KiwiRail sought INF-P2 to be retained as proposed to recognise that the adverse effects of infrastructure cannot always be managed. The Decision included an amended INF-P2 as follows:

> Manage the design and location of infrastructure, including when sited in all overlays in a way which considers:
>
> a. ~~Locational, technical and operational constraints~~ Operational need and functional need;
>
> b. Resilience to natural hazards and climate change;
>
> c. Poutini Ngāi Tahu requirements for discharge of wastewater to land;
>
> d. Benefits of co-location of infrastructure;
>
> e. That positive effects of infrastructure may be realised locally, regionally, or nationally; and
>
> f. The need to ~~minimise~~ avoid, remedy and mitigate adverse effects on the environment.

38. The Panel considered its amendments were needed to align terminology with the National Planning Standards.[8]

39. The terminology "operational need and functional need" is used in national direction as it relates to special environments. It is not appropriate for this framing to be included in the Infrastructure Chapter, instead tests around "operational need and functional need" are more appropriately located in Part 2 Natural Environmental Values.

40. Requiring infrastructure to demonstrate "operational need *and* functional need" is a high bar. Given this is an Infrastructure Chapter policy KiwiRail considers "locational, technical and operational constraints" is the more appropriate consideration for decision-makers when assessing design and location of infrastructure.

INF-P3

41. KiwiRail sought to amend INF-P3 to ensure the policy applied to all rail activities, not just the operation of the rail network, as follows:

> Manage reverse sensitivity effects from subdivision, use and development, on utilities and infrastructure to ensure their safe, secure and efficient operation, maintenance, repair, upgrading, removal and development of infrastructure.

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8 Recommendation Report of the Hearing Panel – Energy, Infrastructure and Transport at [950].

42. The Panel rejected KiwiRail's submission. In the Decision, the Panel considered that INF-P3, as notified, assumes the utility or infrastructure is in place and that it is the potential reverse sensitivity effects from new subdivision, use and development that must be managed.[9]

43. KiwiRail's relief supports the protection of infrastructure from reverse sensitivity effects of subdivision, use and development that may constrain or compromise the safety and efficiency of the rail network. This includes all activities related to the rail network, such as maintenance, repair and upgrading. It is also essential the rail network is able to develop and grow in the future to meet economic need and that such development is not compromised by reverse sensitivity effects.

Relief sought

44. KiwiRail seeks that INF-P1, INF-P2, and INF-P3 in the Proposed Plan be amended as set out in **Attachment A** to address the matters identified above or such alternative or consequential relief that addresses KiwiRail's concerns.

Ecosystems and Indigenous Biodiversity Chapter

ECO-R7

45. KiwiRail submitted on ECO-R1 seeking the rule be retained as notified. The Decision entirely replaced a number of the rules in the Ecosystems and Indigenous Biodiversity Chapter with new text. ECO-R7 in the Decision now replaces in part ECO-R1 from the notified version of the Proposed Plan.

46. ECO-R7 contains five subclauses setting out activities that are permitted under the rule as follows:

> **Activity Status Permitted**
> Where this is:
>
> 1. For the maintenance, operation and repair of lawfully established activities and structures including tracks, fences, drains, structures, infrastructure and renewable electricity generation activities where:
>   i. This is at the same or similar scale, character and intensity as at 14 July 2022; and
>   ii. The clearance is within 3 metres of the lawfully established activity and is limited to a maximum area of 50m^2 per individual Significant Natural Area;

[9] Recommendation Report of the Hearing Panel – Energy, Infrastructure and Transport at [953].

2. Necessary to remove vegetation that endangers human life or existing buildings or structures, where this is certified by a Council Approved Contractor;
3. For the safe and efficient operation (including maintenance and repair) of any formed public road, rail corridor or access where the removal is within 3 metres of the formed width of the road, rail corridor or access where this is undertaken by a Road or Rail Controlling Authority;
4. To comply with section 43 of the Fire and Emergency Act 2017;
5. To enable removal of unwanted organisms declared under the Biosecurity Act 2015.

47. Unlike other rules in the chapter (for example ECO-R6) the rule does not specify the conjunction applying to the rule. Given the activities included are alternatives rather than connected, the conjunction "or" should be included to ensure there is no ambiguity for users of the Proposed Plan or in the implementation of the Proposed Plan by Councils.

Relief sought

48. KiwiRail seeks that ECO-R7 in the Proposed Plan be amended as set out in **Attachment A** to insert the word "or" after each subclause or such alternative or consequential relief that addresses KiwiRail's concerns.

Natural Features and Landscapes Chapter

NFL-P1 (now NFL-P2)

49. KiwiRail sought NFL-P1 be retained as proposed. In the Decision, the Panel replaced the reference to "adversely affect" with "maintain". The policy now reads:

> Provide for activities within outstanding natural landscapes described in Schedule Five and outstanding natural features described in Schedule Six where they ***maintain*** the values that contribute to a natural feature or landscape being outstanding and are for:
>
> a. Existing land uses and lawfully established activities including residential activities, regionally significant infrastructure, network utilities, renewable electricity generation activities, mineral extraction, agricultural, horticultural and pastoral activities;
>
> b. Conservation activities;
>
> c. Recreational activities;

d. Maintenance and repair of existing lawfully established natural hazard mitigation structures;

e. Upgrading of existing lawfully established natural hazard mitigation structures where this is undertaken by a statutory agency of authorised contractor acting on its behalf;

f. Operation, maintenance and upgrade of existing lawfully established renewable electricity generation facilities;

g. Operation, maintenance and upgrading of existing lawfully established network infrastructure and regionally significant infrastructure;

h. New renewable electricity generation activities where there is a functional need to be located in these areas;

i. Poutini Ngāi Tahu activities; or

j. The alteration, maintenance or removal of existing lawfully established buildings or structures; and

k. Use and development of Māori land.

50. KiwiRail considers the use of the word "maintain" implies there will be no effects. The Panel considered "maintain" would be more enabling than "not adversely affect".[10] However, KiwiRail prefers the use of the phrase "do not adversely affect" which acknowledges there may be effects on the values. The policy recognises an exhaustive list of activities that may be carried out in outstanding natural landscapes and outstanding natural features, including regionally significant infrastructure. KiwiRail is concerned the requirement to "maintain the values that contribute" to the natural feature or landscape may be impossible to achieve if works are undertaken in the landscape.

NFL-P2 (now NFL-P3)

51. KiwiRail sought NFL-P2 be retained as notified. At the hearing, KiwiRail accepted the Council Officer's assessment and recommendation to amend NFL-P2 as follows:

> Where ~~possible~~ practicable, avoid significant adverse effects on the values that contribute to outstanding natural landscapes described in Schedule Five and outstanding natural features described in Schedule Six. Where significant adverse effects cannot be avoided, ensure that the adverse effects are otherwise minimised, remedied, mitigated ~~or~~ offset or

10 Recommendation Report of the Hearing Panel Natural Features and Landscapes at [206].

> compensated in accordance with the effects management hierarchy.

52. The Decision has amended NFL-P2 to replace the reference "or offset" with "to be no more than minor". The policy now reads:

> Avoid adverse effects on the values that contribute to outstanding natural landscapes described in Schedule Five and outstanding natural features described in Schedule Six. Where adverse effects cannot be avoided, ensure that the adverse effects are remedied and mitigated to be no more than minor.

53. The Decision as it stands fails to recognise the standard effects hierarchy that provides where significant effects cannot be avoided, adverse effects can be remedied, mitigated or offset. Offsetting is a recognised mechanism to address effects and KiwiRail is concerned that infrastructure projects may be impacted if that option is not available in the policy. Such projects would still need to demonstrate the offset was appropriate and sufficient in the circumstances.

Relief sought

54. KiwiRail seeks that NFL-P1 and NFL-P2 in the Proposed Plan be amended as set out in **Attachment A** to ensure the policies provide sufficient allowance for the needs of infrastructure or such alternative or consequential relief that addresses KiwiRail's concerns.

Natural Character and Margins of Waterbodies Chapter

55. KiwiRail sought several amendments to the Natural Character and Margins of Waterbodies Chapter to ensure that rail infrastructure would be able to locate in the margins of waterbodies where appropriate.

NC-O3

56. KiwiRail sought to amend the objective to recognise the operational need of an activity to be located in a certain area as follows:

> To provide for activities which have an operational or functional need to locate in the margins of lakes, rivers and wetlands while ensuring adverse effects on natural character are minimised.

57. The Panel rejected KiwiRail's submission for NC-O3 to provide for "operational need" alongside "functional need". The Panel considered the threshold for allowing activities within the margins of lakes, rivers and wetlands should be

high and "functional need" requires an assessment to demonstrate the activity can only occur in that location.[11]

58. The Panel considered "operational need" is too low a threshold as factors such as technical, logistical and operational constraints can be considered. However, KiwiRail considers "operational need" is an appropriate threshold for activities to be located in the margins of lakes, rivers or wetlands. The location of rail is constrained by its existing location and the fact it can only run point to point. There may be times when, due to those technical constraints the rail network (which is regionally significant infrastructure) needs to be located within the margins of lakes, rivers or wetlands, and this needs to be enabled by the plan provisions. The policy still requires adverse effects on natural character to be minimised.

NC-R2

59. KiwiRail sought an amendment to this rule to ensure it applies to buildings and structures ancillary to critical infrastructure. Although the Panel accepted that infrastructure should be provided for in Rule NC-R2, the Decision specifies that buildings and structures are only permitted to locate in the riparian margin if they have a functional need. KiwiRail considers the rule needs to be amended to also refer to "operational need" so as to not unreasonably restrict the potential location of essential rail infrastructure.

60. Further, KiwiRail considers this rule is too subjective. There is a high degree of discretion when determining whether buildings and structures have a "functional need" to locate in the riparian margin and therefore are permitted activities. This creates uncertainty for users to whether the activity would meet the definition of functional (or operational) need.

Relief Sought

61. KiwiRail seeks that NC-O3 and NC-R2 be amended as set out in **Attachment A** to address the above matters or such alternative or consequential relief that addresses KiwiRail's concerns.

Coastal Environment Chapter

62. KiwiRail sought several amendments to the Coastal Environment Chapter to ensure that rail infrastructure located within the coastal environment is appropriately provided for.

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11 Recommendation Report of the Hearing Panel - Natural Character and Margins of Waterbodies at [149].

CE-P3

63. KiwiRail sought an amendment to allow for new use and development of the rail network to locate within areas of outstanding coastal natural character, outstanding coastal natural landscape and outstanding coastal features where there is a functional or operational need for the rail network to locate there. This is particularly important as some of KiwiRail's existing rail network is located within the coastal environment.

64. The Panel rejected KiwiRail's submission as it considered the NZCPS and WCRPS only required an exemption for new use and development of the National Grid to locate where these overlays apply.[12]

65. KiwiRail considers it is appropriate for infrastructure with a functional need to locate in these areas of coastal character. This is supported by Policy 6 of the NZCPS, which recognises that there are activities (including infrastructure beyond just the National Grid) with a functional need to be located in the coastal marine area and provides for these activities to be located in appropriate places within the coastal environment. CE-P3 as currently drafted will unduly restrict the development of the rail network.

CE-P8

66. KiwiRail sought an amendment to this policy so that it applied to all critical infrastructure (rather than limiting it to the National Grid) so as to enable the maintenance, repair and upgrade of all critical infrastructure. This is important to ensure KiwiRail can continue to operate the rail network safely and efficiently.

67. The Panel rejected this submission on the basis the WCRPS has specific direction in relation to the National Grid, but not for infrastructure more broadly.[13]

68. However, Policy 5 of Chapter 9 of the WCRPS expressly recognises that development, operation, maintenance, or upgrading of regionally significant infrastructure and local roads are not subject to the direction to avoid significant adverse effects in the coastal environment. The Background section of Chapter 9 also recognises that the provisions of Chapter 6 Regionally Significant Infrastructure also need to be considered for electricity and other RSI in the coastal environment. Chapter 6 provides enabling policies for the

12 Recommendation Report of the Hearing Panel - Coastal Environment at [263].
13 Recommendation Report of the Hearing Panel – Coastal Environment at [271].

development, operation, maintenance and upgrading of new and existing regionally significant infrastructure.[14]

69. KiwiRail seeks that the maintenance, repair, operation and minor upgrade of regionally significant infrastructure with a functional need should be enabled in coastal area overlays. Otherwise the provisions will unduly restrict the operation of the rail network as the rail infrastructure is already located within some of these areas.

CE-R4

70. KiwiRail supported CE-R4 and sought for it to be retained as notified as the rules provided permitted activity status for network utilities, buildings and structures in the coastal environment.

71. However, the Decision included amendments to these rules which significantly narrow the scope of permitted activities by introducing stricter locational constraints and requiring compliance with additional zone-specific rules. CE-R4 now reads:

> **Activity Status Permitted**
>
> Where:
> 1. These are not located within:
> i. The Outstanding Coastal Environment Area; or
> 2. These are:
> i. Buildings and structures that comply with the rules for buildings and structures within the relevant zone, except that within the GRUZ - General Rural Zone, RLZ - Rural Lifestyle, SETZ - Settlement Zone, OSZ - Open Space Zone and the NOSZ - Natural Open Space Zone:
> a. Maximum height is 7m for new buildings;
> b. No height limits apply where this is replacement of a lawfully established building with another building of the same height, in the same location; and
> c. The gross ground floor area is:
> I. A maximum of 200m^2 per building for new buildings;
> II. No maximum area where this is the replacement of a lawfully established building with another building of the same

[14] WCRPS, Chapter 6, Policy 2.

ground floor area, in the same location; and

d. New buildings are set back 25m from Mean High Water Springs except where these are:
   I. New network utility buildings, where these are located within a legal road reserve; or
   II. Parks facilities or parks furniture within any OSRZ - Open Space and Recreation Zone; or
   III. Energy Activities or Network Utilities, including ancillary earthworks, that are permitted activities in the Energy, Infrastructure and Transport Chapters of the Plan.

72. In response to these amendments, KiwiRail seeks further changes to ensure the railway network can be readily provided (without undue constraints) as set out in **Attachment A** or such alternative or consequential relief that addresses KiwiRail's concerns.

CE-R7

73. KiwiRail supported CE-R7 and sought for it to be retained as notified as it provided for earthworks for the operational, maintenance, repair, upgrade or installation of new network utility infrastructure as a permitted activity.

74. The Panel has made subsequent amendments to the rule making it more restrictive than the notified version. This includes the installation of new network utility infrastructure in the High Coastal Natural Character Overlay now being required to be located within the boundary of a formed legal road for earthworks to be permitted. This means that earthworks related to the rail network will not have the benefit of the permitted activity rule.

75. KiwiRail seeks amendments to CE-R7 to ensure the earthworks associated with the rail network are expressly provided for in this rule to enable the efficient provision of the rail network.

Relief Sought

76. KiwiRail seeks that CE-P3, CE-P8, CE-R4 and CE-R7 be amended as set out in **Attachment A** to address the matters set out above or such alternative or consequential relief that addresses KiwiRail's concerns.

Temporary Activities Chapter

TEMP-R2

77. KiwiRail sought an amendment to the rule so that temporary activities on an adjacent site to a construction or demolition activity would also be permitted (rather than the permitted activity being limited to activities being at the same site). This is because it is not always possible to complete works in the rail corridor due to safety concerns – enabling these temporary activities to occur adjacent to the construction / demolition activity provides flexibility for KiwiRail to provide essential infrastructure.

78. The Panel did not provide a reason why it declined the relief sought by KiwiRail. KiwiRail considers it is important to enable these temporary activities to occur adjacent to the rail corridor as permitted activities. It is overly burdensome for KiwiRail to have to obtain restricted discretionary consent for these temporary works which are needed to ensure a safe and efficient rail network.

79. KiwiRail understands there is a concern about allowing other temporary activities on adjacent sites as permitted activities. KiwiRail considers this could be addressed by limiting the permitted activity status of temporary activities on adjacent sites to the construction or demolition of regionally significant infrastructure.

Relief Sought

80. KiwiRail seeks that TEMP-R2 be amended as set out in **Attachment A** to provide for works on adjacent sites associated with the construction or demolition of regionally significant infrastructure as permitted activities or such alternative or consequential relief that addresses KiwiRail's concerns.

Maps

81. KiwiRail sought the overlays for Outstanding Natural Features, Outstanding Natural Landscapes and Outstanding Natural Character be removed from the Proposed District Plan Maps where these overlap with KiwiRail's designation (as listed under KRH1 KiwiRail Holdings Limited).

82. The Panel rejected KiwiRail's relief on the basis it would lead to a perverse situation where there would be gaps in actual features and values.[15] Further, the Panel considered that KiwiRail has a designation over the rail corridor and

15 Recommendation Report of the Hearing Panel - Outstanding Matters at [46].

that work done within the framework of this designation does not require a resource consent.

83. KiwiRail continues to seek the overlays be removed from the planning maps where they overlap with KiwiRail's designation. As the designation is in place, this area is clearly anticipated to be used as a rail corridor and not for the protection of natural features. The relief sought by KiwiRail will appropriately recognise that there may be a need for KiwiRail to carry out maintenance, repair and upgrade activities on the railway network where it is located within the overlays for Outstanding Natural Features, Outstanding Natural Landscapes and Outstanding Natural Character and ensure the planning maps accurately reflect the intended use of this land as a working rail corridor.

Relief Sought

84. KiwiRail seeks the overlays for Outstanding Natural Features, Outstanding Natural Landscapes and Outstanding Natural Character be removed from the Proposed District Plan Maps where these overlap with KiwiRail's designation.

ATTACHMENTS

85. The following documents are attached to this notice:

(a) KiwiRail's proposed amendments to the Proposed Plan provisions (**Attachment A**).

(b) A copy of the relevant parts of the Decision (**Attachment B)**.

(c) A copy of KiwiRail's submission (**Attachment C**).

(d) A list of the relevant names and addresses of persons who lodged submissions who are to be served with a copy of this notice (**Attachment D**).

KIWIRAIL HOLDINGS LIMITED by its solicitors and authorised agents Russell McVeagh:



Signature: L J E Rapley / K L Gunnell

Date:	8 December 2025
Address for Service:	C/- Cara Gibson Russell McVeagh Level 30, Vero Centre 48 Shortland Street PO Box 8 **AUCKLAND 1140**
Telephone:	+64 9 367 8000
Email:	cara.gibson@russellmcveagh.com

Advice to recipients of copy of notice of appeal

How to become a party to proceedings

1. You may be a party to the appeal if you made a submission or a further submission on the matter of this appeal.

2. To become a party to the appeal, you must:

   (a) within 15 working days after the period for lodging a notice of appeal ends, lodge a notice of your wish to be a party to the proceedings (in form 33) with the Environment Court and serve copies of your notice on the relevant local authority and the appellant; and

   (b) within 20 working days after the period for lodging a notice of appeal ends, serve copies of your notice on all other parties.

3. Your right to be a party to the proceedings in the Court may be limited by the trade competition provisions in section 274(1) and Part 11A of the Resource Management Act 1991.

4. You may apply to the Environment Court under section 281 of the Resource Management Act 1991 for a waiver of the above timing requirements (see form 38).

Advice

If you have any questions about this notice, contact the Environment Court in Auckland, Wellington, or Christchurch.

Attachment A: Amendments Sought

Base text (black) Decisions version

Amendments sought by KiwiRail in red underline / ~~strikethrough~~

NOISE CHAPTER

NOISE – R3 Acoustic Insulation Requirements for New or Altered Buildings for Use by a Sensitive Activity

Activity Status Permitted

Where:

1. The building will be used by a sensitive activity and is located within the Road Noise Overlay shown on the planning maps; where
    i. Any habitable room and/or space used for sleeping must be designed, constructed and maintained to achieve a maximum internal noise level of 40dB LAeq (24h); and
    ii. Compliance with i. above must be achieved based on an existing measured or predicted external road-traffic noise levels with the addition of 3 dB; and
    iii. Any new or altered habitable room and/or space used for sleeping within 20 metres of the edge of the carriageway must be designed, constructed and maintained to achieve vibration limits not exceeding 0.3mm/s (Class C criterion Maximum Weighted Velocity, Vw,95);

2. The building will be used by a sensitive activity and is located within 100m of the edge of the ~~tracks of any railway line~~ rail designation boundary, except for the Hokitika line; where ~~any new or altered habitable room used for a sensitive activity and/or space used for sleeping~~:
    i. Any habitable room and/or space used for sleeping must be ~~Is~~ designed, constructed and maintained to achieve a maximum internal noise level of 35 dB L_{Aeq} (1h);. ~~ii.~~ Compliance ~~with a. i. above~~ must be achieved based on an assumption of 70 dB L_{Aeq} (1h) at a distance of 12m from the railway track and shall be deemed to reduce at a rate of 3 dB per doubling of distance up to 40m and 6 dB per doubling of distance beyond 40 metres; or
    ~~iii.~~ ii. It is at least 50m from any railway network, and is designed so that a noise barrier completely blocks line-of-sight from all parts of doors and windows to all points 3.8m above railway tracks.

3. The building will be used by a sensitive activity and is located within 60m of the edge of the ~~tracks of any railway line~~ rail designation boundary, except for the Hokitika line, where any new or altered habitable room and/or space used for sleeping must be designed, constructed and maintained to achieve vibration limits not exceeding 0.3mm/s (Class C criterion Statistical Maximum Weighted Velocity, Vw,95);

...

7. Where windows need to be closed to achieve the internal noise levels specified in 1. to 6. above an alternative ventilation system shall be provided which achieves the following requirements (excluding Part 3):

   1.

      i. Satisfies clause G4 of the New Zealand Building Code; and

      ii. Is adjustable by the occupant to control the ventilation rate in increments up to a high air flow setting that provides at least 6 air changes per hour; and

      iii. Provides relief for equivalent volumes of spill air; and

      iv. Provides cooling and heating that is controllable by the occupant and can maintain the inside temperature between 18^{o}C and 25^{o}C; and

      v. Does not generate more than 35 dBL_{Aeq} (30s) when measured at any point where a person associated with a sensitive activity could be located, and no less than 1m away from any grille or diffuser.

Advice Notes:

1. Compliance with Rule NOISE - R3 will be achieved if, prior to the construction of any building containing a new or altered habitable room and/or space used for sleeping, an acoustic design certificate from a suitably qualified acoustic engineer is provided to the relevant district council stating that the design will achieve compliance with the relevant standard. The building shall be designed, constructed and maintained in accordance with the design certificate; or
2. For NOISE - R3.1, NOISE - R3.2, NOISE - R3.4, NOISE - R3.5 and NOISE - R3.6a, compliance will be achieved if the construction conforms to the acceptable solutions listed in NOISE - APP1 - Acceptable constructions requirement, Part A and meets the ventilation requirements of NOISE - R3.7.
3. For NOISE - R3.3, compliance will be achieved if the construction conforms to the acceptable solutions listed in NOISE - APP1 - Acceptable constructions requirement, Part B ~~and meets the ventilation requirements of NOISE - R3.7~~.

Part A: Approved construction requirements for compliance with NOISE - R3.1, NOISE - R3.2, NOISE - R3.4, NOISE - R3.5, NOISE - R3.6a

New buildings and alterations must meet the ventilation requirements of NOISE - R3.7.

[…]

Part B: Approved construction requirements for compliance with NOISE - R3.3

Any new buildings or alterations to existing buildings containing a sensitive activity, closer than 60m to the boundary of an existing railway track and is a single storey framed building with:

a. A constant level floor slab on a full-surface vibration isolation bearing with natural frequency not exceeding 10 Hz, installed in accordance with the supplier's instructions and recommendations; and

b. Vibration isolation separating the sides of the floor slab from the ground; and

c. No rigid connections between the building and the ground.

In all other situations, a design report from a suitably qualified acoustic specialist is required demonstrating compliance with NOISE - R3.3.

~~New buildings and alterations must meet the ventilation requirements of NOISE - R3.7.~~

SETBACKS

GRZ-R1 Residential Activities and Residential Units and Accessory Buildings

[…]

10. Buildings and structures are setback a minimum of ~~1.5m~~ 5m from the rail~~way~~ corridor designation boundary and 1m from all other site boundaries, except that:

[…]

Discretion is restricted to:

1. The location and design of the building or structure as it relates to the ability to safely use, access and maintain buildings or structures without requiring access on, above or over the rail corridor ; and
2. The safe and efficient operation of the rail network.

MRZ - R1 Residential Activities and Residential Units and Accessory Buildings

[…]

9. Buildings and structures are setback a minimum of ~~1.5m~~ 5m from the rail~~way~~ corridor designation boundary and 1m from all other site boundaries, except that:

[…]

Discretion is restricted to:

1. The location and design of the building or structure as it relates to the ability to safely use, access and maintain buildings or structures without requiring access on, above or over the rail corridor; and
2. The safe and efficient operation of the rail network.

SETZ - R2 Buildings and Sites – Design

[…]

4. Buildings and structures are setback from boundaries as follows:

i. 5m from the road and any GRUZ - General Rural or INZ Industrial Zone boundary, ~~1.5m~~ 5m from the rail corridor designation boundary, and 1m from internal boundaries; except

[…]

Discretion is restricted to:

1. The location and design of the building or structure as it relates to the ability to safely use, access and maintain buildings or structures without requiring access on, above or over the rail corridor; and
2. The safe and efficient operation of the rail network.

MUZ - R1 New Buildings and External Additions or Alterations to Existing Buildings

[…]

4. Any building or structure is setback a minimum of:

i. 3m from any RESZ - Residential Zone, OSRZ - Open Space and Recreation Zone, INZ - Industrial Zone or PORTZ - Port Zone boundary; and

ii. ~~1.5m~~ 5m from the rail~~way~~ corridor designation boundary, excluding accessory buildings and structures;

[…]

Discretion is restricted to:

1. The location and design of the building or structure as it relates to the ability to safely use, access and maintain buildings or structures without requiring access on, above or over the rail corridor; and
2. The safe and efficient operation of the rail network.

COMZ - R1 New Buildings and External Additions or Alterations to Existing Buildings

[…]

2. Any building or structure is set back:

i. 3m from any RESZ - Residential Zone or OSRZ - Open Space and Recreation Zone; and

ii. 3m from the road boundary, except for; sites with frontage to two roads in the COMZ - Commercial Zone can have a 3m setback on one road boundary and 1.5m setback on the other road boundary;

iii. ~~1.5m~~ 5m from the rail~~way~~ corridor designation boundary, excluding accessory buildings and structures.

[…]

Discretion is restricted to:

1. The location and design of the building or structure as it relates to the ability to safely use, access and maintain buildings or structures without requiring access on, above or over the rail corridor; and
2. The safe and efficient operation of the rail network.

NCZ - R1 New Buildings, External Additions and Alterations to Existing Buildings

[…]

4. Any building or structure, excluding buildings for residential activities and residential units is set back
   i. 2m from a RESZ - Residential Zone or OSRZ - Open Space and Recreation Zone boundary;
   ii. 3m from the road boundary; or
   iii. For sites with frontage to two roads in the NCZ - Neighbourhood Centre Zone:
      a. 3m on one road boundary; and
      b. 1.5m on the other road boundary;
   iv. ~~1.5m~~ 5m from the rail~~way~~ corridor designation boundary, excluding accessory buildings and structures;

[…]

Discretion is restricted to:

1. The location and design of the building or structure as it relates to the ability to safely use, access and maintain buildings or structures without requiring access on, above or over the rail corridor; and
2. The safe and efficient operation of the rail network.

TCZ - R1 New Buildings, External Additions or Alterations to Existing Buildings

[…]

3. Any building is setback a minimum of:
   i. 3m from any RESZ - Residential Zone boundary;

ii. ~~1.5m~~ 5m from the rail~~way~~ corridor designation boundary, excluding accessory buildings and structures.

TRANSPORT CHAPTER

TRN – R7: Sight Lines at Railway Crossings

Activity Status Permitted

Where:

1. ~~The sightlines in TRN Figure 9 are complied with.~~ The 'Obstruction Free Zone' identified in TRN - Figure 9 – *Sight Line Requirements at Railway Crossings* is free of buildings, structures, planting or other visual obstructions which may limit visibility of the rail crossing.

TRN – R14: Sight Lines at Railway Crossings not meeting Permitted Activity standards

Activity Status Restricted Discretionary
Discretion is restricted to:

a. The potential for adverse effects on the safety and efficiency of the rail network.

b. Outcome of engagement with KiwiRail.

INFRASTRUCTURE CHAPTER

INF-P1

Recognise and provide for the positive social, economic, cultural and environmental benefits from the development, continued operation, maintenance and upgrading of infrastructure.

INF-P2

Manage the design and location of infrastructure, including when sited in all overlays in a way which considers:

a. ~~Operational need and functional need~~ Locational, technical and operational constraints;
b. Resilience to natural hazards and climate change;
c. Poutini Ngāi Tahu requirements for discharge of wastewater to land;
d. Benefits of co-location of infrastructure;
e. That positive effects of infrastructure may be realised locally, regionally, or nationally; and
f. The need to avoid, remedy and mitigate adverse effects on the environment.

INF-P3

Manage reverse sensitivity effects from subdivision, use and development, on infrastructure to ensure their safe, secure and efficient operation, maintenance, repair, upgrading, removal and development of infrastructure.

ECOSYSTEMS AND INDIGENOUS BIODIVERSITY CHAPTER

ECO-R7

Activity Status Permitted

Where this is:

1. For the maintenance, operation and repair of lawfully established activities and structures including tracks, fences, drains, structures, infrastructure and […] where:

i. This is at the same or similar scale, character and intensity as at 14 July 2022; and

ii. The clearance is within 3 metres of the lawfully established activity and is limited to a maximum area of 50m2 per individual Significant Natural Area; or

2. Necessary to remove vegetation that endangers human life or existing buildings or structures, where this is certified by a Council Approved Contractor; or

3. For the safe and efficient operation (including maintenance and repair) of any formed public road, rail corridor or access where the removal is within 3 metres of the formed width of the road, rail corridor or access where this is undertaken by a Road or Rail Controlling Authority; or

4. To comply with section 43 of the Fire and Emergency Act 2017; or

5. To enable removal of unwanted organisms declared under the Biosecurity Act 2015.

NATURAL FEATURES AND LANDSCAPES CHAPTER

NFL-P2

Provide for activities within outstanding natural landscapes described in Schedule Five and outstanding natural features described in Schedule Six where they ~~maintain~~ do not adversely affect the values that contribute to a natural feature or landscape being outstanding and are for:

[…]

NFL-P3

Avoid adverse effects on the values that contribute to outstanding natural landscapes described in Schedule Five and outstanding natural features described in Schedule Six.

Where adverse effects cannot be avoided, ensure that the adverse effects are remedied, ~~and~~ mitigated, or offset ~~to be no more than minor~~.

NATURAL CHARACTER AND MARGINS OF WATERBODIES CHAPTER

NC-O3

To provide for activities which have an operational or functional need to locate in the margins of lakes, rivers and wetlands while ensuring adverse effects on natural character are minimised.

NC-R2

Activity Status Permitted

1. Where the buildings and structures have a functional or operational need to locate in the riparian margin and are:
    i. Network utilities and regionally significant infrastructure; or
    ii. Temporary whitebait stands and temporary mai mai for game bird hunting provided these are removed within two weeks at the end of the season; or
    iii. Environmental monitoring facilities; or
    iv. Parks facilities and parks furniture within an Open Space and Recreation Zone; or
    v. Natural hazard mitigation structures constructed by a statutory agency or authorised contractor acting on its behalf; or
    vi. Renewable electricity generation activities; or
    vii. Stormwater discharge structures and water supply intake structures constructed in accordance with NZS 4404 Code of Practice for Land Development and Subdivision Infrastructure; or
    viii. Temporary bridges constructed as part of a temporary military training activity; or
    ix. Pump sheds, less than $5m^2$.

COASTAL ENVIRONMENT CHAPTER

CE – P3

Only allow new subdivision, use and development within areas of outstanding coastal natural character, outstanding coastal natural landscapes and outstanding coastal natural features where:

a. The elements, patterns, processes and qualities that contribute to the outstanding or high natural character or landscape are maintained;

b. Adverse effects on areas of significant indigenous biodiversity, and Outstanding Coastal Environment Areas are avoided;

c. The development is of a size, scale and nature that is appropriate to the environment;

d. It is for:

   i. Poutini Ngāi Tahu activities; or

   ii. Māori Purpose Activities within the Māori Purpose Zone; or

   iii. Cultural harvest;

e. It is National Grid infrastructure that has a functional or operational need to locate in these areas;

f. It has a minor or transitory effect~~.~~;

g. It is regionally significant infrastructure that has a functional need to locate in these areas.

CE – P8

Enable the maintenance, repair, operation and minor upgrade of the National Grid and regionally significant infrastructure which has a functional need to locate in Overlay Chapter areas. Where new development and upgrades of the National Grid and regionally significant infrastructure are required, seek to avoid and otherwise remedy or mitigate adverse effects on Overlay Chapter areas.

CE – R4

Activity Status Permitted

Where:

1. These are not located within:

   i. The Outstanding Coastal Environment Area; or

2. These are:

   i. Buildings and structures that comply with the rules for buildings and structures within the relevant zone, except that within the GRUZ - General Rural Zone, RLZ - Rural Lifestyle, SETZ - Settlement Zone, OSZ - Open Space Zone and the NOSZ - Natural Open Space Zone:

      a. Maximum height is 7m for new buildings;

      b. No height limits apply where this is replacement of a lawfully established building with another building of the same height, in the same location; and

      c. The gross ground floor area is:

         I. A maximum of 200m2 per building for new buildings;

         II. No maximum area where this is the replacement of a lawfully established building with another building of the same ground floor area, in the same location; and

d. New buildings are set back 25m from Mean High Water Springs except where these are:
   I. New network utility buildings, where these are located within a legal road reserve or rail corridor; or
   II. Parks facilities or parks furniture within any OSRZ - Open Space and Recreation Zone; or
   III. Energy Activities or Network Utilities, including ancillary earthworks, that are permitted activities in the Energy, Infrastructure and Transport Chapters of the Plan.

CE – R7

Activity Status Permitted
Where:

These are for:

i. Operation, maintenance, repair and upgrade of walking/cycling tracks, roads, farm tracks or fences lawfully established;
ii. Operation, maintenance, repair, upgrade of network utility infrastructure or renewable electricity generation activities lawfully established; or
iii. Installation of new network utility infrastructure located within road reserve and rail corridor;
iv. Establishment of a building platform and access to a building site in an approved subdivision or where there is no existing residential building on the site;
v. Establishment of buildings permitted by Rule CE - R5; and

2. Any fill, excavation or removal is not more than 250m^2/ha and 250m^3/ha.

TEMPORARY ACTIVITIES CHAPTER

TEMP-R2

Activity Status Permitted
Where:

1. These are removed within 1 month of the activity ceasing and the site reinstated to the original or better condition;

2. The building or structure is located on the same site as the construction or demolition activity or an adjacent site to the construction or demolition activity when it relates to regionally significant infrastructure;
3. Relevant zone Setback standards are met where the activity adjoins any Residential or Settlement Zone; and
4. Any temporary building is no more than 50m2 in gross floor area where this adjoins a residential zone.

TAI POUTINI PLAN COMMITTEE

Hearing of Submissions on the Proposed Te Tai O Poutini Plan

Recommendation Report of Hearing Panel

Recommendation Report

Noise - Ngā Oro

Hearing Dates: 5 September 2024

HEARING PANEL

Sharon McGarry (Chair)

Maria Bartlett

Anton Becker

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APPENDICES

Appendix 1 – Recommendations

PART A – INTRODUCTORY MATTERS

1. PRELIMINARY MATTERS

1.1. Introduction

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

2. This Recommendation Report relates to the Noise - Ngā Oro Chapter, which is contained in the General District-Wide Matters - Ngā Kaupapa ā-Rohe Whānui section of the pTTPP. The Report contains the Hearing Panel's evaluations and recommendations to the TTPP Committee on the submissions and further submissions received on the Noise Chapter.

3. The Section 32 Report[1] on Noise provided an evaluation of the options for the management of noise (which includes vibration) effects through the Plan, including the regulatory framework, key resource management issues, the evidence base (research, consultation, information and analysis undertaken) and evaluation of the options. The report notes that the general approach to the management of noise in the operative District Plans is maintained in the pTTPP but updated to ensure greater clarity and consistency with relevant New Zealand Standards and the National Planning Standards.

4. The Section 42A Officer's Report - Noise ('s42A Report'), authored by Ms Ruth Evans, planner with Barker & Associates acting as the Reporting Officer, was circulated prior to the hearing. Ms Evans relied on expert advice from Mr Stephen Peakall, Acoustic Consultant, Marshall Day Acoustics. The s42A Report provided an analysis of submissions and further submissions received; and made recommendations on changes to the notified plan provisions (the changes were included in Appendix 1 and the recommendation on all submissions as to either accepted, accepted in part or rejected in Appendix 2).

5. Ms Evans subsequently provided an Addendum s42A Report Noise which responded to key matters raised by submitters in evidence filed before the hearing. She also provided further Addendum #2 Report detailing further amendments to the Noise Chapter, and a revised Appendix 1 and Appendix 2.

6. The s42A Report assessed a total of 316 submission points and 135 further submission points across the chapter. It provided summaries of all the submissions and further submissions received and the relief sought; an analysis of the proposed changes to provisions; and recommendations on changes to the plan provisions (see Appendix 1 of s42A Report).

7. The matters raised by submitters were grouped in the s42A Report in relation to each of the following key issues for each of the three chapters:

    1. General;

    2. Definitions;

    3. Overview;

[1] Te Tai o Poutini Plan – Section 32 Evaluation Report Seven General District Wide Matters – Ngā Kaupapa ā-Rohe Whanui Noise - Ngā Oro Light - Ngā Rama Signs - Ngā Tohu Earthworks - Te Huke Whenua Temporary Activities - Ngā Mahi Taupua.

4. Objectives;

5. Policies; and

6. Rules.

8. A s32AA Evaluation for the changes in each chapter was provided at the end of the s42A Report.

9. This Recommendation Report follows this same structure of the s42A Report for each chapter and provides a summary of the issues raised in submissions and further submissions, the acoustic expert report, the s42A Report and addendum analysis and recommendations, submitter evidence and statements, joint witness statements and the Reporting Officer's reply evidence, before providing our evaluation and recommendation.

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

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

12. Where the Panel recommends the TTPP provisions should remain as notified, it is because:

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

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

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

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

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

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

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

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

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

15. If there are circumstances where the Panel consider that alternative relief is more appropriate than that requested in submissions and further submissions to give effect to the RMA, NZCPS, national policy statements and/or RPS, but are still within the scope of the relief sought, the relevant recommendation clearly sets out the nature of the change and the reason for the change. This is recorded in this Recommendation Report.

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

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

1.2. Terminology in this Report

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

BDC	Buller District Council
Councils	Buller District Council, Grey District Council, and Westland District Council
Director General	Director General of Conservation
DOC	Department of Conservation
Federated Farmers	Federated Farmers of New Zealand
Fish & Game	West Coast Fish and Game Council
Foodstuffs	Foodstuffs (South Island) Properties Limited and Foodstuffs South Island Limited
Forest & Bird	Royal Forest & Bird Protection Society of NZ Inc
JBNZ	Jet Boating New Zealand
Kiwirail	Kiwirail Holding Limited

Manawa	Manawa Energy Limited
NPHS or Te Mana Ora	National Public Health Service
NZAAA	New Zealand Agricultural Aviation Association
NZDF	New Zealand Defence Force
NZHA	New Zealand Helicopter Association
NZTA Waka Kotahi	NZ Transport Agency Waka Kotahi
Planning Standards	National Planning Standards 2019
Poutini Ngāi Tahu	Te Rūnanga o Ngāi Tahu, Te Runanga o Ngāti Waewae, Te Rūnanga o Makaawhio
pTTPP or the Plan	Proposed Te Tai Poutini Plan
RMA or the Act	Resource Management Act 1991
RPS	West Coast Regional Policy Statement
SASM	Sites and Areas of Significance to Māori
SFF or Silver Fern Farms	Silver Fern Farms Limited
Terra Firma	Terra Firma Mining Limited
TTTPP or TTPP Committee	Te Tai o Poutini Plan Committee
WCRC	West Coast Regional Council
WDC	Westland District Council
Westpower	Westpower Limited
WMS Group *et. al*.	WMS Group (HQ) Limited and WMS Land Co. Limited, West Coast Bulk Logistics, and TiGa Minerals and Metals Limited

1.3. Hearing Arrangements

19. The hearing was held at the West Coast Regional Council Building on 5 September 2024. Some submitters appeared remotely by internet connection.

1.4. Appearances

20. The following submitters appeared at the hearing:

New Zealand Agricultural Aviation Association (NZAAA) – Mr Tony Michelle, Chief Executive Officer

New Zealand Helicopter Association (NZHA) – Mr Richard Milner, Chief Executive Officer

WMS Group (HQ) Limited and WMS Land Co. Limited, West Coast Bulk Logistics, and TiGa Minerals and Metals Limited (WMS Group *et. al*.)

- Ms Alex Booker, Counsel
- Mr Rhys Hegley, Acoustian

Silver Fern Farms Limited (SFF) – Mr Steve Tuck, Planner

Mr Bert Hofmans – for himself

Westport Pistol Club, Chris Hartigan and Westport Rifle Club Incorporated - Ms Katherine McKenzie, Planner

The National Public Health Service (NPHS) - Dr Stephen Chiles, Acoustian

KiwiRail Holdings Limited (KiwiRail)

- Ms Kirsten Gunnel, Counsel
- Ms Michelle Grinlinton-Hancock, Manager RMA Team
- Ms Catherine Heppelthwaite, Planner
- Dr Stephen Chiles, Acoustian

New Zealand Trasport Agency Waka Kotahi (NZTA Waka Kotahi)

- Mr Stuart Pearson, Senior Planner with NZTA Waka Kotahi
- Dr Stephen Chiles, Acoustian

Westpower Limited - Mr Martin Kennedy, Planner

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

Mr Martin Kennedy – for himself and Mrs Lisa Kennedy

1.5. Overview of submitter evidence received

21. For those appearing at the hearing legal submissions were received from Ms K. l. Gunnell for KiwiRail Holdings Limited (dated 20 August 2024).

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

(a) Ms Katherine McKenzie, Planner for Westport Pistol Club (dated 6 August 2024);

(b) Mr Chris Hartigan, Westport Rifle Club Incorporated (dated 6 August 2024);

(c) Dr Stephen Chiles, Acoustician for KiwiRail (Dated 6 August 2024);

(d) Ms Catherine Heppelthwaite, Planner for KiwiRail (dated 6 August 2024);

(e) Ms Michelle Grinlinton-Hancock, Manager RMA Team for KiwiRail, on behalf of KiwiRail (dated 6 August 2024);

(f) Mr Stuart Pearson, Planner for NZTA Waka Kotahi (dated 6 August 2024);

(g) Dr Stephen Chiles, Acoustician for NZTA Waka Kotahi (dated 6 August 2024);

(h) Dr Stephen Chiles, Acoustician for NPHS (dated 5 August 2024).;

(i) Mr Martin Kennedy, Planner for Westpower Limited (dated 6 August 2024); and

(j) Ms Frida Inta, for herself and Buller Conservation Group (dated 5 September 2024).

23. The following evidence was tabled without hearing appearances:

(a) West Coast Regional Council (WCRC) - Mr Max Dickens, Manager Policy for WCRC (dated 9 August 2024);

(b) Ms Rachael Pull, Senior Environmental Advisor - Planning for Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio and Te Rūnanga o Ngāi Tahu (Poutini Ngāi Tahu) – Hearing Statement to be tabled (dated 6 August 2024);

(c) Mr Tony Michelle, Executive Officer for NZAAA - submission statement (dated 20 August 2024) and supplementary statement (dated 5 September 2024);

(d) Mr Rhys Hegley, Acoustic Consultant for WMS Group *et. al.* - statement of evidence (dated 6 August 2024);

(e) Mr Steve Tuck, Planner for Silver Fern Farms - statement of evidence (dated 6 August 2024), and summary of evidence (dated 4 September 2024);

(f) Ms Lucy Smith, Director for Terra Firma Mining Limited – letter (dated 5 August 2024);

(g) Mr Bert Hofmans - statement (dated 4 September 2024);

(h) Mr Richard Milner, NZHA – statement (dated 3 September 2024); and

(i) Ms Rebecca Davies, New Zealand Defence Force – letter (dated 3 September 2024).

1.6. Overview of information exchanged following the hearing

24. Following the hearing, the subsequent further information and correspondence was received as follows:

(a) Dr Chiles and Ms Heppelthwaite - supplementary statement on behalf of KiwiRail in relation to suggested matters for caucusing (dated 5 September 2024) and designation maps (dated 10 December 2024);

(b) NZTA Waka Kotahi - supplementary statement (dated 5 September 2024) proposing topics for inclusion in the noise caucusing;

(c) NPHS - supplementary statement (dated 5 September 2024) proposing topics for inclusion in the noise caucusing; and

(d) Mr Hegley - proposed agenda for noise caucusing (dated 5 September 2024).

25. Following expert caucusing, two joint witness statements (**JWS**) were provided as follows:

(a) A JWS was prepared by Ms Lois Easton for TTPP, Ms Ruth Evans for TTPP, Mr Craig Barr for BDC, and Ms Kate McKenzie for Westport Pistol Club, Mr Chris Hartigan for Westport Rifle Club Incorporated. The JWS records the matters agreed by the relevant experts (**JWS #1**).

(b) A JWS was prepared by Mr Stephen Peakall for TTPP, Mr Rhys Hegley for WMS Group *et. al.,* and Dr Stephen Chiles for NPHS, NZTA Waka Kotahi and KiwiRail. The JWS records issues that were not fully resolved in the hearing, and the matters of agreement and disagreement by relevant experts (**JWS #2**).

26. In response to the submission points and JWS, a Right of Reply was provided by the following parties:

(a) Ms Evans provided a written Right of Reply (dated 24 September 2024) that included a response to JWS #1 and submission points associated with the Westport Rifle Range. A final recommendations table was included within the overall Right of Reply in updated Appendix 1.

(b) A joint Right of Reply (dated 17 October 2024) was provided by Ms Evans, Ms Belgrave and Ms Easton (Reporting Officers), in response to the Silver Fern Farms submissions.

27. The Panel issued a Minute 59 providing submitters who made submission points on the relevant points covered in Addendum #2, the opportunity to comment.

28. The subsequent information was received in response to Minute 59, as follows:

(a) Ms Heppelthwaite, for KiwiRail (dated 14 February 2025);

(b) Jet Boating NZ (dated 6 February 2025);

(c) Ms Pull, for Poutini Ngāi Tahu (dated 12 February 2025);

(d) Mr Michelle, of the NZAAA (dated 14 February 2025); and

(e) Mr and Mrs Kennedy (dated 14 February 2025).

29. A further Right of Reply was provided by the following parties:

(a) Ms Evans provided a Right of Reply (dated 28 February 2025) to respond to questions raised by submitters during the hearing, outstanding matters in response to submissions, evidence presented at the hearing, and submitter responses to Minute 59. It noted that the recommended amendments to provisions set out in the updated Appendix 1 were more appropriate than the notified version of the pTTPP and included a s32AA evaluation.

(b) Mr Stephen Peakall on behalf of the TTPP (dated 28 February 2025) provided a Right of Reply in response to submitter evidence and Minute 59, including confirmation of support for the changes to the noise provisions recommended by Ms Evans in updated Appendix 1.

1.7. Procedural Steps and Issues

30. No procedural matters were raised at the hearing.

1.8. Site Visits

31. No specific site visits relating to the Noise Chapter were undertaken. However, the Panel undertook extensive region wide site visits including, but not limited to, Karamea Aerodrome, Haast Airfield, the Alma Road area, the Westport Rifle Range and Silver Ferns Farms meat processing facility at Hokitika.

PART B - STATUTORY REQUIREMENTS AND DOCUMENTS

32. General District-Wide Matters - Ngā Kaupapa ā-Rohe Whānui is one section of seven sections located in Part 2 – District-Wide Matters – Te Wāhanga 2 – Ngā Kaupapa ā-Rohe Whānui of the Plan. This section has objectives, policies and rules for general matters which apply across the districts. The Noise Chapter is one of seven chapters in the General District-Wide section of the Plan.

33. The Section 32 Report outlined the relevant statutory considerations applicable to Noise; and the relationships between the sections of the RMA and higher order documents.

34. The section 42A Report highlighted the relevant sections 6, 7 and 8 of the RMA, and provisions in the NZCPS, RPS, iwi management plans and mana whakahono ā rohe, the NPSET, NPSREG, NESTF, NESET, and Planning Standards.

35. The purpose of Strategic Direction in Part 2, in combination with objectives within the relevant topic sections and chapters, is to ensure that they provide a coherent overarching strategic direction and state the outcomes intended for the West Coast districts.

36. With these strategic directions in place, the articulation of location specific and activity specific objectives and policies are in other chapters of the pTTPP, which are to be read alongside the strategic objectives.

37. Clause 4 of the First Schedule sets out the requirements to be inserted prior to notification of proposed district plans.

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

39. The Planning Standards mandatory direction 7.33 require provisions relating to noise activities to be located in the chapters within the General District-Wide Matters section of the Plan. We are satisfied the Plan structure is consistent with this national direction.

40. The Planning Standards standard 15 requires that any plan rule to manage noise emissions must be in accordance with the mandatory noise methods and symbols in the New Zealand Standards. The Panel are satisfied that recommendations for the Plan provisions meets this requirement.

PART C – SUBMISSIONS, EVIDENCE, EVALUATION AND RECOMMENDATIONS

2. NOISE

2.1. NOISE General/Whole Chapter

Submissions and Further Submission

41. Seven submission points and one further submission point relating to general matters or the whole Noise Chapter were summarised in a Table on pages 12-13 of the s42A Report. The Panel has considered the submissions and further submissions received and adopts the summaries in the s42A Report.

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42. Ms Evans acknowledged the general support from Westland District Council (**WDC**) (S181.030) to retain the Noise Chapter as notified. However, she noted her recommended amendments in response to other submissions in subsequent sections.

43. In response to Christine Robertson's (S99.001) request for the Greymouth runway to be excluded from the proposed noise zone extension, Ms Evans rejected this submission because she considered the proposal gives effect to New Zealand Standards NZS 6805. She accepted GDC's further submission (FS1.020) opposing this submission point.

44. A submission point from Dean Trott (S330.002) sought amendments for acoustic insulation requirements for development beside the Westport Rifle Range. Ms Evans addressed this point in relation to NOISE-R3.

45. Silver Fern Farms Limited (**SFF**) (441.034) sought a zone change for the land adjacent to its Hokitika facility (considered in the Residential Zone Chapter hearing), and amendments to the chapter Overview to reference potential reverse sensitivity effects for meat processing plants. Ms Evans did not support the inclusion of meat processing plants in the Overview because the identified list included significant services, infrastructure and facilities. She considered it was inappropriate and unnecessary to include particular industrial activity within the list.

46. KiwiRail (S442.088) sought amendments to the provisions to include noise, vibration and mechanical ventilation standards (provided as Appendix A). Ms Evans accepted this submission in part, and recommended amendments to Rule NOISE-R3 based on Mr Peakall's expert opinion, which is addressed below.

47. Forest and Bird (S560.332) sought amendments to ensure that indigenous biodiversity was protected from adverse effects from noise. Ms Evans rejected this submission due to insufficient information and evidence, but invited the submitter to submit drafting via evidence.

48. Except for addressing KiwiRail (S442.088), Ms Evans recommended no amendments in response to submissions on General/Whole Chapter matters.

Hearing and Submitter Evidence/Statements

49. Dr Stephen Chiles provided evidence on behalf of Te Mana Ora (Community and Public Health) of the National Public Health Service/Te Whatu Ora (**Te Mana Ora**) addressing the rule structure based in the zones where noise is received, as proposed by Ms Evans. He considered

the recommended rule framework was a substantial improvement compared to the notified version and confirmed it had addressed most of the significant issues identified. He considered the outstanding matters were narrow and few.

50. Ms Rachael Pull provided a letter on behalf of Poutini Ngāi Tahu providing a high-level summary of their position on the s42A Report recommendations in Appendix A. It supported Ms Evan's recommendation to not include meat processing plants in the list identified in the Overview text.

51. Mr Martin Kennedy spoke at the hearing on behalf of himself and Mrs Lisa Kennedy. He noted their further submission (FS221.004) in relation to the KiwiRail submission point (S442.088) had been incorrectly summarised. He clarified their further submission opposed KiwiRail's request for a 100m setback from the railway line and considered this had 'crept' from 40m to 60m. He questioned whether this was even an issue in relation to the Hokitika line. He considered no information had been provided to justify the need for 100m and noted this would increase the cost when upgrading their house. Mr Kennedy preferred use of a '*Noise and Vibration Alert'* (NVA) layer in the Plan.

52. KiwiRail's evidence in relation to submission point (S442.088) is addressed in relation to the rules below.

Responses and Reporting Officer Reply Evidence

53. No further amendments in response to submission points on the General/Whole Chapter were recommended in Ms Evans' Right of Reply.

Hearing Panel's Evaluation

54. The Panel notes Mr Kennedy's further submission (FS221.004) was not included in the s42A Report and will consider this in relation to the KiwiRail submission point in relation to NOISE-R3 below.

55. The Panel agree with Ms Evans reasoning and recommendation to make no changes in response to the submission received on the General/Whole Chapter.

Hearing Panel's Recommendation

56. No changes to the provisions are required in relation to issues raised in submissions and further submission made on general matters or the whole chapter.

2.2. Noise Definitions

Submissions and Further Submissions

57. Five submissions points relating to definitions were summarised in a Table on page 14 of the s42A Report. The Panel adopts the summaries in the s42A Report and has considered the relevant submissions.

Section 42A Report and Addendum Reports

58. Ms Evans noted the support from two submitters[2] for the definition of *'notional boundary*.'

59. KiwiRail (S442.008) requested a new definition be included for a '*noise sensitivity activity*' as follows:

> *any lawfully established: residential activity, including activity in visitor accommodation or retirement accommodation, including boarding houses, residential visitor accommodation and papakāinga; educational activity; health care activity, including hospitals; congregation within any place of worship; and activity at a marae.*

60. Mr Peakall considered that a new definition for '*noise sensitive activity'* was not required, given that the existing rule framework and definitions already include all relevant sensitive activities that were 'noise sensitive.'

61. Ms Evans agreed reference to '*noise sensitive activity*' was confusing. She recommended deleting '*noise*' so that all references were to '*sensitive activity/activities*.' She noted '*noise sensitive activities'* were not defined in the Planning Standards. In the Addendum Report, Ms Evans noted that she agreed with KiwiRail's submission, that recreational and sporting activities should not be subject to the same requirements as other *'sensitive activities*.'

62. Federated Farmers (S524.103) requested a definition for '*audible bird scaring devices*,' as follows:

> *Gas guns and avian distress alarms used for the purposes of disturbing or scaring birds.*

63. Ms Evans accepted this submission in part but recommended adding Mr Peakall's proposed definition as follows:

> *Gas, gun, avian distress alarm or other such device used for the purposes of scaring birds.*

Hearing and Submitter Evidence/Statements

64. The letter from Poutini Ngāi Tahu noted support for Ms Evans' recommendation to amend references from '*noise sensitive activity'* to '*sensitive activity*.'

Reporting Officer Reply Evidence (including JWS)

65. JWS #1 records the planners[3] agreement that the definition for '*sensitive activity'* included sport and recreation activities. It was agreed that sport and recreation activities were not required to be subject to any rules for sensitive activities within the proposed Rifle Range Noise Overlay.

66. There were no further amendments to the Definitions recommended in Ms Evan's Right of Reply.

Hearing Panel's Evaluation

67. The Panel agrees with Ms Evans recommended deletion of the word '*Noise'* from references to '*Noise Sensitive Activities'* and use '*Sensitive Activities*' as defined in the Plan as notified.

[2] Horticulture New Zealand (S442.009) and Federated Farmers of New Zealand (S524.015)
[3] Ms Easton for WCRC, Ms Evans as the reporting planner, Mr Barr for the Buller District Council, and Ms McKenzie for the Westport Pistol Club, Chris Hartigan and the Westport Rifle Club Incorporated.

We note Mr Peakall's view that this covers sensitive activities in relation to noise; and accept this will avoid confusion.

68. The Panel agree that any rules for sensitive activities within the proposed Rifle Range Noise Overlay should not apply to the Rifle Range itself. However, we note that the notified definition for '*Sensitive Activity*' does not include sports and recreation as suggested in the JWS #1.

69. The Panel accepts Ms Evans' recommendation to add Mr Peakall's proposed definition for '*Audible Bird Scaring Device'* in response to Federated Farmers (S524.103).

70. In Relation to the remainder of the submission points on definitions, the Panel agree that these be rejected on the basis of the conclusions reached by Ms Evans.

Hearing Panel's Recommendation

71. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends the submission point identified in the footnote below is accepted, and recommend the following new term for '*Audible Bird Scaring Device'* is added to the **Definitions**:

AUDIBLE BIRD SCARING DEVICE
means gas gun, avian distress alarm or other such device used for the purpose of scaring birds.[4]

2.3. Noise Overview

Submissions and Further Submission

72. Five submissions points and one further submission point relating to the Overview were summarised in a Table on page 15-16 of the s42A Report. The Panel adopts the summaries in the s42A Report and has considered the submissions and further submission.

Section 42A Report and Addendum Reports

73. Ms Evans did not support the request by the NPHS (S190.527) to add new text to the Overview referencing New Zealand Standards for measuring and assessing noise because she considered this should be included in the rules which have legal weight.

74. Westport Pistol Club (S336.008) and the Westport Rifle Club Incorporated (S557.007) requested adding '*rifle range'* to the list of potentially affected activities, which was opposed by Poutini Ngai Tahu (FS41.101). Ms Evans did not support this inclusion because she considered it did not fit with the intent of the paragraph.

75. Buller Conservation Group (S552.153) and Frida Inta (S553.153) requested adding new text as follows:

> *Sensitivity can also arise when noisy industry sets up near existing peace-requiring activities such as a church or library.*

[4] Federated Farmers of New Zealand S524.103

76. Ms Evans partly supported these submission points and recommended amendments to include a more general reference to maintaining appropriate noise levels in zones where a higher amenity noise environment was anticipated.

77. The s42A Report recommended amending the Overview text as follows:

> *The generation of noise is often a necessary part of many activities undertaken on the West Coast/Te Tai o Poutini. While it is important that such activities are able to operate, noise can result in potential adverse effects on people's health and wellbeing, and their enjoyment of the environment. Adverse effects associated with noise can vary depending on a number of factors, including frequency, timing, duration and characteristics of the noise, the distance between the source and receiver, and any reduction measures. The background sound level can influence the acceptability or annoyance of noise, and this can also vary throughout the West Coast/Te Tai o Poutini.*
>
> *Where ~~noise~~ sensitive activities are established near existing noise-generating activities, or areas where higher noise levels are to be expected, reverse sensitivity effects can arise, potentially resulting in the existing noise-generating activities being constrained, in terms of their ongoing operation or expansion. This is a particular concern for important services and community facilities, including Airports and Heliports, Sports Grounds and Stadiums, the State Highway, Railway Corridors and the Ports, which could be constrained if reverse sensitivity effects arise.*
>
> *This Chapter controls the nature and timing of noise-generating activities, **including maintaining appropriate noise levels within zones where a different noise environment is anticipated to minimise potential adverse effects**, and manages new sensitive activities where these are located close to established noise-generating activities or zones which have or are expected to have elevated noise levels.*
>
> *The provisions in this chapter apply to all other chapters within this Plan, unless otherwise specified.*

78. Appendix 1 of the Addendum s42A Report amended this recommendation to replace '*minimise*' with '*manage'* in the third paragraph.

Hearing and Submitter Evidence/Statements

79. Ms Inta presented a statement at the hearing on behalf of herself and the Buller Conservation Group. She considered the recommended addition was unnecessary and did not meet the relief sought which was to protect sensitive places from noise. She noted the word '*maintain*' was inappropriate in the amended third paragraph and considered the paragraph should use plural terms due to reference to multiple zones. Ms Inta also opposed the removal of the word '*minimise*' and its replacement with '*manage*' as recommended in the Addendum Report. She recommended alternative wording as follows:

> *including ~~maintaining~~ **controlling (or managing)** ~~appropriate~~ **noise levels within zones where ~~a~~ differing~~ent~~** noise environment**s** ~~**is**~~ **are** anticipated **in order** to minimise potential adverse effects.*

80. Mr Kennedy provided planning evidence for Westpower addressing the s42A Report recommendations in relation to further submissions (FS222.035 and FS222.0146) opposing the submission points from Buller Conservation Group (S552.153) and Frida Inta (S553.153). He noted that while the furthers submission points on the Overview had been accepted, he recommended simplified wording as follows:

> *... including maintaining appropriate noise levels within zones ~~where a different noise environment is anticipated to minimise potential adverse effects, …~~*

Reporting Officer Reply Evidence

81. Ms Evans recommended a further minor amendment to simplify the Overview text in relation to maintaining appropriate noise levels to manage potential adverse effects. She also acknowledged Ms Inta's preference for '*minimise*' rather than '*manage*' potential adverse effects. However, Ms Evans noted that her understanding of *'minimise'* was to reduce to the lowest possible extent, which may not always be necessary or practical. She considered *'manage'* included the option to minimise, as well as avoiding and mitigating.

82. Appendix 1 of the Right of Reply recommended further amendments as follows:

> *This Chapter controls the nature and timing of noise-generating activities, **including maintaining appropriate noise levels ~~within zones where a different noise environment is anticipated~~ to ~~minimise~~ manage potential adverse effects,** and manages new sensitive activities where these are located close to established noise-generating activities or zones which have or are expected to have elevated noise levels.*

Hearing Panel's Evaluation

83. The Panel agree with Ms Evans recommendation to delete '*noise'* and use '*sensitive activity*'.

84. The Panel notes the two further submission points by Westpower were not included in the summary table in the s42A Report. We record we have had regard to these.

85. In considering views of Ms Inta and Mr Kennedy, the Panel agrees with Ms Inta that the recommended changes do not meet the intent of the submission points, which is to maintain the existing amenity enjoyed by existing activities, such as churches or libraries. We recommend adding *'including maintaining the amenity of existing sensitive activities by managing noise levels'*. This is consistent with the RMA requirement to maintain amenity values for existing sensitive activities by managing noise effects of new activities; and complements the second half of the sentence which references potential reverse sensitivity effects of new sensitive activities. We note the Plan definition for *'Sensitive Activities'* includes churches and libraries. We agree with Ms Easton that '*manage*' is appropriate at an objective level and includes avoid, remedy and mitigate, as well as minimise.

86. The Panel agree with Ms Easton's recommendation to not add reference to the Rifle Range in the Overview given those activities listed are regionally significant infrastructure.

Hearing Panel's Recommendation

87. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends the submission points identified in the footnotes below are accepted or accepted in part, and recommend the following changes to the **Noise – Ngā Oro Overview**:

Overview

The generation of noise is often a necessary part of many activities undertaken on the West Coast/Te Tai o Poutini. While it is important that such activities are able to operate, noise can result in potential adverse effects on people's health and wellbeing, and their enjoyment of the environment. Adverse effects associated with noise can vary depending on a number of factors,

including frequency, timing, duration and characteristics of the noise, the distance between the source and receiver, and any reduction measures. The background sound level can influence the acceptability or annoyance of noise, and this can also vary throughout the West Coast/Te Tai o Poutini.

Where ~~noise~~[5] sensitive activities are established near existing noise-generating activities, or areas where higher noise levels are to be expected, reverse sensitivity effects can arise, potentially resulting in the existing noise-generating activities being constrained, in terms of their ongoing operation or expansion. This is a particular concern for important services and community facilities, including Airports**, Airfields, Aerodromes,**[6] and Heliports, Sports Grounds and Stadiums, the State Highway, Railway Corridors and the Ports, which could be constrained if reverse sensitivity effects arise.

This Chapter controls the nature and timing of noise-generating activities, **including maintaining the amenity of existing sensitive activities by managing noise levels,**[7] and manages new sensitive activities where these are located close to established noise-generating activities or zones which have or are expected to have elevated noise levels. The provisions in this chapter apply to all other chapters within this Plan, unless otherwise specified.

2.4. Noise Objectives

Submissions and Further Submissions

88. Eight submission points relating to the Noise Objectives (General) were summarised in a Table on page 17 of the s42A Report. All submissions sought to retain the provisions as notified.

89. Twelve submission points and six further submission points relating to **NOISE-O1** were summarised in a Table on page 18-19 of the s42A Report. Nine submissions supported the objective as notified and three sought amendments. Two further submissions supported amendments and four opposed one of the amendments.

90. Seventeen submission points and three further submission points relating to **NOISE-O2** were summarised in a Table on pages 19-20 of the s42A Report. Eleven submissions supported the objective as notified and five sought amendments. Three further submissions supported or supported in part amendments.

91. Six submission points and three further submission points relating to **NOISE-O3** were summarised in a Table on page 22 of the s42A Report. Five submissions supported the objective as notified and one sought an amendment. Three further submissions opposed the amendment.

92. The Panel adopts these summaries and has considered the relevant submissions and further submissions.

Section 42A Report and Addendum Reports

NOISE Objectives (General)

[5] Silver Fern Farms Limited S441.006, KiwiRail S442.008
[6] RMA First Schedule Clause 16(2) plan-wide consistency from Special Purpose Zone Chapter Recommendation Report
[7] Buller Conservation Group S552.153 and Frida Inta S553.153.

93. Ms Evans acknowledged the support from all submitters[8] that sought to retain the objectives as notified. However, she noted her recommended amendments to the objectives in response to other submissions. In making her recommendations she relied on the expert expertise of Mr Peakall.

NOISE – O1

94. Ms Evans acknowledged the support from the submitters[9] that sought to retain the objective as notified. However, she noted her recommended amendments in response to other submissions.

95. Buller Conservation Group (S552.154), opposed by three further submissions (FS222.036, FS30.27 and FS55.42) and Frida Inta (S553.154), opposed by a further submission (FS222.0147), requested amendments to include *'impact on noise sensitive activities*.' Ms Evans did not support this because she considered it did not provide more clarity and was addressed in the rule through noise limits for the receiving zone.

96. Te Mana Ora (S190.528), supported by a further submission (FS30.25), supported the objective in part but sought to include the term '*unreasonably*.' Mr Peakall agreed with the inclusion of the term '*unreasonably*' within NOISE-O1. Ms Evans recommended addition of this term as follows:

> *The benefits of noise generating activities are provided for in a way that is compatible with the role, function and character of each zone and did not* ***unreasonably*** *compromise community health, safety and wellbeing.*

NOISE - O2

97. Ms Evans acknowledged the support from submitters[10] that sought to retain the objective as notified. However, she noted her recommended amendments in response to other submissions.

98. Manawa Energy (S438.124), supported in part by further submission from Westpower (FS222.0196), sought an amendment to replace '*community infrastructure'* with *'regionally significant infrastructure*'. Ms Evans supported this in part but considered the word '*community*' should be deleted to simply refer to '*infrastructure*.' She considered using *'regionally significant infrastructure*' would unnecessarily narrow the objective and would create inconsistency with RMA s7(b).

99. Horticulture New Zealand (S486.055), supported in part by a further submission (FS31.009) and Federated Farmers (S519.024), supported by a further submission (FS30.28), sought similar amendments to replace '*existing and permitted future'* with '*lawfully established'*, and '*existing and permitted future noise generating activities'* with *'lawfully established activities that generate noise*', respectively. Federated Farmers also sought to include a definition for

[8] Buller District Council (S538.329), Chris & Jan Coll (S566.319), Geoff Volckman (S563.089), Catherine Smart-Simpson (S564.101), Chris J Coll Surveying Limited (S566.319), Laura Coll McLaughlin (S474.319) and William McLaughlin (S567.380), Koiterangi Lime Co Ltd (S577.081)

[9] New Zealand Agricultural Aviation Association (S166.019, S166.020), Balance Agri-Nutrients (S345.001), Silver Fern Farms Limited (S441.035), Horticulture New Zealand (S486.055), West Coast Regional Council (S488.030) and (FS30.26), New Zealand Defence Force (S519.023)

[10] New Zealand Agricultural Aviation Association (S166.021), Te Mana Ora (190.529), Balance Agri-Nutrients (S345.002), Silver Fern Farms Limited (S441.036), KiwiRail Holdings (S442.084), Waka Kotahi NZTA (S450.164), Foodstuffs (South Island) Properties Limited and Foodstuffs South Island Limited (S464.048), New Zealand Defence Force (S519.024), Terra Firma Mining Limited (S537.017), Fire and Emergency New Zealand (S573.014), Grey District Council (S608.673), Karamea Lime Company (S614.129), Peter Langford (S615.129)

'noise sensitive activities'. Ms Evans supported these submissions in part and recommended replacing '*existing and permitted future'* with '*lawfully established*.'

100. Buller Conservation Group (S552.155) requested rewording of the objective. Ms Evans noted that the intent of the submission was unclear and invited the submitter to provide further clarification.

101. Mr Peakall considered NOISE-O2 should be retained.

102. The s42A Report recommended that NOISE-O2 be amended as follows:

> *The function and operation of ~~existing and permitted future~~ **lawfully established** noise generating activities and ~~community~~ infrastructure are not compromised by adverse effects, including reverse sensitivity effects, from ~~noise~~ sensitive activities.*

NOISE – O3

103. Ms Evans acknowledged the support from submitters[11] that sought to retain the objective as notified. However, she noted her recommended amendments in response to other submissions.

104. SFF (S441.037) supported NOISE-O3 in part but sought amendment to include *'that are inconsistent with the role and character of the zone*.' Ms Evans did not support this because she considered it would limit the scope and would not provide appropriate recognition of cross boundary effects.

Hearing and Submitter Evidence/Statements

105. Mr Kennedy, for Westpower, considered reference to '*regionally significant infrastructure'* should be included in NOISE-O2 to ensure all relevant infrastructure was captured.

106. Mr Stuart Pearson provided planning evidence on behalf of NZTA Waka Kotahi. He confirmed support for NOISE-O2 and NOISE-O3.

107. Ms Inta, for the Buller Conservation Group, requested amendments to NOISE-O3 or a new objective to reflect her requested amendments to the Overview section, as follows:

> *O3: The health and wellbeing of people, noise-sensitive places, and communities are protected from significant levels of noise,*
> ***OR***
> *OX: Noise levels are controlled around particular sensitive places such as libraries, churches and hospitals.*

108. The letter from Terra Firma supported Ms Evans recommendations NOISE-O2.

Reporting Officer Reply Evidence

109. In relation to NOISE-O1, Ms Evans reconsidered her recommended addition of '*unreasonably compromising*' in light of the discussion at the hearing. She agreed this term was subjective and could increase uncertainty. She considered the objective could be reframed to be worded

[11] Te Mana Ora (S190.530), Silver Fern Farms Limited (S441.037), Waka Kotahi NZTA (S450.165), Celine Stokowski and Anthony Thrupp (S522.004), Karamea Lime Company (S614.130)

in the positive and to remove '*unreasonably compromising*', while meeting the relief sought by Te Mana Ora to not provide absolute protection.

110. In relation to NOISE-O2, Ms Evans considered the key reference in the objective was '*lawfully established*', whether it was community infrastructure, community facilities, infrastructure, regionally significant infrastructure or a lawfully established activity. She noted there was no scope to delete the reference to '*infrastructure*', noting that referring only to '*infrastructure*' narrowed the objective and could indicate it did not need to be lawfully established. Ms Evans noted Manawa only sought '*community*' be deleted, so she recommends '*and*' be replaced with '*including*.' However, Ms Evans noted that if the Hearings Panel considered there was scope to remove references to '*infrastructure*' she would support this, so the objective simply refers to an activity being '*lawfully established*.'

111. In relation to NOISE-O3, Ms Evans recommended a minor amendment to include specific references to *'including sensitive activities'*, in response to Ms Inta's preference to protect quiet spaces.

112. Appendix 1 of the Right of Reply recommended amendments as follows:

> ***NOISE – O1***
>
> *The benefits of noise generating activities are provided for in a way that is compatible with the role, function and character of each zone* ***and does not result in unreasonable noise that may*** *compromise community health, safety and wellbeing.*
>
> ***NOISE – O2***
>
> *The function and operation of ~~existing and permitted future~~* ***lawfully established*** *noise generating activities****, including*** *~~and community~~ infrastructure****,*** *are not compromised by adverse effects, including reverse sensitivity effects, from ~~noise~~ sensitive activities.*
>
> ***NOISE – O3***
>
> *The health and wellbeing of people and communities****, including sensitive activities****, are protected from significant levels of noise.*

Hearing Panel's Evaluation

113. In relation to **NOISE-O1**, the Panel accepts Ms Evans reasoning and recommended amendments. We agree this gives relief to the submission point from Te Mana Ora that sought to qualify the wording of the objective so that it was not seeking to provide absolute protection, which is not practical to achieve.

114. In relation to **NOISE-O1**, the Panel accepts the recommended amendments proposed by Ms Evans and consider use of '*lawfully established'* is consistent with our recommended approach Plan-wide. We note the Plan definition for '*sensitive activity*' includes the matters sought by Hort NZ. We do not consider a new objective is required, as sought by Ms Inta.

115. The Panel notes the original submission point from Manawa (and the related further submission from Westpower) sought to replace '*community infrastructure'* with *'regionally significant infrastructure*', not specifically to delete community. We consider this is not appropriate as it would narrow the scope of the objective from including community infrastructure that is not included in the definition for *'regionally significant infrastructure*'.

The Panel has considered deletion of *'infrastructure',* as mentioned by Ms Evans in Reply, but consider there is insufficient scope available to enable the change.

116. The Panel considers the intent of the objective is to ensure that the function and operation of lawfully established activities and infrastructure generally is not compromised by adverse effects, including reverse sensitivity effects from sensitive activities. Based on the Plan definition for *'infrastructure'*, '*community facilities'* and *'regionally significant infrastructure*', the Panel consider it is appropriate to include all three terms. We consider this meets the relief sought by the submitter and further submitter, while not losing the intent of the objective to include community infrastructure that would not be captured by reference to infrastructure only.

117. The Panel accept Ms Evans' recommended amendment to NOISE-03 in response to Ms Inta's request to protect quiet spaces. While we note Mr Inta and the Buller Conservation Group did not specifically make a submission in relation to NOISE-O3, we consider this is a consequential amendment to the relief sought in the Overview and in relation to NOISE-01.

Hearing Panel's Recommendation

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

NOISE – O1	The benefits of noise generating activities are provided for in a way that is compatible with the role, function and character of each zone and does not **result in unreasonable noise that may**[12] compromise community health, safety and wellbeing.
NOISE-O2	The function and operation of ~~existing and permitted future~~ **lawfully established**[13] noise generating activities**,** ~~and~~ community **facilities,**[14] **and** infrastructure, **including regionally significant infrastructure**[15] are not compromised by adverse effects, including reverse sensitivity effects, from ~~noise~~ sensitive[16] activities.
NOISE – O3	The health and wellbeing of people and communities, **including sensitive activities,**[17] are protected from significant levels of noise.

2.5. Noise Policies

Submissions and Further Submissions

119. One submission point sought to retain the policies in general as notified.

120. Twenty-one submission points and three further submissions relating to **NOISE-P1** were summarised in a Table on pages 23-24 of the s42A Report. Seventeen submission points

[12] Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora (Te Whatu Ora) S190.528
[13] Horticulture New Zealand S486.056, Federated Farmers of New Zealand S524.100
[14] Consequential amendment Manawa Energy Limited S438.124
[15] Manawa Energy Limited S438.124
[16] Silver Fern Farms Limited S441.006, KiwiRail S442.008
[17] Consequential amendment Frida Inta S553.153, S553.154 and Buller Conservation Group S552.153, S552.154

supported the policy as notified and four submission points sought amendments. One further submission point opposed an amendment and two supported two of the amendments.

121. Sixteen submission points and two further submission points relating to **NOISE-P2** were summarised in a Table on pages 25-26 of the s42A Report. Thirteen submission points supported the policy as notified and three sought amendments. Two further submission points supported two of the amendments.

122. Two submission points sought to retain **NOISE-P3** as notified.

123. Twenty submission points and three further submission points relating to **NOISE-P4** were summarised in a Table on pages 28-29 of the S42A Report. Fourteen submission points supported the policy as notified and six sought amendments. Two further submissions opposed one amendment and one supported retaining the policy as notified.

124. The Panel has considered all of the relevant submissions and adopts the summaries in the s42A Report.

Section 42A Report and Addendum Reports

Policies (General)

125. Ms Evans acknowledged the support from BDC (S538.330) that sought to retain the policies as notified. However, she acknowledged her recommended amendments in response to other submissions on specific policies. She recommended no changes to the policies based on these submissions.

NOISE - P1

126. Ms Evans acknowledged the support of the submitters[18] that sought to retain the policy as notified. However, she acknowledged her recommended amendments in response to other submissions.

127. Ms Evans agreed with the change proposed by Manawa Energy (S438.125) to replace '*critica*l' with *'regionally significant*'.

128. SFF (S441.038) sought a minor amendment to consider potential reverse sensitivity effects on new sensitive activities adjacent to higher noise environments. Ms Evans did not support this because she considered it was unnecessary given NOISE-P2.

129. Ms Evans did not support the request from Westpower (S547.485) to add a new clause '*the technical, locational, functional or operational constraints and/or requirements of the activity*.' because of her recommendation to include similar text in NOISE-P4. Westpower (S547.486) also sought a new clause '*benefits from the work being undertaken and energy activities and infrastructure developed*' which was not supported by Ms Evans because she considered recommended amendments to clause (c) addressed this matter.

[18] New Zealand Agricultural Aviation Association (S166.022), Te Mana Ora (190.531), Ballance Agri-Nutrients (S345.003), KiwiRail Holdings (S442.085), Waka Kotahi NZTA (S450.166),West Coast Regional Council (S488.031), Terra Firma Mining Limited (S537.018), Chris & Jan Coll (S566.320), Geoff Volckman (S563.090), Catherine Smart-Simpson (S564.102), Chris J Coll Surveying Limited (S566.320), Laura Coll McLaughlin (S474.320) and William McLaughlin (S567.381), Koiterangi Lime Co Ltd (S577.082),Grey District Council (S608.674), Karamea Lime Company (S614.131), Peter Langford (S615.131)

NOISE – P2

130. Ms Evans acknowledged the support from submitters[19] that sought to retain the policy as notified. However, she acknowledged her recommended amendments in response to other submissions.

131. Ms Evans supported the amendments sought by SFF (S441.039) to include '*and new noise sensitive activities adjacent to higher noise environments*.'

132. Hort NZ (S486.057), Federated Farmers (S524.101) sought an amendment to include the General Rural Zone as a higher noise environment. Ms Evans noted this was not supported by Mr Peakall in his technical evaluation and she recommend rejecting this change.

133. The s42A Report recommended amending NOISE-P2 as follows:

> *Require sensitive activities sited in higher noise environments* ***and new sensitive activities adjacent to higher noise environments*** *to be located and designed so as to minimise adverse effects on the amenity values, public health and wellbeing and the safety of occupants and minimise sleep disturbance from noise, while taking into account….*

134. In the Addendum Report Ms Evans responded to the submission from Dean Trott, Westport Pistol Club, Chris Hartigan, and the Westport Rifle Club Incorporated by recommending further amendments to NOISE-P2 as follows:

> *For the purpose of NOISE - P2 higher noise environments include:*
> 1. *CMUZ - Commercial and mixed-use zones;*
> 2. *INZ - Industrial zones, PORTZ - Port Zone, AIRPZ - Airport Zone, STADZ - Stadium Zone, BCZ - Buller Coalfield Zone, MINZ - Mineral Extraction Zone and HOSPZ - Hospital Zone;* ~~*and*~~
> 3. *Locations in close proximity to a State Highway and the Railway Corridor****;***
> 4. ***The Westport Rifle Range Noise Overlay***

135. The Addendum Report #2 responded to the evidence of Mr Tuck for Silver Fern Farms (**SFF**), Ms Evans acknowledged that the phrase '*new sensitive activities adjacent to higher noise environments*' is not efficient as it is not spatially defined. She suggested that the most efficient and effective method to manage effects is via zoning. Thus, Ms Evans recommended that the phrase is removed from NOISE-P2.

NOISE – P3

136. Ms Evans acknowledged the support from submitters[20] that sought to retain the policy and recommended it was retained as notified.

NOISE – P4

[19] Te Mana Ora (190.532), KiwiRail Holdings (S442.086), Waka Kotahi NZTA (S450.167), Terra Firma Mining Limited (S537.019), Chris & Jan Coll (S566.321), Geoff Volckman (S563.091), Catherine Smart-Simpson (S564.103), Chris J Coll Surveying Limited (S566.321), Laura Coll McLaughlin (S474.321) and William McLaughlin (S567.382), Koiterangi Lime Co Ltd (S577.083), Karamea Lime Company (S614.132), Peter Langford (S615.132)

[20] Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora (Te Whatu Ora) (S190.533), Grey District Council (S608.675)

137. Ms Evans acknowledged the support from submitters[21] that sought to retain the policy as notified. However, she acknowledged her recommended amendments in response to other submissions on specific policies.

138. Te Mana Ora (190.534) sought to include '*constraining noise generating activities in terms of*', which was not supported by Ms Evans because she considered this was too restrictive.

139. Ms Evans did not support Hort NZ (S486.058) and Federated Farmers (S524.104) requests to replace '*protect*' with '*provide for*' because she considered this would fail to give effect to NOISE-O3.

140. Ms Evans supported the Westpower (S547.487) request to replace *'minimise any conflict with adjacent*' with '*avoid, remedy or mitigate adverse effects'* in clause (e). She supported in part the request (S547.488) to include '*The technical, locational, functional or operational constraints and/or requirements of the activity*' but recommended this should be focused on '*functional need and operational need*' as these terms were defined in the Plan using the Planning Standards definitions. However, Ms Evans rejected the Westpower (S547.489) request to include a new clause '*benefits from the work being undertaken and energy activities and infrastructure developed*' because she considered this matter was covered in other chapters.

141. SFF (S441.040) sought to include '*within the zone*' in clause (e) to recognise the difference between zones. Ms Evans did not support this amendment because she considered it did not give effect to objectives NOISE-O1 and O3.

142. In her Addendum, Ms Evans corrected an error within the recommended amendments in the s42A Report in relation to Westpower's submission. Revised Appendix 1 of the Addendum recommended amending NOISE-P4 as follows:

> *Ensure noise effects generated by an activity are of a type, scale and level that are appropriate for the predominant role, function and character of the receiving environment and protect the health and wellbeing of people and communities by having regard to:*
>
> *a. Maximum noise limits to reflect the character and amenity of each zone;*
> *b. Type, scale and location of the activity in relation to any ~~noise~~ sensitive activities;*
> *c. Hours of operation and duration of activity;*
> *d. The temporary or permanent nature of any adverse effects; ~~and~~*
> *e. The ability to internalise and/or **avoid, remedy or mitigate** ~~minimise any conflict with adjacent activities~~**; and***
> *f. **The functional need and/or operational need of the activity.***

Hearing and Submitter Evidence/Statements

143. Mr Pearson, for NZTA Waka Kotahi, confirmed support for policies NOISE-P1, NOISE-P2 and NOISE-P4.

[21] Ballance Agri-Nutrients (S345.004), Waka Kotahi NZTA (S450.168), West Coast Regional Council (S488.032), Chris & Jan Coll (S566.322), Geoff Volckman (S563.092), Catherine Smart-Simpson (S564.104), Chris J Coll Surveying Limited (S566.322), Laura Coll McLaughlin (S474.322) and William McLaughlin (S567.383), Koiterangi Lime Co Ltd (S577.084), Karamea Lime Company (S614.133), Peter Langford (S615.133)

144. Mr Kennedy, for Westpower, noted that while his submission on NOISE-P1 was rejected, he agreed with the outcome in the s42A Report, provided the amendments were made as set out in Appendix 1.

145. Mr Kennedy agreed with the proposed amendments to NOISE-P4 in the s42A Report but requested that clause (e) was amended as set out in the submission, as follows:

> *e. The ability to internalise and/or avoid, remedy or mitigate adverse effects.*

146. Despite not making a submission, Ms Inta requested that NOISE-P4(b) retain '*noise*' and was amended as follows:

> *b. Type, scale and location of the activity in relation to any noise-sensitive activities and places;*

147. The letter from Terra Firma confirmed support for Ms Evans' recommendations on their submissions in relation to NOISE-P1 and NOISE-P2.

Reporting Officer Reply Evidence

148. JWS #1 records that the planners agreed that a new clause should be added to NOISE-P2 '*The Westport Rifle Range Noise Overlay'* to manage potential reverse sensitivity effects.

149. The Joint Right of Reply noted that Ms Evans had specifically considered the matters from technical expert noise caucusing. Ms Evans noted that the s42A amendment in response to the SFF submission point S441.039 was being reconsidered and may be deleted.

150. In relation to NOISE-P1, Ms Evans considered that '*receiving environment*,' rather than '*surrounding environment'* was a more appropriate term in NOISE-P1(e), given that the noise provisions focus on managing noise effects where they were received. She recommended this change be made throughout the chapter for consistency. She noted this term was only used in NOISE-R12(f) and recommend it be replaced, along with a minor correction to replace '*on*' with '*of*.'

151. In Reply, Ms Evans did not make any comments in relation to policies NOISE-P2 or NOISE-P3.

152. In relation to NOISE-P4, Ms Evans noted that she amended the reference to '*functional need and/or operational need*', in the version prepared for expert conferencing purposes, to remove the '*and*' to ensure consistency with other topics.

Hearing Panel's Evaluation

NOISE – P1

153. The Panel agree with Ms Evans recommended amendments to NOISE-P1 to replace '*critica*l *infrastructure*' with *'regionally significant infrastructure*'. Use of this term is recommended Plan-wide for consistency and the Panel accepts this amendment throughout the chapter without further discussion.

NOISE – P2

154. The Panel appreciates Ms Evans consideration of replacing '*surrounding environment*' with '*receiving environment*' in clause (e), in response to a Panel question. We also tested this at

the hearing with Mr Peakall, suggested retaining '*surrounding environment*' because it captured the overall environment. On reflection, the Panel agree with Mr Peakall and further note there is no scope for this amendment given the high level of support in submissions.

155. The Panel agrees with Ms Evans recommended addition of a new clause NOISE-P2(d) to include the "*Westport Rifle Range Overlay*" in the higher noise environments listed. We note this reflects the agreement recorded in JWS #1. We agree that this is appropriate to support land zone changes around the existing club and to manage potential reverse sensitivity.

156. The Panel amend the policy to refer to '*rail corridor'* for consistency across the Plan.

NOISE – P3

157. The Panel accepts Ms Evans recommendation to retain NOISE-P3 as notified.

NOISE – P4

158. The Panel accepts Ms Evans recommended amendments to NOISE-P4 as shown in Appendix 1 of the Right of Reply. We agree that the TTPP definitions (using the Planning Standards definitions) for '*Functional Need'* and '*Operational Need*' include reference to the matters sought by Westpower (S547.488). We also agree this should be *'or'* in the context of the policy.

159. The Panel agree that '*protect*' is the correct wording in this context and links to NOISE-O3. We have not had regard to Ms Inta's comments given she had no submission points on this policy.

Hearing Panel's Recommendation

160. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends the submission points identified in the footnotes below are accepted or accepted in part, and recommend the following changes to the **Noise – Ngā Oro Policies**:

NOISE – P1	Enable the generation of noise ~~when it is~~[22] of a type, character, scale and level that is appropriate to the zone, having regard to: a. The purpose, character and qualities of the zone that the activity is located in; b. The nature, frequency and duration of the noise generating activity; c. Whether the noise generating activity is ~~critical~~ **regionally significant**[23] infrastructure; d. Methods of mitigation; and e. The sensitivity of the surrounding environment.
NOISE – P2	Require sensitive activities sited in higher noise environments to be located and designed ~~so as~~[24] to minimise adverse effects on the amenity values, public health and wellbeing and the safety of occupants and minimise sleep disturbance from noise, while taking into account: a. The type of noise generating activity; and b. Other noise sources in the area; and

[22] RMA Schedule 1, clause 16(2)
[23] Manawa Energy Limited S438.125
[24] RMA Schedule 1, clause 16(2)

	c. The nature and occupancy of the ~~noise~~[25] sensitive activity; and d. Mitigation measures, including acoustic insulation, screening and topography. For the purpose of NOISE - P2 higher noise environments include: a. CMUZ - Commercial and mixed-use zones; b. INZ - Industrial zones, PORTZ - Port Zone, AIRPZ - Airport Zone, STADZ - Stadium Zone, BCZ - Buller Coalfield Zone, MINZ - Mineral Extraction Zone and HOSPZ - Hospital Zone; ~~and~~ [26] c. Locations in close proximity to a State Highway and the Rail~~way~~[27] Corridor; **and** **d. The Westport Rifle Range Noise Overlay.**[28]
NOISE – P3	Within the Airport Noise Contour Boundary overlay avoid sensitive activities, unless noise mitigation measures are implemented that avoid sleep disturbance and minimise other adverse effects on the amenity values of occupants.
NOISE-P4	Ensure noise effects generated by an activity are of a type, scale and level that are appropriate for the predominant role, function and character of the receiving environment and protect the health and wellbeing of people and communities by having regard to: a. Maximum noise limits to reflect the character and amenity of each zone; b. Type, scale and location of the activity in relation to any ~~noise~~[29] sensitive activities; c. Hours of operation and duration of activity; d. The temporary or permanent nature of any adverse effects; ~~and~~[30] e. The ability to internalise and/or **avoid, remedy or mitigate adverse effects** ~~minimise any conflict with adjacent activities~~; **and**[31] f. **The functional need or operational need of the activity**.[32]

2.6. Noise – Rules

Submissions and Further Submissions

161. One submission point opposing the Noise rules in general was summarised in a Table on page 30 of the s42A Report.

162. Ten submission points and seven further submission points relating to **NOISE-R1** were summarised in a Table on pages 31-32 of the s42A Report. Eight submission points supported the rule as notified and two sought amendments. Two further submission points support one amendment and five opposed or opposed in part the other amendment.

[25] Silver Fern Farms Limited S441.006, KiwiRail S442.008
[26] RMA Schedule 1, clause 16(2)
[27] RMA Schedule 1, clause 16(2)
[28] Dean Trott S330.002, Westport Pistol Club S336.016, Chris Hartigan S338.002, Westport Rifle Club Incorporated S457.009
[29] Silver Fern Farms Limited S441.006, KiwiRail S442.008
[30] RMA Schedule 1, clause 16(2)
[31] Westpower Limited S547.487
[32] Westpower Limited S547.488

163. Twenty-seven submission points and 17 further submission points relating to **NOISE-R2** were summarised in a Table on page 33-37 of the s42A Report. Sixteen submission points supported the rule as notified and eleven sought amendments. Thirteen further submissions supported some amendments and four opposed some amendments.

164. Thirty-five submission points and 35 further submission points relating to **NOISE-R3** were summarised in a Table on pages 41-47 of the s42A Report. One submission point supported the rule as notified, 26 sought amendments and eight sought it be deleted entirely or in part. Eleven further submissions supported some amendments and 24 submissions opposed, and 11 sought amendments.

165. Five submission points and four further submission points relating to **NOISE-R4** were summarised in a Table on pages 72-73 of the s42A Report. Four submission points supported the rule as notified. Three submission points sought amendments, and two opposed.

166. Twenty-eight submission points relating to **NOISE-R5** were summarised in a Table on pages 58-59 of the s42A Report. All submission points sought amendments. Four further submissions opposed amendments and three supported amendments.

167. Twenty-eight submission points and nineteen further submission points relating to **NOISE-R6** were summarised in a Table on pages 61-65 of the s42A Report. Five submission points supported the rule as notified and 23 sought amendments. Fourteen further submission points opposed amendments and five supported amendments.

168. Two submission points and two further submission points relating to **NOISE-R7** were summarised in a Table on pages 67 of the s42A Report. Two submission points supported the rule as notified. The two further submission points supported amendments.

169. Six submission points and seven further submission points relating to **NOISE-R8** were summarised in a Table on pages 68-69 of the s42A Report. One submission point supported the rule as notified and five sought amendments. Four further submission points opposed amendments and three supported amendments.

170. Three submission points and three further submission points relating to **NOISE-R9** were summarised in a Table on page 70 of the s42A Report. Two submission points supported the rule as notified. Three further submission points opposed amendments.

171. Four submission points and one further submission point relating to **NOISE-R10** were summarised in a Table on page 71 of the s42A Report. Three submission points supported the rule as notified and one sought amendment. One further submission opposed an amendment.

172. Thirty-one submission points and eight further submission points relating to **NOISE-R11** were summarised in a Table on pages 73-75 of the s42A Report. Four submission points supported the rule as notified and 27 sought amendments. All eight further submissions opposed amendments.

173. Eleven submission points and five further submission points relating to **NOISE-R12** were summarised in a Table on pages 76-77 of the s42A Report. Five submission points supported the rule as notified and six submission points sought amendments. All five further submission points opposed amendments.

174. Six submission points and three further submission points relating to **NOISE-R13** were summarised in a Table on page 78 of the s42A Report. Two submission points supported the

rule as notified and five sought to delete the rule. Two further submission points opposed deleting the rule and one supported it.

175. The Panel adopts these summaries and has considered the submissions and further submissions.

Section 42A Report and Addendum Report

Rules (General)

176. The majority of Mr Peakall's expert evidence was accepted and implemented by Ms Evans in the recommendations in the s42A Report and addendum Reports. However, the Panel notes there were a few points that were not been covered by Ms Evans which are also summarised below in relation to the relevant rule.

177. Ms Evans did not agree with the submission point from Michael Hill (S70.019) that sought to revert back to the Grey District Plan rules. She considered the recommended rules reflected the relevant New Zealand Standards and Planning Standards and were supported by independent expert Mr Peakall.

NOISE - R1 Permitted Activities - General Standards

178. Ms Evans acknowledged the support from submitters[33] that sought to retain the rule as notified. However, she noted her recommended amendments in response to other submission points.

179. In relation to the submission point by NZAAA (S166.023), Ms Evans did not support the addition of '*unless otherwise exempted in NOISE-R2'* because she considered compliance with the standards was still appropriate to manage effects of permitted activities.

180. Ms Evans supported Te Mana Ora's (S190.535) request to remove reference to '*section 7.7*' and replace it with '*as assessed*' in NOISE-R1(4) because this aligned with the Planning Standards and Mr Peakall's expert advice. However, she did not support the deletion of clause (1) based on Mr Peakall's advice and considered it was more efficient for all standards to be within the one rule.

181. Ms Evans recommended minor amendments, as suggested by Mr Peakall for improved clarity and to reference, and better align with, the relevant New Zealand Standards.

182. In Addendum Report, in response to the pre-circulated evidence of Dr Chiles for Te Mana Ora, Mr Peakall agreed that clause (3) should be deleted due to the lack of definition for '*mobile noise sources'*. Ms Evans agreed that the term '*mobile noise sources'* was not defined and that there was potential for uncertainty around how the exemption would be applied in NOISE-R1. She therefore supported the deletion of clause (3).

183. Appendix 1 of the Right of Reply recommended amendment to NOISE-R1 as follows:

All activities must comply with the following relevant standards.

Activity status where compliance not achieved: Restricted Discretionary

[33] Waka Kotahi NZTA (S450.169), New Zealand Defence Force (S519.025), Buller District Council (S538.331), Chris & Jan Coll (S566.323), Chris J Coll Surveying Limited (S566.323), Laura Coll McLaughlin (S474.323) and William McLaughlin (S567.384),Grey District Council (S608.66)

1. *Noise levels arising from activities must be measured and assessed in accordance with the New Zealand Standard NZS 6801:2008 Acoustics - Measurement of environmental sound and the New Zealand Standard NZS 6802:2008 Acoustics - Environmental noise except where more specific requirements apply.*
2. *The noise from any construction work activity must be measured and assessed in accordance with the requirements of New Zealand Standard NZS6803:1999 Acoustics – Construction noise. Construction work is defined in New Zealand Standard NZS 6803:1999 Acoustics – Construction noise.*
3. ~~*Noise from mobile noise sources shall comply with the noise limits set out in Tables 2 and 3 of NZS 6803:1999 Acoustics - Construction Noise, with reference to "construction noise" taken to refer to "mobile noise sources.*~~

X. Noise from aerodromes, airfields or airports not subject to noise rule R10 shall be measured and assessed in accordance with New Zealand Standard NZS 6805:1992 Airport Noise Management and Land Use Planning.

XX. Noise from New or Altered Roads shall be measured and assessed in accordance with New Zealand Standard NZS 6806:2010 Acoustics - Road-traffic noise - New and altered roads.

4. *Noise from wind turbines shall be measured* ***and assessed*** *in accordance with* ~~*section 7.7 of*~~ *NZS 6808: 2010 Acoustics Wind Farm Noise;*
5. *Noise from Helicopter Landing areas shall be* ~~*– managed*~~ ***measured and assessed*** *in accordance with* ~~*and comply with*~~ *the noise standards and limits of NZS 6807: 1994 Noise Management and Land Use Planning for Helicopter Landing Area.*

XXX. Noise from port activities shall be managed in accordance with and comply with the noise standards and limits, control boundaries and methods of measurement as outlined in NZS 6809: 1999 Acoustics Port Noise Management and Land Use Planning.

NOISE-R2: Permitted Activity – Emissions of Noise in all Zones

184. Ms Evans acknowledged the support from submitters[34] that sought to retain the rule as notified. The acknowledgement is subject to recommended amendments that arise from other submission points.

185. In response to the submission point made by NZAAA (S166.024) and the Director General (S602.180) to make additions to NOISE-R2(12), Ms Evans supported the amendment in part. She agreed to include some of the additions sought, including adding '*take offs*' and '*conservation activities*' but did not support the inclusion of specific subsets of activities because she considered there was sufficient clarity.

186. Te Mana Ora (S190.536) sought to amend clauses (1), (10), (12), (13), (16) and (17), which Ms Evans supported in part. She supported deleting '*e.g. spraying, harvesting, etc'* in clause (1) because these were not typical residential activities, as well as other further amendments. She supported deleting clause (10) because of the lack of clarity. Ms Evans did not support deleting clauses (12) and (13) on the basis that the effects from activities were temporary or infrequent because aircraft landings were managed by NZ Standards. Based on the advice of Mr Peakall, she recommended a minor amendment to clause (12) to replace '*infrequent*' with a set number of days per year. She also supported the changes sought clauses (16) and (17), on the basis that Mr Peakall supported this from a technical perspective.

[34] Waka Kotahi NZTA (S450.170), Jetboating New Zealand (S161.004 and S116.005), Ballance Agri-Nutrients (S345.005), KiwiRail Holdings (S442.087), Westport Rifle Club Incorporated (S547.008), New Zealand Defence Force (S519.026 and S519.027), Buller District Council (S538.332), Chris & Jan Coll (S566.324), Chris J Coll Surveying Limited (S566.324), Laura Coll McLaughlin (S474.324) and William McLaughlin (S567.385), Grey District Council (S608.677)

187. Westport Pistol Club (S336.009) sought that noise under clause R2(14) is permitted at any time of day. Ms Evans supported this in part and suggested including reference to daytime hours.

188. Foodstuffs (S464.049) sought to delete '*residential*' and add '*expected for that zone'* in Rule NOISE-R2(7). Ms Evans partially supported this but rather recommended adding '*provided for as a permitted activity for that zone*'.

189. Horticulture NZ (S486.059) sought to amend NOISE-R2(11) by replacing *'agricultural, horticulture and pastoral farming activities*' with *'rural production activities*'. Similar relief was sought by Federated Farmers (S524.103). Ms Evans noted that as the terms currently included were defined and preferred that the definition was retained but recommended reordering the words and deleting '*farming*'. She also recommended minor amendments to delete the words '*limited*,' '*seasonal*,' and *'intermittent*' to remove uncertainty.

190. WCRC (S488.033) sought to amend NOISE-R2 to clearly cover aerial biosecurity and biodiversity activities. Ms Evans partially supported this and recommended amendments to provide for conservation activities.

191. WMS Group (S599.094) sought the deletion of '*as part of or compatible with a normal residential activity*' from NOISE-R2(7). Ms Evans supported this but recommended alternate wording by referencing permitted activities.

192. Manawa Energy (S438.126) and Chris Hartigan (S438.126) sought the replacement of '*lifeline utilities*' with '*providers of regionally significant infrastructure*' in NOISE-R2(5). Ms Evans did not support this because '*lifeline utilities*' were defined in legislation, however, she supported adding '*regionally significant infrastructure'*.

193. In the Addendum Report, Mr Peakall disagreed with Dr Chiles' evidence in regard to NOISE-R2(12), as he considered that the existing rules were appropriate and acceptable. Regarding Dr Chiles' request to remove the exemption for non-commercial watercraft, Mr Peakall noted the removal of the exemption would be too onerous for intermittent, recreational users.

194. The Addendum Report also responded to the statement from WCRC requesting to amend NOISE-R2 to clearly cover aerial biosecurity and biodiversity activities. Ms Evans agreed with Mr Peakall's response to this evidence, and supported the inclusion of '*per site'* within NOISE-R2(12).

195. Ms Evans supported technical recommendations from Mr Peakall and also recommended minor additional changes for clarity. Appendix 1 of the Addendum Report showed recommended amendments to **NOISE-R2** as follows:

> *Activity Status Permitted*
>
> *Where the following activities are exempted from meeting Zone noise standards:*
>
> 1. ~~*Intermittent residential activities,*~~ ~~*u*~~***Use*** *of lawn mowers, vehicles, machinery or equipment operated and maintained in accordance with the manufacture's specifications* ***and associated with the use of a site for a residential activity*** ~~*used on an intermittent basis (e.g. spraying, harvesting, etc);*~~
>
> 2. *Any warning device or siren used by emergency services for emergency purposes (and routine testing and maintenance of these);*

3. *Activities at emergency service facilities associated with emergency response and emergency response training;*

4. *Helicopters used for an emergency and as an air ambulance;*

5. *The use of generators and mobile equipment (including vehicles) for emergency purposes, including testing and maintenance not exceeding 2 weeks in duration, where they are operated by emergency services, ~~or~~ lifeline utilities **or Regionally Significant Infrastructure;***

6. *People noise at recreational activities, such as sporting events or the noise from children at school ~~or daycare facilities~~ or in residential dwellings. This did not include any amplified noise;*

7. *Vehicles being driven on a road (within the meaning of Section 2(1) of the Transport Act 1998), or within a site as part of or compatible with an ~~normal residential~~ activity **provided for as a permitted activity in that zone;***

8. *Trains **operating** on rail lines (public or private) and crossing bells within road reserve, including at railway yards, railway sidings or stations. However, this exemption did not apply to the testing (when stationary), maintenance, loading or unloading of trains;*

9. *Road construction work where management controls are in place to mitigate the emission of noise;*

10. ~~*Any residential activity on the same site as a noise source being assessed;*~~

11. *Agricultur**al**~~e~~, **pastoral and** horticultur**al**~~e~~ ~~and pastoral farming~~ activities undertaken ~~for a limited duration, including using agricultural vehicles, machinery, aircraft or equipment used on a seasonal or intermittent basis~~ in the General Rural and Rural Lifestyle zones;*

12. *~~Infrequent a~~**A**ircraft **take off and** landing ~~for~~ **associated with** rural production **activities and conservation activities** ~~purposes on an intermittent basis~~ **for no more than 30 days in any 12 month period per site** ~~including aerial topdressing and helicopter movements;~~*

13. *Non-commercial motorised watercraft operating on the surface of waterbodies;*

14. *Rifle ranges located within the Rifle Range Protection Area **during the hours of 7am to 10pm;***

15. ~~*Impulsive sounds (such as hammering and bangs) and dog barking noise which are poorly assessed by reference to NZS 6802:2008 Acoustics Environmental Noise;*~~

16. *The noise is emitted from an audible bird scaring device between the hours of half an hour before sunrise and until half an hour after sunset, not used at a frequency of more than 12 events per hour**, and generating less than 65 dB LAE for each event; and***

17. *The noise is from a Temporary Activity where the temporary activity occurs between 7:00am and 10:00pm **and no more than 12 days per calendar year** ~~– only~~, and if operating outside of these hours complies with the underlying noise standards of the zone. **This did not include any amplified noise.***

Activity status were compliance not achieved:** ~~Restricted Discretionary~~ **N/A

NOISE - R3 Acoustic Insulation Requirements for New Buildings for Use by a Sensitive Activity

196. Ms Evans acknowledged the support from Te Mana Ora (S190.537) to retain the rule as notified. However, she noted her recommended amendments in response to other submission points.

197. KiwiRail (S442.088), which was summarised in relation to the whole chapter above, sought amendments to include noise, vibration and mechanical ventilation standards provided in Appendix A provided.

198. Five submitters[35] sought deletion of NOISE-R3, including BDC who considered that the rule was not necessary given the low traffic environment. These submission points were all opposed in further submissions from KiwiRail. Two submitters[36] sought to delete the rule or clause (f), or add an exemption for property owners that accept noise mitigation where this is registered on the title in the form of a consent notice.

199. Poutini Ngāi Tahu (S620.211) requested engagement of an acoustic expert to assess the generated noise, vehicle speeds and times it is generated on the state highway and rail networks; and a reassessment of the rules on the basis of protecting human health. Ms Evans considered the assessment of Mr Peakall had partly addressed this and she noted the acoustic insulation rules were similar to other recent district plans.

200. In response to these submission points, Ms Evans supported retaining NOISE-R3 subject to recommended amendments, based on the evidence of Mr Peakall. She considered the rule would give effect to the NOISE objectives by ensuring appropriate internal noise levels can be achieved for sensitive activities close to noise generating activities.

201. Jakie Mathers and Bart Gillman (S228.006) sought that acoustic insulation is only required for new builds if specific information was freely provided. They also sought alternative relief through a 'no complaints' covenant approach to new builds (S228.007). Ms Evans rejected this approach due to the implementation and monitoring costs; and considered it would not achieve NOISE-O3 because it would not provide for appropriate internal amenity outcomes. The submitter (S228.005) also sought that no vibration standard be applied to stand alone residential dwellings. Ms Evans did not support this based on the technical advice from Mr Peakall.

202. NZTA Waka Kotahi (S450.171) sought amendments based on the current rule structure, and Ms Evans agreed that minor formatting changes were required to improve clarity. NZTA Waka Kotahi also sought amendments to apply vibration requirements to buildings 20m from a state highway, which was supported by Ms Evans based on Mr Peakall's technical advice. NZTA Waka Kotahi also sought to include state highway noise contours as an overlay, to replace the buffer approach. This was supported by Mr Peakall as an effective approach. Ms Evans considered that a high noise overlay could improve the efficiency of the rule requirements in relation to the state highways, and invited the submitter to provide detailed evidence and planning analysis. Ms Evans suggested amendments, if the overlay was supplied and the approach was supportable, as follows:

> *1. The building will be used by a sensitive activity and is located within:*
> *~~a. a. 80m of the edge of the carriageway of a State Highway with a speed limit of 70kph or greater; or~~*
> *~~b. 40m of the edge of the carriageway of a State Highway with a speed limit of less than 70kph; where~~*

[35] Buller District Council (S538.333), Chris & Jan Coll (S566.325), Chris J Coll Surveying Limited (S566.325), Laura Coll McLaughlin (S474.325) and William McLaughlin (S567.386), Jacobus Wiskerke (S95.004)
[36] Bert Hofmans (S504.012) and Lindy Millar (S505.012)

The High Noise Overlay shown on the planning maps:

203. Gina Hogarth (S304.002) and Misato Nomura (S151.002) sought to provide for permitted mitigation measures (e.g. bunding) as an alternative option. Gina Hogarth sought further consideration of the low traffic volumes in Buller. Mr Peakall suggested an appendix could be added to the pTTPP outlining examples of acceptable design solutions to achieve the requirements of the rule. He considered this would provide more certainty to plan users and reduce costs compared to requiring acoustic certification. Ms Evans noted the rule did not preclude use of noise mitigation designs (such as bunds and fences) given it only set the internal noise levels to be achieved. She considered use of an appendix would address some of the submissions points and was an acceptable solution that could improve certainty and potentially reduce costs.

204. Deb Langridge (S252.006) sought that buildings producing noise should be adequately insulated. Ms Evans rejected this submission because the emission of noise was managed under other NOISE rules.

205. Margeret Montgomery (S442.080) sought that setback requirements were reduced. Without further evidence or justification, Ms Evans rejected this submission and considered the amendments recommended by Mr Peakall may address the submitter's concerns.

206. Four submitters[37] sought similar amendments, with some requesting that acoustic insulation be required for residential buildings within 250m of the Rifle Range Protection Area, and others requesting that acoustic insultation requirements should be applied to all sensitive activities. Ms Evans accepted these submissions in part, however, rather than a 250m buffer as requested, she recommended the inclusion of noise contours in accordance with Mr Peakall's evidence.

207. In response to submission points[38] that sought to include acoustic insulation requirements for new buildings containing sensitive activities built in the proposed Alma Road development, within 100m of the consented quarry, Ms Evans noted that Ms Easton had informed her that the land around the quarry was likely to be zoned GRUZ, so the insulation is not required. Mr Peakall considered acoustic insultation provisions within 100m of quarry operations were unnecessary because quarry activities were subject to noise rules in the Plan.

208. Ms Evans did not support the request by SFF (S441.041) to include a new clause requiring acoustic insulation for new and altered buildings adjacent to an industrial site because she considered potential reverse sensitivity effects were better managed through appropriate zoning and zone provisions.

209. The s42A Report noted that Ms Easton had recommended that Haast Airfield be added to the Airport Zone and the 55dBA contour be included on the planning maps as part of the Special Purpose Zone Chapter hearing. Ms Evans noted this required a consequential amendment to clause (d) and NOISE-R10.

210. The Addendum Report responded to evidence circulated before the hearing. In response to Dr Chiles' evidence for Te Mana Ora and his request to include reference to the ventilation requirements in the proposed appendix, Mr Peakall agreed. However, he did not agree with

[37] Westport Pistol Club (S336.016), Westport Rifle Club (S457.009), Dean Trott (S330.002), Chris Hartigan (S338.002)
[38] Avery Brothers (S609.061 and S609.069), Bradshaw Farms (S511.069), Leonie Avery (S507.069), Jared Avery (S508.069), Kyle Avery (S509.069), Paul Avery (S512.069), Brett Avery (S513.069)

Dr Chiles that the ventilation rule should be retained as notified because he considered the notified rule contained overly excessive controls.

211. In response to the evidence of Mr Tuck for SFF, Mr Peakall considered the proposed rules in relation to the General Rural Zone (**GRUZ**) and new NOISE-RX were appropriate to provide adequate protection to noise sensitive receivers in the vicinity of the Hokitika site. Mr Peakall considered the daytime noise level sought by Mr Tuck, of 60 dB_{LAeq}, was excessive. He noted that the proposed upper daytime limit for a noise sensitive activity of 55 dB_{LAeq} was appropriate.

212. In response to Ms McKenzie's evidence for the Westport Pistol Club (and others), Mr Peakall considered these concerns had been addressed through the implementation of a refined rifle range noise contour overlay and slight refinements to the wording of NOISE-R3. Ms Evans also supported the inclusion of a rule for sensitive activities within the 60dB contour as requested.

213. In response to Dr Chiles' evidence for NZTA Waka Kotahi, Mr Peakall agreed that the text in NOISE-R3 should be updated to include alterations to existing buildings containing sensitive activities. Mr Peakall agreed with the suggestion of NZTA Waka Kotahi to include a Road Noise Overlay in NOISE-R3 but considered that either a setback or overlay approach was generally acceptable to ensure adequate insulation of noise sensitive activities from road traffic noise. Ms Evans accepted this approach in principle.

214. Ms Evans supported the evidence of Mr Peakall and recommended inclusion of shapefiles provided by Mr Pearson within the planning maps to create a Road Noise Overlay for state highways. To achieve this, she recommended deleting clauses (a) and (b) and replacing it with reference to the '*Road Noise Overlay shown in the planning maps*'. She also supported deleting clause (b)(ii) based on the inclusion of the Road Noise Overlay.

215. Ms Evans also supported the NZTA Waka Kotahi submission requesting the necessity to specify that ventilation was to be provided in accordance with NOISE-R3(1)(f), which was also supported by Mr Peakall. She considered this provided a helpful cross-reference and would assist with the accuracy and effectiveness of Appendix 1.

216. In the Addendum Report, Ms Evans noted that she had scheduled pre-hearing discussions with KiwiRail. Overall, she agreed with the experts for KiwiRail and Mr Peakall and supported the setbacks provided by KiwiRail, and inclusion of a provision that allows for line of sight screening. Ms Evans also agreed with Mr Peakall's advice and supported KiwiRail's submission to apply acoustic insulation requirements to '*new or altered*' habitable rooms being applied throughout NOISE-R3.

217. In response to Dr Chiles' evidence for KiwiRail, Mr Peakall noted that similar points had been raised in the NZTA Waka Kotahi evidence regarding the ventilation rule, which Mr Peakall has addressed. Mr Peakall noted that he now agreed with Dr Chiles position that a 100m setback for noise and 60m setback for vibration was needed for railway noise and vibration, and now agreed these were the appropriate setbacks. Mr Peakall maintained his position that a single design control for all sensitive activities was appropriate.

218. Mr Peakall also identified several technical refinements and corrections, which Ms Evans was supportive of on the basis they will improve accuracy, clarity and potentially address cost concerns.

219. Appendix 1 of the Addendum Report recommended amending NOISE-R3 and adding new Appendix X, as follows:

Acoustic Insulation Requirements for New or Altered Buildings for Use by a Sensitive Activity

Activity Status Permitted

Where:

The building will be used by a sensitive activity and is located within ***the Road Noise Overlay shown on the planning maps****:*

~~*a. 80m of the edge of the carriageway of a State Highway with a speed limit of 70kph or greater; or*~~

~~***b.*** *40m of the edge of the carriageway of a State Highway with a speed limit of less than 70kph;*~~ *where****:***

i. *Any habitable room used for a sensitive activity* ***and/or space used for sleeping*** *must be designed and constructed to achieve a* ~~*minimum*~~ ***maximum*** *internal noise* ~~*limit*~~ ***level*** *of 40dB$_{LAeq}$ (24h); and*

ii. ~~*Compliance with i. above must be achieved based on an existing noise level with 3 decibel addition adjacent to State Highways allowing for future traffic increase; and*~~

iii. *Any* ***new or altered habitable room and/or space used for sleeping*** ~~*building*~~ ***within 20m of the edge of the carriageway*** *must be designed, constructed and maintained to achieve vibration limits not exceeding 0.3mm/s (Class C criterion Maximum Weighted Velocity, Vw,95);*

c. ~~*4*~~***10****0m of the edge of the tracks of a railway line where*~~***:***~~

~~*i. A*~~***a****ny* ***new or altered*** *habitable room used for a sensitive activity* ***and/or spaced used for sleeping:***

i. ~~*-must be designed and constructed to achieve a maximum internal noise limit*~~ ***level*** *of 35 dB$_{LAeq}$ (1h);*~~

~~*ii. Compliance with i. above must be achieved based on an assumption of 70 dB$_{LAeq}$ (1h) at a distance of 12m from the railway track and shall be deemed to reduce at a rate of 3 dB per doubling of distance up to 40m;*~~ ***or***

~~*iii.*~~ ***is at least 50 metres from any railway network, and is designed so that a noise barrier completely blocks line-of-sight from all parts of doors and windows to all points 3.8 metres above railway tracks***

cx. 60m of the edge of the tracks of a railway line where any new or altered habitable room and/or space used for sleeping

~~*iv. Any building must be designed, constructed and maintained to achieve vibration limits not exceeding 0.3mm/s (Class C criterion Maximum Weighted Velocity, Vw,95);*~~

d. *The 50 dB*~~***A*** *Noise Contour boundary of Franz Josef Heliport or the 55 dB*~~***A*** *Noise Contour boundary of the Westport or Hokitika Airports or Greymouth or Karamea Aerodrome or* ***Haast Airfield****; where:*

i. *Any* ***new or altered*** *habitable room* ***and/or space used for sleeping*** *must be designed and constructed to achieve a* ~~*minimum*~~ ***maximum*** *indoor design noise level of 40 dB Ldn;*

e. *Any CMUZ - Commercial and Mixed Use Zone, INZ - Industrial Zone or AIRPZ - Airport Zone, PORTZ - Port Zone, STADZ - Stadium Zone, HOSZ - Hospital Zone, BCZ - Buller Coalfield Zone or MINZ - Mineral Extraction Zone; where*

i. *The building is designed and constructed to ensure that the following indoor design noise levels are not exceeded:*

a. ***40~~35~~*** *dB_{LAeq} inside* ***any habitable room*** ***~~bedrooms~~****;*

b. ***35~~40~~*** *dB_{LAeq} inside* ***~~any other habitable room, except for~~*** *bedrooms* ***between 10pm and 7am****; and*

ex. ~~The Rifle Range Protection Area~~ Between the 55 dB_{LAFmax} and 60 dB_{LAFmax} contours of the Westport Rifle Range Noise overlay shown on the planning maps:

i. Any habitable room used for a sensitive activity and/or space used for sleeping must be designed and constructed to achieve a maximum internal noise level of 35 dB_{LAFmax} from outdoor noise associated with lawfully established activities at the Westport Rifle Range; and

ii. outdoor living area not less than 30m^2 must be screened from the Rifle Range to achieve an outdoor noise level not exceeding 50 dB_{LAFmax}.

f. Where windows need to be closed to achieve the internal noise levels specified in a. to ***~~e~~ex****. above an alternative ventilation system shall be provided which achieves the following requirements:*

i. Satisfies clause G4 of the New Zealand Building Code;

ii. Is adjustable by the occupant to control the ventilation rate in increments up to a high air flow setting that provides at least 6 air changes per hour; and

iii. Provides relief for equivalent volumes of spill air; and

iv. Provides cooling and heating that is controllable by the occupant and can maintain the inside temperature between 18oC and 25oC; and

v. Does not generate more than 35 dB_{LAeq}(30s) when measured ***at least*** *1m away from any grille or diffuser.*

Advice Note:

1. *Compliance with Rule NOISE - R3 will be achieved if, prior to the construction of any building containing a* ***new or altered*** *habitable room* ***and/or space used for sleeping****, an acoustic design certificate from a suitably qualified acoustic engineer is provided to the relevant district council stating that the design will achieve compliance with the relevant standard. The building shall be designed, constructed and maintained in accordance with the design certificate; or.*

2. For Rule R3 1 a i) or Rule R3 1 c i) compliance will be achieved if the construction conforms to the acceptable solutions listed in NOISE-APP1-Acceptable constructions requirement, Part A and meets the ventilation requirements of Rule R3.1.f; or

3. *For Rule R3 1 a iii) or Rule R3 1 c iii) compliance will be achieved if the construction conforms to the acceptable solutions listed in NOISE-APP1-Acceptable constructions requirement, Part B* ***and meets the ventilation requirements of Rule R3.1.f*** *.*

It is recommended that a new appendix be added as follows:

Appendix X – Acceptable Construction Design for Acoustic Insulation Requirements for New Buildings for Use by a Sensitive Activity Subject to Noise R39

Part A: Approved construction requirements for compliance with Noise-R3 1 a i) and Noise-R3 1 c i)

Applicability	

	Construction requirements detailed in this appendix are only applicable where: ***1. The building containing the sensitive activity is located with the State Highway Noise Control Boundary Overlay shown on the planning maps or is within 60m of an Existing Rail Corridor,*** ***2. The building is a single level construction,*** ***3. The floor of the building is a reinforced concrete slab,*** ***4. No habitable room of the building is located less than 4.5 metres from the road boundary,*** ***5. The total area of glazing in any habitable room is no greater than 20% of the total area of external walls of that room.*** ***6. The roof of the building is a standard timber truss design, with a pitch of not less than 15 degrees. Ventilation of the roof space must only be via casual ventilation typical of the jointing, capping and guttering detail used in normal construction.*** ***In all other situations, a design report from a suitably qualified acoustics specialist is required.***
Construction Options	
Exterior Walls Option 1	***Exterior cladding of Aerated Concrete or similar, with a surface mass not less than 27 kg/m^2.*** • ***Timber framing of not less than 90 mm, with studs at 600 mm centres. A ventilated cavity is not required under this option but is permissible, with or without a rigid air barrier,*** • ***Fibrous insulation of minimum R2.6. This includes fibreglass, polyester and wool, but did not include polystyrene or other foam sheet insulation products,*** • ***1 layer of 10 mm thick Standard Gib board or alternative gypsum board having a surface mass not less than 6 kg/m2***
Exterior Walls Option 2	***Exterior cladding of Profiled sheet metal not less than 0.45 mm thick.*** • ***20 mm thick battens forming a ventilated cavity,*** • ***Rigid air barrier consisting of Plywood not less than 9 mm thick or Fibre Cement not less than 4 mm thick, or alternative sheet product having a surface mass not less than 5 kg/m^2.*** • ***Timber framing of not less than 90 mm, with studs at 600 mm centres,*** • ***Fibrous insulation of minimum R2.6. This includes fibreglass, polyester and wool, but did not include polystyrene or other foam sheet insulation products,*** • ***1 layer of 10 mm thick Standard Gib board or alternative gypsum board, having a surface mass not less than 6 kg/m^2,***
Applicability	

Exterior Walls Option 3	***Exterior cladding of Fibre Cement weatherboards, with a surface mass not less than 18 kg/m2 (Hardies Linea or equivalent)*** • ***20 mm thick battens forming a ventilated cavity,*** • ***Rigid air barrier consisting of Plywood not less than 7 mm thick or Fibre Cement not less than 4 mm thick, or alternative sheet product having a surface mass not less than 3.8 kg/m2.*** • ***Timber framing of not less than 90 mm, with studs at 600 mm centres,*** • ***Fibrous insulation of minimum R2.6. This includes fibreglass, polyester and wool, but did not include polystyrene or other foam sheet insulation products,*** • ***1 layer of 10 mm thick Standard Gib board or alternative gypsum board, having a surface mass not less than 6 kg/m^2,***
Glazing and Exterior doors - All options	• ***Windows to consist of double glazing consisting of a minimum of 2 layers of 4 mm thick glass separated by a 12 mm airgap, with airtight seals,*** • ***External doors to be either double glazed to the same standard as windows, or be a solid timber construction with a surface mass not less than 24 kg/m^2 and incorporating full perimeter seals.***
Roof – All Options	• ***Profiles metal roofing not less than 0.45 mm thick profiled steel or tiles,*** • ***Fibrous insulation of minimum R6. This includes fibreglass, polyester and wool, but did not include polystyrene or other foam sheet insulation products,*** • ***2 layers of 10 mm Standard Gib board or alternative gypsum board, with each layer having a surface mass not less than 6 kg/m^2.***

Part B: Approved construction requirements for compliance with Noise-R3 1 a iii) and Noise-R3 1 c iii)

Any new buildings or alterations to existing buildings containing a sensitive activity, closer than 60 metres to the boundary of an Existing Rail Corridor and is a single storey framed building with:

a. a constant level floor slab on a full-surface vibration isolation bearing with natural frequency not exceeding 10 Hz, installed in accordance with the supplier's instructions and recommendations: and

b. vibration isolation separating the sides of the floor slab from the ground; and

c. no rigid connections between the building and the ground In all other situations, a design report from a suitably qualified specialist is required demonstrating Compliance with Rule R3 1 c iii).

NOISE - R4 Emission of Noise for Temporary Military Training Activities

220. Ms Evans acknowledged the support from NZDF (S519.028) and BDC (S538.334) to retain the rule as notified. However, she noted her recommended amendments that arise from other submission points.

221. Te Mana Ora (S190.538) sought the replacement of '*C*' with '*LCpeak*.' Ms Evans supported this because Mr Peakall confirmed '*LCpeak*' was the correct reference.

222. Ms Evans supported the correction of a typographical error to change 1.250m to 1.250km in response to the Westport Rifle Club (457.010) and the Westport Pistol Club (S336.011).

NOISE - R5 to NOISE – R8 and NOISE-R11

223. Ms Evans included an additional 'introduction' section outlining the proposed changes to the rules listed above. She noted that these rules effectively managed the same issue of noise limits but in different zones and considered these as a whole – setting out general issues with the rules and a recommended approach across the district.

224. Ms Evans noted the differences in the rule headings such as the use of '*generated*' and providing limits for where the noise was '*received*' had caused confusion for some submitters. She also noted there was a range of different hours for day/night time noise limits in different zones. She also noted the provisions were inconsistent in relation to noise limits at the receiving site - depending on where the noise was generated.

225. Ms Evans noted that submissions varied in support and opposition but she considered that there was opportunity to improve clarity by consolidating and simplifying the approach, and to better achieve the NOISE objectives. To address this, she supported Mr Peakall's recommendation that rules NOISE-R5 to NOISE-R8 and R11 were replaced by one overall general noise rule based his rule table for different zones (new Rule NOISE-RX). Ms Evans considered this would simplify and streamline the rules.

226. In the Addendum Report, Mr Peakall accepted the proposals put forward by Dr Chiles for Te Mana Ora with respect to some NOISE-RX drafting issues. Mr Peakall disagreed with Dr Chiles' suggestion to remove the exemption for unplanned engine testing, as he noted this was necessary for an airport and testing was infrequent. He considered a definition for '*aircraft operation*', as proposed by Dr Chiles, was unnecessary. He also considered providing for different noise limits in the evening period was not needed and noted that conversely, several submitters had sought more relaxed noise limits.

227. In response to the evidence of Mr Hegley for WMS Group *et. al.*, Mr Peakall suggested a balance was required between protecting sensitive activities and allowing noise generating activities to occur. He therefore disagreed with Mr Hegley's request for more relaxed weekend and night-time limits. He noted the drafting error in NOISE-RX picked up by Mr Hegley had already been addressed in response to Dr Chiles' evidence. Mr Peakall did not consider the fundamental intent of the Mineral Extraction Zone noise rules had fundamentally been altered in new Rule NOISE-RX, as suggested by Mr Hegley.

228. Ms Evans acknowledged the concerns raised in three submission points and two further submission points, that there may be potential for constraint on extractive industries due to the new Rule NOISE-RX focus on protection of amenity. She noted she would liaise with the s42A Report author for the Mineral Extraction Chapter hearing and update this matter at the hearing.

229. Ms Evans agreed that the current wording in relation to '*notional boundary'* was unclear and supported addressing this in the recommended wording for new Rule NOISE-RX. She also supported Te Mana Ora's request to refer to the *'maximum noise level*', which was supported by Mr Peakall, and considered this would improve clarity.

230. Appendix 1 of the Addendum Report showed NOISE-R5 to NOISE-R8 and NOISE-R11 deleted and recommended adding new Rule NOISE-RX as follows:

NOISE-RX

Activity Status Permitted

Activity status where compliance not achieved: Restricted Discretionary

Where:

1. Noise from any activity shall not exceed the following noise limits at any point at or within the boundary of any site within any of the following zones:

Zone	***Maximum Noise Limit***		
	Daytime (Monday–Friday) 7:00am-10:00pm	***Saturday, Sundays and Public Holidays 7:00 am –10:00pm***	***Night-time 10:00pm-7:00am***
RESZ Residential Zone ***SETZ Settlement Zone*** ***GRUZ General Rural Zone*** ***RLZ Rural Lifestyle Zone*** ***MPZ Māori Purpose Zone*** ***HOSZ Hospital Zone*** ***OSZ Open Space Zone*** ***NOSZ Natural Open Space Zone*** ***SVZ Scenic Visitor Zone*** ***FUZ Future Urban Zone***	***55 dB L_{Aeq}***	***50 dB L_{Aeq}***	***45 dB L_{Aeq}*** ***70 dB L_{AFmax}***

2. Noise from any activity shall not exceed the following noise limits at any point at the notional boundary of any site within any of the following zones:

Zone	***Maximum Noise Limit***		
	Daytime (Monday–Friday) 7:00am-10:00pm	***Saturday, Sundays and Public Holidays 7:00 am –10:00pm***	***Night-time 10:00pm-7:00am***

GRUZ General Rural Zone ***RLZ Rural Lifestyle Zone***	***55 dB L_{Aeq}***	***50 dB L_{Aeq}***	***45 dB L_{Aeq}*** ***70 dB L_{AFmax}***

3. The maximum noise from any activity shall not exceed the following noise limits at any point at or within the boundary of any site within any following zones:

Zone	***Maximum Noise Limit***		
	Daytime ***(Monday–Friday) 7:00am-10:00pm***	***Saturday, Sundays and Public Holidays 7:00 am –10:00pm***	***Night-time 10:00pm-7:00am***
SARZ Sport and Recreation Zone ~~***PORTZ Port Zone***~~ ***AIRPZ Airport Zone*** ***CMUZ Commercial and Mixed Use Zones*** ***STADZ Stadium Zone*** ***LIZ Light Industrial Zone***	***60 dB L_{Aeq}***	***55 dB L_{Aeq}***	***50 dB L_{Aeq}*** ***75 dB L_{AFmax}***
GIZ General Industrial Zone ***PORTZ Port Zone*** ~~***BCZ Buller Coalfield Zone***~~ ~~***MINZ Mineral Extraction Zone***~~	***65 dB L_{Aeq}***	***65 dB L_{Aeq}***	***65 dB L_{Aeq}***

4. Noise from any activity shall not exceed the following noise limits at any point at the notional boundary of any sensitive activity within any of the following zones:

Zone	***Maximum Noise Limit***		
	Daytime ***(Monday–Friday) 7:00am-10:00pm***	***Saturday, Sundays and Public Holidays 7:00 am –10:00pm***	***Night-time 10:00pm-7:00am***

~~***SARZ Sport and Recreation Zone***~~ ~~***AIRPZ Airport Zone***~~ ~~***CMUZ Commercial and Mixed Use Zones***~~ ~~***STADZ Stadium Zone***~~ ~~***LIZ Light Industrial Zone***~~ ~~***GIZ General Industrial Zone***~~ ~~***PORTZ Port Zone***~~ ***BCZ Buller Coalfield Zone*** ***MINZ Mineral Extraction Zone***	***55 dB L_{Aeq}***	***55 dB L_{Aeq}***	***45 dB L_{Aeq}*** ***75 dB L_{AFmax}***

NOISE - R5 Emission of Noise in the RESZ - Residential Zones, SETZ - Settlement Zone and NOSZ - Natural Open Space Zone

231. Te Mana Ora (S190.540) sought to restructure all zone limits to relate to the site receiving noise, the reformatting of day/time definitions to follow NZS 6802:2008, and if not restricted, replacement of '*another site in the RESZ, SETZ and NOSZ*' with '*within the notional boundary of any sensitive activity within any site receiving noise*.' Ms Evans recommended this submission point was accepted based on the advice of Mr Peakall that the noise limits had been restructured and simplified in new Rule NOISE-RX.

232. In response to a request from Scott Freeman (S383.002) to include the rural-lifestyle zone in NOISE-R5, Ms Evans supported Mr Peakall's advice that this point be rejected because the rural lifestyle zone was recommended to be included in a lower noise environment.

233. In response to submission points[39] which sought to amend timeframes to be more enabling, Ms Evans noted that the submission points were accepted in part because the proposed simplified approach had resulted in an extension of daytime hours.

234. Nineteen submission points[40] sought to better enable quarrying operations, either by mitigating reverse sensitivity effects, excluding consented quarrying activities, enabling quarry operations or deleting NOISE-R5. Ms Evans did not support these requests on the basis that the limits applied depended on the receiving environment. She noted Mr Peakall considered the recommended limits were the minimum standards he supported to protect peoples' health, safety and wellbeing.

235. In response to BDC's (S538.335) request to replace '*another*' with '*any other*,' and extend the noise timeframes to 10:00pm, Ms Evans accepted this submission. This was on the basis that Mr Peakall has recommended the daytime limit was extended to 10:00pm and clarification that noise limits apply in the receiving environment.

236. Two submission points (S353.003 and S462.033) sought that permitted activities were restricted to 45 dB L_{Aeq} or that noise limits of 45 dB L_{Aeq} were not exceeded at residential properties. Ms Evans rejected these submissions on the basis of Mr Peakall's technical advice,

[39] Chris & Jan Coll (S566.326), Chris J Coll Surveying Limited (S566.326), Laura Coll McLaughlin (S474.326) and William McLaughlin (S567.387)
[40] Avery Brothers (S609.062 and S609.070), Bradshaw Farms (S511.070), Leonie Avery (S507.070), Jared Avery (S508.070), Kyle Avery (S509.070), Paul Avery (S512.070), Brett Avery (S513.070), Geoff Volckman (S563.093 and S563.094), Catherine Smart Simpson (S564.105, S564.108 and S564.109), Karamea Lime Company (S614.134 and S614.135), Peter Langford (S615.134 and S615.135) Koiterangi Lime Co. Ltd (S577.085 and S577.088)

which considered a balance was required between the ability to generate noise and protection from unreasonable noise.

237. Ms Evans recommended that NOISE-R5 was deleted and replaced with new Rule NOISE-RX.

NOISE-R6 Emission of Noise in the GRUZ - General Rural Zone, RLZ - Rural Lifestyle Zone, MPZ - Māori Purpose Zone, FUZ - Future Urban Zone, SARZ - Sport and Recreation Zone and OSZ - Open Space Zone

238. Three submission points[41] sought lower noise limits and/or shorter daytime hours, and one submission point also sought that noise be measured from property boundaries rather than notional boundaries. Ms Evans did not support lower noise limits or shorter day time hours based on Mr Peakall's advice that balance was required between the ability to generate noise and the overall protection from unreasonable noise. However, she recommended the approach of measuring noise from the property boundary for all zones except General Rural and Rural Lifestyle, so that part of the submissions was accepted.

239. Te Mana Ora (S190.542) sought to restructure of all zone noise limits to relate to sites receiving noise. Ms Evans accepted this submission and noted new Rule NOISE-RX adopted this approach, as advised by Mr Peakall.

240. Scott Freeman (S383.001) sought that noise in the rural lifestyle zone be measured at any point in the site (as per the residential and settlement zones) rather than the notional boundary. Ms Evans rejected this submission based on Mr Peakall's recommendation that these zones enable rural activities and should be treated in the same manner with respect to the noise receiving environment.

241. Six submission points[42] sought to have the Monday-Friday daytime limits applied across the weekend and public holidays in the GRUZ to allow the same limits all week. Ms Evans relied on Mr Peakall's expert opinion that lower limit in weekends and public holidays in the General Rural Zone was appropriate to allow for some respite. Mr Peakall advised that the noise limits he supported were a minimum for protection. Ms Evans accepted this advice and considered the surrounding environment was more sensitive in weekend hours. On this basis, she rejected these submission points.

242. Hort NZ (S486.087) sought that the noise rules did not curtail rural productivity, provided noise standards of at least 55 dB L_{Aeq} to enable a '*normal rural environment',* and include an exemption for rural production activities, such as frost fans. Ms Evans noted that NOISE-R2 provided such an exemption. She noted Mr Peakall has recommended a daytime limit of 55 dB L_{Aeq} and therefore considered the relief sought was generally met.

243. One submission point (S522.006) opposed NOISE-R6 and sought to retain the noise limits in the operative Westland District Plan. Ms Evans did not support this submission because she considered the recommended provisions reflected the Planning Standard requirements and zoning, ensured consistency, and were supported by technical analysis.

244. BDC (S538.336) sought the deletion of '*at any point*' and '*receiving noise'* and sought the addition of '*other*.' Ms Evans considers the new Rule NOISE-RX met the intent of this relief sought.

[41] Deb Langridge (S252.004), Sharon Langridge (S388.006)
[42] Rocky Mining Limited (S474.050), TiGa Minerals and Metals Limited (S493.088), WMS Group (S599.095), Birchfield Coal Mines Ltd (601.074), Papahaua Resources Ltd (S500.034), Horticulture NZ (S486.060)

245. Four submission points[43] sought timeframes to be more enabling of noise generating activities. Ms Evans noted that the timeframes were recommended to be simplified, and in some cases, this had extended daytime hours. She therefore accepted these submission points in part.

246. Ten submission points[44] sought to better enable quarrying operations, either by mitigating reverse sensitivity effects, enabling quarry operations or deleting time restrictions. Ms Evans noted that the rules applied limits depending on the receiving environment. She considered the submitters had not provided evidence to confirm risks from noise, or specific drafting. For these reasons, and based on Mr Peakall's advice, the submissions were not supported.

247. Ms Evans recommended that NOISE-R6 be deleted and replaced with new Rule NOISE-RX.

NOISE - R7 Emission of Noise in all CMUZ - Commercial and Mixed Use Zones, HOSZ - Hospital Zone, STADZ - Stadium Zone and SETZ - PREC2 - Settlement Zone - Settlement Centre Precinct

248. Te Mana Ora (S190.542) sought to restructure all zone noise limits to relate to sites receiving noise. Ms Evans accepted this submission and noted new Rule NOISE-RX adopted this approach.

249. BDC (S538.337) sought the replacement of '*at*' with '*within*', the addition of *'other'*, and the deletion of '*receiving noise*.' While this rule was proposed to be deleted, Ms Evans considered new Rule NOISE-RX clarified these terms and therefore this submission point was accepted in part.

250. Ms Evans recommended that NOISE-R7 was deleted and replaced with new Rule NOISE-RX.

NOISE - R8 Emission of Noise within the GIZ - General Industrial and LIZ - Light Industrial Zone

251. Ms Evans noted the support from KiwiRail (S442.007) for NOISE-R8 as notified and the request (S442.008) to add a definition for *'noise sensitive activity'*, which was addressed above.

252. Te Mana Ora (S190.543) sought to restructure all zone noise limits to relate to sites receiving noise. Ms Evans accepted this submission and noted new Rule NOISE-RX adopted this approach.

253. In response to the request from Sharon Langridge (S388.007) that sought that notional boundary be replaced with property boundary, Ms Evans noted that this was reflected in new Rule NOISE-RX and therefore this submission point was accepted.

254. SFF (S441.042) sought to include a commensurate permitted noise level to that specified in Table 5.1 in the Westland District Plan is provided. Mr Peakall noted that this operative rule used an outdated metric and therefore this submission point was not supported by Ms Evans.

255. BDC (S538.338) sought the replacement of '*at*' with '*within*', the addition of '*other*', and the deletion of '*receiving noise*.' While this rule was proposed to be deleted, Ms Evans considered new Rule NOISE-RX clarified these terms and therefore this submission point was accepted in part.

[43] Chris & Jan Coll (S566.327), Chris J Coll Surveying Limited (S566.327), Laura Coll McLaughlin (S474.388) and William McLaughlin (S567.388)
[44] Geoff Volckman (S563.095), Catherine Smart Simpson (S564.106 and S564.110), WMS Group (S599.095), Karamea Lime Company (S614.136 and S614.138), Peter Langford (S615.136 and S615.138) Koiterangi Lime Co. Ltd (S577.086 and S577.089)

256. Ms Evans recommended that NOISE-R8 was deleted and replaced with new Rule NOISE-RX.

NOISE - R9 Emission of Noise within the PORTZ - Port Zone

257. Ms Evans acknowledged the support from BDC (S538.339) and WMS Group (S599.096) that sought to retain the rule as notified. However, she noted her recommended amendments in response to other submission points.

258. Ms Evans accepted the request from Te Mana Ora (S190.544) to add a new clause to require use of a Port Noise Management Plan to implement NZS 6809 because this was supported by Mr Peakall. Ms Evans recommended minor amendment to replacing '*updated*' with '*reviewed*'. She also recommended adding '*from Port Activities'* to the heading and '*port*' to clause (1) as a consequential amendment to adding new Rule NOISE-RX for clarity.

259. Appendix 1 of the Addendum Report recommended amending NOISE-R9 as follows:

> ***NOISE-R9*** *Emission of Noise* ***from Port Activities*** *within the PORTZ - Port Zone*
>
> *Activity Status Permitted*
>
> *Where:*
>
> 1. *The maximum noise generated from* ***port*** *activities is in accordance with the limits, control boundaries and methods of measurement as outlined in NZS 6809: 1999 Acoustics Port Noise Management and Land Use Planning.*
>
> 2. ***All activities are conducted in accordance with a Port Noise Management Plan that is reviewed annually, sets out the details of how NZS 6809 is being implemented, and is publicly available on the port operator's website.***

NOISE - R10 Emission of Noise within the AIRPZ - Airport Zone

260. Ms Evans acknowledged the support from submitters[45] that sought to retain the rule as notified. However, she noted her recommended amendments in response to other submission points.

261. Ms Evans accepted in part the requests from Te Mana Ora (S190.544) to include further limiting maximum noise limits associated with aircraft engine testing, for noise emissions to be measured from the notional boundary of any sensitive activity, for LAeq measurements to be amended to 15 minutes (rather than hours), inclusion of other airports/Aerodromes, and the inclusion of a new clause requiring use of a Noise Management Plan to implement NZS 6805 or NZS 6807. However, she recommended replacing '*updated*' with '*reviewed*', similar to the port noise amendment above.

262. Mr Peakall noted that for areas inside the noise boundaries in the Rural Zone, he would normally recommend prohibition of new residential activities. However, this suggestion was not reflected by Ms Evans in the noise s42A Report.

263. Appendix 1 of the Addendum Report showed recommended amendments to NOISE-R9 as follows:

> ***NOISE-R10*** *Emission of Noise within the AIRPZ – Airport Zone*
>
> *Activity Status Permitted*

[45] Totally Tourism Limited (S449.006), New Zealand Defence Forse (S519.029), Buller District Council (S538.340)

Where:

1. *Noise from aircraft operations at Hokitika and Westport Airports and Greymouth**, Haast** and Karamea Aerodromes must be measured and assessed in accordance with NZS 6805: 1992 Airport Noise Management and Land Use Planning;*
2. *Noise from helicopter operations at Franz Josef Heliport must be measured and assessed in accordance with NZS 6807: 1994 Noise Management and Land Use Planning for Helicopter Landing Areas;*

2X. Noise from essential unplanned engine testing for scheduled passenger services is exempt from NOISE-R10.1 above.

2Y. Noise from all other engine testing shall comply with the noise limits set out in NOISE-RX.

~~***3. The maximum noise levels from aircraft engine testing at any point within the boundary of a site within a RESZ - Residential Zone, MPZ - Māori Purpose Zone or RURZ - Rural Zone shall not exceed: a. on any day 7.00am to 10.00pm exceed 55 dB LAeq (15 hour) b. on any day 10.00pm to 7.00am not exceed 45 dB LAeq (9 hours) and 75 dB LAmax; and***~~

4. *The maximum noise generated from aircraft operations at Hokitika **and Westport** Airport**s and Greymouth, Haast Airfield and Karamea Aerodrome** over any 90 continuous days shall not exceed:*
   a. *55 dB_{Ldn} at or beyond the noise contour boundary shown on the planning maps; and*
5. *The maximum noise generated from helicopter operations at Franz Josef Heliport over any 7 continuous days, shall not exceed:*
   a. *50 dB_{Ldn} at or beyond the noise contour boundary shown on the planning maps; and*
6. *Standards 4 and 5 above do not apply to:*
   a. *Aircraft landing or taking off in an emergency; and*
   b. *Emergency flights required to rescue persons from life threatening situations or to transport patients, human organs or medical personnel in medical emergency situations; and*
   c. *Aircraft undertaking firefighting duties; and*
   d. *Military aircraft movements; and*
   e. *Aircraft using the Hokitika Airport in preparation for and participation in air shows.*

~~*7. In order to audit compliance with this rule, noise level monitoring must be carried out for a minimum of three months every five years with the resulting report forwarded to the Council within one month of that monitoring being completed.*~~

7. All activities are conducted in accordance with a Noise Management Plan that is reviewed annually, sets out details of how NZS 6805 or NZS 6807 is being implemented, and is publicly available on the facility operator's website.

NOISE - R11 Emission of Noise within the BCZ - Buller Coalfield Zone and MEZ - Mineral Extraction Zone

264. Ms Evans acknowledged the support from submitters[46] that sought to retain the rule as notified.

265. Te Mana Ora (S190.546) sought the restructure of all zone noise limits to relate to sites receiving noise. Ms Evans accepted this submission and noted new Rule NOISE-RX adopted this approach.

266. One submission point (S252.003) sought lower noise limits, shorter daytime hours, and that noise be recorded from the property boundary rather than the notional boundary. Another

[46] TiGa Minerals and Metals Limited (S493.089), WMS Group (S599.097), Birchfield Coal Mines Ltd (601.075)

submission point (S388.005) also sought that noise be measured from the property boundary rather than the notional boundary. Ms Evans supported these in part because new Rule NOISE-RX referred to the boundary (rather than notional boundary) and only included the notional boundary measurement for two rural zones. She noted Mr Peakall's evidence that rural zones were noisier in nature and that a higher noise limit was appropriate.

267. In response to the several amendments requested by BDC (S538.341) to clarify that the noise limits apply at another site's notional boundary and not from the dwelling/activity/same site as the noise is being generated, Ms Evans considered recommended new Rule NOISE-RX address these points. She therefore accepted the submission point.

268. Four submission points[47] sought timeframes to be more enabling of noise generating activities. Ms Evans noted that the timeframes were recommended to be simplified, and in some cases, this had extended daytime hours. She therefore recommended the submission points were accepted in part.

269. In response to submission points[48] that sought the amendment of an error, Ms Evans noted that the typographical error was corrected in new Rule NOISE-RX.

270. Fourteen submission points[49] sought to better enable quarrying operations, either by mitigating reverse sensitivity effects, enabling quarry operations or deleting time restrictions. Ms Evans noted that the rules applied limits that depended on the receiving environment. She considered the submitters had not provided evidence to confirm risks from noise, or specific drafting. For these reasons, and based on Mr Peakall's advice, the submissions were not supported.

271. Ms Evans recommended that NOISE-R6 was deleted and replaced with new Rule NOISE-RX.

NOISE-R12 Emission of Noise not meeting Permitted Activity Standards

272. Ms Evans acknowledged the submitters[50] that supported the rule as notified.

273. In response to Margaret Montgomery's (S446.081) request to clarity how noise effects on wildlife and habitat would be assessed, Ms Evans noted that the noise provisions did not provide for this assessment. However, she invited the submitter to provide further evidence on this matter at the hearing.

274. Ms Evans accepted the three submission points[51] that sought to delete clause (g) because it was a duplication of another matter of discretion.

275. Ms Evans also accepted the submission point from Westpower (S547.490) to add a new clause but considered this should use '*functional nee*d' and '*operational need',* which were defined in the Plan and encompassed the matters suggested.

[47] Chris & Jan Coll (S566.328), Chris J Coll Surveying Limited (S566.328), Laura Coll McLaughlin (S474.328) and William McLaughlin (S567.389)
[48] Geoff Volckman (S563.099), Catherine Smart Simpson (S564.112), Karamea Lime Company (S614.140), Peter Langford (S615.140) Koiterangi Lime Co. Ltd (S577.091), Chris & Jan Coll (S566.330), Chris J Coll Surveying Limited (S566.330), Laura Coll McLaughlin (S474.330) and William McLaughlin (S567.390)
[49] Geoff Volckman (S563.097 and S563.098), Catherine Smart Simpson (S564.111 and S564.107), Karamea Lime Company (S614.137 and S614.139), Peter Langford (S615.137 and S615.139) Koiterangi Lime Co. Ltd (S577.087 and S577.090), Chris & Jan Coll (S566.328), Chris J Coll Surveying Limited (S566.328), Laura Coll McLaughlin (S474.328) and William McLaughlin (S567.389)
[50] Te Mana Ora (S190.547), Chris & Jan Coll (S566.331), Chris J Coll Surveying Limited (S566.331), Laura Coll McLaughlin (S474.331) and William McLaughlin (S567.391)
[51] Waka Kotahi NZTA (S450.172), Frida Inta (S553.156), Buller Conservation Group (S552.156)

276. Appendix 1 of the Addendum Report showed recommended amendments to NOISE-R12 as follows:

NOISE-R12 Emission of Noise not meeting Permitted Activity Standards

Activity Status Restricted Discretionary

Activity status where compliance not achieved: N/A

Discretion is restricted to:

a. *Effects on the health and wellbeing of people;*
b. *Ambient noise levels and any special character noise from any existing activities, the nature and character of any changes to the sound received at any receiving site and the degree to which such sounds are compatible with the surrounding activities;*
c. *The level, hours of operation, duration and nature of the noise;*
d. *The primary purpose and the frequency of use of the activity;*
e. *Proximity and nature of nearby activities and the adverse effects they may experience from the noise;*
f. *Effects on character and amenity values on the surrounding environment; and*
g. ~~*Effects on the health and wellbeing of people;*~~
h. *Effects on wildlife and habitat values;*
i. *The temporary or permanent nature of any adverse effects;*
j. *Any noise reduction measures;.*
k. ***The functional need and/or operational need of the activity.***

NOISE-R13 New Buildings for Use by a Sensitive Activity and Additions to Existing Buildings for Use by a Sensitive Activity not meeting Acoustic Insulation Requirements of Rule NOISE - R3

277. Ms Evans acknowledged Te Mana Ora (S190.548) supported the rule as notified.

278. In response to five submission points that sought the deletion of NOISE-R13, Ms Evans considered the rule was required to establish a rule cascade from NOISE-R3. She therefore recommended it was retained as notified.

279. In the Addendum Report, in response to the evidence of Ms McKenzie (on behalf of the Westport Pistol Club, Chris Hartigan and the Westport Rifle Club), Ms Evans supported the inclusion of a rule for sensitive activities within the 60dB contour as a consequential amendment to adding the Rifle Range Noise Contour. She noted this was supported by Mr Peakall.

280. Appendix 1 of the Addendum Report showed recommended new rule NOISE-R13A as follows:

NOISE-13A New Buildings for Use by a Sensitive Activity and Additions to Existing Buildings for Use by a Sensitive Activity within the 60 dB L_{AFmax} contour of the Westport Rifle Range Noise Overlay

Activity Status Restricted Discretionary

Discretion is restricted to:

a. *The provision of a report from an acoustic specialist which provides evidence that the level of acoustic insulation is appropriate to ensure the amenity of present and future residents of the site; and*

b. <u>The impact of any sensitive activity that did not provide the required acoustic insulation on the ability of lawfully established activities at the Westport Rifle Range to operate without undue constraint.</u>

<u>Hearing and Submitter Evidence/Statements</u>

NOISE-R1 General Standards

281. Dr Chiles, for Te Mana Ora, noted that the references in NOISE-R1 did not explicitly recognise the fundamental difference between general environmental noise standards and other standards that might operate alone. He also noted that there was a significant anomaly in NOISE-R1(3) with the inclusion of *'mobile noise sources*,' which set limits at a source rather than as measurement and assessment standards as in other parts of NOISE-R1. He considered this represented a loophole and recommended all reference to this term should be removed.

282. Mr Richard Milner provided a statement on behalf of the New Zealand Helicopter Association (**NZHA**). He requested clarification that a helicopter landing area referred to in NOISE-R1(5) included a permanent base for operations and not sites where helicopters take off or land in temporary or infrequent activity. He also requested that Council gives relief to operators with documented noise abatement training. His key concern was on ensuring the rules were not too restrictive and have unintended consequences on the wide range of uses of commercial helicopter aviation, including disaster relief.

NOISE-R2: Emissions of Noise in All Zones

283. Mr Tony Michelle provided a statement and supplementary statement for NZAAA. Mr Michelle did not support Mr Peakall's recommendation to delete the word *'infrequent'* from NOISE-R2(12). He considered terms such as '*frequent*' were appropriate given the term *'intermittent'* was used in the NZ Standards. He did not support Mr Peakall's amendment to NOISE-R2(12) to include '*for no more than 30 days in a 12 month period'* because he considered the measure of a day was imprecise. He noted the s42A Report recommended including '*intermittent*' in definition of '*agricultural aviation activities*' in the Rural Zone Chapter. Mr Michelle proposed revised wording for NOISE-R2(12) as follows:

12. 'Infrequent aircraft take-off and landing associated with rural production activities and conservation activities purposes on an intermittent basis.'

284. The WCRC statement proposed revised wording for NOISE-R2(12) as follows:

*12. ~~Infrequent a~~Aircraft **<u>take off and</u>** landing **~~for~~** **<u>associated with</u>** rural production **<u>activities and conservation activities</u>** ~~purposes on an intermittent basis~~ **<u>for no more than 30 days in any 12 month period</u>**, including ~~aerial topdressing and~~ helicopter movements;*

285. The statement from WCRC supported the recommended changes to NOISE-R2(12), on the basis that the definition for *'conservation activities'* includes '*pest control and the intermittent use of aircraft for conservation purposes'.* The WCRC did not support the addition *'for no more than 30 days in any 12 month period*' because this may not suitably provide for aerial operations.

286. Dr Chiles, for Te Mana Ora, recommended that NOISE-R2(12) was deleted to adequately manage noise effects from aircraft. He has also recommended the exemption in NOISE-R2(13) be deleted, or if not, all affected aircraft be subject to a noise limit of ~67 dB L_{ASmax}, measured at 25 metres in accordance with ISO 2922 or ISO 14509-1.

287. Ms Inta, on behalf of the Buller Conservation Group and herself, noted a misspelling of '*manufacturers*' in NOISE-R2. She requested that the word '*intermittent*' be retained in the rule to ensure the ability to complain about continuous noisy activities was not reduced. She has also requested that noisy daycare centres should be exempt from the noise rules because she considered there should be tolerance for these.

NOISE-R3 Acoustic Insulation Requirements for New Buildings for Use by a Sensitive Activity

288. The evidence for KiwiRail from Ms Heppelthwaite, Ms Grinlinton-Hancock and Dr Chiles supported the request for a 100-metre noise control boundary for all rail lines. Ms Heppelthwaite also sought the following (supported by Ms Grinlinton-Hancock):

> *a. a 100 metre Noise and Vibration Alert Overlay (NVA) for the Hokitika and Rapahoe lines; and*
> *b. retention of the (notified/S42A recommended) 60 metre vibration control for all other rail lines.*

289. Ms Heppelthwaite noted that the NVA would be used as an information tool to inform landowners to be aware of and mitigate effects if they choose to. Ms Heppelthwaite and Dr Chiles considered sensitive activities should not all be required to achieve 35dB$_{LAeq}$ (1hr). Dr Chiles also noted that ventilation requirements should be specified in the new NOISE-APP1.

290. Ms Heppelthwaite provided an alternative table that estimated variable maximum noise levels for individual activities. She suggested that the inclusion of '*habitable room'* unduly confined the application of NOISE-R(1)(c) and noted the request for *'or alteration to an existing building*' had been overlooked in the s42A Report.

291. Ms Heppelthwaite and Dr Chiles noted an alternative compliance pathway was also provided in the KiwiRail submission by adding a new advice note as follows:

> *For Rule R3(1)(c)(i) compliance will be achieved if is at least 50 metres from any railway network, and is designed so that a noise barrier completely blocks line-of-sight from all parts of doors and windows to all points 3.8 metres above railway tracks.*

292. Ms Heppelthwaite proposed other minor wording changes, including removing the words '*at least*' from NOISE-R3(1)(f)(v) to improve certainty; including the word '*maintained*' in NOISE-R3(1)(c) to provide for enduring effects; and replacing '*rail corridor'* with '*rail designation boundary*' to improve certainty. She noted that the definition of '*sensitive activity'* included '*community facility*', which included recreation/sporting activities. KiwiRail noted that unless changes were made to clarify which community facilities NOISE-R3 applied to, a separate definition of '*noise sensitive activities'* was preferred.

293. Ms Arthur-Young and Ms Gunnel, Counsel for KiwiRail, submitted the relief sought by KiwiRail was the most appropriate to achieve the sustainable management purpose of the RMA, protect health and amenity of residents close to the rail corridor, and ensure the nationally significant rail corridor could continue to operate safely and efficiently. They noted that because KiwiRail could not fully internalise all noise and vibration effects, the rail network must be protected from reverse sensitivity effects. They also noted that KiwiRail's relief had been developed and refined through multiple planning processes and has been accepted by the Environment Court.

294. In the post-hearing submitter correspondence, KiwiRail provided a variety of proposed maps, which included noise and vibration overlays adjacent to railway lines.

295. Mr Steve Tuck provided planning evidence for SFF in relation to the submission points on the Hokitika processing site and potential reverse sensitivity effects from dwelling adjacent to the site. He suggested the following further amendments to NOISE-R3:

> *1. The building will be used by a sensitive activity and is located within:*
> *[sub-clauses (a) to (f) are not shown here]*
> ***(g) the following properties or their successors in title:***
> ***Lot 1 DP 1110 Blk XIII Waimea SD;***
> ***Lot 1 DP 1507 BLK XIII Waimea SD;***
> ***Lot 5 DP 1819 Blk XIII Waimea SD;***
> ***Lot 4 DP 1818 Blk XIII Waimea SD;***
> ***Lot 3 DP 1818 Blk XIII Waimea SD;***
> ***Lot 2 DP 1818 Blk XIII Waimea SD;***
> ***Lot 2 DP 2378 Blk XIII Waimea SD;***
> ***Lots 1 2 DP 1603 BLK XIII Waimea SD;***
> ***Lot 1 DP 2378 Blk XIII Waimea SD;***
> ***PT Lot 1 DP 1365 Blk XIII Waimea SD;***
> ***Lot 1 DP 577157;***
> ***Lot 2 DP 577157;***
> ***i. The building is designed and constructed to ensure that the following indoor design noise levels are not exceeded:***
> ***A. 40dB$_{LAeq}$ inside any habitable room;***
> ***B. 35dB$_{LAeq}$ inside bedrooms between 10pm and 7am.***

296. Mr Tuck noted that these properties were identified using Westland District Council's GIS mapping service as being close to the Hokitika processing site, and the proposed inclusion was necessary to implement the direction stated in NOISE-P2.

297. Ms Katherine Mckenzie provided planning evidence on behalf of the Westport Pistol Club, Chris Hartigan, and the Westport Rifle Club. She suggested a set of noise contours should be produced for the entire area surrounding the Westport Rifle Range to address the submitters' concerns. She requested that amendments to NOISE-R3 requiring new activities within the 55 dB L_{AFmax} contour to achieve 35 dB L_{AFmax} in habitable and sleeping areas, and 50 dB L_{AFmax} in an outdoor screened living space. She noted the submitters supported the inclusion of specific acoustic design options as a pathway for compliance with NOISE-R3.

298. Mr Pearson, for NZTA Waka Kotahi, recommended deleting clauses (1)(a) and (1)(b) and adding reference to '*The State Highway Noise Corridor Overlay shown on the planning maps'.* Mr Pearson and Dr Chiles recommended retaining NOISE-R(1)(b)(ii) should be retained and considered new NOISE-APP1 should require compliance with ventilation standards in accordance with NOISE-R3(1)(f). They also agreed that NOISE-R3(1)(f)(v) should be retained as notified, which required the removal of the recommended wording '*at least*'.

299. Ms Pull's letter on behalf of Poutini Ngāi Tahu requested the provision of maps of the high noise overlay be circulated to submitters and opportunity given to provide additional evidence. She noted NOISE-R3 applied to '*new buildings*' only and therefore considered it should not apply to nohoanga entitlements, which were usually used with vehicles or tents.

300. Mr Bert Hofmans presented a statement at the hearing supporting his request to remove the Karamea Aerodrome Noise Contour Overlay from his property. He has also requested removal of the reference to '*Karamea Aerodrome*' from Rule 3(1)(d); and deletion of Rule 3(1)(f) or the addition of '*except where the property owner accepts a form or level of acoustic treatment that results in a different internal design sound level and accepts that this is registered on the certificate of title in the form of a consent notice.'* He considered there had been little

consideration of the impact on property owners and limited justification or s32 analysis for the imposition of the rules, with limited consideration of alternatives. Mr Hofmans was concerned about the expense of building within the noise contours overlay and the onerous nature of the new rules. He has asked the Commissioners to consider the cost implications, the proportionality of the rules to the issues, and he included a list of questions to ask when formulating the decision.

NOISE - R4 - Emission of Noise for Temporary Military Training Activities

301. The letter from the NZDF sought that the setback distance in NOISE-R4(b)(ii) referred to distance in metres to reduce any potential interpretation issues.

NOISE - R5 to NOISE - R8 and NOISE - R11

302. Mr Kennedy, for Westpower, noted a discrepancy between the suggested new Rule NOISE-RX and that in Appendix 1 of the s42A Report and noted a misallocated further submission point. He noted that he understood the new rule has been developed by an acoustic expert taking into account the submissions.

New Rule NOISE-RX

303. Mr Rhys Hegley provided evidence on behalf of WMS Group *et. al*. in relation to the noise limits in the GRUZ in NOISE-R6 (now to be included in NOISE-RX) He considered the upper limits should also be applied in daytime in weekends and public holidays, due to the working components of a rural zone. He considered this proposed change will better match the objectives of the Plan. He considered that in the GRUZ a 55 dB L_{Aeq} limit was appropriate from 7am – 10pm every day of the week, and 45 dB L_{Aeq} and 75 dB L_{AFmax} from 10pm – 7am. He considered this would provide for working activities within the rural zone, while also providing for residential amenity. He noted this aligned with NZS 6802.

304. Mr Hegley also suggested rewording NOISE-RX(2) because he considered the current wording meant the rule could not apply to a zone. He proposed the following re-wording:

> *2. The maximum noise from any activity shall not exceed the following noise limits at any point ~~at the~~ **within a** notional boundary **within** of any of the following zones:*

305. Mr Hegley also suggested that new Rule NOISE-RX(3) should be reviewed to ensure it was consistent with the intent of the Plan, in relation to activities in the port and mineral extraction zone.

306. Ms Alex Booker, Counsel for WMS Group *et. al*., submitted that an efficiency and effectiveness assessment for new Rule NOISE-RX, in the context of the Plan objectives and policies, had not been undertaken. She suggested that the s32AA analysis was inadequate given the fundamental changes proposed and considered there had been no assessment of how Rule NOISE-RX would achieve the objectives and policies. She reiterated Mr Hegley's evidence that NOISE-RX placed 'too much' weight on residential amenity in productive and heavy working zones. She stated the submitters sought that the notified version of the noise rules, with the weekend/public holiday hours amended to 7am – 10pm, as the most appropriate for the nature of the MINZ, PORTZ and GRUZ.

307. Dr Chiles, for Te Mana Ora, agreed that the consolidation of rules was beneficial, however, he noted that in the process some provisions had become more lenient. He suggested a separate 'evening' shoulder period should be added between 7pm – 10pm, with a 5 dB step noise

reduction in residential and rural zones. He noted in the GRUZ, recommended noise limits were less stringent 7pm to 10pm on weekends and public holidays and this was not requested by Te Mana Ora.

308. Dr Chiles pointed out drafting issues with new Rule NOISE-RX as follows:

(a) The terms '*maximum noise*' and '*maximum noise limit*' should be rephrased to avoid confusion with '*maximum noise level*';

(b) Adding the phrase '*at any point within the notional boundary of any activity in any of the following zones'* or '*at any point within any notional boundary in any of the following zones*' rather than '*at any point at the notional boundary of any of the following zones*';

(c) Rewording so that noise limits apply *'at any point within*' zones and by stating '*at any point within any site within*.'

309. Ms Inta, on behalf of the Buller Conservation Group and herself, requested that roads which border a residential/settlement zone should adopt that zone's noise rules.

NOISE-R10 Emission of Noise within the AIRPZ - Airport Zone

310. Dr Chiles, for Te Mana Ora, considered that NOISE-R10(2X) proposed by Ms Evans was inappropriate because it did not manage noise effects and requested it be removed. He also reiterated the submission point that sought to clarify that aircraft operations must be assessed, including when taxiing and pre and post flight engine running.

New Rule 13A - sensitive activities within the 60 dB$_{LAFmax}$ contour

311. Ms McKenzie, on behalf of the Westport Pistol Club, Chris Hartigan and the Westport Rifle Club, recommended a new restricted discretionary activity rule for sensitive activities within the 60 dB L_{AFmax} contour. She considered this rule would ensure an assessment of appropriateness was carried out for the protection of amenity.

Joint Witness Statements (JWS)

312. JWS #1 records the planners agreed that the Rifle Range Noise Overlay references and provisions in NOISE-R3 and NOISE-R13A were appropriate in respect of managing potential reverse sensitivity effects. The planners agreed that the Westport Rifle Range Noise Overlay should include both the 55 dB L_{AFmax} contour and the 60 dB L_{AFmax} contour. It was noted that further minor edits to tidy up numbering with NOISE-R3 may also be required.

313. The planners also noted that references to habitable rooms and/or spaces used for sleeping in NOISE-R3 were being further considered in the Right of Reply. They would consider whether this reference should also include other spaces that may require acoustic insultation.

314. JWS #2 records that Mr Peakall and Mr Hegley agree that 55 dB L_{Aeq} daytime and 45 dB L_{Aeq} / 75 dB L_{AFmax} night time standards for the rural zone were appropriate as a starting point, given the 'mixed-use' nature of rural zones and the applicable objectives and policies. However, Mr Peakall considered that a lower level on weekends should be considered to provide some respite.

315. JWS #2 also outlined that Mr Peakall and Mr Hegley agreed there was merit in considering different noise rules for different rural zones. They requested clarity from the planners around

the intended use of the Rural Lifestyle Zone and they suggested that the rules should be implicitly linked to the intent of the zone. Mr Peakall and Mr Hegley also agreed that the refined Port Zone noise rule in new Rule NOISE-RX was appropriate, and the deletion of BCZ and MINZ from Rule NOISE-RX was appropriate.

316. JWS #2 also records that the experts all agreed that Rule NOISE-RX(4) should be deleted to ensure reverse sensitivity effects were avoided.

317. JWS#2 records Mr Peakall and Dr Chiles agreed that numerical noise limits were not the best form of control of aircraft noise associated with rural production and conservation activities. They agreed that on balance a 250m setback was appropriate, assuming the flight paths were away from houses.

318. In relation to noise limits in evening periods, the JWS #2 records Mr Peakall and Dr Chiles were in general agreement that the structure of NOISE-RX and most noise limits were appropriate. However, they disagreed on the noise limit in the weekday evening period between 7pm to 10pm, in relation to Rule NOISE-RX(1) and (2). Mr Peakall considered the noise limits were appropriate, whereas Dr Chiles considered that a lower limit of 50 dB L_{Aeq} should apply between 7pm and 10pm on weekdays.

319. In relation to NOISE-R10(2X), the JWS #2 records Mr Peakall and Dr Chiles agreed that rare, essential unplanned engine testing could be exempted from noise control, however they agreed that this should only apply during daytime hours. Dr Chiles suggested the exemption should only apply to a limited range of more significant '*scheduled passenger services*.' Mr Peakall suggested a definition for '*scheduled passenger services*' and Dr Chiles agreed with this definition. They suggested the following wording, which included clarification and amalgamation of NOISE-2X and 2Y:

> *2X/2Y. Noise from aircraft engine testing is exempt from NOISE-R10.1 above, and:*
> *a) Is not subject to a noise limit if it is essential unplanned testing occurring between 07:00am and 10:00pm, for regular scheduled passenger services to and from other regions with fixed wing aircraft with at least 8 passenger seats; and*
> *b) For all other cases shall comply with the noise limits set out in NOISE-RX.*

320. In relation to Rule NOISE-R3, JWS #2 records Mr Peakall and Dr Chiles generally agreed about the intent, methods and how the rule should work. They both suggested that NOISE-R3(1) should allow for some uncertainty, and appropriate allowance should be made for this uncertainty and some future growth. They have suggested the following wording be included in the rule, in place of the deleted NOISE-R3(1)(b)(ii):

> *Compliance with (xxx) above must be achieved based on existing measured or predicted external road-traffic noise levels with the addition of 3 dB.*

321. Mr Peakall and Dr Chiles also agreed that the location at which noise compliance measurement occurs needed to be defined and suggested amendments as follows:

> *v. Does not generate more than 35 dB_{LAeq} (30s) when measured **at any point where a person associated with a sensitive activity could be located, and no less than** 1m away from any grille or diffuser.*

322. JWS #2 records Mr Peakall and Dr Chiles agreed with KiwiRail that a Rail Noise Overlay was acceptable in principle; and that the noise rules should refer to the track when defining the

noise source level assumptions. They also agreed that an 'Alert Overlay' was appropriate for the Hokitika railway line given the likelihood of minimal traffic in the future.

Addendum Report #2

323. In Addendum Report #2, Ms Evans responded to the overlay map supplied by KiwiRail and noted it covered a larger area of land than that required by the notified provisions because it was measured from the designation boundary rather than the edge of the tracks. She considered this could affect additional properties where the level of noise would not necessitate mitigation. She also noted that the proposed overlay did not take into account topography. As such, she recommended that the overlay map supplied was not used in its current form but considered this could be revisited following feedback from KiwiRail or other submitters. Ms Evans noted that she would provide a recommendation on the need for an Alert overlay for the Hokitika line in her Right of Reply.

324. Ms Evans noted that she continued to prefer Mr Peakall's advice in relation to noise limits in the GRUZ in new Rule NOISE-RX, as a balance between allowing for noise generating activity and protecting sensitive activities as required. She acknowledged the cost/benefit balance of providing for noise generating activities but limiting these during weekend hours, in proximity to sensitive activities, and potential costs of compliance, monitoring and/or resource consents. She also acknowledged the potential cost of lost productivity. However, she noted that the weekend and public holiday respite period was fair given that residential activities were enabled in the GRUZ.

325. Ms Evans agreed that NOISE-RX(4) could be deleted, as recommended in JWS #2 because it effectively protected any existing or new sensitive activity in high noise environments. She noted that sensitive activities in these zones would be subject to the acoustic insulation requirements in NOISE-R3. However, she noted that if clause (4) was deleted, there would be no zone based limit in the MINZ or BCZ. Ms Evans noted that a noise limit was not necessary in the BCZ as the zone is limited to the actual mine, however, a noise limit measured at the notional boundary (similar to notified NOISE-R11) was appropriate for the MINZ given the existence of residential dwellings in this zone. She noted that a recommendation on the application to new sensitive activities would be made in the Right of Reply.

326. Ms Evans confirmed her recommendation on whether a lower limit should be imposed in evening hours (7pm-10pm) remained unchanged from the s42A Report

Response to Minute 59

327. Minute 59 provided submitters an opportunity to response to Addendum Report #2, which was provided after the adjournment of the hearing and expert conferencing.

328. Ms Pull, for Poutini Ngāi Tahu supported the position of NZTA Waka Kotahi regarding the noise contour taking into account topography. However, she sought clarification that the roading corridor overlay was based on specific traffic volumes in the area because some parts of the State Highway would not receive sufficient traffic volumes to justify the additional burden on private property. She noted that other district plans recognised varying traffic volumes.

329. In response to the overlay maps provided by KiwiRail, Ms Pull noted she had not seen the data which justified an 100m setback and considered this should be reduced where rail activities were less regular. She suggested the overlay should not apply to all rail lines and should only apply to lines managed by requiring authorities/network utilities. She agreed with Ms Evans

that the setback should be measured from the railway line and not the corridor boundary. She noted there was a nohoanga entitlement at Moana/Lake Brunner, approximately 40m from a railway line, and it was unclear if using this settlement right would breach the noise sensitive activity rules.

330. Ms Pull also noted that the Hokitika Rail Corridor Overlay would impact Māori Purpose Zone land at Arahura and potentially a nohoanga entitlement at Taramakau River. She was concerned an alert overlay may impact these sites and considered there was insufficient information to warrant an alert overly for the Hokitika line. She asked that if the Panel found the information provided by KiwiRail was sufficient, or if they choose a precautionary approach, that the overlay not impact more land than the roading corridor overlay.

331. Mr Michelle, for NZAAA, considered numerical noise limits suggested by Mr Peakall and Dr Chiles were not the best form of control for restrictions on aircraft associated with rural production and conservation activities. He suggested that there was no scientific or technical justification for the addition and agreed with Mr Peakall's suggestion that an additional setback distance was not entirely necessary. Mr Michelle considered any setback addition from a sensitive activity was unjustified and was not raised in the s32A Report. He noted the further setbacks were not sought by submissions and considered they did not meet policy objectives in the Rural Zone. He supported the advice note exempting activities on land managed under the Conservation Act 1987. He requested the clause (12) be worded as follows:

> *12. Infrequent aircraft take-off and landing associated with rural production activities and conservation activities purposes on an intermittent basis.*

332. Mr and Ms Kennedy noted that there was no plan showing the proposed road noise overlay and that if this impacted their property, they would be opposed. They agreed that a rule was not appropriate in relation to the Hokitika line and considered an alert overlay should not be applied because it may have unintended impacts through misinterpretation. They also reiterated that any setback should be measured from the edge of the tracks. Mr and Ms Kennedy noted fairness and natural justice concerns arising from the KiwiRail submission being summarised as a general submission and considered potentially impacted parties may have missed the relief sought in relation to NOISE-R3.

333. Ms Arthur-Young and Ms Gunnel, for KiwiRail, considered the noise overlay should be measured from the rail designation boundary and not the railway tracks, from a 'good planning' perspective as outlined in attached supplementary evidence from Ms Heppelthwaite. They noted that the tracks may move within the designation and considered the overlay needed to provide for the use of the designation over the life of the Plan. They also noted that the mapping provided by KiwiRail represented the land most affected by railway sound and vibration, which required the application of noise and vibration controls.

334. Ms Arthur-Young and Ms Gunnel corrected the Council Officers statement that KiwiRail's overlays and setbacks did not account for topography and confirmed the proposed KiwiRail provisions had taken into account topography and building screening effects. Ms Heppelthwaite noted that mapping provided by KiwiRail had an evidential basis, and was pragmatic and effective. They considered the proposed 100m setback was appropriate and would not extend to unaffected properties. Ms Arthur-Young and Ms Gunnel noted that additional volumes were anticipated on the Rapahoe line within the next two years.

335. KiwiRail provided their preferred wording for NOISE-R3 as follows:

NOISE - R3
Acoustic Insulation Requirements for New or Altered Buildings for Use by a Sensitive Activity
Activity Status Permitted
Where:

1. *The building will be used by a sensitive activity and is located within the Road Noise Overlay shown on the planning maps where: […]*
2. ~~*100m of the edge of the tracks of a railway line where any new or altered habitable room used for a sensitive activity and/or spaced used for sleeping:*~~ ***The building will be used by a sensitive activity and is located within the Rail Noise Overlay shown on the planning maps and:***
   a. ***it is*** ~~***must be***~~ *designed, constructed and maintained to achieve a maximum internal noise level of 35 dB_{LAeq} (1h). Compliance must be achieved based on an assumption of 70 dB_{LAeq} (1h) at a distance of 12m from the railway track and shall be deemed to reduce at a rate of 3 dB per doubling of distance up to 40m, or*
   b. *it is at least 50 metres from any railway network, and is designed so that a noise barrier completely blocks line-of-sight from all parts of doors and windows to all points 3.8 metres above railway tracks*
3. ***The building will be used by a sensitive activity and is located within the Rail Vibration Overlay shown on the planning maps and*** ~~*60m of the edge of the tracks of a railway line where*~~ *any new or altered habitable room and/or space used for sleeping must be designed, constructed and maintained to achieve vibration limits not exceeding 0.3mm/s (Class C criterion Maximum Weighted Velocity, Vw,95);*
4. *The 50 dBA Noise Contour boundary of Franz Josef Heliport or the 55 dB […]*

336. Jet Boating New Zealand supported the recommendations in Addendum Report #2 to retain clause (13) and amend clause (17) relating to noise from temporary activities.

Reporting Officer Reply Evidence

337. The Joint Right of Reply from Ms Belgrave, Ms Evans and Ms Easton, Ms Evans specifically considered the matters from technical expert caucusing. In relation to matters raised by Silver Fern Farms, Ms Evans considered that no specific or additional noise provisions were necessary to manage noise effects adjacent to the Hokitika processing site.

NOISE-R1

338. In relation to NOISE-R1(12), Mr Peakall considered it was inappropriate to remove limits on the number of aircraft take off and landings associated with rural production and conservation activities because this would effectively allow unrestricted aviation activity. He considered limiting the number of days made it easier for affected parties to understand if the exemption was being adhere to. He considered the removal of number of days or setback distances would result in an unregulated agricultural aviation industry, and some controls are appropriate. He acknowledged that while operators preferred the use of *'infrequent'* or *'intermittent'*, Ms Evans considered these terms were not quantifiable and were therefore not suitable for an exemption.

339. Mr Peakall acknowledged that some of the relief sought was warranted to address submissions. He noted that the exemption was enabling of agricultural aviation and was consistent with the objectives and policies. Mr Peakall considered a setback distance was not entirely necessary if there was a day limit but considered enforcing a restricted number of hours, as sought by the NZAAA, was more difficult to enforce than the number of days. Mr Peakall also considered the inclusion of the words '*per site'* was appropriate to help to clarify

the assessment location. In taking into account the evidence from submitters, Mr Peakall suggested the following NOISE-R2(12) exemption:

> *Aircraft take off and landing, including helicopter movements, associated with rural production activities and conservation activities, at least 250 metres from any sensitive activity ~~and~~ **or** for no more than 30 days in any 12 month period per site.*

340. Ms Evans relied on the expert evidence of Mr Peakall and Dr Chiles as set out in JWS #2, that a 250m setback from sensitive activities should be included in the rule. She also recommended that an advice note be included to clarify that this clause did not apply to the conservation estate, as suggested Mr Michelle for NZAAA. Ms Evans recommended that NOISE-R2(12) was amended from the s42A Report recommendation as follows:

> *Aircraft take off and landing, including helicopter movements, **associated with** rural production activities and conservation activities **at least 250 metres from any sensitive activity and** for no more than 30 days in any 12 month period per site; Advice note: NOISE-R2.12 did not apply to land held or managed under the Conservation Act 1987.*

341. In response to Mr and Ms Kennedy's response to Minute 59, Mr Peakall noted that the recommended Road Noise Overlay did not cover their property, so he considered their concerns should be alleviated. Mr Peakall also noted that the Hokitika Rail Corridor overlay, if adopted, would be for information purposes only. He also noted that if the rules reverted back to use of a setback, specific exclusion of the Hokitika line should be made.

342. In response to the KiwiRail legal counsel's submission, Mr Peakall reiterated that either the setback distance or the overlay can be used. However, he noted there was some residual uncertainty around the mapping of the overlay and therefore he preferred use of the setback distance rules. He also addressed KiwiRail's concern that if the rule or overlay was measured from the track edge, it would be done so in relevance to the current location. Mr Peakall noted that he understood that the rule would apply to the track location as they exist at the time of any consenting process.

343. Mr Peakall also corrected an error made in the interpretation of his memo by KiwiRail. He confirmed that the *overlay* did not account for screening effects of topography, not the *provisions* themselves. He noted that there was a pathway in the provisions for topography to be taken in to account, but the map did not include this effect. Mr Peakall disagreed that modelling rail noise was more time consuming and costly than mapping distance.

344. Mr Peakall noted the Poutini Ngāi Tahu concerns around the road noise overlay should be satisfied, as the overlay and memo from Dr Chiles took into account local conditions, including topography and traffic flows. Mr Peakall noted he shared the concerns of Poutini Ngāi Tahu around consideration of topography, rail movements and extent of the overlay, and considered these had not been fully addressed by KiwiRail. He noted that he would favour the setback distances in the rules in the absence of specific information, however either option would satisfactorily manage noise effects from rail.

345. In response to Bert Hofmans, Mr Peakall noted that by mapping the Karamea Aerodrome as an Airport Zone, there was protection of the ability to operate and protection of residents from potential aircraft noise. He considered this approach was intentionally consistent with others in the district and adopted the guidance and recommendations contained in NZS 6805. He noted that the number of landings occurring was immaterial because the noise boundaries protect sensitive activities from both current and future aerodrome use. He also noted that the rules only provided for the requirement of a ventilation system and in locations pointed

out by Mr Hofmans and that standard construction required by the Building Code would be satisfactory.

346. In response to Ms Inta's concern about removing '*daycare facilities*', Mr Peakall did not consider daycare facilities should be exempt from the noise rules as they were a commercial activity that often established in areas proximate to sensitive activities. He considered mitigation could be readily implemented if required.

347. In relation to a query around NOISE-R9 and R10, Mr Peakall generally agreed with the requirement that ports, airports and heliports subject to these rules should be required to prepare Noise Management Plans (NMP). He supported implementation of NMP for ports and airports, and noted that an advice note to each rule was a possible way to address this, rather than enshrining the reporting requirements in the rules for each NMP. Mr Peakall suggested that an NMP should be set out in enough detail to ensure compliance with the rules.

348. Mr Peakall provided technical clarity on the acoustic insulation requirements in NOISE-R3. He noted the rule required a new or altered sensitive activity to meet internal noise levels depending on the noise source. He noted the rule also allowed compliance to be achieved if the construction meets the requirements in new NOISE-APP1. Mr Peakall confirmed that new NOISE-APP1 could apply to all activities covered by the rule. However, he noted it could not be used in terms of the external noise level requirement of R3(6)(ii), so did not apply in that case.

Reporting Officer Reply Evidence

349. In relation to **NOISE-R1**, Ms Evans recommended removal of reference to the phrase '*and comply with*' to reflect how the NZ Standard is used in practice. She noted that this is consistent with wording in other clauses in NOISE-R1.

350. In relation to **NOISE-R2**, Ms Evans recommended removal of '*associated with*' in clause (1), as discussed at the hearing. She considered this amendment addressed the ambiguity associated with *'intermittent*' but provided for residential use of a site.

351. In relation to NOISE-R2(12), Ms Evans noted that she and Mr Peakall had reflected on the wording of the clause and continued to have concerns with the terms *'infrequent*' and *'intermittent'* because they were not certain. To allow partial relief to the request from NZAAA, Ms Evans recommended that either a setback *or* the recommended restrictions on the number of aircraft and helicopter movements per year was appropriate to enable aircraft or helicopter movements, while still affording some protection to sensitive activities. Ms Evans recommended an advice note clarifying that NOISE-R2(12) did not apply to conservation estate land, in accordance with the RMA.

352. Ms Evans also noted that the Panel asked if '*any 12 month period*' should refer to a calendar year. Ms Evans noted, on the advice of Mr Peakall, that '*any*' indicated this could be assessed as a rolling 12-month average rather than a calendar year. She noted a calendar year could result in 60 days in a row of aircraft activity, which was inappropriate in proximity to sensitive activities.

353. In relation to NOISE-R2(16), the Panel noted that this clause needed to include where the measurement should be taken from. Ms Evans confirmed she had discussed this with Mr Peakall, who advised had it should be from any point at or within the boundary of any site within the Residential, Settlement, Māori Purpose, Hospital, Open Space, Natural Open Space,

Scenic Visitor or Future Urban zones; and at the notional boundary of a site in the General Rural or Rural Lifestyle zones.

354. In relation to **NOISE-R3**, Ms Evans provided a separate Right of Reply associated with submission points relevant to the Westport Rifle Range. She considered the mapping and provisions in the JWS #1 were appropriate and recommended that the planning maps, and Noise and Subdivision chapters should be amended accordingly. She noted that further minor edits may be recommended, but the substance and intent was not likely to change, and final recommendations were to be included in her final Right of Reply, outlined below

355. In her overall Right of Reply, Ms Evans noted the provisions had been renumbered so there was one clause for each issue covered by the rule. In relation to NOISE-R3(1)(ii), she noted that Mr Peakall had originally recommended deleting this clause but that she now recommended that it was retained and modified based on expert conferencing.

356. In relation to NOISE-R3(2), Ms Evans highlighted Mr Peakall had provided evidence on the KiwiRail response in his reply evidence at paragraphs 24-38. She confirmed that it continued to be her preference that measurement would be taken from the railway track. She also noted that clause 3(ii) took into account noise barriers (as noted in paragraph 13 of KiwiRail's response). Ms Evans recommended that the Hokitika line be exempt from NOISE-R3 due to its very low train movements, but that the Rapahoe line should be included as train movements were expected to increase.

357. In relation to acoustic insulation requirements, Ms Evans noted that acoustic insulation requirements only applied to habitable rooms and spaces used for sleeping, and therefore the inclusion of sporting and recreational activities in the definition of '*sensitive activity*' was not an issue in NOISE-R3.

358. In response to Mr Hofmans' evidence, Ms Evans relied on and accepted Mr Peakall's expert advice that insulation requirements only applied to properties in proximity to the Karamea Aerodrome. She noted that resource consent applications to breach NOISE-R3(4) would be assessed on a case-by-case basis.

359. In relation to NOISE-R3(7)(v), Ms Evans recommended the amended wording as agreed by the noise experts and confirmed this had been included in the revised provisions.

360. Ms Evans recommended updating the rule references in NOISE-R3 and associated cross-references in the advice note and NOISE-APP1-Acceptable constructions requirement, to reflect the amended numbering of the clauses.

361. In relation to **NOISE-R4**, Ms Evans agreed with the NZDF submission requesting that the setback distances in NOISE-R4(1)(b)(ii) be amended to refer to distance in metres and noted this amendment was made in Addendum Report #2.

362. In relation to **NOISE-RX**, Ms Evans considered there was scope to amend the approach from the notified rules to manage noise where it was received and not where it was generated. She also noted wide scope from other submitters ranging from amendments for less restrictive noise limits to more restrictive, as well as changes to the hours.

363. Ms Evans also responded to the Hearings Panel query around comparing the GIZ noise limits to other district plans and noted that her consideration in the Addendum Report #2 relating to lawfully established activities was considered unnecessary.

364. In response to the Panel questions relating to **NOISE-R9(2)**, Mr Peakall and Ms Evans confirmed that an advice note regarding a Port Noise Management Plan was more appropriate.

365. Mr Peakall and Ms Evans also considered that an advice note was also more appropriate in relation to a noise management plan in the Airport Zone under **NOISE-10**. Ms Evans also recommended consolidating new clauses 2X and 2Y (relating to engine testing) to align with the JWS #2 wording agreed by Mr Peakall and Dr Chiles. Ms Evans considered there was scope to make this amendment.

Hearing Panel's Evaluation

NOISE-R1

366. The Panel accepts Ms Evans' recommended amendments to NOISE-R1, as shown in Appendix 1 of the Right of Reply. We note the agreement between Mr Peakall and Dr Chiles that NOISE-R1 (3) should be deleted due to the lack of a definition for '*Mobile Noise Sources'* and the risk that this exemption could be used as a loophole.

367. The Panel agrees with Ms Evans' recommended replacement of '*section 7.7 of* ' in NOISE-R1(4) with '*as assessed*' and note this was supported Mr Peakall to align with New Zealand Standards. We note the requirements provided for the measurement of wind farm noise but did not include how such noise should be assessed and agree that this should be addressed by referring to the standard in full.

368. The Panel agrees with Ms Evans' recommended amendment to NOISE-R1(5) to replace '*managed*' with '*measured and assessed'* to give greater clarity and better alignment with standards.

369. The Panel agrees with Ms Evans' recommendation to add new clauses to include the relevant standards for noise from aerodromes, airfields or airports; noise from new or altered roads; and noise from port activities. We accept Mr Peakall's view that NOISE-R1 is the best location to set out all the applicable standards for noise and consider this gives greater clarity to plan users, as well as addressing the relief sought by Te Mana Ora.

370. In relation to the remainder of the submissions on NOISE-R1, the Panel agree that these be rejected on the basis of the conclusions reached by Ms Evans

NOISE-R2

371. The Panel accepts Ms Evans' recommended amendments to NOISE-R2, as shown in Appendix 1 of the Right of Reply.

372. The Panel agree the recommended amendment to NOISE-R2(1) provides clarity on what noise is generally expected with a residential activity. The Panel notes Ms Evans' comments in the s42A Report that spraying and harvesting are highly unlikely to be associated with a residential activity on a large scale. We agree.

373. The Panel agree with Ms Evans' recommended amendment to NOISE-R2(5) to add '*or regionally significant infrastructure'* to NOISE-R2(5), as sought by Manawa. The Panel notes that Manawa sought to delete *'lifeline utilities'* and add '*regionally significant infrastructure'* but that Ms Evans did not agree with this because '*Lifeline Utilities'* are defined by Schedule 1

of the Civil defence Emergency Act 2002 and include a different range of infrastructure services to those defined as '*Regionally Significant Infrastructure'*.

374. The Panel agree with Ms Evans' recommended amendment to delete '*or daycare facilities'* from NOISE-R2 (6) based on Mr Peakall's opinion a concentration of child noise from a daycare facility should be subject to controls like any other commercial activity, particularly given these are normally located in residential areas. We agree that Te Mana Ora's submission provides wide scope for this amendment to protect amenity.

375. The Panel agree with Ms Evans' recommended amendment to NOISE-R2(7) because the standard as notified only provided for vehicle noise associated with residential activities and vehicle noise from activities in all zones was not enabled. We consider the additional wording '*permitted activity'* gives greater clarity.

376. The Panel agrees with Ms Evans' recommended deletion of NOISE-R2(10) because the intent of the exception is unclear.

377. The Panel notes that Mr Peakall's recommended changes to NOISE-R2(11) to remove the reference to '*aircraft*' and to deletion of NOISE-R2(15), which had been omitted in the Appendix 1 of Addendum Report, are now included in Appendix 1 of the Right of Reply.

378. The Panel agrees with Ms Evans' recommended amendment to NOISE-R2(11) to use the defined terms '*agricultural, pastoral, and horticultural activities*' and to remove '*farming*' to provide better alignment with the definition. We consider this is more appropriate than using '*rural production activities*' in the context of the rule. We also agree with the recommended minor adjustment of the words to give greater clarity to the standard.

379. The Panel agrees with Ms Evans' recommended amendments to NOISE-R2(12) based on the advice of Mr Peakall that the notified wording did not define the number of days that such activity could occur and the use of *'infrequent*' would be open to interpretation issues. We agree and consider that a maximum of 30 days in any 12-month period is reasonable and enforceable based on logbooks required for aircraft operation. We note Dr Chiles and Mr Peakall agreed in the JWS that a setback of 250m should be included in the standard, although we acknowledge Mr Peakall later qualified this by saying it may not be necessary if there was a maximum day limit. We agree that the setback requirement and the maximum day limit are appropriate given this is now recommended to be worded as '*or*'. We consider a setback or limit on the days of operation is not appropriate when operating on public conservation land. We agree with the recommended inclusion of a new advice note to clarify that land held or managed under the Conservation Act 1987 is exempt from this clause (12).

380. The Panel acknowledges Mr Michelle's view that if a day limit was applied then an hour limit would also be needed and that this should be based on a calendar year. We do not consider it is necessary to have an hour limit and note that limiting the number of days is easier for people to understand. We acknowledge that enforcement of this limit is likely to be by complaint only and consider it is easy for someone concerned to record days that an operation occurs. We consider a 12-month rolling average is appropriate to avoid an operation occurring in the same location over January and December.

381. The Panel notes Mr Michelle suggested that no submitter had asked for a day limit or a setback and therefore questioned the scope to make these amendments. We consider the request from Te Mana Ora (S190.536) to delete this clause provides broad scope to add limits. We acknowledge the agreement reached between Mr Peakall and Dr Chiles regarding the need

for a day limit *or* a 250m setback from a sensitive activity, outside of the conservation estate land. We agree and consider the wording of the exemption is reasonable for protecting human health, while enabling such activity as permitted activity standards, while enabling rural production activities and conservation activities (including biosecurity activities).

382. The Panel also acknowledge Mr Milner's view that there could be different standards for different zones. We consider the exemption for public conservation land is appropriate but do not consider it is necessary to have different standards for different zones.

383. The Panel agrees with Ms Evans' recommended amendment to NOISE-R2(14) to include the permitted daylight hours for exemption for rifle ranges, as recommended by Mr Peakall. No additional evidence was provided by the Westport Rifle Club or the Westport Pistol Club regarding the recommended restrictions during night time hours, so we consider this is appropriate.

384. The Panel agrees with Ms Evans' recommended amendment to delete NOISE-R2(15) based on the advice of Mr Peakall that activities such as dog kennels and certain industrial activities that involve impulsive sound can have significant noise effects and need to be suitably assessed and these should not be excluded. While not specifically requested, we agree that Te Mana Ora's submission provides wide scope for this amendment to protect amenity.

385. The Panel agree with Ms Evans' recommended amendments to NOISE-R2(16), in response to Te Mana Ora (S190.536) and agreed with by Mr Peakall that audible bird scaring devices should be controlled by way of a numerical limit based on the frequency of operation, measured from in the relevant zones.

386. The Panel agrees with Ms Evans' recommended amendments to NOISE-R2(17) based on Mr Peakall's evidence.

387. The Panel agrees that activity status where compliance is not achieved should be changed from '*Restrict Discretionary*' to '*N/A'* and that this corrects a drafting error.

388. In relation to the remainder of the submissions on NOISE-R2, the Panel agrees that these are rejected on the basis of the conclusions reached by Ms Evans.

NOISE-R3

389. The Panel accepts Ms Evans' recommended amendments to NOISE-R3 and her recommendation to add new NOISE-APP1 to the Plan, as shown in Appendix 1 of the Right of Reply. Overall, we are satisfied that the recommendations are a result of the expert assessment of the rule by Mr Peakall to ensure the protection of human health, as sought by Poutini Ngai Tahu (S620.211). The amendments also respond to the submission points of Waka Kotahi NZTA (S450.171) relating to noise and vibration from state highways; and KiwiRail (S442.088) to include standards for noise, vibration and mechanical ventilation. We note that there was a high level of agreement between Mr Peakall and Dr Chiles regarding appropriate standards to protect human health from adverse noise effects.

390. The Panel agrees with Ms Evans' recommended amendments to refer to the *Road Noise Overlay* in NOISE -R3(1) and delete the references to distance that were notified in clauses (a) and (b) of this standard, which was supported by Mr Peakall and Dr Chiles. Dr Chiles confirmed that overlays are also used in several other districts where NZTA Waka Kotahi had used national noise modelling to better define areas around highways where there are buildings that are likely to require treatment to manage noise effects. The Panel are supportive of this

approach as an overlay will give a more accurate reflection of the likely noise exposure for state highways in the district. We note Ms Evans provided a s32AA evaluation for use of the Road Noise Overlay and concluded this was a more efficient and effective approach than using a setback. We agree.

391. The Panel accept Ms Evans' recommendation for a 100m setback from the railway track rather than using the KiwiRail Rail Noise overlay mapping, which measures 100m from the designation boundary. We agree with Ms Evans that the overlay mapping includes a larger area than measuring a 100m setback from the tracks. We acknowledge Mr Peakall's view that there is no significant or material difference between using the setback rule or creating an overlay in terms of providing a trigger for requiring mitigation; and that both will result in satisfactory noise and vibration outcomes. However, the overlay proposed by KiwiRail affects a larger area of land, which we consider is not within the scope of the Plan as notified.

392. In terms of allowing for the railway track to move within the designation, as sought by KiwiRail, we consider the setback from the tracks addresses this issue, as it will be assessed from where the tracks are located at the time an activity is proposed. We agree with Ms Evans that the location of the track is where the effect occurs and that it is appropriate to measure the setback from the where the effect is generated.

393. The Panel accept Ms Evans' recommendation to exclude the Hokitika railway line from the rules in recognition of the low traffic volume on this line. We agree with the recommendation of Mr Peakall and Dr Chiles that an Alert Layer would be appropriate in case of increased volumes.

394. The Panel acknowledges Mr Kennedy's concern that the 100m setback has increased from 40m to 60m and that it now potentially affects more properties. However, we consider this requested increase is within the scope of the relief sought by KiwiRail and is well supported by expert evidence to protect human health and wellbeing. We note the KiwiRail submission sought to measure the setback from the 'rail corridor' and therefore indicated a large increase was sought from the setback requirement as notified. We consider the refinements to the rule make it clear that noise mitigation will only be required for new buildings and alterations used for a sensitive activity and/or space used for sleeping. While we acknowledge there will be cost associated with installing acoustic insulation and compliance costs for the Councils, we consider this is necessary to give effect to NOISE-O3.

395. The Panel also acknowledges the concerns of Mr Hofmans regarding the restricting effect of the Karamea Aerodrome Noise Overlay (as well as other overlays relating to natural hazards and the coastal environment) on his aspirations for their property. However, we accept the expert evidence of Mr Peakall that the noise overlay is appropriate to protect human health and to protect operation of the aerodrome from reverse sensitivity effects from new sensitive activities in close proximity. We accept Mr Peakall's view that the level of use is immaterial given the level of activity that can occur as of right and that the rules seek to protect all nearby noise sensitive receivers. Mr Peakall noted that the noise levels at potential building sites identified by Mr Hofmans would be '*relatively low*' and no additional acoustic treatment on top of standard construction under the Building Code. We are satisfied that the use of noise contours represents an effective and efficient approach to managing adverse effects that is used throughout New Zealand. Similar to the railway line setback, we acknowledge there will be cost associated with installing ventilation installation for new buildings or alterations and compliance costs for the Council, we consider this is necessary to give effect to NOISE-O3. We agree with Ms Evans regarding the flexibility Mr Hofmans seeks in terms of alternative approaches.

396. The Panel also acknowledges the concern of Poutini Ngāi Tahu to minimise any impacts on Poutini Ngāi and Māori Purpose Zone land. However, we note their support for the rules to be based on expert assessment to protect human health. We consider the revised rule reflects this approach.

397. The Panel agrees with Ms Evans' recommended amendments to improve clarity and consistency of wording, such as including '*and or space used for sleeping'* to provide more clarity on the definition of a '*habitable room'*; and the replacement of *'minimum'* with '*maximum*'. We consider the addition of '*and maintained*' will ensure that the building always remains compliant with the required standard. The Panel notes that Mr Peakall and Dr Chiles supported the proposed 20m distance for vibration limits for new or altered habitable rooms and/or spaces used for sleeping.

398. The Panel agree with Ms Evans, recommended amendment to include the Haast Airfield in NOISE-R3(4) as consequential amendment from Special Purpose Zone Chapter Recommendation Report. The Panel agrees with all other recommended amendments to NOISE-R3(4) and NOISE-R3(5) for consistency with the recommended changes to other standards in NOISE-R3, as agreed to by Mr Peakall and Dr Chiles.

399. The Panel agrees with Ms Evans' recommended amendments to the provisions for NOISE-R3(6) and note agreement between the parties that these, in combination with new Rule NOISE-R13A and the Westport Rifle Range Noise Overlay, are appropriate to manage potential reverse sensitivity effects from new sensitive activities in the surrounding area.

400. The Panel agrees with Ms Evans' recommended amendments to NOISE-R3(7) to improve clarity and consistency with the wording used in other relevant standards.

401. The Panel agrees with Ms Evans' recommended consequential amendments to the advice note and to reflect the addition of new NOISE-APP1 – Acceptable Construction Design for Acoustic Insulation Requirements for New Buildings for Use by a Sensitive Activity Subject to Noise R3. We consider these will assist plan users to understand the rule and to determine acceptable solutions to meet the permitted activity standards.

402. In relation to the submission point from SFF (S441.0041), the Panel agree with Ms Evans that no amendment to the rule is required because any reverse sensitivity effects are best addressed through appropriate zoning and the zone provisions. We agree with Mr Peakall that noise can be controlled at the boundary of the site, if necessary, through methods such as building design and screening. We note Mr Tuck confirmed that SFF can comply with the noise limits at the boundary, but was concerned this may not prevent complaints from new dwellings on the adjacent land. We do not consider the potential for complaints justifies the amendment to the rule sought.

403. In relation to the remainder of the other submissions on NOISE-R3, the Panel agree that these are rejected for the reasons outlined by Ms Evans.

NOISE-R4

404. The Panel agrees with Ms Evans' recommended amendments to NOISE-R4, as shown in Appendix 1 of the Right of Reply, to correct errors.

405. In relation to the remainder of the other submissions no NOISE-R4, the Panel agree that these are rejected for the reasons outlined by Ms Evans

NOISE-R5, NOISE-R6, NOISE-R7, NOISE-R8 and NOISE-R11.

406. The Panel agrees with Ms Evans' recommendation to delete rules NOISE-R5, NOISE-R6, NOISE-R7, NOISE-R8 and replace them with new Rule NOISE-RX. We note the high level of agreement between the experts in relation to the wording of the new rule. We accept that this is a substantial improvement on the notified rules by simplifying the rule framework and providing improved certainty and consistency. We accept that managing noise effects at the point where noise is received is appropriate and is consistent with the approach taken in other district plans around New Zealand.

407. The Panel accepts Mr Peakall's opinion that the recommended noise limits in new Rule NOISE-RX are appropriate for the level of amenity expected in the relevant zone and that these represent the minimum levels for protecting human health, while providing for noise generating activities. Dr Chiles agrees with this.

408. Mr Peakall, Dr Chiles and Mr Hegley agree that for rural zones the standard criteria of 55 dB L_{Aeq} during the daytime and 45 dB L_{Aeq} /75 dB L_{AFmax} at night time are at the upper limit of what NZS 6802 identifies as appropriate for residential amenity. Mr Peakall and Dr Chiles agree that it is appropriate to have some respite in weekends and public holidays from noise given the recommended limits are at the upper limit of acceptability to protect human health and wellbeing. Mr Peakall and Dr Chiles therefore agree that a lower noise limit of 50 dB L_{Aeq} should apply during the daytime on weekends and public holidays in the GRUZ. The only point of difference between Mr Peakall and Dr Chiles, is that Dr Chiles considers that a lower limit of 50 dB L_{Aeq} should also apply in the evening period between 7pm and 10pm to protect public health. Dr Chiles highlighted the recommended limits were more lenient than the notified rule because the notified rule had a lower limit of 45 dB L_{Aeq} from 8pm to 8am weekends and public holiday.

409. In contrast to this, Mr Hegley considered the recommended limit was more restrictive than the notified rule because the noise limit was 55 dB L_{Aeq} on weekends and public holidays from 8am to 8pm, not 50 dB L_{Aeq} on weekends and public holidays from 7am – 10pm. He suggested this would 'shift the balance' from a mixed zone to a residential zone with a working component.

410. The Panel has considered Ms Booker's concern that the GRUZ noise limits had reduced in both the noise level and hours in new Rule NOISE-RX.

411. The Panel relies on the agreement between Mr Peakall and Dr Chiles that the recommended noise limits for the GRUZ are appropriate and balance the mixed use of the zone. We agree that there should be lower permitted noise levels on weekends and public holidays in recognition that the noise limit of 55 dB L_{Aeq} is at the upper limit for residential amenity. We consider this change has been balanced by Mr Peakall and Ms Evans through allowing a higher noise limit of 50 dB L_{Aeq} on weekends and public holidays from 7am – 10pm. However, the preference of the Panel is to apply the same 50 dB L_{Aeq} in the evening period from 7pm – 10pm on weekdays, as recommended by Dr Chiles, to provide appropriate respite.

412. The Panel acknowledges the recommended noise limits in the GRUZ do not apply to a wide range of rural production activities because these are exempt. We agree with Ms Evans that this in conjunction with the reasonably high noise limits from 7am to 7pm on week days and strikes an appropriate balance for mixed use of the zone by protecting human health and providing for many anticipated noise generating activities as permitted activities. We consider

that any activities outside of those provided for, including mineral extraction activities, should be assessed through a consent process.

413. The Panel has also carefully considered the noise limits recommended for the MINZ and BCZ. We note that the noise limits for the MINZ have not changed from what was notified and accept these are appropriate based on the expert evidence. We note that the recommended noise limit for the BCZ has changed from being the same as those notified for the MINZ to a recommendation that no limits apply. We accept this is appropriate given the BCZ boundaries reflect existing mineral extraction activities.

414. The Panel has considered all of the recommended noise limits for the various zones and accept the expert evidence of Mr Peakall that these are appropriate, and the view of Ms Evans that they support the outcomes sought for those zones.

415. The Panel recommends new Rule NOISE-RX is renumbered as NOISE-R5.

416. In relation to the remainder of the other submissions on NOISE-R5, NOISE-R6, NOISE-R7, NOISE-R8 and NOISE-R11, the Panel agree that these are rejected for the reasons outlined by Ms Evans.

NOISE-R9

417. The Panel agrees with Ms Evans' reasoning and recommended amendments to NOISE-R9, as shown in Appendix 1 of the Right of Reply.

418. In response to Panel questions, Ms Evans reconsidered her recommendation in the s42A Report to include a new clause (2) requiring activities to be conducted in accordance with a Port Noise Management Plan. She advised that after further discussions with Mr Peakall, she recommended that noise management plans required by the Port Noise Standard (NZ6809:1999 Acoustic Port Noise Management and Land Use Planning) should be included as advice note rather than part of the rule. We agree this is appropriate.

419. The Panel recommends NOISE-R9 is renumbered as NOISE-R6.

420. In relation to the remainder of the other submissions on NOISE-R9 the Panel agree that these be rejected on the basis of the conclusions reached by Ms Evans.

NOISE-R10

421. The Panel agrees with Ms Evans' reasoning and recommended amendments to NOISE-R10, as shown in Appendix 1 of the Right of Reply.

422. The Panel agrees with the Ms Evans' recommended amendment to include reference to a Noise Management Plan as an Advice Note not as a rule as initially recommended in the 42A Report. We note that Mr Peakall, in his Reply evidence, advised that not all airports are required to prepare noise management plans and he considered it was not necessary to have this as a rule to control noise emissions. On this basis, the Panel consider it more appropriate as an advice note.

423. The Panel notes the agreement reached between Mr Peakall and Dr Chiles to add a new clause (3). We consider it is appropriate to exempt larger passenger aircraft to undertake essential unplanned testing during the daytime. We consider small aircraft for scheduled passenger

services will be able to comply with the noise limits. The Panel include an advice note to assist interpretation of the rule.

424. The Panel recommends NOISE-R10 is renumbered as NOISE-R7.

425. In relation to the remainder of the other submissions on NOISE-R10, the Panel agree that these are rejected on the basis of the conclusions reached by Ms Evans.

NOISE-R12

426. The Panel agrees with Ms Evans' reasoning and recommended amendments to NOISE-R12, as shown in Appendix 1 of the Right of Reply.

427. The Panel agrees with Ms Evans' recommended amendments to NOISE-R12, The Panel notes the deletion of NOISE-R12 (g) is a correction as this is a repeat of clause (a), and the Panel considers that the additional clause *(k) The functional need and/or operational need of the activity* as recommended in the 42A report will provide direction to plan users to consider the requirements of the activity with respect to potential noise effects and mitigation. The Panel notes the recommended additional clause (k) will now change to (j) as a consequence of the recommended deletion of clause (g).

428. The Panel recommends NOISE-R12 is renumbered as NOISE-R8.

429. In relation to the remainder of the other submissions on NOISE-R12 the Panel agree that these are rejected on the basis of the conclusions reached by Ms Evans.

NOISE-R13

430. The Panel accepts Ms Evans' recommendation to retain this rule as the default for Rule NOISE-R3, as shown in Appendix 1 of the Right of Reply.

431. The Panel recommends new NOISE-R13 is renumbered as NOISE-R9.

NOISE-R13A

432. The Panel agrees with Ms Evans' recommendation to add a new rule as a consequential amendment to adding the noise contours to address the submission points in relation to protecting the existing lawfully established activities undertaken at the Westport Rifle Range. We note this reflects the agreement recorded in JWS #1.

433. The Panel recommends new NOISE-R13A is renumbered as NOISE-R10.

NOISE-APP1 - Acceptable Construction Design for Acoustic Insulation Requirements for New Buildings for Use by a Sensitive Activity Subject to NOISE-R3.

434. The Panel agrees with Ms Evans recommended amendment to include a new NOISE-APP1 providing guidance on acceptable construction design for acoustic insulation requirements for new buildings for use by a sensitive activity as required by NOISE-R3. We agree this provides improved certainty and clarity to Plan users as to how these standards can be achieved.

Hearing Panel's Recommendation

435. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends the submission points identified in the footnotes below are accepted or accepted in part, and recommend amendments to the **Noise – Ngā Oro Rules** and to add new **NOISE-APP1** as follows:

Noise Rules

Permitted Activities

NOISE - R1 General Standards

All activities must comply with the following relevant standards.

1. Noise levels arising from activities must be measured and assessed in accordance with the New Zealand Standard NZS 6801:2008 Acoustics - Measurement of environmental sound and the New Zealand Standard NZS 6802:2008 Acoustics - Environmental noise,[52] except where more specific requirements apply.

2. The noise from any construction work activity must be measured and assessed in accordance with the requirements of New Zealand Standard NZS6803:1999 Acoustics – Construction noise. Construction work is defined in New Zealand Standard NZS 6803:1999 Acoustics – Construction noise.

~~3. Noise from mobile noise sources shall comply with the noise limits set out in Tables 2 and 3 of NZS 6803:1999 Acoustics - Construction Noise, with reference to "construction noise" taken to refer to "mobile noise sources";~~ [53]

3. Noise from aerodromes, airfields or airports not subject to NOISE-R10 must be measured and assessed in accordance with New Zealand Standard NZS 6805:1992 Airport Noise Management and Land Use Planning.[54]

4. Noise from new or altered roads must be measured and assessed in accordance with New Zealand Standard NZS 6806:2010 Acoustics - Road-traffic noise - New and altered roads.[55]

~~4.~~**5.** Noise from wind turbines ~~shall~~ **must**[56] be measured **and assessed**[57] in accordance with ~~section 7.7 of~~[58] NZS 6808: 2010 Acoustics Wind Farm Noise;

~~5.~~**6.** Noise from Helicopter Landing areas ~~shall~~ **must**[59] be ~~managed~~ **measured and assessed**[60] in accordance with,[61] and comply with the noise standards and limits of,[62] NZS 6807: 1994 Noise Management and Land Use Planning for Helicopter Landing Area.

[52] RMA Schedule 1, clause 16(2)
[53] Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora S190.535
[54] Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora S190.535
[55] Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora S190.535
[56] RMA Schedule 1, clause 16(2)
[57] Consequential amendment Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora S190.535
[58] Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora S190.535
[59] RMA Schedule 1, clause 16(2)
[60] Consequential amendment Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora S190.535
[61] RMA Schedule 1, clause 16(2)
[62] RMA Schedule 1, clause 16(2)

7. Noise from port activities must be managed in accordance with the noise standards and limits, control boundaries and methods of measurement as outlined in NZS 6809: 1999 Acoustics Port Noise Management and Land Use Planning.[63]

Activity status where compliance not achieved: Restricted Discretionary

NOISE-R2 Emissions of Noise in All Zones

Activity Status Permitted

Where the following activities are exempted from meeting Zone noise standards:

1. ~~Intermittent residential activities~~**Noise associated with use of the site for residential activity, including**[64] use of lawn mowers, vehicles, machinery or equipment operated and maintained in accordance with the manufacture**r'**s[65] specifications ~~and associated with the use of a site for a residential activity~~[66] ~~used on an intermittent basis (e.g. spraying, harvesting, etc);~~[67]
2. Any warning device or siren used by emergency services for emergency purposes (and routine testing and maintenance of these);
3. Activities at emergency service facilities associated with emergency response and emergency response training;
4. Helicopters used for an emergency and as an air ambulance;
5. The use of generators and mobile equipment (including vehicles) for emergency purposes, including testing and maintenance not exceeding ~~2~~**two**[68] weeks in duration, where they are operated by emergency services, or lifeline utilities **or regionally significant infrastructure**;[69]
6. People noise at recreational activities, such as sporting events or the noise from children at school ~~or daycare facilities~~[70] or in residential dwellings. This ~~did~~ **does**[71] not include any amplified noise;
7. Vehicles being driven on a road (within the meaning of Section 2(1) of the Transport Act 1998), or within a site as part of or compatible with a**n** ~~normal residential~~ activity **provided for as a permitted activity in that zone;**[72]
8. Trains **operating**[73] on rail lines (public or private) and crossing bells within road reserve, including at railway yards, railway sidings or stations. However, this exemption ~~did~~ **does**[74] not apply to the testing (when stationary), maintenance, loading or unloading of trains;
9. Road construction work where management controls are in place to mitigate the emission of noise;
10. ~~Any residential activity on the same site as a noise source being assessed;~~[75]

[63] Consequential change to the recommended amendment to Rule NOISE-R9
[64] RMA Schedule 1, clause 16(2)
[65] RMA Schedule 1, clause 16(2)
[66] RMA Schedule 1, clause 16(2)
[67] Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora S190.536
[68] RMA Schedule 1, clause 16(2)
[69] Manawa Energy Limited S438.126
[70] Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora S190.536
[71] RMA Schedule 1, clause 16(2)
[72] Foodstuffs (South Island) Properties Limited and Foodstuffs South Island Limited S464.049, WMS Group (HQ) Limited and WMS Land Co. Limited S599.094
[73] RMA Schedule 1, clause 16(2)
[74] RMA Schedule 1, clause 16(2)
[75] Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora S190.536

11. Agricultur**al**~~e~~, **pastoral and** horticultur**al**~~e~~ ~~and pastoral farming~~[76] activities undertaken ~~for a limited duration, including using agricultural vehicles, machinery, aircraft or equipment used on a seasonal or intermittent basis~~ in the General Rural **Zone** and Rural Lifestyle **Z**~~z~~ones~~;~~ [77]
12. ~~Infrequent a~~**A**ircraft **take off and** landing, **including helicopter movements**, ~~for~~ **associated with** rural production **activities and conservation activities**[78] **at least 250 metres from any sensitive activity or** ~~and purposes on an intermittent basis~~ **for no more than 30 days in any 12 month period per site.** ~~including aerial topdressing and helicopter movements~~; [79]
13. Non-commercial motorised watercraft operating on the surface of waterbodies;
14. Rifle ranges located within the Rifle Range Protection Area **during the hours of 7am to 10pm**;[80]
15. ~~Impulsive sounds (such as hammering and bangs) and dog barking noise which are poorly assessed by reference to NZS 6802:2008 Acoustics Environmental Noise;~~ [81]
16. The noise is emitted from an audible bird scaring device between the hours of half an hour before sunrise and until half an hour after sunset, not used at a frequency of more than 12 events per hour, **and generating less than 65 dB_{LAE} for each event measured at any point at or within the boundary of any site within a Residential Zone, Settlement Zone, Māori Purpose Zone, Hospital Zone, Open Space Zone, Natural Open Space Zone, Scenic Visitor Zone, Future Urban Zone or at the notional boundary of any site in the General Rural Zone or Rural Lifestyle Zone**; [82] and
17. The noise is from a Temporary Activity where the temporary activity occurs between 7:00am and 10:00pm, and **no more than 12 days per calendar year**[83] ~~only~~,[84] and if operating outside of these hours complies with the underlying noise standards of the zone. **This does not include any amplified noise.** [85]

Advice Note:

NOISE - R2.12 does not apply to land held or managed under the Conservation Act 1987.[86]

Activity Status where compliance not achieved: ~~**Restricted Discretionary**~~ **N/A**[87]

NOISE-R3	**Acoustic Insulation Requirements for New or Altered[88] Buildings for Use by a Sensitive Activity**

Activity Status: Permitted

Where:

1. The building will be used by a sensitive activity and is located within **the Road Noise Overlay shown on the planning maps**[89]~~:~~

[76] RMA Schedule 1, clause 16(2) to use defined term
[77] RMA Schedule 1, clause 16(2)
[78] New Zealand Agricultural Aviation Association S166.024, Director General of Conservation S602.180, West Coast Regional Council S488.033
[79] Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora S190.536
[80] Westport Pistol Club S336.009
[81] Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora S190.536
[82] Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora S190.536
[83] Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora S190.536
[84] RMA Schedule 1, clause 16(2)
[85] Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora S190.536
[86] RMA Schedule 1, clause 16(2)
[87] RMA Schedule 1, clause 16(2)
[88] KiwiRail Holdings Limited S442.088
[89] Waka Kotahi NZ Transport Agency S450.171, Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio and Te Rūnanga o Ngāi Tahu S620.211

~~a. 80m of the edge of the carriageway of a State Highway with a speed limit of 70kph or greater; or~~

~~**b.** 40m of the edge of the carriageway of a State Highway with a speed limit of less than 70kph;~~ [90]where**:**

~~i.~~ **a.** Any habitable room ~~used for a sensitive activity~~ **and/or space used for sleeping** must be designed, ~~and~~ constructed **and maintained** to achieve a ~~minimum~~ **maximum** internal noise ~~limit~~ **level** of 40 dB ~~LA~~$L_{A\text{eq }(24h)}$**(24h)**; [91] and

~~ii. Compliance with i. above must be achieved based on an existing noise level with 3 decibel addition adjacent to State Highways allowing for future traffic increase; and~~

b. Compliance with a. above must be achieved based on existing measured or predicted external road-traffic noise levels with the addition of 3 dB; and [92]

~~iii.~~ **c.** Any **new or altered habitable room and/or space used for sleeping** ~~building~~ **within 20 metres of the edge of the carriageway**[93] must be designed, constructed and maintained to achieve vibration limits not exceeding 0.3mm/s (Class C criterion Maximum Weighted Velocity, Vw,95)~~;~~**.**

2. ~~c.~~ ~~46~~**10**0m[94] of the edge of the tracks of ~~a~~ **any** railway line **except for the Hokitika line**[95] where~~:~~

~~i. A~~**a**ny **new or altered**[96] habitable room used for a sensitive activity **and/or space used for sleeping:** [97]

a. ~~must be~~ **Is** designed**,** ~~and~~ constructed **and maintained** to achieve a maximum internal noise ~~limit~~ **level**[98] of 35 dB ~~LA~~$L_{A\text{eq }(1h)}$**(1h)~~;~~.** [99]

b. Compliance **with a. above**[100] must be achieved based on an assumption of 70 **dB** ~~LA~~$L_{A\text{eq }(1h)}$**(1h)**[101] at a distance of 12m from the railway track and shall be deemed to reduce at a rate of 3 dB per doubling of distance up to 40m~~;~~ **or** ~~ii.~~ [102]

c. It is at least 50m from any railway network, and is designed so that a noise barrier completely blocks line-of-sight from all parts of doors and windows to all points 3.8m above railway tracks. [103]

3. ~~c.~~ **60m of the edge of the tracks of any railway line, except for the Hokitika line, where** ~~**iii.** Any building~~ **any new or altered habitable room and/or space used for sleeping**[104] must be designed, constructed and maintained to achieve vibration limits not exceeding 0.3mm/s (Class C criterion Maximum Weighted Velocity, Vw,95);

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90 Waka Kotahi NZ Transport Agency S450.171, Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio and Te Rūnanga o Ngāi Tahu S620.211

91 Waka Kotahi NZ Transport Agency S450.171, Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio and Te Rūnanga o Ngāi Tahu S620.211 and RMA Schedule 1, clause 16(2)

92 Waka Kotahi NZ Transport Agency S450.171, Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio and Te Rūnanga o Ngāi Tahu S620.211

93 Waka Kotahi NZ Transport Agency S450.171, Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio and Te Rūnanga o Ngāi Tahu S620.211

94 KiwiRail Holdings Limited S442.088, Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio and Te Rūnanga o Ngāi Tahu S620.211

95 KiwiRail Holdings Limited S442.088, Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio and Te Rūnanga o Ngāi Tahu S620.211

96 Consequential to KiwiRail Holdings Limited S442.088

97 KiwiRail Holdings Limited S442.088, Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio and Te Rūnanga o Ngāi Tahu S620.211

98 KiwiRail Holdings Limited S442.088, Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio and Te Rūnanga o Ngāi Tahu S620.211

99 RMA Schedule 1, clause 16(2)

100 RMA Schedule 1, clause 16(2)

101 RMA Schedule 1, clause 16(2)

102 RMA Schedule 1, clause 16(2)

103 KiwiRail Holdings Limited S442.088, Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio and Te Rūnanga o Ngāi Tahu S620.211, Misato Nomura S151.002

104 KiwiRail Holdings Limited S442.088, Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio and Te Rūnanga o Ngāi Tahu S620.211

4. ~~d.~~ The 50 dB~~A~~[105] Noise Contour boundary of Franz Josef Heliport or the 55 dB~~A~~[106] Noise Contour boundary of the Westport or Hokitika Airports or Greymouth or Karamea Aerodrome **or Haast Airfield**;[107] where:

a. Any **new or altered**[108] habitable room **and/or space used for sleeping**[109] must be designed, ~~and~~ constructed **and maintained**[110] to achieve a ~~minimum~~ **maximum**[111] indoor design noise level of 40 dB L_{dn};

5. ~~e.~~ Any CMUZ - Commercial and Mixed Use Zone, INZ - Industrial Zone or AIRPZ - Airport Zone, PORTZ - Port Zone, STADZ - Stadium Zone, HOSZ - Hospital Zone, BCZ - Buller Coalfield Zone or MINZ - Mineral Extraction Zone; where**:**

a. The building is designed**,** ~~and~~ constructed **and maintained**[112] to ensure that the following indoor design noise levels are not exceeded:

A. **40**~~35~~ dB $LA_{\underline{A}eq}$[113] inside **any new or altered habitable room** ~~bedrooms~~[114];

B. **35**~~40~~ dB ~~L~~**L**$_{Aeq}$[115] inside ~~any other habitable room, except for~~ **new or altered** bedrooms **between 10pm and 7am**[116]; and

6. Between the 55 dB L_{AFmax} and 60 dB L_{AFmax} contours of the Westport Rifle Range Noise Overlay shown on the planning maps:

a. Any habitable room used for a sensitive activity and/or space used for sleeping must be designed, constructed and maintained to achieve a maximum internal noise level of 35 dB$_{LAFmax}$ from outdoor noise associated with lawfully established activities at the Westport Rifle Range Protection Area; and

b. An outdoor living area not less than 30m^2 must be screened from the Westport Rifle Range Protection Area to achieve an outdoor noise level not exceeding 50 dB L_{AFmax}.[117]

7. ~~f.~~ Where windows need to be closed to achieve the internal noise levels specified in ~~a. to e.~~**-1-6**[118] above an alternative ventilation system shall be provided which achieves the following requirements:

i. Satisfies clause G4 of the New Zealand Building Code;

ii. Is adjustable by the occupant to control the ventilation rate in increments up to a high air flow setting that provides at least 6 air changes per hour; and

iii. Provides relief for equivalent volumes of spill air; and

iv. Provides cooling and heating that is controllable by the occupant and can maintain the inside temperature between 18~~o~~ºC and 25~~o~~ºC[119]; and

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105 RMA Schedule 1, clause 16(2)
106 RMA Schedule 1, clause 16(2)
107 Consequential amendment to Special Purpose Zone Chapter Recommendation Report to include Haast Airfield in the Airport Zone
108 Consequential to KiwiRail Holdings Limited S442.088
109 Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio and Te Rūnanga o Ngāi Tahu S620.211)
110 Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio and Te Rūnanga o Ngāi Tahu S620.211)
111 Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio and Te Rūnanga o Ngāi Tahu S620.211
112 RMA Schedule 1, clause 16(2) to reflect NZ 2107:2000
113 RMA Schedule 1, clause 16(2)
114 Consequential to KiwiRail Holdings Limited S442.088, Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio and Te Rūnanga o Ngāi Tahu S620.211
115 RMA Schedule 1, clause 16(2) to reflect NZ 2107:2000
116 Consequential to KiwiRail Holdings Limited S442.088, Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio and Te Rūnanga o Ngāi Tahu S620.211
117 Dean Trott S330.002, Westport Pistol Club S336.016, Chris Hartigan S338.002, Westport Rifle Club Incorporated S457.009
118 RMA Schedule 1, clause 16(2)
119 RMA Schedule 1, clause 16(2)

v. Does not generate more than 35 dB $L_{A~~Aeq (30s)~~ (30s)}$ [120] when measured **at any point where a person associated with a sensitive activity could be located, and no less than** ~~at least~~[121] 1m away from any grille or diffuser.

Advice Note:

1. Compliance with Rule NOISE - R3 will be achieved if, prior to the construction of any building containing a **new or altered**[122] habitable room **and/or space used for sleeping,**[123] an acoustic design certificate from a suitably qualified acoustic engineer is provided to the relevant district council stating that the design will achieve compliance with the relevant standard. The building shall be designed, constructed and maintained in accordance with the design certificate; or.
2. **For NOISE-R3.1, NOISE-R3.2, NOISE-R3.4, NOISE-R3.5 and NOISE-R3.6.a, compliance will be achieved if the construction conforms to the acceptable solutions listed in NOISE-APP1 - Acceptable constructions requirement, Part A and meets the ventilation requirements of NOISE-R3.7.**[124]
3. **For NOISE-R3.3, compliance will be achieved if the construction conforms to the acceptable solutions listed in NOISE-APP1 - Acceptable constructions requirement, Part B and meets the ventilation requirements of NOISE-R3.7.** [125]

Activity status where compliance not achieved: Restricted Discretionary

NOISE-R4 Emission of Noise for Temporary Military Training Activities

Activity Status Permitted

Where the following noise standards are complied with:

1. Weapons firing and/or the use of explosives:
   a. Notice is provided to the Council at least ~~5~~**five**[126] working days prior to the commencement of the activity;
   b. The activity complies with the following minimum separation distances to the notional boundary of any building housing a sensitive activity:
      i. 7am to 7pm: 500m;
      ii. 7pm to 7am: 1~~.~~250m[127]
   c. Where the minimum separation distances specified above cannot be met, the activity shall comply with the following peak sound pressure level when measured at the notional boundary of any building housing a sensitive activity:
      i. 7am to 7pm: 95 dB ~~C~~L_{Cpeak}; [128]
      b. 7pm to 7am: 85 dB ~~C~~L_{Cpeak}. [129]

[120] RMA Schedule 1, clause 16(2)
[121] RMA Schedule 1, clause 16(2)
[122] Consequential to KiwiRail Holdings Limited S442.088
[123] RMA Schedule 1, clause 16(2)
[124] KiwiRail Holdings Limited S442.088 and amendments to reflect updated numbering in rule
[125] Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio and Te Rūnanga o Ngāi Tahu S620.211, Buller District Council S538.333, Waka Kotahi NZ Transport Agency S450.171; KiwiRail Holdings Limited S442.088
[126] RMA Schedule 1, clause 16(2)
[127] Westport Pistol Club S336.011, Westport Rifle Club Incorporated S457.010
[128] Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora S190.538
[129] Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora S190.538

2. Mobile noise sources:

    d. Shall comply with the noise limits set out in Tables 2 and 3 of NZS6803:1999 Acoustics - Construction Noise, with reference to "construction noise" taken to refer to mobile noise sources.

3. Fixed (stationary) noise sources:

    a. Shall comply with the noise limits set out below when measured at the notional boundary of any building housing a sensitive activity:

        i. 7am to 7pm 55 dB L_{Aeq} (15 min)

        ii. 7pm to 10pm 50 dB L_{Aeq} (15 min)

        iii. 10pm to 7am 45 dB ~~L~~$_{Aeq}$[130] (15 min) and 75 dB L~~A~~F~~max~~$_{AF\ max}$.[131]

NOISE-R5~~X~~ Emission of noise for activities not provided for by NOISE-R2, NOISE-R4, NOISE-R9 and NOISE-R10[132]

Activity Status Permitted

Where:

1. Noise from any activity shall not exceed the following noise limits at any point at or within the boundary of any site within any of the following zones:

Zone	Maximum Noise Limit		
	Daytime (Monday–Friday) 7:00am-10:00pm	Saturday, Sundays and Public Holidays 7:00 am –10:00pm	Night-time 10:00pm-7:00am
RESZ Residential Zone SETZ Settlement Zone GRUZ General Rural Zone RLZ Rural Lifestyle Zone MPZ Māori Purpose Zone HOSZ Hospital Zone OSZ Open Space Zone NOSZ Natural Open Space Zone SVZ Scenic Visitor Zone FUZ Future Urban Zone	55 dB L_{Aeq}	50 dB L_{Aeq}	45 dB L_{Aeq} 70 dB L_{AFmax}

2. Noise from any activity shall not exceed the following noise limits at any point at the notional boundary of any site within any of the following zones:

Zone	Maximum Noise Limit		
	Daytime (Monday–Friday) 7:00am -7:00pm	Monday-Friday 7:00pm – 10:00pm Saturday, Sundays and Public	Night-time 10:00pm-7:00am

[130] RMA Schedule 1, clause 16(2)
[131] RMA Schedule 1, clause 16(2)
[132] Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora S190.540, Chris and Jan Coll S558.327 and others

		Holidays 7:00 am – 10:00pm	
GRUZ General Rural Zone **RLZ Rural Lifestyle Zone**	**55 dB L_{Aeq}**	**50 dB L_{Aeq}**	**45 dB L_{Aeq}** **70 dB L_{AFmax}**

3. The maximum noise from any activity shall not exceed the following noise limits at any point at or within the boundary of any site within any[133] of following zones:

Zone	**Maximum Noise Limit**		
	Daytime **(Monday–Friday) 7:00am-10:00pm**	**Saturday, Sundays and Public Holidays 7:00 am – 10:00pm**	**Night-time 10:00pm-7:00am**
SARZ Sport and Recreation Zone **AIRPZ Airport Zone** **CMUZ Commercial and Mixed Use Zones** **STADZ Stadium Zone** **LIZ Light Industrial Zone**	**60 dB L_{Aeq}**	**55 dB L_{Aeq}**	**50 dB L_{Aeq}** **75 dB L_{AFmax}**
GIZ General Industrial Zone **PORTZ Port Zone**	**65 dB L_{Aeq}**	**65 dB L_{Aeq}**	**65 dB L_{Aeq}**

4. Noise from any activity shall not exceed the following noise limits at any point at the notional boundary of any sensitive activity within any of the following zones:

Zone	**Maximum Noise Limit**		
	Daytime **(Monday–Friday) 7:00am-10:00pm**	**Saturday, Sundays and Public Holidays 7:00 am – 10:00pm**	**Night-time 10:00pm-7:00am**

[133] Minor amendment to improve clarity

MINZ Mineral Extraction Zone	**55 dB L_{Aeq}**	**55 dB L_{Aeq}**	**45 dB L_{Aeq}** **75 dB L_{AFmax}**

Activity Status when not achieved: **Restricted Discretionary**

~~NOISE-R5~~ **~~Emission of Noise in the RESZ - Residential Zones, SETZ - Settlement Zone and NOSZ - Natural Open Space Zone~~**[134]

~~Activity Status Permitted~~

~~Where: 1. Noise generated by any activity shall not exceed the following noise limits at any point within another site in the RESZ - Residential Zones, SETZ - Settlement Zone and NOSZ - Natural Open Space Zone:~~

~~a. 7:00am to 7:00pm Monday to Friday and 8:00am to 5:00pm weekends and public holidays: 55 dB $L_{Aeq\ (15\ min)}$~~

~~b. 7:00pm to 7:00am Monday to Friday and 5:00pm to 8:00am weekends and public holidays: 45 dB $L_{Aeq\ (15\ min)}$~~

~~c. 7:00pm to 7:00am all days - 70 dB L_{AFmax}~~

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

~~NOISE-R6~~ **~~Emission of Noise in the GRUZ - General Rural Zone, RLZ - Rural Lifestyle Zone, MPZ - Māori Purpose Zone, FUZ - Future Urban Zone, SARZ - Sport and Recreation Zone and OSZ - Open Space Zone~~**[135]

~~Activity Status Permitted~~

~~Where:~~

~~4. Noise generated by any activity shall not exceed the following noise limits at any point within the notional boundary of any sensitive activity within any site receiving noise:~~

~~a. 7:00am to 10:00pm Monday to Friday and 8:00am to 8:00pm weekends and public holidays: 55 dB $L_{Aeq\ (15\ min)}$~~

~~b. 10:00pm to 7:00am Monday to Friday and 8:00pm to 8:00am weekends and public holidays: 45 dB $L_{Aeq\ (15min)}$~~

~~c. 10:00pm to 7:00am all days - 75 dB L_{AFmax}~~

~~Activity status where compliance not achieved:~~ **~~Restricted Discretionary~~**

[134] Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora S190.540 and others
[135] Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora S190.540 and others

~~**NOISE-R7**~~	~~**Emission of Noise in all CMUZ - Commercial and Mixed Use Zones, HOSZ - Hospital Zone, STADZ - Stadium Zone and SETZ - PREC2 - Settlement Zone - Settlement Centre Precinct**~~ [136]

~~**Activity Status Permitted**~~

~~Where:~~

~~1. Noise generated by any activity shall not exceed the following noise limits at the notional boundary of any sensitive activity within any site receiving noise:~~

~~a. 6:00am to 11:00pm Monday to Friday and 7:00am to 10:00pm weekends and public holidays: 55 dB $_{LAeq\ (15\ min)}$~~

~~b. 11:00pm to 6:00am Monday to Friday and 10:00pm to 7:00am weekends and public holidays: 45 dB $_{LAeq\ (15\ min)}$~~

~~c. 11:00pm to 6:00am all days - 75 dB LAFmax~~

~~**Activity status where compliance not achieved:** Restricted Discretionary~~

~~**NOISE-R8**~~	~~**Emission of Noise within the GIZ - General Industrial and LIZ - Light Industrial Zone**~~[137]

~~**Activity Status Permitted**~~

~~Where:~~

~~1. Noise generated by any activity shall not exceed the following noise limits at the notional boundary of any sensitive activity within any site receiving noise:~~

~~a. 7:00am to 10:00pm Monday to Friday and 7:00am to 10:00pm weekends and public holidays: 60 dB $_{LAeq\ (15min)}$~~

~~b. 10:00pm to 7:00am Monday to Friday and 10:00pm to 7:00am weekends and public holidays: 45 dB $_{LAeq\ (15\ min)}$~~

~~c. 10:00pm to 7:00am all days - 75 dB $_{LAFmax}$~~

~~**Activity status where compliance not achieved:** Restricted Discretionary~~

NOISE – R~~9~~6	**Emission of Noise within the PORTZ - Port Zone**

Activity Status Permitted

Where:

1. The maximum noise generated from activities is in accordance with the limits, control boundaries and methods of measurement as outlined in NZS 6809: 1999 Acoustics Port Noise Management and Land Use Planning.

Activity Status if compliance not achieved: Restricted Discretionary

Advice Note:

[136] Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora S190.540 and others
[137] Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora S190.540 and others

A Port Noise Management Plan is recommended by NZS 6809 that sets out the details of how NZS: 6809 is being implemented. [138]

NOISE - R~~107~~ Emission of Noise within the AIRPZ - Airport Zone

Activity Status Permitted

Where:

1. Noise from aircraft operations at Hokitika and Westport Airports**, Haast Airfield**[139] and Greymouth and Karamea Aerodromes must be measured and assessed in accordance with NZS 6805: 1992 Airport Noise Management and Land Use Planning;
2. Noise from helicopter operations at Franz Josef Heliport must be measured and assessed in accordance with NZS 6807: 1994 Noise Management and Land Use Planning for Helicopter Landing Areas;

3. Noise from aircraft engine testing is exempt from NOISE-R7.1 above, and:

(a) is not subject to a noise limit if it is essential unplanned testing occurring between 7:00am and 10:00pm, for regular scheduled passenger services to and from other regions with fixed wing aircraft with at least eight passenger seats; and

(b) for all other cases must comply with the noise limits set out in NOISE-R5; [140]

~~3. The maximum noise levels from aircraft engine testing at any point within the boundary of a site within a RESZ - Residential Zone, MPZ - Māori Purpose Zone or RURZ - Rural Zone shall not exceed:~~

~~a. on any day 7.00am to 10.00pm exceed 55 dB $_{LAeq\ (15\ hour)}$~~

~~**b.** on any day 10.00pm to 7.00am not exceed 45 dB $_{LAeq\ (9\ hours)}$ and 75 dB $_{LAmax}$; and~~[141]

4. The maximum noise generated from aircraft operations at Hokitika **and Westport Airports, Haast Airfield**[142] **and Greymouth and Karamea Aerodrome**[143] over any 90 continuous days shall not exceed:

a. 55 dB $\mathbf{L}_{\text{~~Ldn~~}}$[144] at or beyond the noise contour boundary shown on the planning maps; and

5. The maximum noise generated from helicopter operations at Franz Josef Heliport over any ~~7~~**seven**[145] continuous days, shall not exceed:

a. 50 dB $\mathbf{L}_{\text{~~Ldn~~}}$[146] at or beyond the noise contour boundary shown on the planning maps; and

6. Standards 4 and 5 above do not apply to:

a. Aircraft landing or taking off in an emergency; and

b. Emergency flights required to rescue persons from life threatening situations or to transport patients, human organs or medical personnel in medical emergency situations; and

[138] Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora S190.544
[139] Consequential to recommendation to include Haast Airfield in the Airport Zone
[140] Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora S190.545 and consequential amendment to delete clause 3 of NOISE-R10 and adding new NOISE-RX (renumbered NOISE-R5)
[141] Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora S190.540 and others
[142] Consequential to recommendation to include Haast Airfield in the Airport Zone
[143] Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora S190.545
[144] RMA Schedule 1, clause 16(2)
[145] RMA Schedule 1, clause 16(2)
[146] RMA Schedule 1, clause 16(2)

c. Aircraft undertaking firefighting duties; and

d. Military aircraft movements; and

e. Aircraft using the Hokitika Airport in preparation for and participation in air shows.

~~7. In order to audit compliance with this rule, noise level monitoring must be carried out for a minimum of three months every five years with the resulting report forwarded to the Council within one month of that monitoring being completed.~~[147]

Advice Notes:

1. A Noise Management Plan may be prepared that sets out details of how NZS 6805 or NZS 6807 is being implemented. [148]

2. Fixed wing aircraft with less than eight passenger seats are unlikely to exceed noise limits when undertaking aircraft engine testing so are exempt from the restriction in hours in clause 3(a) that apply to fixed wing aircraft with at least eight passenger seats.

Activity Status if compliance not achieved: Restricted Discretionary

~~**NOISE – R11 Emission of Noise within the BCZ - Buller Coalfield Zone and MEZ - Mineral Extraction Zone**~~[149]

~~**Activity Status Permitted**~~

~~Where:~~

~~1. The maximum noise generated from activities did not exceed the following limits at Amax any point within the notional boundary of any sensitive activity within any site receiving noise:~~

~~1. 7:00am to 10:00pm Monday to Friday and 7:00am to 10:00pm weekends and public holidays: 55 dB $_{LAeq (15 min)}$~~

~~2. 10:00pm to 7:00am Monday to Friday and 10:00pm to 7:00am weekends and public holidays: 45 dB $_{LAeq (15 min)}$~~

~~3. 10:00pm to 7:00am all days - 75 dB $_{LAFmax}$~~

~~**Activity status where compliance not achieved:** Restricted Discretionary~~

NOISE–R~~12~~8 Emission of Noise not meeting Permitted Activity Standards

Activity Status Restricted Discretionary

Discretion is restricted to:

a. Effects on the health and wellbeing of people;

b. Ambient noise levels and any special character noise from any existing activities, the nature and character of any changes to the sound received at any receiving site,[150] and the degree to which such sounds are compatible with the surrounding activities;

c. The level, hours of operation, duration and nature of the noise;

d. The primary purpose and the frequency of use of the activity;

e. Proximity and nature of nearby activities and the adverse effects they may experience from the noise;

[147] Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora S190.540 and others
[148] Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora S190.545
[149] Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora S190.540 and others
[150] RMA Schedule 1, clause 16(2)

f. Effects on character and amenity values of the surrounding environment; and

~~**g. Effects on the health and wellbeing of people;**~~[151]

h. Effects on wildlife and habitat values;

i. The temporary or permanent nature of any adverse effects;

j. Any noise reduction measures**~~;~~ and**

k. The functional need or operational need of the activity.[152]

Activity status where compliance not achieved: N/A

NOISE-R~~13~~9	**New Buildings for Use by a Sensitive Activity and Additions to Existing Buildings for Use by a Sensitive Activity not meeting Acoustic Insulation Requirements of Rule NOISE - R3**

Activity Status Restricted Discretionary

Where:

Discretion is restricted to:

a. The provision of a report from an acoustic specialist which provides evidence that the level of acoustic insulation is appropriate to ensure the amenity of present and future residents of the site; and

b. The impact of any sensitive activity that ~~did~~ **does**[153] not provide the required acoustic insulation on the ability of existing or future permitted ~~business~~[154] activities to operate or establish without undue constraint.

Activity status where compliance not achieved: N/A

NOISE–R10	**Buildings for Use by a Sensitive Activity and Additions to Existing Buildings for Use by a Sensitive Activity within the 60 dB L_{AFmax} contour of the Westport Rifle Range Noise Overlay**

Activity Status: Restricted Discretionary

Discretion is restricted to:

a. The provision of a report from an acoustic specialist which provides evidence that the level of noise mitigation is appropriate to ensure the amenity of present and future residents of the site; and

b. The impact of any sensitive activity that did not provide the required noise mitigation on the ability of lawfully established activities at the Westport Rifle Range to operate without undue constraint.

Activity status where compliance not achieved: N/A[155]

NOISE-APP1	**Acceptable Construction Design for Acoustic Insulation Requirements for New Buildings for Use by a Sensitive Activity Subject to Noise - R3**[156]

[151] Waka Kotahi NZ Transport Agency S450.172, Buller Conservation Group S552.156, Frida Inta S553.156
[152] Westpower Limited S547.490
[153] RMA Schedule 1, clause 16(2)
[154] In response to submitter evidence
[155] Dean Trott S330.002, Westport Pistol Club S336.016, Chris Hartigan S338.002, Westport Rifle Club Incorporated S457.009
[156] KiwiRail Holdings Limited S442.088, Gina Hogarth S304.002, Misato Nomura S151.002, Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio and Te Rūnanga o Ngāi Tahu S620.211

Part A: Approved construction requirements for compliance with NOISE-R3.1, NOISE-R3.2, NOISE-R3.4. NOISE-R3.5, NOISE-R3.6.a.

Applicability	
	Construction requirements detailed in this Appendix are only applicable where: **1. The building is a single level construction;** **2. The floor of the building is a reinforced concrete slab;** **3. No habitable room of the building is located less than 4.5 metres from the State Highway road boundary or railway track edge;** **4. The total area of glazing in any habitable room is no greater than 20% of the total area of external walls of that room; and** **5. The roof of the building is a standard timber truss design, with a pitch of not less than 15 degrees. Ventilation of the roof space must only be via casual ventilation typical of the jointing, capping and guttering detail used in normal construction.** **In all other situations, a design report from a suitably qualified acoustics specialist is required.**
Construction Options	
Exterior Walls Option 1	**Exterior cladding of aerated concrete or similar, with a surface mass not less than 27 kg/m^2.** • **Timber framing of not less than 90 mm, with studs at 600 mm centres. A ventilated cavity is not required under this option but is permissible, with or without a rigid air barrier.** • **Fibrous insulation of minimum R2.6. This includes fibreglass, polyester and wool, but does not include polystyrene or other foam sheet insulation products.** • **One layer of 10 mm thick Standard Gib board or alternative gypsum board having a surface mass not less than 6 kg/m^2.**
Exterior Walls Option 2	**Exterior cladding of profiled sheet metal not less than 0.45 mm thick.** • **20 mm thick battens forming a ventilated cavity,** • **Rigid air barrier consisting of Plywood not less than 9 mm thick or Fibre Cement not less than 4 mm thick, or alternative sheet product having a surface mass not less than 5 kg/m^2.** • **Timber framing of not less than 90 mm, with studs at 600 mm centres,** • **Fibrous insulation of minimum R2.6. This includes fibreglass, polyester and wool, but does not include polystyrene or other foam sheet insulation products,** • **One layer of 10 mm thick Standard Gib board or alternative gypsum board, having a surface mass not less than 6 kg/m^2,**
Exterior Walls Option 3	**Exterior cladding of Fibre Cement weatherboards, with a surface mass not less than 18 kg/m2 (Hardies Linea or equivalent).** • **20 mm thick battens forming a ventilated cavity.**

	• **Rigid air barrier consisting of Plywood not less than 7 mm thick or Fibre Cement not less than 4 mm thick, or alternative sheet product having a surface mass not less than 3.8 kg/m2.** • **Timber framing of not less than 90 mm, with studs at 600 mm centres.** • **Fibrous insulation of minimum R2.6. This includes fibreglass, polyester and wool, but does not include polystyrene or other foam sheet insulation products.** • **One layer of 10 mm thick Standard Gib board or alternative gypsum board, having a surface mass not less than 6 kg/m^2,**
Glazing and Exterior doors - All options	• **Windows to consist of double glazing consisting of a minimum of two layers of 4 mm thick glass separated by a 12 mm air gap, with airtight seals.** • **External doors to be either double glazed to the same standard as windows or a solid timber construction with a surface mass not less than 24 kg/m^2 and incorporating full perimeter seals.**
Roof – All Options	• **Profiles metal roofing not less than 0.45 mm thick profiled steel or tiles.** • **Fibrous insulation of minimum R6. This includes fibreglass, polyester and wool, but does not include polystyrene or other foam sheet insulation products,** • **Two layers of 10 mm Standard Gib board or alternative gypsum board, with each layer having a surface mass not less than 6 kg/m^2.**

Part B: Approved construction requirements for compliance with NOISE-R3.3

Any new buildings or alterations to existing buildings containing a sensitive activity, closer than 60 metres to the boundary of an existing railway track and is a single storey framed building with:

a. A constant level floor slab on a full-surface vibration isolation bearing with natural frequency not exceeding 10 Hz, installed in accordance with the supplier's instructions and recommendations; and

b. Vibration isolation separating the sides of the floor slab from the ground; and

c. No rigid connections between the building and the ground.

In all other situations, a design report from a suitably qualified acoustic specialist is required demonstrating compliance with NOISE-R3.3.

New buildings and alterations must meet the ventilation requirements of NOISE-R3.7.





Sharon McGarry

Hearings Panel - Chair

Maria Bartlett

Hearings Panel Member



Anton Becker

Hearings Panel Member

Date: 9 September 2025

APPENDIX 1 – RECOMMENDATIONS ON PLAN PROVISION

Definitions

AUDIBLE BIRD SCARING DEVICE
means gas gun, avian distress alarm or other such device used for the purpose of scaring birds.

Noise Chapter

Overview

The generation of noise is often a necessary part of many activities undertaken on the West Coast/Te Tai o Poutini. While it is important that such activities are able to operate, noise can result in potential adverse effects on people's health and wellbeing, and their enjoyment of the environment. Adverse effects associated with noise can vary depending on a number of factors, including frequency, timing, duration and characteristics of the noise, the distance between the source and receiver, and any reduction measures. The background sound level can influence the acceptability or annoyance of noise, and this can also vary throughout the West Coast/Te Tai o Poutini.

Where ~~noise~~ sensitive activities are established near existing noise-generating activities, or areas where higher noise levels are to be expected, reverse sensitivity effects can arise, potentially resulting in the existing noise-generating activities being constrained, in terms of their ongoing operation or expansion. This is a particular concern for important services and community facilities, including Airports**, Airfields, Aerodromes,** and Heliports, Sports Grounds and Stadiums, the State Highway, Railway Corridors and the Ports, which could be constrained if reverse sensitivity effects arise.

This Chapter controls the nature and timing of noise-generating activities, **including maintaining the amenity of existing sensitive activities by managing noise levels,** and manages new sensitive activities where these are located close to established noise-generating activities or zones which have or are expected to have elevated noise levels. The provisions in this chapter apply to all other chapters within this Plan, unless otherwise specified.

NOISE – O1	The benefits of noise generating activities are provided for in a way that is compatible with the role, function and character of each zone and does not **result in unreasonable noise that may** compromise community health, safety and wellbeing.
NOISE-O2	The function and operation of ~~existing and permitted future~~ **lawfully established** noise generating activities**,** ~~and~~ community **facilities, and** infrastructure, **including regionally significant infrastructure** are not compromised by adverse effects, including reverse sensitivity effects, from ~~noise~~ sensitive activities.
NOISE – O3	The health and wellbeing of people and communities, **including sensitive activities,** are protected from significant levels of noise.

NOISE – P1	Enable the generation of noise ~~when it is~~ of a type, character, scale and level that is appropriate to the zone, having regard to: a. The purpose, character and qualities of the zone that the activity is located in;

	b. The nature, frequency and duration of the noise generating activity; c. Whether the noise generating activity is ~~critical~~ **regionally significant** infrastructure; d. Methods of mitigation; and e. The sensitivity of the surrounding environment.
NOISE – P2	Require sensitive activities sited in higher noise environments to be located and designed ~~so as~~ to minimise adverse effects on the amenity values, public health and wellbeing and the safety of occupants and minimise sleep disturbance from noise, while taking into account: a. The type of noise generating activity; and b. Other noise sources in the area; and c. The nature and occupancy of the ~~noise~~ sensitive activity; and d. Mitigation measures, including acoustic insulation, screening and topography. For the purpose of NOISE - P2 higher noise environments include: e. CMUZ - Commercial and mixed-use zones; f. INZ - Industrial zones, PORTZ - Port Zone, AIRPZ - Airport Zone, STADZ - Stadium Zone, BCZ - Buller Coalfield Zone, MINZ - Mineral Extraction Zone and HOSPZ - Hospital Zone; ~~and~~ g. Locations in close proximity to a State Highway and the Rail~~way~~ Corridor; **and** **h. The Westport Rifle Range Noise Overlay.**
NOISE – P3	Within the Airport Noise Contour Boundary overlay avoid sensitive activities, unless noise mitigation measures are implemented that avoid sleep disturbance and minimise other adverse effects on the amenity values of occupants.
NOISE-P4	Ensure noise effects generated by an activity are of a type, scale and level that are appropriate for the predominant role, function and character of the receiving environment and protect the health and wellbeing of people and communities by having regard to: a. Maximum noise limits to reflect the character and amenity of each zone; b. Type, scale and location of the activity in relation to any ~~noise~~ sensitive activities; c. Hours of operation and duration of activity; d. The temporary or permanent nature of any adverse effects; ~~and~~ e. The ability to internalise and/or **avoid, remedy or mitigate adverse effects** ~~minimise any conflict with adjacent activities~~; **and** f. **The functional need or operational need of the activity**.

Noise Rules
Permitted Activities

NOISE - R1 General Standards

All activities must comply with the following relevant standards.

1. Noise levels arising from activities must be measured and assessed in accordance with the New Zealand Standard NZS 6801:2008 Acoustics - Measurement of environmental sound and the New Zealand Standard NZS 6802:2008 Acoustics - Environmental noise**,** except where more specific requirements apply.
2. The noise from any construction work activity must be measured and assessed in accordance with the requirements of New Zealand Standard NZS6803:1999 Acoustics – Construction noise. Construction work is defined in New Zealand Standard NZS 6803:1999 Acoustics – Construction noise.
3. ~~Noise from mobile noise sources shall comply with the noise limits set out in Tables 2 and 3 of NZS 6803:1999 Acoustics - Construction Noise, with reference to "construction noise" taken to refer to "mobile noise sources";~~
3. **Noise from aerodromes, airfields or airports not subject to NOISE-R10 must be measured and assessed in accordance with New Zealand Standard NZS 6805:1992 Airport Noise Management and Land Use Planning.**
4. **Noise from new or altered roads must be measured and assessed in accordance with New Zealand Standard NZS 6806:2010 Acoustics - Road-traffic noise - New and altered roads.**

~~4.~~**5.** Noise from wind turbines ~~shall~~ **must** be measured **and assessed** in accordance with ~~section 7.7 of~~ NZS 6808: 2010 Acoustics Wind Farm Noise;

~~5.~~**6.** Noise from Helicopter Landing areas ~~shall~~ **must** be ~~managed~~ **measured and assessed** in accordance with**,** and comply with the noise standards and limits of**,** NZS 6807: 1994 Noise Management and Land Use Planning for Helicopter Landing Area.

7. **Noise from port activities must be managed in accordance with the noise standards and limits, control boundaries and methods of measurement as outlined in NZS 6809: 1999 Acoustics Port Noise Management and Land Use Planning.**

Activity status where compliance not achieved: Restricted Discretionary

NOISE-R2 Emissions of Noise in All Zones

Activity Status Permitted

Where the following activities are exempted from meeting Zone noise standards:

1. ~~Intermittent residential activities~~**Noise associated with use of the site for residential activity, including** use of lawn mowers, vehicles, machinery or equipment operated and maintained in accordance with the manufacture**r'**s specifications ~~and associated with the use of a site for a residential activity used on an intermittent basis (e.g. spraying, harvesting, etc);~~
2. Any warning device or siren used by emergency services for emergency purposes (and routine testing and maintenance of these);
3. Activities at emergency service facilities associated with emergency response and emergency response training;
4. Helicopters used for an emergency and as an air ambulance;
5. The use of generators and mobile equipment (including vehicles) for emergency purposes, including testing and maintenance not exceeding ~~2~~**two** weeks in duration, where they are operated by emergency services, or lifeline utilities **or regionally significant infrastructure**;

6. People noise at recreational activities, such as sporting events or the noise from children at school ~~or daycare facilities~~ or in residential dwellings. This ~~did~~ **does** not include any amplified noise;
7. Vehicles being driven on a road (within the meaning of Section 2(1) of the Transport Act 1998), or within a site as part of or compatible with a**n** ~~normal residential~~ activity **provided for as a permitted activity in that zone;**
8. Trains **operating** on rail lines (public or private) and crossing bells within road reserve, including at railway yards, railway sidings or stations. However, this exemption ~~did~~ **does** not apply to the testing (when stationary), maintenance, loading or unloading of trains;
9. Road construction work where management controls are in place to mitigate the emission of noise;
10. ~~Any residential activity on the same site as a noise source being assessed;~~
11. Agricultur**al**~~e~~, **pastoral and** horticultur**al**~~e~~ ~~and pastoral farming~~ activities undertaken ~~for a limited duration, including using agricultural vehicles, machinery, aircraft or equipment used on a seasonal or intermittent basis~~ in the General Rural **Zone** and Rural Lifestyle **Z**~~z~~one~~s~~;
12. ~~Infrequent a~~**A**ircraft **take off and** landing, **including helicopter movements**, ~~for~~ **associated with** rural production **activities and conservation activities at least 250 metres from any sensitive activity or** ~~and purposes on an intermittent basis~~ **for no more than 30 days in any 12 month period per site.** ~~including aerial topdressing and helicopter movements~~;
13. Non-commercial motorised watercraft operating on the surface of waterbodies;
14. Rifle ranges located within the Rifle Range Protection Area **during the hours of 7am to 10pm**;
15. ~~Impulsive sounds (such as hammering and bangs) and dog barking noise which are poorly assessed by reference to NZS 6802:2008 Acoustics Environmental Noise;~~
16. The noise is emitted from an audible bird scaring device between the hours of half an hour before sunrise and until half an hour after sunset, not used at a frequency of more than 12 events per hour, **and generating less than 65 dB_{LAE} for each event measured at any point at or within the boundary of any site within a Residential Zone, Settlement Zone, Māori Purpose Zone, Hospital Zone, Open Space Zone, Natural Open Space Zone, Scenic Visitor Zone, Future Urban Zone or at the notional boundary of any site in the General Rural Zone or Rural Lifestyle Zone**; and
17. The noise is from a Temporary Activity where the temporary activity occurs between 7:00am and 10:00pm, and **no more than 12 days per calendar year** ~~only~~, and if operating outside of these hours complies with the underlying noise standards of the zone. **This does not include any amplified noise.**

Advice Note:

NOISE - R2.12 does not apply to land held or managed under the Conservation Act 1987.

Activity Status where compliance not achieved: ~~**Restricted Discretionary**~~ **N/A**

NOISE-R3	**Acoustic Insulation Requirements for New or Altered Buildings for Use by a Sensitive Activity**

Activity Status: Permitted

Where:

1. The building will be used by a sensitive activity and is located within **the Road Noise Overlay shown on the planning maps:**

~~a. 80m of the edge of the carriageway of a State Highway with a speed limit of 70kph or greater; or~~

~~**b.** 40m of the edge of the carriageway of a State Highway with a speed limit of less than 70kph;~~ where:

~~iv.~~ **a.** Any habitable room ~~used for a sensitive activity~~ **and/or space used for sleeping** must be designed, ~~and~~ constructed **and maintained** to achieve a ~~minimum~~ **maximum** internal noise ~~limit~~ **level** of 40 dB ~~LA~~ $L_{A\text{eq }(24h)}$ **(24h)**; and

~~v. Compliance with i. above must be achieved based on an existing noise level with 3 decibel addition adjacent to State Highways allowing for future traffic increase; and~~

b. Compliance with i. above must be achieved based on existing measured or predicted external road-traffic noise levels with the addition of 3 dB; and

~~vi.~~ **c.** Any **new or altered habitable room and/or space used for sleeping** ~~building~~ **within 20 metres of the edge of the carriageway** must be designed, constructed and maintained to achieve vibration limits not exceeding 0.3mm/s (Class C criterion Maximum Weighted Velocity, Vw,95)~~;~~**.**

2. ~~c.~~ 46**10**0m of the edge of the tracks of ~~a~~ **any** railway line **except for the Hokitika line** where~~:~~

~~i. A~~**a**ny **new or altered** habitable room used for a sensitive activity **and/or space used for sleeping:**

a. ~~must be~~ **Is** designed**,** ~~and~~ constructed **and maintained** to achieve a maximum internal noise ~~limit~~ **level** of 35 dB ~~LA~~ $L_{A\text{eq }(1h)}$ **(1h)~~;~~.**

b. Compliance **with i. above** must be achieved based on an assumption of 70 **dB** ~~LA~~ $L_{A\text{eq }(1h)}$ **(1h)** at a distance of 12m from the railway track and shall be deemed to reduce at a rate of 3 dB per doubling of distance up to 40m~~;~~, **or** ~~ii.~~

c. It is at least 50m from any railway network, and is designed so that a noise barrier completely blocks line-of-sight from all parts of doors and windows to all points 3.8m above railway tracks.

3. ~~c.~~ **60m of the edge of the tracks of any railway line, except for the Hokitika line, where** ~~**iii.** Any building~~ **any new or altered habitable room and/or space used for sleeping** must be designed, constructed and maintained to achieve vibration limits not exceeding 0.3mm/s (Class C criterion Maximum Weighted Velocity, Vw,95);

4. ~~d.~~ The 50 dB~~A~~ Noise Contour boundary of Franz Josef Heliport or the 55 dB~~A~~ Noise Contour boundary of the Westport or Hokitika Airports or Greymouth or Karamea Aerodrome **or Haast Airfield**; where:

a. Any **new or altered** habitable room **and/or space used for sleeping** must be designed, ~~and~~ constructed **and maintained** to achieve a ~~minimum~~ **maximum** indoor design noise level of 40 dB L_{dn};

5. ~~e.~~ Any CMUZ - Commercial and Mixed Use Zone, INZ - Industrial Zone or AIRPZ - Airport Zone, PORTZ - Port Zone, STADZ - Stadium Zone, HOSZ - Hospital Zone, BCZ - Buller Coalfield Zone or MINZ - Mineral Extraction Zone; where**:**

a. The building is designed**,** ~~and~~ constructed **and maintained** to ensure that the following indoor design noise levels are not exceeded:

A. **40**~~35~~ dB LA_{Aeq} inside **any new or altered habitable room** ~~bedrooms~~;

B. **35**~~40~~ dB ~~L~~L_{Aeq} inside ~~any other habitable room, except for~~ **new or altered** bedrooms **between 10pm and 7am**; and

6. Between the 55 dB L_{AFmax} and 60 dB L_{AFmax} contours of the Westport Rifle Range Noise Overlay shown on the planning maps:

a. Any habitable room used for a sensitive activity and/or space used for sleeping must be designed, constructed and maintained to achieve a maximum internal noise level of 35 dB$_{LAFmax}$ from outdoor noise associated with lawfully established activities at the Westport Rifle Range Protection Area; and

b. An outdoor living areas not less than 30m^2 must be screened from the Westport Rifle Range Protection Area to achieve an outdoor noise level not exceeding 50 dB L_{AFmax}.

7. ~~**f.**~~ Where windows need to be closed to achieve the internal noise levels specified in ~~a. to e.~~ **1-6** above an alternative ventilation system shall be provided which achieves the following requirements:

i. Satisfies clause G4 of the New Zealand Building Code;

ii. Is adjustable by the occupant to control the ventilation rate in increments up to a high air flow setting that provides at least 6 air changes per hour; and

iii. Provides relief for equivalent volumes of spill air; and

iv. Provides cooling and heating that is controllable by the occupant and can maintain the inside temperature between 18~~o~~ºC and 25~~o~~ºC; and

v. Does not generate more than 35 dB $LA_{Aeq\ (30s)}$ ~~(~~**(30s)** when measured **at any point where a person associated with a sensitive activity could be located, and no less than** ~~at least~~ 1m away from any grille or diffuser.

Advice Note:

1. Compliance with Rule NOISE - R3 will be achieved if, prior to the construction of any building containing a **new or altered** habitable room **and/or space used for sleeping,** an acoustic design certificate from a suitably qualified acoustic engineer is provided to the relevant district council stating that the design will achieve compliance with the relevant standard. The building shall be designed, constructed and maintained in accordance with the design certificate; or.

2. **For NOISE-R3.1, NOISE-R3.2, NOISE-R3.4, NOISE-R3.5 and NOISE-R3.6.i, compliance will be achieved if the construction conforms to the acceptable solutions listed in NOISE-APP1 - Acceptable constructions requirement, Part A and meets the ventilation requirements of NOISE-R3.7.**

3. **For NOISE-R3.3, compliance will be achieved if the construction conforms to the acceptable solutions listed in NOISE-APP1 - Acceptable constructions requirement, Part B and meets the ventilation requirements of NOISE-R3.7.**

Activity status where compliance not achieved: Restricted Discretionary

NOISE-R4	**Emission of Noise for Temporary Military Training Activities**

Activity Status Permitted

Where the following noise standards are complied with:

1. Weapons firing and/or the use of explosives:
    a. Notice is provided to the Council at least ~~5~~**five** working days prior to the commencement of the activity;
    b. The activity complies with the following minimum separation distances to the notional boundary of any building housing a sensitive activity:
        iii. 7am to 7pm: 500m;
        iv. 7pm to 7am: 1~~.~~250m
    c. Where the minimum separation distances specified above cannot be met, the activity shall comply with the following peak sound pressure level when measured at the notional boundary of any building housing a sensitive activity:
        i. 7am to 7pm: 95 dB ~~C~~**L**$_{Cpeak}$;
        ii. 7pm to 7am: 85 dB ~~C~~**L**$_{Cpeak}$.
2. Mobile noise sources:
    a. Shall comply with the noise limits set out in Tables 2 and 3 of NZS6803:1999 Acoustics - Construction Noise, with reference to "construction noise" taken to refer to mobile noise sources.
3. Fixed (stationary) noise sources:
    a. Shall comply with the noise limits set out below when measured at the notional boundary of any building housing a sensitive activity:
        i. 7am to 7pm 55 dB L_{Aeq} (15 min)
        ii. 7pm to 10pm 50 dB L_{Aeq} (15 min)
        iii. 10pm to 7am 45 dB ~~L~~$_{Aeq}$ (15 min) and 75 dB L~~A~~**F**$_{AF}$ ~~max~~$_{max}$.

NOISE-R5	**Emission of noise for activities not provided for by NOISE-R2, NOISE-R4, NOISE-R9 and NOISE-R10**

Activity Status Permitted

Where:

1. **Noise from any activity shall not exceed the following noise limits at any point at or within the boundary of any site within any of the following zones:**

Zone	**Maximum Noise Limit**		
	Daytime (Monday–Friday) 7:00am-10:00pm	**Saturday, Sundays and Public Holidays 7:00 am – 10:00pm**	**Night-time 10:00pm-7:00am**

RESZ Residential Zone **SETZ Settlement Zone** **GRUZ General Rural Zone** **RLZ Rural Lifestyle Zone** **MPZ Māori Purpose Zone** **HOSZ Hospital Zone** **OSZ Open Space Zone** **NOSZ Natural Open Space Zone** **SVZ Scenic Visitor Zone** **FUZ Future Urban Zone**	**55 dB L_{Aeq}**	**50 dB L_{Aeq}**	**45 dB L_{Aeq}** **70 dB L_{AFmax}**

2. **Noise from any activity shall not exceed the following noise limits at any point at the notional boundary of any site within any of the following zones:**

Zone	**Maximum Noise Limit**		
	Daytime **(Monday–Friday) 7:00am -7:00pm**	**Monday-Friday 7:00pm – 10:00pm** **Saturday, Sundays and Public Holidays 7:00 am – 10:00pm**	**Night-time 10:00pm-7:00am**
GRUZ General Rural Zone **RLZ Rural Lifestyle Zone**	**55 dB L_{Aeq}**	**50 dB L_{Aeq}**	**45 dB L_{Aeq}** **70 dB L_{AFmax}**

3. **The maximum noise from any activity shall not exceed the following noise limits at any point at or within the boundary any site within any of following zones:**

Zone	**Maximum Noise Limit**		
	Daytime **(Monday–Friday) 7:00am-10:00pm**	**Saturday, Sundays and Public Holidays 7:00 am – 10:00pm**	**Night-time 10:00pm-7:00am**

SARZ Sport and Recreation Zone **AIRPZ Airport Zone** **CMUZ Commercial and Mixed Use Zones** **STADZ Stadium Zone** **LIZ Light Industrial Zone**	**60 dB L_{Aeq}**	**55 dB L_{Aeq}**	**50 dB L_{Aeq}** **75 dB L_{AFmax}**
GIZ General Industrial Zone **PORTZ Port Zone**	**65 dB L_{Aeq}**	**65 dB L_{Aeq}**	**65 dB L_{Aeq}**

4. **Noise from any activity shall not exceed the following noise limits at any point at the notional boundary of any sensitive activity within any of the following zones:**

Zone	**Maximum Noise Limit**		
	Daytime **(Monday–Friday) 7:00am-10:00pm**	**Saturday, Sundays and Public Holidays 7:00 am – 10:00pm**	**Night-time 10:00pm-7:00am**
MINZ Mineral Extraction Zone	**55 dB L_{Aeq}**	**55 dB L_{Aeq}**	**45 dB L_{Aeq}** **75 dB L_{AFmax}**

Activity Status when not achieved: **Restricted Discretionary**

~~**NOISE-R5 Emission of Noise in the RESZ - Residential Zones, SETZ - Settlement Zone and NOSZ - Natural Open Space Zone**~~

~~**Activity Status Permitted**~~

~~Where: 1. Noise generated by any activity shall not exceed the following noise limits at any point within another site in the RESZ - Residential Zones, SETZ - Settlement Zone and NOSZ - Natural Open Space Zone:~~

~~a. 7:00am to 7:00pm Monday to Friday and 8:00am to 5:00pm weekends and public holidays: 55 dB $L_{Aeq (15 min)}$~~

~~b. 7:00pm to 7:00am Monday to Friday and 5:00pm to 8:00am weekends and public holidays: 45 dB $L_{Aeq (15 min)}$~~

~~c. 7:00pm to 7:00am all days - 70 dB L_{AFmax}~~

~~**Activity status where compliance not achieved:** Restricted Discretionary~~

~~**NOISE-R6**~~	~~**Emission of Noise in the GRUZ - General Rural Zone, RLZ - Rural Lifestyle Zone, MPZ - Māori Purpose Zone, FUZ - Future Urban Zone, SARZ - Sport and Recreation Zone and OSZ - Open Space Zone**~~

~~**Activity Status Permitted**~~

~~Where:~~

~~1. Noise generated by any activity shall not exceed the following noise limits at any point within the notional boundary of any sensitive activity within any site receiving noise:~~

~~a. 7:00am to 10:00pm Monday to Friday and 8:00am to 8:00pm weekends and public holidays: 55 dB $L_{Aeq\ (15\ min)}$~~

~~b. 10:00pm to 7:00am Monday to Friday and 8:00pm to 8:00am weekends and public holidays: 45 dB $L_{Aeq\ (15min)}$~~

~~c. 10:00pm to 7:00am all days - 75 dB L_{AFmax}~~

~~Activity status where compliance not achieved: **Restricted Discretionary**~~

~~**NOISE-R7**~~	~~**Emission of Noise in all CMUZ - Commercial and Mixed Use Zones, HOSZ - Hospital Zone, STADZ - Stadium Zone and SETZ - PREC2 - Settlement Zone - Settlement Centre Precinct**~~

~~**Activity Status Permitted**~~

~~Where:~~

~~1. Noise generated by any activity shall not exceed the following noise limits at the notional boundary of any sensitive activity within any site receiving noise:~~

~~a. 6:00am to 11:00pm Monday to Friday and 7:00am to 10:00pm weekends and public holidays: 55 dB $L_{Aeq\ (15\ min)}$~~

~~b. 11:00pm to 6:00am Monday to Friday and 10:00pm to 7:00am weekends and public holidays: 45 dB $L_{Aeq\ (15\ min)}$~~

~~c. 11:00pm to 6:00am all days - 75 dB LAFmax~~

~~**Activity status where compliance not achieved:** Restricted Discretionary~~

~~**NOISE-R8**~~	~~**Emission of Noise within the GIZ - General Industrial and LIZ - Light Industrial Zone**~~

~~**Activity Status Permitted**~~

~~Where:~~

~~1. Noise generated by any activity shall not exceed the following noise limits at the notional boundary of any sensitive activity within any site receiving noise:~~

~~a. 7:00am to 10:00pm Monday to Friday and 7:00am to 10:00pm weekends and public holidays: 60 dB $L_{Aeq\ (15min)}$~~

~~b. 10:00pm to 7:00am Monday to Friday and 10:00pm to 7:00am weekends and public holidays: 45 dB $L_{Aeq\ (15\ min)}$~~

~~c. 10:00pm to 7:00am all days - 75 dB L_{AFmax}~~

~~**Activity status where compliance not achieved:** Restricted Discretionary~~

NOISE – R~~9~~6	**Emission of Noise within the PORTZ - Port Zone**

Activity Status Permitted

Where:

1. The maximum noise generated from activities is in accordance with the limits, control boundaries and methods of measurement as outlined in NZS 6809: 1999 Acoustics Port Noise Management and Land Use Planning.

Activity Status if compliance not achieved: Restricted Discretionary

Advice Note:

A Port Noise Management Plan is recommended by NZS 6809 that sets out the details of how NZS 6809 is being implemented.

NOISE - R~~10~~7 Emission of Noise within the AIRPZ - Airport Zone

Activity Status Permitted

Where:

1. Noise from aircraft operations at Hokitika and Westport Airports**, Haast Airfield** and Greymouth and Karamea Aerodromes must be measured and assessed in accordance with NZS 6805: 1992 Airport Noise Management and Land Use Planning;
2. Noise from helicopter operations at Franz Josef Heliport must be measured and assessed in accordance with NZS 6807: 1994 Noise Management and Land Use Planning for Helicopter Landing Areas;

3. Noise from aircraft engine testing is exempt from NOISE-R7.1 above, and:

(a) is not subject to a noise limit if it is essential unplanned testing occurring between 7:00am and 10:00pm, for regular scheduled passenger services to and from other regions with fixed wing aircraft with at least eight passenger seats; and

(b) for all other cases must comply with the noise limits set out in NOISE-R5;

~~3. The maximum noise levels from aircraft engine testing at any point within the boundary of a site within a RESZ - Residential Zone, MPZ - Māori Purpose Zone or RURZ - Rural Zone shall not exceed:~~

~~a. on any day 7.00am to 10.00pm exceed 55 dB $L_{Aeq\ (15\ hour)}$~~

~~**b.** on any day 10.00pm to 7.00am not exceed 45 dB $L_{Aeq\ (9\ hours)}$ and 75 dB L_{Amax}; and~~

4. The maximum noise generated from aircraft operations at Hokitika **and Westport Airports, Haast Airfield and Greymouth and Karamea Aerodrome** over any 90 continuous days shall not exceed:

a. 55 dB $\mathbf{L}_{Ldn}$ at or beyond the noise contour boundary shown on the planning maps; and

5. The maximum noise generated from helicopter operations at Franz Josef Heliport over any ~~7~~**seven** continuous days, shall not exceed:

a. 50 dB $\mathbf{L}_{Ldn}$ at or beyond the noise contour boundary shown on the planning maps; and

6. Standards 4 and 5 above do not apply to:

a. Aircraft landing or taking off in an emergency; and

b. Emergency flights required to rescue persons from life threatening situations or to transport patients, human organs or medical personnel in medical emergency situations; and

c. Aircraft undertaking firefighting duties; and

d. Military aircraft movements; and

e. Aircraft using the Hokitika Airport in preparation for and participation in air shows.

Advice Notes:

1. A Noise Management Plan may be prepared that sets out details of how NZS 6805 or NZS 6807 is being implemented.

2. Fixed wing aircraft with less than eight passenger seats are unlikely to exceed noise limits when undertaking aircraft engine testing so are exempt from the restriction in hours in clause 3(a) that apply to fixed wing aircraft with at least eight passenger seats.

Activity Status if compliance not achieved: Restricted Discretionary

~~**NOISE – R11 Emission of Noise within the BCZ - Buller Coalfield Zone and MEZ - Mineral Extraction Zone**~~

~~**Activity Status Permitted**~~

~~Where:~~

~~1. The maximum noise generated from activities did not exceed the following limits at Amax any point within the notional boundary of any sensitive activity within any site receiving noise:~~

~~2. 7:00am to 10:00pm Monday to Friday and 7:00am to 10:00pm weekends and public holidays: 55 dB $L_{Aeq\ (15\ min)}$~~

~~3. 10:00pm to 7:00am Monday to Friday and 10:00pm to 7:00am weekends and public holidays: 45 dB $L_{Aeq\ (15\ min)}$~~

~~4. 10:00pm to 7:00am all days - 75 dB L_{AFmax}~~

~~**Activity status where compliance not achieved:** Restricted Discretionary~~

NOISE–R~~12~~8 Emission of Noise not meeting Permitted Activity Standards

Activity Status Restricted Discretionary

Discretion is restricted to:

1. Effects on the health and wellbeing of people;
2. Ambient noise levels and any special character noise from any existing activities, the nature and character of any changes to the sound received at any receiving site**,** and the degree to which such sounds are compatible with the surrounding activities;
3. The level, hours of operation, duration and nature of the noise;
4. The primary purpose and the frequency of use of the activity;
5. Proximity and nature of nearby activities and the adverse effects they may experience from the noise;
6. Effects on character and amenity values of the surrounding environment; and
7. ~~Effects on the health and wellbeing of people~~**;**
8. Effects on wildlife and habitat values;
9. The temporary or permanent nature of any adverse effects;
10. Any noise reduction measures**;**~~.~~
11. **The functional need or operational need of the activity.**

Activity status where compliance not achieved: N/A

NOISE-R~~13~~9	**New Buildings for Use by a Sensitive Activity and Additions to Existing Buildings for Use by a Sensitive Activity not meeting Acoustic Insulation Requirements of Rule NOISE - R3**

Activity Status Restricted Discretionary

Where:

Discretion is restricted to:

a. The provision of a report from an acoustic specialist which provides evidence that the level of acoustic insulation is appropriate to ensure the amenity of present and future residents of the site; and

b. The impact of any sensitive activity that ~~did~~ **does** not provide the required acoustic insulation on the ability of existing or future permitted ~~business~~ activities to operate or establish without undue constraint.

Activity status where compliance not achieved: N/A

NOISE–R10	**Buildings for Use by a Sensitive Activity and Additions to Existing Buildings for Use by a Sensitive Activity within the 60 dB L_{AFmax} contour of the Westport Rifle Range Noise Overlay**

Activity Status: Restricted Discretionary

Discretion is restricted to:

a. The provision of a report from an acoustic specialist which provides evidence that the level of noise mitigation is appropriate to ensure the amenity of present and future residents of the site; and

b. The impact of any sensitive activity that did not provide the required noise mitigation on the ability of lawfully established activities at the Westport Rifle Range to operate without undue constraint.

Activity status where compliance not achieved: N/A

NOISE-APP1	**Acceptable Construction Design for Acoustic Insulation Requirements for New Buildings for Use by a Sensitive Activity Subject to Noise - R3**

Part A: Approved construction requirements for compliance with NOISE-R3.1, NOISE-R3.2, NOISE-R3.4. NOISE-R3.5, NOISE-R3.6.i.

Applicability	
	Construction requirements detailed in this Appendix are only applicable where: **1. The building is a single level construction;** **2. The floor of the building is a reinforced concrete slab;** **3. No habitable room of the building is located less than 4.5 metres from the State Highway road boundary or railway track edge;** **4. The total area of glazing in any habitable room is no greater than 20% of the total area of external walls of that room; and** **5. The roof of the building is a standard timber truss design, with a pitch of not less than 15 degrees. Ventilation of the roof space must**

	only be via casual ventilation typical of the jointing, capping and guttering detail used in normal construction. **In all other situations, a design report from a suitably qualified acoustics specialist is required.**
Construction Options	
Exterior Walls Option 1	**Exterior cladding of aerated concrete or similar, with a surface mass not less than 27 kg/m^2.** • **Timber framing of not less than 90 mm, with studs at 600 mm centres. A ventilated cavity is not required under this option but is permissible, with or without a rigid air barrier.** • **Fibrous insulation of minimum R2.6. This includes fibreglass, polyester and wool, but does not include polystyrene or other foam sheet insulation products.** • **One layer of 10 mm thick Standard Gib board or alternative gypsum board having a surface mass not less than 6 kg/m^2.**
Exterior Walls Option 2	**Exterior cladding of profiled sheet metal not less than 0.45 mm thick.** • **20 mm thick battens forming a ventilated cavity,** • **Rigid air barrier consisting of Plywood not less than 9 mm thick or Fibre Cement not less than 4 mm thick, or alternative sheet product having a surface mass not less than 5 kg/m^2.** • **Timber framing of not less than 90 mm, with studs at 600 mm centres,** • **Fibrous insulation of minimum R2.6. This includes fibreglass, polyester and wool, but does not include polystyrene or other foam sheet insulation products,** • **One layer of 10 mm thick Standard Gib board or alternative gypsum board, having a surface mass not less than 6 kg/m^2,**
Exterior Walls Option 3	**Exterior cladding of Fibre Cement weatherboards, with a surface mass not less than 18 kg/m2 (Hardies Linea or equivalent).** • **20 mm thick battens forming a ventilated cavity.** • **Rigid air barrier consisting of Plywood not less than 7 mm thick or Fibre Cement not less than 4 mm thick, or alternative sheet product having a surface mass not less than 3.8 kg/m2.** • **Timber framing of not less than 90 mm, with studs at 600 mm centres.** • **Fibrous insulation of minimum R2.6. This includes fibreglass, polyester and wool, but does not include polystyrene or other foam sheet insulation products.** • **One layer of 10 mm thick Standard Gib board or alternative gypsum board, having a surface mass not less than 6 kg/m^2,**

Glazing and Exterior doors - All options	• **Windows to consist of double glazing consisting of a minimum of two layers of 4 mm thick glass separated by a 12 mm air gap, with airtight seals.** • **External doors to be either double glazed to the same standard as windows or a solid timber construction with a surface mass not less than 24 kg/m^2 and incorporating full perimeter seals.**
Roof – All Options	• **Profiles metal roofing not less than 0.45 mm thick profiled steel or tiles.** • **Fibrous insulation of minimum R6. This includes fibreglass, polyester and wool, but does not include polystyrene or other foam sheet insulation products,** • **Two layers of 10 mm Standard Gib board or alternative gypsum board, with each layer having a surface mass not less than 6 kg/m^2.**

Part B: Approved construction requirements for compliance with NOISE-R3.3

Any new buildings or alterations to existing buildings containing a sensitive activity, closer than 60 metres to the boundary of an existing railway track and is a single storey framed building with:

a. A constant level floor slab on a full-surface vibration isolation bearing with natural frequency not exceeding 10 Hz, installed in accordance with the supplier's instructions and recommendations; and

b. Vibration isolation separating the sides of the floor slab from the ground; and

c. No rigid connections between the building and the ground.

In all other situations, a design report from a suitably qualified acoustic specialist is required demonstrating compliance with NOISE-R3.3.

New buildings and alterations must meet the ventilation requirements of NOISE-R3.7.

TAI POUTINI PLAN COMMITTEE

Hearing of Submissions on the Proposed Te Tai O Poutini Plan

Recommendation Report of Hearing Panel

Recommendation Report: Topic 16

Residential Zones – Ngā Takiwa Noho

Hearing Dates: 16 and 17 July 2024

HEARING PANEL

Paul Rogers (Chair)

Sharon McGarry

Maria Bartlett

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APPENDICES

Appendix 1 – Recommendations

PART A – INTRODUCTORY MATTERS

1. PRELIMINARY MATTERS

1.1. Introduction

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

2. This Recommendation Report relates to the Residential Zone - Ngā Takiwa Noho chapter from pTTPP. This chapter is contained in Part 3 – Area Specific Matters – Zones Section, of the pTTPP.

3. The Report contains the Hearing Panel's evaluations and recommendations to the TTPP Committee on the submissions and further submissions received on this section of Part 3 of the Plan.

4. The Residential Zones Section 32 Report[1] provides evaluations of the options for the management of Residential Zones through the combined Plan, including the regulatory framework key resource management issues, the evidence and research basis, including the consultation, information and analysis undertaken and evaluation of the options.

5. The Residential Zones Section 42A Officer's Report[2] ('s42A Report'), authored by Ms Lois Easton, a planner with Kererū Consultants, acting as the Reporting Officer, was circulated prior to the hearing.

6. The s42A Report provided an analysis of submissions and further submissions received; and made recommendations on changes to the notified plan provisions (the changes were included in Appendix 1 and the recommendation on all submissions as to either be accepted, accepted in part or rejected in Appendix 2).

7. Ms Easton subsequently provided a combined s42A Report[3] right of reply covering both the Residential Zones and Special Purpose Zones, which responded to key matters raised by the Hearing Panel. Recommendations of the Panel on the Special Purpose Zones are contained in the separate report for those zones.

8. The s42A Report assessed a total of 707 submission points and 109 further submission points across the Residential Zone chapter. It provided summaries of all the submissions and further submissions received and the relief sought; an analysis of the proposed changes to provisions; and recommendations on changes to the plan provisions (see Appendix 1 of s42A Report) and the accept/accept in part/reject recommendations for individual submission and further submission points (see Appendix 2 of the s42A Report).

9. The matters raised by submitters were grouped in the s42A Report in relation to each of the following key issues for the chapter:

---

[1] Te Tai o Poutini Plan – Section 32 Evaluation Report 11 Residential - Ngā Takiwā Noho

[2] Section 42A Report on Residential Zones

[3] s42A Right of Reply on Residential and Special Purpose Zones

(a) Definitions;

(b) General/Overview;

(c) Objectives

(d) Policies;

(e) Rules; and

(f) Zoning Maps.

10. A s32AA evaluation for the changes in each chapter was provided at the end of the s42A Report.

11. This Recommendation Report follows this same structure of the s42A Report. It provides a brief summary of the issues raised in submissions and further submissions, the s42A Report analysis and recommendations, submitter evidence and the Reporting Officer's reply evidence, before providing our evaluation and recommendation.

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

13. This Recommendation Report contains the reasons for the Panel's recommendations. These comprise either adoption of the reasoning and recommendations of the original section 42A Reports or the Reporting Officer's reply evidence (Councils' right of reply post hearing adjournment), or a specific reasoning by the Panel.

14. Where the Panel recommends the TTPP provisions should remain as notified, it is because:

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

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

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

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

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

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

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

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

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

17. If there are circumstances where the Panel consider that alternative relief is more appropriate than that requested in submissions and further submission to give effect to the RMA, NZCPS, national policy statements and/or RPS, but are still within the scope of the relief sought, the relevant recommendation clearly sets out the nature of the change and the reason for the change. This is recorded in this Recommendation Report.

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

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

1.2. Buller District Council - Alma Road – Interim Decision Request

20. The Panel received a written request from Buller District Council (**BDC**) on 11 June 2024 and again on 30 September 2024 seeking an early release of the decision (or the issue of an interim recommending report) on the rezoning of Alma Road, Westport Area, if the Panel is not able to complete their recommendation on submissions prior to December 2024.

21. This request was based on Council accessing Crown Infrastructure Acceleration Funding to underpin the proposed rezoning at Alma Road with the risk of the funding offer being withdrawn if the outcome of this decision is not known by December 2024.

22. The Panel responded to this request via Minute #46 on 5 October 2024. In brief, while the Panel recognises the difficulty BDC were facing, there were procedural and best practice constraints on the Panel's ability to respond to aspects of the request from the Council. The Panel did indicate that based on information received and heard to date, that it was able to send a strong signal that it did not identify impediments to the revised rezoning sought at the hearing but would not be in a position meet Council's critical December 2024 date.

1.3. Terminology in this Report

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

BDC	Buller District Council
Councils	Buller District Council, Grey District Council, and Westland District Council
Director General	Director General of Conservation
FENZ	Fire and Emergency New Zealand
Forest and Bird	Royal Forest and Bird Protection Society of NZ Inc (Forest and Bird)
GDC	Grey District Council
GRZ	General Residential Zone
Kāinga Ora	Kāinga Ora – Homes and Communities
KiwiRail	KiwiRail Holdings Limited
LLRZ	Large Lot Residential Zone
MRZ	Medium Density Residential Zone
MoE	Ministry of Education Te Tāhuhu o Te Mātauranga
NCZ	Neighbourhood Centre Zone
NPSUD	National Policy Statement for Urban Development
Poutini Ngāi Tahu	Te Rūnanga o Ngāi Tahu, Te Runanga o Ngāti Waewae, Te Rūnanga o Makaawhio
Planning Standards	National Planning Standards
RMA or the Act	Resource Management Act 1991
RPS	West Coast Regional Policy Statement
SASM	Sites or Areas of Significance to Māori
Te Mana Ora	Te Mana Ora (Community and Public Health) of the NPHS/Te Whatu Ora
Waka Kotahi	Waka Kotahi NZ Transport Agency
WDC	Westland District Council
WCRC	West Coast Regional Council

1.4. Hearing Arrangements

24. The hearing was held at the West Coast Regional Council Building on the 16 and 17 of July 2024. Some submitters appeared online by internet connection.

25. At the hearing, Ms Easton tabled a Planning Summary Statement to her s42A Report.

26. At the conclusion of the hearing, the Hearing Panel requested that Ms Easton respond to several questions that arose during the hearing. These are dealt with in Ms Easton's Right of Reply.

1.5. Appearances

27. The following submitters appeared at the hearing in relation to the residential zone chapter:

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

Ms Inger Perkins for herself (online)

Ball Developments Limited and Davis Oglivie and Partners Limited

- Ms Pauline Hadfield, Planner
- Mr Geoff Ball
- Mr Sean Fibs

Silver Fern Farms Limited

- Ms Jo Appleyard and Ms Tallulah Parker, Legal Counsel (online)
- Mr Steven Tuck, Planner (online)
- Mr Darran Humpheson**,** Acoustic Engineer (online)

Westport Pistol Club, Chris Hartigan, and Westport Rifle Club Incorporated

- Mr Chris Coll, Westport Rifle Club
- Ms Katherine McKenzie, Planner

New Zealand Heavy Haulage Association Incorporated

- Mr Jonathan Bhana-Thompson, Planner (online)
- Ms Kim and Mr Glen Scrivener – for themselves

Buller District Council

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

1.6. Overview of submitter evidence received

28. For those appearing at the hearing, legal submissions were received from Ms Appleyard and Ms Parker on behalf of Silver Fern Farms (dated 2 July 2024).

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

    (a) Ms Inger Perkins, on behalf of herself, summary statement (dated 16 July 2024)

    (b) Ms Pauline Hadfield, planning, on behalf of Ball Developments Limited and Davis Ogilvie and Partners Limited (dated 17 June 2024) and summary statements (dated 16 July 2024 and 17 July 2024);

    (c) Mr Steven Tuck, planning, on behalf of Silver Fern Farms (dated 14 June 2024) with a summary statement (dated 2 July 2024);

    (d) Mr Darran Humpheson, acoustics, on behalf of Silver Fern Farms (dated 14 June 2024) with a summary statement (dated 2 July 2024);

    (e) Ms Katherine McKenzie, planning, on behalf of Westport Pistol Club, Chris Hartigan, and Westport Rifle Club Incorporated (17 June 2024) and summary statement (dated 17 July 2024);

    (f) Mr Jonathan Bhana-Thomson, planning, on behalf of the House Movers Section of the New Zealand Heavy Haulage Association Incorporated; and

    (g) Ms Kim and Mr Glen Scrivener, on behalf of themselves, statement (dated 17 July 2024).

    (h) Mr Craig Barr, planning, on behalf of Buller District Council (dated 17 June 2024) and summary statement (dated 17 July 2024);

30. Following receipt of the s42A Report concerning Residential Zones:

    (a) KiwiRail - advised (dated 17 June 2024) that it did not wish to be heard at the hearing and requested that their correspondence be tabled as a record of KiwiRail's position on safety setbacks from the rail corridor in the Residential Zone.

    (b) Fire and Emergency NZ – advised (dated 5 July 2024) that there was generally a high degree of support from the reporting officer for its submission points and opted not to attend the hearing. They requested that their correspondence letter be tabled at the hearing.

    (c) Ministry of Education (**MoE**) – advised (dated 15 July 2024) that they would not be attending the hearing and requested that their correspondence letter be tabled with the Hearing Panel. This correspondence confirmed that MoE requested that their original submission points and positions be retained.

31. Following the hearing, the Panel issued the following minutes of relevance to the residential chapter:

(a) Minute 34 – Following the Residential and Special Zone hearing held on 16-17 July at Greymouth, a minute (dated 22 July 2024) was issued by the Panel providing direction around the provision of further information from several submitters, some of which had already been submitted prior to this minute being issued. All further information was directed to be submitted by 16 August 2024.

(b) Minute 46 – Following the request from BDC for a recommendation on the rezoning of the Alma Road area to be released early, or the issue of an interim recommending report to satisfy a Kainga Ora condition for funding for the development. In its minute (dated 5 October 2024), the Panel recognised the difficulty BDC faced in this regard but, due to procedural and best practice constraints, confirmed that it would not be in a position to provide these recommendations until mid-2025.

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

(a) Silver Fern Farms (dated 17 July 2024) – Correspondence received from Mr Tuck concerning operational information about Silver Fern Farms Hokitika.

(b) Buller District Council (dated 15 August 2024) – Correspondence received from Mr Pickford (CEO BDC) concerning further information requested in Minute 34 of the Hearing Panel.

(c) M. Delleca (dated 25 July 2024) – Correspondence received to provide additional background and knowledge of the Alma Road area. This information was not specifically requested by the Panel but was received and acknowledged.

1.7. Right of Reply

33. Ms Easton provided a written Right of Reply (dated 23 August 2024) addressing questions that arose from the Panel during the hearing. This Right of Reply included an updated Appendix 1 showing tracked changes to the notified provisions (Attachment 1),

34. A joint Right of Reply from Ms Easton and Ms Belgrave (Reporting Officers) was received on 7 October 2024. This reply concerned setback requirements in relation to the rail corridor, which applied to several different zones, including the Residential Zone.

35. A joint Right of Reply from Ms Easton, Ms Belgrave and Ms Evans (Reporting Officers) was received on 17 October 2024. This Reply pertained to specific submission points of Silver Fern Farms (**SFF**) related to setbacks and zoning surrounding the SFF Hokitika site.

1.8. Procedural Steps and Issues

36. No procedural matters were raised at the hearing.

1.9. Site Visits

37. As part of this hearing, we undertook site visits informed by matters raised in submissions and further information in response to Minute 34. Including, but not limited to:

Westland

- Hokitika residential around the rail corridor – houses off Sewell Street and SH6

- Hokitika Revell St (between Hampden St and Spencer St) Medium Density Area
- Silver Fern Farms Hokitika site and adjacent residential development (2 visits)

Grey

- Moana/Lake Brunner area
- 11 Lake Brunner Road – Klempl Block, Moana
- Cobden
- Dobson – Taylorville – State Highway 7
- Kaiata Park
- Greymouth

Buller

- Alma Road/McPadden Road Terrace
- Westport

PART B - STATUTORY REQUIREMENTS AND DOCUMENTS

38. Residential Zones – Ngā Takiwā Noho is one of six zone-based sections located in Part 3 – Area Specific Matters – Te Wāhanga 3 – Ngā Take a Ia Rohe. The Residential Zone (**RESZ**) section has shared objectives and policies, with separate rules that apply across the General Residential Zone – Te Takiwā Noho Whenua Nui (**GRZ**), Large Lot Residential Zone – Te Takiwā Noho Whenua Nui (**LLRZ**), and Medium Density Residential Zone – Te Takiwā Noho Āhua Mātotoru (**MRZ**).

39. The Section 32 Report outlined the relevant statutory considerations applicable to residential activities and the relationships between the sections of the RMA and higher order documents.

40. The section 42A Report highlighted the relevant matters from section 6, 7 and 8 of the RMA, the New Zealand Coastal Policy Statement (NZCPS), any relevant National Policy Statement including the National Policy Statement for Urban Design (NPSUD), the West Coast Regional Policy Statement (**RPS**), Regional Plans, District Plans of adjacent territorial authorities, iwi management plans and the National Planning Standards.

41. Clause 10 of the First Schedule states that it is not necessary to provide decisions on individual submissions. Recommendations of the Panel are made within the scope of the requested relief, either individual submissions or groups of submissions making similar requests, as specified in the reasons for recommendation. References to relevant submissions are made in the footers.

42. The National Planning Standards Mandatory Directions Clause 8.1 requires that only zones listed within Table 13 of the Planning Standards are to be used, except for Special Purpose Zones, or in the case of a combined regional and district plan, a zone that is both seaward and landward of mean high-water springs. The Planning Standards lists General Residential Zones, Large Lot Residential Zones, and Medium Density Residential Zones on its mandated list. We are satisfied that the Plan structure is consistent with this national direction.

PART C – SUBMISSIONS, EVIDENCE, EVALUATION AND RECOMMENDATIONS

2. RESIDENTIAL

2.1. Residential Definitions

Submissions and Further Submissions

43. Six submissions and three further submissions relating to definitions relevant to the Residential Zones topic were summarised in a Table on pages 9-10 of the s42A Report. The Panel has considered the relevant submissions, which included support for notified definitions, along with requests for new definitions to be added to the Plan and has adopted the summaries in the s42A Report.

Section 42A Report

44. The support of submitters Federated Farmers (S524.013) concerning the definition of "*minor residential unit*" and Ara Poutama (S349.002) (supported by Kāinga Ora FS58.002), concerning the definitions of "*minor residential unit*", "*residential activity*", "*residential unit*", and "*supported residential accommodation*", was acknowledged by Ms Easton.

45. Ms Easton did not support Ara Poutama's (S349.004) request (opposed in a further submission by Kāinga Ora (FS58.001)) for a new definition for "*household*" and considered that it was better to leave the term undefined to avoid any unintended narrowing of the term.

46. Ms Easton did not support David Ellerm's (S581.009) request for a new definition for the term "*residential character*" because the term was not widely referenced within the objectives and policies, and was a well-understood term in the planning field.

47. Ms Easton did not recommend any changes to the definitions in the Plan in response to these submissions.

Hearing and Submitter Evidence/Statements

48. No written evidence was provided concerning residential definitions or specifically raised by any submitters at the hearing.

Reporting Officer Reply Evidence

49. In response to questions from the Panel, concerning the submission points of Frida Inta and Buller Conservation Group[4] on the residential rules generally, Ms Easton provided further consideration of whether the word "*allotment*" should replace "*site*" in the residential zone rules. Ms Easton had made an earlier recommendation in the Introduction and General Provisions s42A Report, which included the Plan definitions, to delete the definition of "*site*". This was due to unintended consequences where the term "*site*" could be used in a different context, such as, where it applied to archaeological site, heritage site, and Sites or Areas of Significance to Māori (**SASM**). Therefore, where these provisions are used, the whole term, e.g. "*archaeological site*", is recommended to be used. As a result, changes will be required

[4] S552.007, S552.008, S553.007, S553.008

to some District-Wide Matters; however, the definition of "*site*" is now recommended to remain unchanged.[5]

50. Ms Easton responded to a further definition-related matter concerning the definition of "*residential unit*"[6]. She also responded to questions from the Panel that arose concerning submissions regarding the Residential Visitor Accommodation Rules, GRZ-R6, LLRZ-R6, and MRZ-R6. These rules are discussed further below under the Residential Rules section, but it is noted here that Ms Easton said that the definition of "*Homestay*" referred to "*the use of a residential unit*" and therefore she considered that issues of interpretation within the visitor accommodation-related rules did not arise.

Hearing Panel's Evaluation

51. The Panel agrees with Ms Easton that the appropriate option is to leave the term "*Household*" undefined to avoid any unintended narrowing of the term, which could lead to unintended outcomes. We consider the context in which any questions, if any, arise as to the meaning of the word "*Household*" is likely to be highly influential if not determinative.

52. The Panel agrees with Ms Easton that the term "*residential character*" is not widely referenced within the Plan's objectives and policies and is a well-understood term in planning. Therefore, we agree that there is no need to include a definition.

53. We agree with Ms Easton, for the reasons set out in her Reply, that the definition of "*site*" should not be deleted and replaced with "*allotment*". We also agree that where the word is used for an archaeological site, heritage site, and site or area of significance to Māori, the whole term, such as "*archaeological site"* should be used to improve clarity. This requires consequential Plan-wide amendments, and in particular to provisions in the Historic Heritage (**HH**) Chapter and the SASM Chapter.

54. We agree with and accept Ms Easton's response to a further definition-related matter concerning the definition of "*residential unit*"[7]. We agree that the definition of "*Homestay*" refers to "*the use of a residential unit*" and therefore issues of interpretation within the visitor accommodation-related rules do not arise.

Hearing Panel's Recommendation

55. The Panel recommends the definition of "*Residential Unit*" is retained as notified.

RESIDENTIAL UNIT	means means a building(s) or part of a building that is used for a residential activity exclusively by one household and must include sleeping, cooking, bathing and toilet facilities.

56. The Panel recommends the definition for "*site*" within the Introduction and General Provisions Chapter of the Plan is retained as notified, as follows:

[5] Para 6 – s42A Right of Reply
[6] Paras 12-17 - s42A Right of Reply
[7] Paras 12-17 - s42A Right of Reply

SITE	means (a) an area of land comprised in a single record of title as per the Land Transfer Act 2017; or (b) an area of land which comprises two or more adjoining legally defined allotments in such a way that the allotments cannot be dealt with separately without the prior consent of the council; or (c) the land comprised in a single allotment or balance area on an approved survey plan of subdivision for which a separate record of title as per the Land Transfer Act 2017 could be issued without further consent of the Council; or (d) despite paragraphs (a) to (c), in the case of land subdivided under the Unit Titles Act 1972 or the Unit Titles Act 2010 or a cross lease system, is the whole of the land subject to the unit development or cross lease.

57. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends that the relevant submission points identified in the footnotes below[8] are accepted or accepted in part, and recommend the following provisions of the Historic Heritage and SASM Chapters within the District-Wide Matters – Historical and Cultural Values Chapter of the Plan are amended.

2.2. Residential General/Whole Chapter including the Overview

Submissions and Further Submissions

58. Nine submission points relating to general matters or the whole Residential Zones (**RESZ**) topic were summarised in a Table on pages 11-12 of the s42A Report. The Panel has considered the relevant submissions, which included a range of support for notified provisions or amendments related to general matters, and adopts the summaries in the s42A Report.

Section 42A Report

59. The support of BDC (S538.271) regarding relevant subdivision standards, was noted by Ms Easton.

60. The submissions of Inger Perkins (S462.034) and Richard Herring (S16.001) sought that the Plan introduce provisions that address air quality issues caused by the burning of rubbish and use of wood burners. Ms Easton did not support these submissions and considered air quality was a matter regulated by the WCRC and their Regional Air Plan.

61. Forest and Bird (S560.369) sought that the Residential Chapter be amended to include a reference to the provision of the Natural Environment and District-Wide Chapters to make it clear that the provisions of these chapters also apply. Ms Easton agreed with this

[8] Frida Inta S553.007 & S553.008, Buller Conservation Group S552.007 & S552.008

submission and recommended that this reference be included in the Overview section of each of the RESZ, GRZ, LLZ and MRZ chapters.

62. Scenic Hotel Group (483.007) sought to retain the approach that Airbnb be treated as a commercial activity in the Plan. Ms Easton clarified that Airbnb was not treated as a commercial activity in the Plan and was considered a residential visitor accommodation activity subject to various standards to be classified as a permitted activity, such as being ancillary to a residential activity. She did not support this submission or recommend any amendments in relation to it.

63. Davis Ogilvie and Partners Ltd (S465.036) sought amendments to the rules for outdoor living spaces in the GRZ and MRZ (as well as the NCZ) to include a minimum dimension or 'shape factor'. Ms Easton agreed with this submission and made a recommendation to include a minimum dimension (e.g. width or depth) of 3m for the GRZ and MRZ.

64. Frank and Jo Dooley (S478.003) sought to amend the RESZ rules to include provisions related to the management of sites that will be rezoned, providing for these rezonings where a complete infrastructure plan is in place. Ms Easton did not support this submission, noting that the rules for permitted new residential units and buildings require connections to community water supply and wastewater networks, while stormwater must not drain to any public road except for secondary flow purposes. She noted that there were servicing requirements for any new subdivision in the residential zone.

Hearing and Submitter Evidence/Statements

65. Ms Hadfield confirmed she agreed with the recommendation in the s42A Report for a 3m minimum dimension to apply to outdoor living spaces where required under RESZ provisions. She also suggested that this should apply to other zones where an outdoor living space was required, such as Rule SVZ–R1. This matter is addressed under the Special Purpose Zone Recommendation Report.

66. The tabled statement from KiwiRail (dated 17 June 2025) noted a 5m setback for buildings from the rail corridor boundary was sought in all zones adjacent to the rail corridor, except the Commercial Zone, Natural Open Space Zone (**NOSZ**) and the Open Space Zone (**OSZ**) where a 4.5m setback was sought. It highlighted the evidence of Ms Heppelthwaite (for Hearing Topic 1) regarding the importance of providing an adequate setback for safety and to protect the rail corridor.

67. No other written evidence was provided concerning the RESZ Chapter as a whole at the hearing.

Reporting Officer Reply Evidence

68. In response to queries raised by the Panel, Ms Easton further addressed the regulation of discharges from indoor or outdoor domestic fires in relation to the Objectives (general) section.

69. Ms Easton also addressed the Panel's query of whether there was sufficient scope to require that any residential development undertaken without connecting to reticulation should be a non-complying activity, as opposed to discretionary. She noted there were no submissions that specifically related to this request; and that the submission of Frank and Jo Dooley was

more concerned with the impacts on existing landowners where rezoning has occurred and sought that rules were only triggered where a complete infrastructure plan was not in place.

70. In relation to KiwiRail's (S442.093) submission, Ms Easton confirmed that she had met with Ms Belgrave on 9 September 2024, who was the s42A Reporting Officer for the Industrial Zone and Commercial and Mixed Use Zone Chapters. She noted they had prepared a joint Right of Reply dated 7 October 2024, with a particular view to agreeing setback requirements in the permitted activity standards for the zone rules concerning the rail corridor. Regarding the RESZ Chapter, both planners agreed that setbacks from the rail corridor designation boundary for buildings should be 1.5m for the GRZ and MRZ, and 4m for the LLRZ. Both planners considered that a 5m setback (as sought by KiwiRail) was excessive and not appropriate when considering the nature and frequency of all rail movements.

71. Ms Easton also responded to a question from the Panel regarding the submission from KiwiRail and how their request should be addressed in relation to the LLRZ. She noted that the railway line did not traverse any part of the LLRZ and therefore did not need to provide for any specific setback.

Hearing Panel's Evaluation

72. The Panel adopts the reasoning and recommendations put forward by Ms Easton that air quality is a matter regulated by the WCRC under the Regional Air Plan; and does not need to be addressed in the Plan to avoid duplication. We consider Ms Easton appropriately addressed discharges from indoor or outdoor domestic fires and the potential for nuisance issues within her Reply.

73. The Panel agree with Ms Easton's reasoning and recommendation to include a reference to the provisions in the Natural Environment and District-Wide chapters to make it clear that the provisions of these chapters also apply. We agree that this reference should be included in the Overview section of each of the RESZ chapters – GRZ, LLRZ, MRZ to provide clarity.

74. The Panel note that Airbnb accommodation is not treated as a commercial activity in the Plan, but is considered a residential visitor accommodation activity, which is subject to various standards to be classified as a permitted activity, such as being ancillary to a residential activity. We accept this is appropriate and note that no submission sought a change in status for Airbnb activities.

75. The Panel adopt Ms Easton's reasoning and recommendation to include outdoor living spaces in the Plan for GRZ, MRZ and Neighbourhood Centre Zone (**NCZ**). We consider her recommendation of including a minimum dimension of 3m to be appropriate for outdoor space and note Ms Hadfield agreed with this.

76. The Panel adopt Ms Easton's reasoning and agree that including new plan provisions that only allow rezonings where a complete infrastructure plan is in place is unnecessary because the existing rules for permitted new residential units and buildings require connections to community water supply and wastewater networks, while stormwater must not drain to any public road except for secondary flow purposes. We agree that no submissions sought that activity be a non-complying activity, as opposed to discretionary, if a subdivision or development did not connect to reticulation.

77. The Panel notes that concerns in relation to the Plan requiring new development to connect to existing reticulated water, stormwater and wastewater systems are addressed in the Infrastructure Chapter and Subdivision Chapter Recommendation Reports.

78. The Panel accept the joint evaluation of Ms Easton and Ms Belgrave in relation to setbacks for buildings from the rail corridor designation boundary of 1.5m for the GRZ and MRZ; and that a 5m setback in the LLRZ would be excessive and inappropriate when considering the nature and frequency of all rail movements. We agree that, given the railway line does not traverse any part of the LLRZ, it is not necessary to provide for any specific setback within the LLRZ provisions. We agree with the Reporting Officers that a 5m setback from the rail corridor designation boundary would capture a very large area of land in addition to the rail corridor.

79. The Panel notes that Ms Easton did not provide a comment on Brendan Te Amo's (S85.001) submission, but we note that this submission supports the general direction of all proposed new zonings in the Plan.

Hearing Panel's Recommendation

80. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends that the relevant submission points identified in the footnotes below are accepted or accepted in part, and recommend amendments are made to the **GRZ, LLRZ and MRZ Overviews** and **Rule GRZ-R1** and **Rule MRZ-R1**, as follows:

GRZ Overview **LLRZ Overview** **MRZ Overview**	Other Relevant Te Tai o Poutini Plan Provisions It is important to note that in addition to the provisions in this chapter, a number of Part 2: District-wide Matters chapters also contain provisions that may be relevant for activities in the General Residential Zone including: … • **Natural Character and Margins of Waterbodies -**in some locations areas of General Residential Zone may extend into the riparian margins of waterbodies. The Natural Character and Margins of Waterbodies Chapter contains provisions on how these areas must be managed. • **Ecosystems and Biodiversity – where indigenous vegetation clearance is proposed within a Residential Zone, the provisions of the Ecosystems and Biodiversity chapter apply**. [9] • **Subdivision** - The Subdivision Chapter sets out the requirements for the development of new infrastructure and connections as part of subdivision activities. …

GRZ -R1	**Residential Activities and Residential Units and Accessory Buildings Activity Status Permitted** Where: …

[9] Royal Forest and Bird Protection Society S560.369

	6. A minimum of 30m^2 of outdoor living space is provided per residential unit and 12m^2 per minor residential unit which is separate to the outdoor space for the principal dwelling and excluding any parking and manoeuvring areas~~;~~ **and the outdoor living space must have a minimum dimension of 3m;** [10] … 10. Buildings are setback a minimum of **1.5m from the railway corridor**[11] and 1m from all other site boundaries, except that: i. Duplexes do not require a setback from the side boundary of the other duplex unit; and ii. Setbacks are not required from adjacent residential boundaries where neighbouring property owner's written approval is provided to the Council 10 working days prior to the works commencing. …
MRZ-R1	**Residential Activities and Residential Units and Accessory Buildings Activity Status Permitted** Where: … 5. A minimum of 30m^2 of outdoor living space is provided per residential unit excluding any parking and manoeuvring areas~~;~~ **and the outdoor living space must have a minimum dimension of 3m.**[12] … 19. Buildings are setback a minimum of **1.5m from the railway corridor**[13] and 1m from all other site boundaries, except that: i. Duplexes do not require a setback from the side boundary of the other duplex unit; and ii. Setbacks are not required from adjacent residential boundaries where neighbouring property owner's written approval is provided to the Council 10 working days prior to the works commencing. …

2.3. Residential Objectives

Submissions and Further Submissions

81. Nine submission points and one further submission point relating to the Residential Objectives (as a whole) were summarised in a Table on pages 13-14 of the s42A Report. Six submission points sought to retain the three objectives as notified.

82. The submissions by the Buller Conservation Group (S552.168) and Frida Inta (S553.168) sought the introduction of a new objective regarding air pollution within residential areas.

83. The Te Tai o Poutini Plan Committee (S171.008) also sought an additional objective regarding residential development, intensification, or managed retreat. The further submission from SFF (FS101.038) opposed this submission and considered that it should be subject to

[10] Divis Ogilvie & Partners Limited S465.036
[11] KiwiRail Holdings Limited S442.093
[12] Divis Ogilvie & Partners Limited S465.036
[13] KiwiRail Holdings Limited S442.093

additional direction, particularly concerning potential reverse sensitivity effects raised by any potential rezonings.

84. Four submission points and one further submission point supported retaining Objective **RESZ-O1** as notified. One submission requested amendments. These were summarised in a Table on Pages 14-15 of the s42A Report.

85. One submission point and one further submission relating to **RESZ-O2** were summarised in a Table on page 15 of the s42A Report. This submission and a further submission supported the retention of the objective as notified.

86. Five submission points relating to **RESZ-O3** were summarised in a Table on page 15 of the s42A Report. Two submissions supported the retention of the objective as notified, and three sought amendments.

87. The Panel adopts these summaries and has considered the relevant submissions and further submissions.

Section 42A Report

RESZ - Objectives (General)

88. Concerning the objectives (as a whole), Ms Easton acknowledged the support from the submitters[14] that sought to retain the objectives as notified.

89. Ms Easton did not support Frida Inta and the Buller Conservation Group's request a new objective to address air pollution because she considered air quality was not a matter within the jurisdiction of the district plan and was a regional council function.

90. Ms Easton did not support Te Tai o Poutini Committee's request for a new objective because she considered the three existing objectives were sufficient in addition to the urban form and development Strategic Direction in the Plan, which guided residential and other urban zones. She also acknowledged the further submission from SFF opposing this request due to concerns about reverse sensitivity effects and noted this was addressed under the zoning section of this chapter, as well as the Strategic Direction section of the Plan.

91. Ms Easton made no recommended changes to the objectives based on these submissions.

RESZ - O1

92. Ms Easton acknowledged the support from the four submission points and one further submission point[15] that sought to retain the objective as notified.

93. Ms Easton did not support Waka Kotahi NZTA's (S450.239) request the additional wording to RESZ-O1 because she considered it was unnecessary as accessibility for walking and cycling was already part of the general term "*infrastructure*" included in the objective wording.

94. Ms Easton recommended retaining RESZ-O1 as notified.

[14] S567.450, S558.396, S566.396, S538.473, S181.035
[15] S349.009, S190.832, FS58.0135, S573.021, S608.714

RESZ - O2

95. Ms Easton acknowledged the support from the one submitter and further submitter[16] that sought to retain the objective as notified.

96. Ms Easton recommended retaining RESZ-O2 as notified.

RESZ - O3

97. Ms Easton acknowledged the support from the two submitters[17] that sought to retain the objective as notified, noting that amendments were recommended in response to other submissions.

98. The s42A Report did not support the submission made by SFF (S441.063) to replace "*area"* with "*zone*" because Ms Easton considered that the term "*area"* was more appropriate for an objective that affected multiple zones.

99. Ms Easton recommended retaining RESZ-O3 as notified.

Hearing and Submitter Evidence/Statements

100. Ms Perkins, representing herself, highlighted that the Regional Air Quality Plan did not adequately regulate the burning of rubbish on residential properties. She noted that this matter was currently covered in a bylaw for BDC and GDC, which should also be adopted by WDC, and included in the requirements in the TTPP.

101. Mr Tuck, for SFF, reiterated concern that the existing effects from the Hokitika site were unlikely to be completely internalised to meet urban residential amenity expectations. He therefore continued to oppose the new residential objective sought by the TTPP Committee, which sought residential rezoning for new areas of residential development, to avoid reverse sensitivity effects. He noted he had recommended the introduction of a new objective specific to the SFF site that was focused on protecting the site from reverse sensitivity effects from activities in residential zones. He acknowledged that a site-specific caveat to zone-wide objectives was not an ideal solution. Mr Tuck highlighted the primary relief sought was changes to the zone configuration adjacent to the SFF and that he considered this was a more efficient and effective method to manage reverse sensitivity effects.

Reporting Officer Reply Evidence

102. Ms Easton responded to the regulation of discharges from indoor or outdoor domestic fires, which were not currently regulated in the WCRC Regional Air Plan and were regulated under bylaws enacted under the Health Act 1956 rather than the RMA. She noted the current Air Plan from 2001 predated the National Environmental Standard for Air Quality (2004) and its more recent 2020 amendments. She highlighted the WCRC had commenced a review of the Air Plan and considered that the matter of discharges from wood burners and outdoor fires was more appropriately addressed within the scope of this review rather than the TTPP.

103. Ms Easton further addressed the submission of SFF and the ability to manage potential reverse sensitivity effects and considered it was best addressed in the approach to adjacent

[16] S190.833, FS33.37
[17] S190.834, S456.039

zoning and setbacks. Her view was that a General Rural Zone (**GRUZ**) (as requested by SFF) would not result in a reduced likelihood of complaints compared to the proposed Rural Lifestyle Zone (**RLZ**); and that the inclusion of a setback for activities within the General Industrial Zone (**GIZ**) from rural zoned boundaries could address this issue. The Panel notes that the recommended rezoning of the land adjacent to the SFF from GRZ to RLZ is discussed further under the Residential Zoning section of this Report.

104. No further specific points were made in Ms Easton's Right of Reply regarding the remainder of the objectives and no further recommended changes were been made to the wording of the three residential objectives from the notified version.

Hearing Panel's Evaluation

105. The Panel agrees with the reasoning provided by Ms Easton, which supports her view that introducing a new objective to address air pollution within residential areas is unnecessary. We agree that air quality is a matter for the WCRC and the Regional Air Plan and should not be addressed in the TTPP.

106. The Panel agrees with the reasoning provided by Ms Easton, that introducing an additional objective in relation to residential development, intensification, or managed retreat is unnecessary. We agree that the three existing objectives are sufficient given the urban form and development Strategic Direction in the Plan guiding residential and other urban zones (e.g. CCR-O1, CCR-P4).

107. In relation to Objective **RESZ-O1,** we agree with Ms Easton's reasoning and recommendation that the additional wording requested by Waka Kotahi NZTA is unnecessary because accessibility for walking and cycling is already part of the general term "*infrastructure*" included in the objective wording. We therefore recommend that RESZ-O1 remain as notified.

108. The Panel accept Ms Easton's recommendation to retain **RESZ-02** as notified.

109. In relation to Objective **RESZ-O3,** the Panel agree with Ms Easton's reasoning and recommendation that use of the word "*area*" within this objective is more suitable than the word "*zones*" because this objective affects multiple zones. We accept Ms Easton's recommendation to retain RESZ-03 as notified.

110. The Panel consider it is not appropriate to include a new objective specific to SFF's Hokitika site. We agree with Ms Easton that adjacent land zoning and setbacks is a better approach to protect the existing site from potential reverse sensitivity effects from land use changes. We record our recommendations on this issue where we consider the appropriate zoning of the adjacent land in this Report and in the Recommendations Reports for Rural Zones, Noise and the Industrial chapters.

Hearing Panel's Recommendation

111. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends no changes to the notified **Residential Objectives** as follows:

RESZ - O1	To provide for a variety of housing forms and densities in the main towns of the West Coast/Te Tai o Poutini to enable individual residential lifestyle options while ensuring developments are serviced with all required infrastructure.
RESZ - O2	To maintain or enhance the distinctive character, amenity and heritage values of residential areas, build community resilience and protect these areas from the adverse effects of inappropriate development.
RESZ - O3	To provide for a range of non-residential activities within RESZ - Residential Zones where the effects are compatible with the residential character, scale and amenities and the cultural and historic heritage values of the area.

2.4. Residential Policies

Submissions and Further Submissions

112. Eleven submission points and three further submission points relating to the RESZ policies (as a whole) were summarised in the Table on pages 16-17 of the s42A Report. Six submissions sought to retain all policies as notified. Five submissions sought to add new policies while three of these submission points were opposed by further submissions.

113. Two submission points and one further submission in support of Policy **RESZ-P1** were summarised in the Table on page 17 of the s42A Report.

114. Six submission points relating to Policy **RESZ-P2** were summarised in the Table on pages 17-18 of the s42A Report. Three submission points supported the retention of the policy as notified, and three sought amendments.

115. One submission point in support of Policy **RESZ-P3** as notified was summarised in the Table on page 18 of the s42A Report.

116. Six submission points relating to Policy **RESZ-P4** were summarised in the Table on page 18 of the s42A Report. Four of these submissions sought to retain the policy wording as notified. Two sought amendments. No further submissions were received on this policy.

117. Three submission points relating to Policy **RESZ-P5** were summarised in the Table on pages 18-19 of the s42A Report. One submission supported the retention of the policy as notified, and two sought amendments.

118. One submission point in support of Policy **RESZ-P6** as notified was summarised in the Table on page 19 of the s42A Report.

119. One submission and two further submission points supporting Policy **RESZ-P7** as notified were summarised in the Table on page 19 of the s42A Report.

120. Two submission points supporting Policy **RESZ-P8** as notified were summarised in a Table on page 19 of the s42A Report.

121. Two submission points supporting Policy **RESZ-P9** as notified were summarised in a Table on page 19 of the s42A Report.

122. Three submission points relating to Policy **RESZ-P10** were summarised in a Table on pages 19-20 of the s42A Report. Two submissions supported the retention of the policy as notified, while the third supported it in part, subject to consistency in wording with earlier policies.

123. Two submission points supporting Policy **RESZ-P11** as notified were summarised in a Table on page 20 of the s42A Report.

124. Two submission points supporting Policy **RESZ-P12** as notified were summarised in a Table on page 20 of the s42A Report.

125. Two submission points supporting Policy **RESZ-P13** as notified were summarised in a Table on page 20 of the s42A Report

126. One submission and one further submission supporting Policy **RESZ-P14** as notified were summarised in a Table on page 20 of the s42A Report.

127. Two submission points supporting Policy **RESZ-P15** as notified were summarised in a Table on page 20 of the s42A Report.

128. Four submission points relating to Policy **RESZ-P16** were summarised in a Table on pages 20-21 of the s42A Report. Three of the submissions supported the retention of the policy as notified, while one sought amendment.

129. One submission and one further submission relating to Policy **RESZ-P17** were summarised in a Table on page 21 of the s42A Report. The submission sought amendments to the policy. The further submission opposed this submission.

130. The Panel has considered the relevant submissions and adopts the summaries in the s42A Report.

Section 42A Report

RESZ - Policies (General)

131. Ms Easton acknowledged most of the submissions and further submissions received generally supported the policies as notified.

132. Ms Easton did not support the addition of a new policy to support rezoning for residential development as sought by TTPP Committee (S171.013) (opposed by Forest and Bird FS34.014) because she did not consider this was necessary. Similarly, she did not support the new policy sought by TTPP Committee (S171.009) (opposed by Forest and Bird and SFF[18]) regarding rezoning specific land in Westport, Greymouth, and Hokitika because the rezoning had already occurred and was consistent with the current policy suite for residential development in areas outlined.

133. The submission of Te Mana Ora (S190.835) seeking a new policy related to the establishment of Clean Air Zones was not supported by Ms Easton because she noted that air quality was a matter regulated by the WCRC and did not fall within the jurisdiction of the district plan.

[18] Forest and Bird FS34.013 and Silver Fern Farms FS101.039

134. Ms Easton did not support the amendments proposed by Frida Inta (S553.231) and the Buller Conservation Group (S552.231) regarding the provision of a 20m buffer around the periphery of residential zones to separate them from non-residential activities. She considered that if a buffer was to apply to adjoining residential zones, it would be impractical given many residential zones were less than 20m wide. In addition, she noted that if the buffer were to apply to adjoining non-residential zones only, these adjoining zones were already subject to specific setbacks depending on the zone; and that where non-residential activities met the required permitted activity standards of their respective zone, she considered they should be able to establish without the need for an additional buffer.

135. Ms Easton made no recommended changes to the policies based on these submissions.

RESZ - P1

136. Ms Easton acknowledged the support from the two submissions and one further submission[19] that sought to retain the policy as notified. She recommended retaining RESZ-P1 as notified.

RESZ - P2

137. Ms Easton acknowledged the support from the two submitters[20] who sought to retain the policy as notified.

138. In response to Frida Inta (S553.228) and Buller Conservation Group's (S552.228) request to amend clause (b) to refer to minimising nuisance from air pollution, Ms Easton did not support this. She reiterated that regulating air pollution was a function of WCRC.

139. Ms Easton did not support the Director General's (S602.226) to add '*maintain and enhance the natural environment and cultural and historic heritage features of the zone*' because these were already managed through the district-wide chapters.

140. Ms Easton recommended retaining RESZ-P2 as notified.

RESZ - P3

141. Ms Easton acknowledged the support from the one submitter (S190.838) who sought to retain the policy as notified. She recommended retaining RESZ-P3 as notified.

RESZ - P4

142. Ms Easton acknowledged the support from submitters[21] who sought to retain the policy as notified.

143. Ms Easton did not support the submission points of Frida Inta (S553.229) and Buller Conservation Group (S552.229) that sought amendments to refer to the adverse effects of air pollution and vibration because she considered air pollution was within the jurisdiction of the WCRC. Ms Easton considered if vibration was not regulated in the Noise Chapter, then she would support its addition. She agreed that "*do not have*" in relation to significant adverse effects should be replaced with "*avoid*" because the residential rules identify

[19] S190.836, S349.015, FS58.0136
[20] S190.837, S608.715, S608.716
[21] S190.839, S450.241, S456.040, S608.717

activities such as incompatible industrial activities as a non-complying activity and "*avoid*" is the appropriate term in this context.

144. Ms Easton recommended changes to this policy as follows:

> ***RESZ - P4***
>
> *Enable existing non-residential activities and home occupations to continue and new non – residential activities to establish provided they ~~do not have an~~ **avoid** significant adverse effects on the character and amenity of RESZ - Residential Zones, particularly in relation to scale, car parking, vehicle movements, noise, visual appearance, glare, dust and odour.*

RESZ - P5

145. Ms Easton acknowledged the support from the submission (S190.840) who sought to retain the policy as notified.

146. Ms Easton did not support Frida Inta (553.230) and the Buller Conservation Group's (S553.230) request to include the words "*and will require a buffer zone*". She considered that the best way to manage the types of activities referred to in this policy was to ensure that residential zones were not located immediately adjacent to the Industrial Zone. Where this was not possible, she considered the use of a Light Industrial Zone (LIZ) to be preferable to minimise incompatible uses. She further considered that this direction was set in the strategic objectives rather than in the RESZ policies, which were to manage activities within these zones rather than in other zones.

147. Ms Easton recommended retaining RESZ-P5 as notified.

RESZ - P6, RESZ-P7, RESZ-P8 and RESZ-P9

148. Ms Easton acknowledged the support from the submissions and further submissions[22] that sought to retain these policies as notified. She recommended retaining policies RESZ-P6 to RESZ-P9 as notified.

RESZ - P10

149. Ms Easton acknowledged the support from the two submitters[23] who sought to retain the policy as notified.

150. Ms Easton agreed with GDC's (S608.718) request to amend the policy to reflect that infrastructure should be vested with "*the Council*" as opposed to "*the appropriate public agency*". She noted the policy was originally drafted to reflect the potential new public entities that were to be created under the Three Waters regime. However, as this was no longer applicable, she considered that the proposed amendment would ensure greater consistency with the rest of the Plan.

151. Ms Easton recommended changes to this policy as follows:

> ***RESZ - P10***

[22] S190.841, S190.842, FS58.0137, FS58.0138, S620.234, S190.844, S450.242
[23] S190.845, S573.022

> *Ensure that developments are serviced with all required infrastructure in an effective and efficient manner, while minimising impacts on the environment. Where new infrastructure such as roads and three waters (wastewater, water supply, stormwater) is provided to serve multiple households this infrastructure should be vested in the ~~appropriate public agency~~* ***district council****.*

RESZ - P11, RESZ-P12, RESZ-P13, RESZ-P14 and RESZ-P15

152. Ms Easton acknowledged the support from the submissions and further submissions[24] who sought to retain these policies as notified. She recommended retaining the policies as notified.

RESZ - P16

153. Ms Easton acknowledged the support from three submitters who sought to retain this policy as notified[25].

154. Ms Easton did not support SFF's request[26] to refer to "*existing businesses and industrial activity*" and specifically identify "*the meat processing plant located at 140 Kumara Junction highway*". She noted that the substantive matters raised by SFF, including those addressed in the submission on this policy, had been more fully discussed in the residential zoning section of the s42A Report. She considered the amendments proposed would create an inconsistency between RESZ-P16, which specifically focused on regionally significant infrastructure, and RESZ-P17**,** which focused on relocating industrial activities out of residentially zoned areas.

155. Ms Easton recommended retaining RESZ-P16 as notified.

156.

RESZ - P17

157. Ms Easton did not support Te Mana Ora's request (S190.852) (opposed by GDC FS1.346) to refer to out-of-zone industrial activities relocating to industrial zoned areas as being "*within the next 10 years*" rather than "*over the long term*". She noted the policy and the pTTPP generally were not able to overrule the existing use rights held by industrial activities within residential zones. She considered the intent of this policy was to provide support for relocation should these activities seek to expand or redevelop.

158. Ms Easton recommended retaining RESZ-P17 as notified.

Hearing and Submitter Evidence/Statements

159. In relation to RESZ-P2, Ms Inta reiterated her view that the Plan should include protection regarding air quality and odours. In relation to RESZ-P4, she confirmed her view that if air pollution generally could not be included, then the words "*dust and odour*" should be retained, while also reiterating that the word "*vibration*" should also be included.

[24] S190.846, S620.235, S190.847, S450.243, S620.236, S190.848, S190.849, FS58.0139, S620.237, S190.850
[25] S190.851, S450.244, S608.719
[26] S441.064 – Silver Fern Farms

160. In relation to RESZ-P16, Mr Tuck (for SFF) reiterated that proposed amendments were needed to include specific references to "*any existing industrial activity*" and "*the meat processing plant located at 140 Kumara Junction Highway"* being the SFF site. He considered these amendments were necessary, in addition to the new specific objective sought if the s42A Report recommendation to rezone land adjoining the SFF's Hokitika site to the south to from GRZ to RLZ rather than GRUZ was adopted. He acknowledged that a site-specific caveat to zone-wide objectives and policies was not ideal and reiterated the primary relief sought was to the zone configuration on land adjacent to the SFF site (i.e. to include a buffer zone) remained the more efficient and effective method to manage these effects. The Panel note that this zone-related discussion is addressed later in this Report and in the Recommendations Report on Rural Zones, Noise and the Industrial chapters.

Reporting Officer Reply Evidence

161. In relation to the issue of dust, Ms Easton considered that there was scope to address the amenity issues that may arise when dust was generated (e.g. wind picking up dust from an unsealed yard). She noted that Policy RESZ-P4 already included a reference to dust and therefore retained her recommendations in the s42A Report.

162. No further recommended changes were made in Ms Easton's Right of Reply regarding the remainder of the policies.

Hearing Panel's Evaluation

163. The Panel adopts Ms Easton's reasoning and her recommendation that it is unnecessary to include a new policy relating to rezoning areas for residential development because rezoning of specified areas can occur utilising other processes under the RMA.

164. Similarly, we agree that a new policy supporting the rezoning of specific land in Westport, Greymouth, and Hokitika is not necessary because the rezoning has already occurred and is consistent with the current policy suite in terms of residential development in these areas.

165. The Panel agree with Ms Easton that a new policy relating to the establishment of Clean Air Zones is outside the jurisdiction of a district plan and is a WCRC function.

166. The Panel agree with Ms Easton that applying a 20m buffer to an adjoining residential zone would result in impractical outcomes given many residential zones are less than 20m wide. We agree with Ms Easton that other plan provisions achieve the result the submitters seek and therefore a new policy providing buffers is not required.

167. In relation to **RESZ-P1**, the Panel adopts Ms Easton's reasoning and accepts her recommendation to retain the policy as notified.

168. In relation to **RESZ-P2,** the Panel agree with Ms Easton's reasoning and accepts her recommendation to retain the policy as notified.

169. In relation to **RESZ-P3**, the Panel agree with Ms Easton that no amendments are required. No submitters sought an amendment to this policy and the Panel recommend the policy is retained as notified.

170. In relation to **RESZ-P4,** the Panel agree with Ms Easton's analysis of the air pollution and vibration issues and agree with her reasons to recommend that these submissions be

rejected. We note vibration is included in the Noise Chapter as notified under NOISE-R3(b)(iii) and (c)(iii) in the context of new dwellings being constructed within proximity of the state highway or railway lines. The Panel adopt Ms Easton's reasoning and agree with her recommended use of "*avoid*" in this context. The Panel note that the submission points referenced correctly address RESZ-P4 but the summary of submissions document does not incorporate the requested amendment to replace "*do not have a*" with "*avoid*".

171. In relation to **RESZ-P5**, the Panel agree with Ms Easton that no amendments are necessary. We agree with her response to the submitters that the best way to manage the types of activities referred to in this policy is to ensure that residential zones are not located immediately adjacent to industrial zones. Where this is not possible, the use of a LIZ is preferable to minimise incompatible uses. We also agree with her that this direction is set out in the strategic direction (e.g. UFD-P1) rather than in the residential zone policies, which are to manage activities within these zones rather than in other zones. We recommend retaining the policy as notified.

172. In relation to policies **RESZ-P6 to RESZ-P9**, the Panel agree with Ms Easton's recommendation that no changes are required given the support for the notified version of these policies.

173. In relation to **RESZ-P10**, the Panel note Ms Easton's explanation of the policy wording as notified. While the vesting of infrastructure in councils is usually achieved through consent conditions attached to developments, such as subdivisions, we see no issue with setting this out within a policy, as recommended by Ms Easton. We recommend replacing "*appropriate public agency*" with "*district council".*

174. In relation to policies **RESZ-P11 to RESZ-P15**, Ms Easton recommended no changes to these policies, citing submissions in support. The Panel recommend retaining these policies as notified.

175. In relation to **RESZ-P16** the Panel partically agree with Ms Easton's analysis of the SFF submission and Mr Tuck's evidence. We agree with Ms Easton that the substantive matters raised by SFF, including those addressed in the submission on this policy, are best addressed in our recommendation on the appropriate zoning of the adjacent land to the south of the site. We do not consider the SFF amendment to the policy would create an inconsistency between RESZ-P16 and RESZ-P17. We consider the focus's of the policies are different. We accept as notified RESZ-P16 explicidly references Reionally Significant Infrastrucuture. But in our view adding Industrial Zones to that policity, given that Industrial zones are located throughout the region does not give rise to any inconsistency. We note that the amendment proposed would give effect the revise Strategic Direction UFD-P1.

176. In relation to **RESZ-P17** the Panel agree that a district plan cannot retrospectively remove existing use rights. Therefore, a policy specifying a period when existing lawfully established activities must cease is not appropriate. In any event, we note that the intent of this policy is to provide relocation support should these activities seek to expand or redevelop. We agree with Ms Easton that this policy does not need to change for these reasons. We recommend retaining the policy as notified.

Hearing Panel's Recommendation

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

RESZ -P4	Enable existing non-residential activities and home occupations to continue and new non – residential activities to establish provided they ~~do not have a~~ **avoid**[27] significant adverse effect**s** on the character and amenity of RESZ - Residential Zones, particularly in relation to scale, car parking, vehicle movements, noise, visual appearance, glare, dust and odour.
RESZ-P10	Ensure that developments are serviced with all required infrastructure in an effective and efficient manner, while minimising impacts on the environment. Where new infrastructure such as roads and three waters (wastewater, water supply, stormwater) is provided to serve multiple households this infrastructure should be vested in the ~~appropriate public agency~~ **district council**.[28]
RESZ - P16	Avoid reverse sensitivity effects from residential development adjacent to strategic infrastructure **and industrial zones**[29] including: a. Hokitika, Greymouth and Westport Airports; b. The rail network; c. The arterial road and State Highway network; d. The Ports of Westport and Greymouth; e. Wastewater treatment plants; f. Landfills; g. Potable water supply plants; h. Stormwater treatment facilities; i. The National Grid.

2.5. General Residential Zone – Rules and Standards

Submissions and Further Submissions

Residential - General

178. Five submission points and one further submission relating to the GRZ rules (as a whole or those that relate across multiple rules) were summarised in the Table on page 24 of the s42A Report. Three submission points sought to retain all, or selected, rules as notified. The remaining submissions all sought amendments. One further submission was received, which opposed one of the proposed amendments.

General Residential Zone

179. Nineteen submission points and eight further submission points relating to Rule **GRZ-R1** were summarised in a Table on pages 24-28 of the s42A Report. All submission points sought amendments to the rule as notified. One further submission was in opposition to a suggested

[27] Frida Inta S553.229 and Buller Conservation Group S552.229
[28] Grey District Council S608.718
[29] Silver Fern Farms (S441.064)

amendment, while the remaining seven were either in full support or partial support of various submission points.

180. Eight submission points relating to Rule **GRZ-R2** were summarised in a Table on pages 28-29 of the s42A Report. Two submission points supported the retention of the rule as notified. The remaining submission points sought amendments, while the two further submissions supported in part the amendments sought by one submitter.

181. Seven submission points relating to Rule **GRZ-R3** were summarised in a Table on page 29 of the s42A Report. All submission points supported the retention of the rule as notified.

182. Ten submission points and two further submissions relating to Rule **GRZ-R4** were summarised in a Table on pages 29-31 of the s42A Report. Two submission points supported the retention of the rule as notified. Five submission points opposed the rule as notified and sought its deletion in full. The remaining three submission points sought amendments, with one further submission supporting in part and the other opposing in part, suggesting amendments.

183. Eight submission points relating to Rule **GRZ-R5** were summarised in the Table on pages 31-32 of the s42A Report. Three submission points supported the retention of the rule as notified. The remaining five submission points sought amendments.

184. Seventeen submission points relating to Rule **GRZ-R6** were summarised in a Table on pages 32-33 of the s42A Report. Three submission points supported the retention of the rule as notified. One submission point opposed the rule and sought its complete deletion. The remaining submission points sought amendments.

185. Ten submission points and two further submission points relating to Rule **GRZ-R7** were summarised in a Table on pages 33-35 of the s42A Report. Four submission points supported the retention of the rule as notified. The remaining submission points sought amendments, while the two further submissions supported in part the amendments sought by one submitter.

186. Eight submission points and one further submission point relating to Rule **GRZ-R8** were summarised in a Table on page 35 of the s42A Report. Four submission points supported the retention of the rule, as notified, with one further submitter supporting one of these submissions. The remaining submission points sought amendments.

187. Four submission points relating to Rule **GRZ-R9** were summarised in the Table on page 35 of the s42A Report. Three submission points supported the retention of the rule as notified. The remaining submission point sought an amendment.

188. Two submission points relating to Rule **GRZ-R10** were summarised in the Table on page 36 of the s42A Report. Both submission points supported the retention of the rule as notified.

189. Seven submission points relating to Rule **GRZ-R11** were summarised in the Table on page 36 of the s42A Report. Three submission points supported the retention of the rule as notified. The remaining submission points sought amendments.

190. Seven submission points relating to Rule **GRZ-R12** were summarised in the Table on page 36 of the s42A Report. Two submission points supported the retention of the rule as notified. The remaining five submission points all opposed the rule and sought its deletion.

191. Thirteen submission points and four further submissions relating to Rule **GRZ-R13** were summarised in the Table on pages 36-38 of the s42A Report. Two submission points supported the retention of the rule as notified. The remaining submission points sought amendments with the four further submissions all in support or partial support of suggested amendments.

192. Five submission points relating to Rule **GRZ-R14** were summarised in a Table on page 38 of the s42A Report. Three submission points supported the retention of the rule as notified. The remaining submission point sought amendments.

193. Four submission points and one further submission relating to Rule **GRZ-R15** were summarised in a Table on pages 38-39 of the s42A Report. Three submission points supported the retention of the rule as notified. The remaining submission point sought amendments, with one further submission opposing the suggested amendments.

194. Seven submission points and one further submission relating to Rule **GRZ-R16** were summarised in a Table on page 39 of the s42A Report. Two submission points supported the retention of the rule as notified, with one further submission in support. The remaining submission points sought amendments.

195. Four submission points relating to Rule **GRZ-R17** were summarised in a Table on page 39 of the s42A Report. Three submission points supported the retention of the rule as notified. The remaining submission point sought amendments.

196. Two submission points relating to Rule **GRZ-R18** were summarised in a Table on page 39 of the s42A Report. Both submission points supported the retention of the rule as notified.

197. Twelve submission points relating to **GRZ-R19** were summarised in a Table on pages 39-40 of the S42A Report. Three submission points supported the retention of the rule as notified. The remaining submission point sought amendments with a single further submission in support of one of the submitters' suggested amendments.

198. Three submission points relating to Rule **GRZ-R20** were summarised in a Table on pages 40-41 of the s2A Report. All three submission points supported the retention of the rule as notified.

199. Three submission points relating to Rule **GRZ-R21** were summarised in a Table on page 41 of the s42A Report. Two submission points supported the retention of the rule as notified. The remaining submission point sought amendments.

200. Six submission points and one further submission relating to Rule **GRZ-R22** were summarised in a Table on page 41 of the s42A Report. Three submission points supported the retention of the rule as notified. The remaining submission point sought amendments, with one further submission supporting one of the submitters requested amendments.

201. Seven submission points relating to Rule **GRZ-R23** were summarised in a Table on page 41 of the s42A Report. All seven submission points supported the retention of the rule as notified.

202. Seven submission points relating to Rule **GRZ-R24** were summarised in a Table on pages 41-42 of the s42A Report. Three submission points supported the retention of the rule as notified. The remaining submission point sought amendments.

203. The Panel adopts these summaries and has considered the relevant submissions and further submissions.

Section 42A Report

Rules (General)

204. Ms Easton acknowledged the support from the submitters who generally support all rules as notified.

205. Ms Easton did not support GDC's (S608.103) requested amendments to delete the references to "*Site of Area of Significance to Māori (SASM)".* She considered that these cross-references were important for clarity. She noted the more substantive request from GDC regarding SASM were specifically addressed in the SASM Chapter.

206. In response to Margaret Montgomery's submission point (S446.108) requesting that the standards better interact with subdivision provisions and to provide for the Council to be able to waive the residential activity/unit standard if no additional non-compliances were generated, Ms Easton did not support either approach. She noted that no examples had been provided as to how the residential standard interacts with subdivision standards; and waiving non-compliance could have unintended impacts on amenity and infrastructure.

207. Ms Easton recommended retaining the rule as notified.

GRZ-R1 Permitted Activity – Residential Activities and Residential Units

208. In relation to **GRZ-R1**, Ms Easton acknowledged the support from the four submitters who sought to retain the rule as notified. However, she acknowledged she recommended amendments in response to other submission points.

209. In response to Terry O'Regan's (S221.001) request to include height restrictions to prevent multistorey buildings or large trees blocking views, particularly in relation to Moana, Ms Easton noted that height restrictions were already included in the rule as notified. She noted that when these restrictions were coupled with recession planes there was appropriate control. However, she noted that protection of private views was not required under the RMA.

210. Ms Easton did not support the Westport Pistol Club's (S336.014) to add a requirement to the advice note for GRZ-R1 for any residential activity or unit within 250m of a rifle range protection area overlay to be subject to acoustic insulation requirements. She noted there were currently no insulation requirements concerning Rifle Range Protection Areas in Rule NOISE-R3 and she did not consider this amendment appropriate. However, she acknowledged that if this situation was to change and necessitate an amendment to NOISE-R3, then a consequential update to the advice notes for GRZ-R1 would be necessary.

211. Ms Easton did not support submitters requests to delete the advice note referring to Rule NOISE-R3[30] because she considered cross-referencing this rule was appropriate. She noted Rule NOISE-R3 would be considered under the Noise Chapter provision.

[30] S567.454, S558.400, S566.400, S574.400

212. Ms Easton did not support Te Mana Ora's (S190.854) request to include an additional standard in GRZ-R1 relating to clean air burners because this was outside of the jurisdiction of the Plan.

213. In response to the submissions[31] that sought a controlled activity status where compliance was not achieved, Ms Easton did not support this approach. She considered that defaulting to discretionary or restricted discretionary activity, depending on the standard that was not complied with, was appropriate to provide confidence in a basic level of amenity, density, infrastructure, and character would be provided for within the zone, noting that a controlled activity consent application cannot be declined.

214. In response to BDC's (S538.475) request for an exemption from the recession plane standards, and submitters seeking exemption because of the need to build higher to respond to flood hazard[32], Ms Easton did not support this approach.

215. In response to the submission points of GDC (S608.720) and Waka Kotahi NZTA (S450.245) to amend standard 8 to GRZ-R1 to specify that stormwater be managed on-site in accordance with NZS4404:2010, Ms Easton supported these submissions; and considered that NZS4404:2010 was an appropriate standard to ensure uncontrolled stormwater was not exacerbated and that secondary flow was managed appropriately. Her recommended amendments in response were as follows:

> *8. All residential units and buildings used for a residential activity must be connected to the community water supply, and wastewater networks and stormwater from the site **are managed in accordance with the relevant standards in NZS4404: 2010 Land Development and Subdivision** ~~Infrastructure used for the activity~~ **and** must not drain to any public road ~~except for secondary flow purposes;~~*

216. In response to the submission point made by Waka Kotahi NZTA (450.245), Ms Easton did not support separating performance standards from the rule and placing them in a separate table, as this would result in a substantial restructuring of the Plan, which would not improve the clarity of the rule.

217. BDC (S538.475) (supported by GDC FS1.434) sought several amendments to GRZ-R1, which are discussed under specific standard topics below.

218. BDC requested that rule GRZ-R1 also apply to accessory buildings as well as residential activities and residential units. Ms Easton supported this submission and considered that omitting accessory buildings from this rule was an error that should be corrected to avoid the need for accessory buildings to require resource consent otherwise. The amendments to include accessory buildings are outlined below, and the same amendments are recommended for Rule LLRZ-R1 and MRZ-R1.

> *Permitted Activities*
>
> *GRZ - R1 Residential Activities and Residential Units **and Accessory Buildings** - Activity Status Permitted*
>
> *Where:*

[31] S567.455, S558.401, S566.401, S574.401
[32] Rick Hayman S471.007, The Coda Trust S480.005, Warren French S494.005

…

219. BDC also sought to limit density to a maximum of two units per site and to delete the provision allowing one unit per 300m², where two or more adjoining sites were developed. BDC sought these amendments to prevent the low-density character of Westport and Reefton from being compromised, while also recognising that Westport was subject to significant natural hazards and more intensive development should be encouraged in safer locations. This submission was opposed by the further submission of GDC, who preferred the current rule framework, which reflected the operative GDP provisions. Ms Easton supported the submission of BDC and further submission of GDC, recommending that Rule GRZ-R1 be redrafted to provide a specific maximum of two residential units per site within the Buller District, as set as follows:

> *1. Residential unit density is no more than:*
> *a. 1 unit per 350m^2 net site area; ~~or~~ **but within the Buller District there is a maximum of 2 residential dwellings per allotment***
> *b. 1 unit per 300m^2 net site area where two or more adjoining sites are developed **except within the Buller District this standard does not apply**;*

220. The submission by Margaret Montgomery sought to relax residential provisions to allow three dwellings per site, aligning with the national direction of the NPSUD. Ms Easton did not support this submission and noted that the NPSUD did not apply to the West Coast in terms of directing increased densities.

221. Regarding the connection to services, the submission from BDC sought a further amendment to include the words "*where available*" in standard 8 of GRZ-R1, which requires all residential units and buildings used for residential activities to be connected to a community water supply and wastewater network. Ms Easton did not support this submission point and considered that for residential development to occur, connections to community infrastructure were a critical requirement; she noted that the permitted 350m^2 minimum section size for a residential unit would be unlikely to accommodate an on-site wastewater system as an alternative safely.

222. The submission from BDC sought amendments to remove wording related to neighbour approvals for recession plane infringements and to replace the wording in the standard with an advice note. Ms Easton supported making the standard clearer and recommended amendment as follows:

> *9. No building shall project beyond a building envelope defined by a recession plane as defined in Appendix Two to commence 2.5m above any site boundary ~~except where the neighbouring property owner's written approval is provided to the Council at least 10 working days prior to the works commencing~~. This standard does not apply to:*
>
> *…*
>
> *Advice note**s**:*
>
> ***1** …*
>
> *2. Where boundary setbacks are infringed, the Deemed Permitted Activity Boundaries process will apply where the neighbouring property owner's written approval is provided to the relevant district council.*

223. BDC also sought an additional amendment, requesting that a setback of 150m from the designated wastewater treatment facility site boundary be applied. Ms Easton supported this addition, which was present in the operative Buller and Grey District Plans and considered it an error that it was omitted from the notified pTTPP.

224. FENZ sought a new standard requiring a developer to demonstrate how an alternative satisfactory water supply could be provided to each lot if a new development was not connected to a public reticulated supply with a sufficient level of service. Ms Easton did not support this amendment and noted that if a connection to a public reticulated supply was not possible, then a development cannot be a permitted activity. She considered the permitted standard sought by FENZ would not provide sufficient certainty. She also noted that this matter was better addressed at the subdivision stage, where it was covered by standard SUB-S3.

225. Margaret Montgomery also sought that the setback standards be consistent with the existing rules currently applicable in the different districts. Ms Easton did not support this submission and considered that a key driver of the TTPP was to develop a more standardised approach across the West Coast and reduce the complexity of provisions.

226. Ms Easton recommended setback amendments as follows:

> *Buildings are setback a minimum of 1m from all other site boundaries, except that:*
>
> *a.* ***In the Grey and Westland Districts*** ~~*D*~~*duplexes do not require a setback from the side boundary of the other duplex unit; and*
>
> *b.* ~~*Setbacks are not required from adjacent residential boundaries where neighbouring property owner's written approval is provided to the Council 10 working days prior to the works commencing.*~~
>
> *b.* ***A setback of 150m is required from the site boundary of any designated wastewater treatment plant***

GRZ-R2 Minor Structures

227. Ms Easton acknowledged the support from the two submitters who sought to retain the rule as notified[33].

228. In response to the submissions[34] that sought amendments to accommodate existing legal non-compliances with the GRZ-R1 performance standards, and BDC's (S538.476) request to delete the reference to GRZ-R1 performance standards and replaced with a singular setback requirement from road and internal boundaries, Ms Easton supported these submissions in part and has recommended deleting the wording "*all performance standards for Rule GRZ-R2 are complied with*" from this rule. She noted that a consequential amendment to Rule GRZ-R11 was also recommended to provide alignment between the two rules.

229. FENZ (S573.024) also sought an exemption for hose drying towers and siren towers to be up to 15m high in this zone. Ms Easton supported this submission in part, noting that hose drying towers were an essential component of a functioning fire station. Ms Easton noted that only three fire stations were zoned GRZ whereas all other stations were zoned Commercial and Mixed Use. Ms Easton did not propose a change to GRZ-R2, noting that the

[33] S190.855, S446.085
[34] William McLaughlin S567.456, C and J Coll, S558.402, Chris Coll Surveying S566.402, Laura Coll McLaughlin S574.402

existing hose drying towers all hold existing use rights and that ideally any new fire stations would not be located within the GRZ.

230. Ms Easton's recommended amendments to GRZ-R2 and GRZ-R11 are set out below:

GRZ - R2 Minor Structures
Activity Status Permitted
Where:

a. ~~*All performance standards for Rule GRZ - R1 are complied with*~~ ***Structures are set back a minimum of 4.5m from the road boundary and 1m from internal boundaries****;*
b. *Masts, poles, aerials and pou whenua must not exceed 7m in height;*
c. *Any antenna dish must be less than 1m in diameter;*
d. *Any ornamental or garden structure must not exceed 2.4 m in height; and*
e. *Any other structure must not exceed 10m^2 and 2m in height.*

Activity status where compliance not achieved: *Controlled*

GRZ - R11 Minor Structures not meeting Permitted Activity Standards Activity Status Controlled
Where:
1. *The minor structure does not exceed 10m in height; and*
2. ***Structures are set back a minimum of 4.5m from the road boundary and 1m from internal boundaries;***

Matters of control are:

a. Design and location of structures; and

b. Landscape measures.

Activity status where compliance not achieved: *Discretionary*

GRZ-R3 Fence Wall and Retaining Walls

231. Ms Easton acknowledged the support from the submitters who sought to retain the rule as notified[35]. She recommends no changes to GRZ-R3.

GRZ-R4 Relocated Buildings

232. Ms Easton acknowledged the support from the submitters who sought to retain the rule as notified[36].

233. There were several submitters[37] that sought that Rules GRZ-R4 and GRZ-R12 be deleted in their entirety and that any references to relocated buildings in GRZ-R19 be deleted. Ms Easton did not support these submissions and considered that the rules were necessary to manage amenity and ensure necessary building work to meet standards is completed within a specified timeframe.

[35] S190.856, S446.086, S567.457, S558.403, S566.403, S574.403, S538.477
[36] S190.857, S446.087
[37] William McLaughlin S567.019, S567.458, C & J Coll S558.109, S558.404, Chris J Coll Surveying Limited S566.109, S566.404, Laura Coll McLaughlin S574.109, S574.404, BDC S538.478

234. Charles Elley (S251.003) sought to remove restrictions that only allow relocatable buildings intended to be dwellings that were originally built and used dwellings. Ms Easton supported this submission, but it appears she misinterpreted this submission because the s42A Report states the submission sought to amend the rule to relate only to those buildings that are intended to be dwellings and were originally dwellings. We consider the submission sought the opposite to that stated in the s42A Report.

235. NZ Heavy Haulage Association Inc. (S616.005) sought performance standards for relocatable buildings based on the matters in schedule 1 of its submission, including that any relocated building intended for use as a dwelling must have been previously designed, built and used as a dwelling, and additional standards around pre-inspections, foundations and reinstatement work. Ms Easton supported an amendment that buildings must originally be dwellings, but did not support the balance of changes, which she considered would make the rule more complex.

236. FENZ also sought that a new standard be added to GRZ-R4 around water supply. This was not supported by Ms Easton, who noted what the standards of GRZ-R1 apply to relocation of buildings, and these already necessitate a connection to a public reticulated water supply.

237. Ms Easton's recommended no amendments to GRZ-R12 or GRZ-R19 and recommended amendments to GRZ-R4 as follows:

> ***GRZ - R4 Relocated Buildings***
> ***Activity Status Permitted***
> *Where:*
>
> 1. *All performance standards for Rule GRZ - R1 are complied with;*
> 2. *Any relocated building intended for use as a dwelling must have been designed, ~~and~~ built ~~to be~~ **and** used as a dwelling;*
> 3. *…*
> 4. *…*
> 5. *…*
>
> ***Activity status where compliance not achieved:*** *Controlled*

GRZ-R5 Home Business

238. Ms Easton acknowledged the support from the three submissions that sought to retain the rule as notified[38].

239. Frida Inta (S553.169 and S553.233) and Buller Conservation Group (S552.169) sought to have this rule amended to require approval from neighbours or the community; and to add reference to "*other air pollution*" to the standard that requires no external generation of dust, odour, or smoke. These submission points were not supported by Ms Easton who did not consider it appropriate to include a requirement for neighbour or community consent to establish a home business, noting that there is a range of permitted activity standards to ensure home businesses do not adversely affect the amenity and character of the GRZ. She

[38] S190.858, S446.088, S608.721

considered the words "*or other air pollution*" were too broad to be appropriate as a permitted standard.

240. The submission of Waka Kotahi NZTA (S450.246) sought to amend the rule to reduce the permitted level of vehicle movements to no more than 30 car movements per day. Ms Easton noted the current standard was limited to no more than four heavy vehicle movements per day, 20 light vehicle movements per day or 140 vehicle movements per week, whichever is greater. She noted this could be interpreted to allow for 140 vehicle movements per day and none for the rest of the week. She therefore, recommended amendments to provide greater clarity.

241. BDC (S538.479) sought to further regulate home business through the provision of an additional standard requiring that no more than one full-time equivalent person engaged in the home business could reside off-site. Ms Easton noted that at present, there was no limit in the pTTPP. She supported this submission and considered it would ensure that the scale of any home business did not exceed what would be reasonably expected in a residential area.

242. Ms Easton's recommended amendments to GRZ-R5, were as follows:

GRZ - R5 Home Business Activity Status Permitted
Where:

1. *This is ancillary to a residential activity;*
2. *All performance standards for Rules GRZ - R1, NOISE R1-R2 and R4, LIGHT - R3 and SIGN - R10 are complied with;*
3. ***There is no more than one full – time -equivalent person engaged in the home business that resides off-site***
4. *Hours of operation are limited to:*
   a. *7am-7pm weekdays; and*
   b. *8am - 5pm weekends and public holidays;*
   c. *Except where:*
      i. *The entire activity is located within a building;*
      ii. *Each person engaged in the activity outside the above hours resides permanently on site; and*
      iii. *There are no visitors, customers or deliveries to the activity outside of the above hours*
5. *A maximum of 4 heavy vehicle movements per day**, ~~and whichever is the greater of~~ 20 light vehicle movements per day, ~~or~~ **and** 140 light vehicle movements per week;*
6. *…*
7. *…*

***Activity status where compliance not achieved**: Discretionary*

GRZ-R6 Residential Visitor Accommodation

243. Ms Easton acknowledged the support from the three submissions that sought to retain the rule as notified[39].

244. In relation to residential visitor accommodation, BDC (S538.480) supported the approach that only homestay accommodation was permitted in the Buller District, with the primary concern relating to long-term rentals being converted to short-term visitor accommodation, e.g. Airbnb.

245. In response to the submissions[40] that opposed the rule and sought that full house rentals for visitor accommodation be a permitted activity, Ms Easton did not support this approach. She considered the wider community concerns were a strong argument for restricting the conversion of residential dwellings to what is effectively a commercial use.

246. Regarding residential visitor accommodation in Westland, WDC (S181.036) sought to amend the rule to align with the approach pursued by BDC. This was supported by Ms Easton.

247. Regarding residential visitor accommodation in Greymouth, the submission of Lynda Richmond (S423.001) sought that this rule be amended to align with the approach of BDC and WDC above, noting concerns with this type of accommodation not facing the same sort of regulation as motels or hotels. This was not supported by Ms Easton, who considered that Greymouth was not impacted by residential visitor accommodation due to it not being a significant tourism destination compared to other parts of the West Coast.

248. GDC (S608.104) sought that records of letting activity be provided to the Council annually rather than on request because landowners undertaking such activity should provide the evidence rather than GDC trying to determine where the businesses have set up. Ms Easton considered this was reasonable requirement to ensure that permitted activity standards were met.

249. Margaret Montgomery (S446.089) sought additional standards for noise and a limit on the number of nights per 12-month period for use as visitor accommodation. Ms Easton did not support this submission and considered that it would make the rule unnecessarily complex. She considered that the noise standards in the Noise Chapter were appropriate.

250. Submissions[41] sought to amend this rule to accommodate existing legal non-compliance with the GRZ-R1 performance standard. This was not supported by Ms Easton because it could result in adverse environmental effects, using the example of insufficient wastewater capacity to cater to additional people.

251. Ms Easton recommends that GRZ-R6 be amended as follows:

> ***GRZ - R6 Residential Visitor Accommodation Activity Status Permitted***
> *Where:*
>
> *1. The accommodation is ancillary to a residential activity;*
>
> *2. All performance standards for Rules GRZ - R1, NOISE R1-R2 and R4, LIGHT - R3 and SIGN - R10 are complied with;*
>
> *3. There is a maximum of 6 paying guests at any one time;*

[39] S190.859, S450.247, S538.480
[40] Jon Baltrop S572.004, Daniel Beetham S43.001, Lawrence Eade S346.001, Vivienne Sweeney S21.002
[41] S567.460 William McLaughlin, S558.407 C & J Coll, S566.407 Chris J Coll Surveying Limited, S574.407 Laura Coll McLaughlin

4. *Written notification to the District Council is required 10 working days prior to the activity commencing;*
5. *Records of letting activity must be kept and provided to the District Council **annually** ~~on request~~; and*
6. *No heavy vehicle movements are generated; and*
7. *In the Buller **and Westland** District**s** the accommodation is homestay accommodation with a permanent resident living on site.*

***Advice Notes**:*

1. *Compliance with the Building Code is required for any use of residential property for visitor accommodation. Written notice to the relevant Council Building Compliance Team must be provided and a Building Consent may also be required.*
2. *In the Buller **and Westland** **Districts**, where residential visitor accommodation has been lawfully established under the Buller **or Westland** District Plan provisions, then existing use rights apply.*

***Activity status where compliance not achieved:** Restricted Discretionary*

GRZ-R7 Community Facilities and Educational Facilities

252. Ms Easton acknowledged the support from the four submissions that seek to retain the rule as notified[42].

253. Ms Easton did not support the submissions[43] that sought to amended the rule to accommodate existing legal non-compliance with GRZ-R1 performance standard because of potential adverse effects on the environment, as discussed in earlier.

254. Ms Easton did not support the Ministry of Education's (S456.041) that sought to amend the rule to allow for 140 light vehicle movements per day for educational facilities. She considered the intent of the rule was to allow very small educational and community facilities within residential areas rather than provide for schools, or other significant facilities as a permitted activity.

255. FENZ (S573.026) sought a new standard be added to GRZ-R7 to provide an alternative satisfactory water supply where a connection to a public reticulated water supply was not available. This was not supported by Ms Easton who noted that the standards of GRZ-R1 were required to be met for community and educational facilities, and these already required a connection to a public reticulated water supply.

256. No changes were recommended by Ms Easton to GRZ-R7.

GRZ-R8 Retirement Homes and Supported Residential Accommodation

257. Ms Easton acknowledged the support from the four submissions that sought to retain the rule as notified[44].

[42] S190.860, S446.090, S450.248, S538.481
[43] S567.461 William McLaughlin, S558.408 C & J Coll, S566.408 Chris J Coll Surveying Limited, S574.408 Laura Coll McLaughlin
[44] S349.011, S190.861, S446.091, S450.249, S608.722

258. In response to the submissions[45] that sought amendments to accommodate existing legal non-compliance with GRZ-R1 performance standard, Ms Easton did not support the amendments because of potential adverse effects on the environment.

259. No changes were recommended by Ms Easton to GRZ-R8.

GRZ-R9 Papakāinga Developments

260. Ms Easton acknowledged the support from the four submissions that sought to retain the rule as notified[46].

261. Ms Easton did not support Margaret Montgomery's (S446.092) request for an allowance for developers to develop in a similar manner to papakāinga. She noted Papakāinga housing was cultural housing where whānau members generally lived closely together, often with some communal facilities, and that their establishment was supported as part of honouring the Te Tiriti o Waitangi/Treaty of Waitangi. She noted that in relation to other parts of the community, the Plan introduced significant relaxation of the rules surrounding the development of minor household units as a broader measure to provide greater housing choice and availability.

262. Ms Easton recommended no changes to GRZ-R9.

GRZ-R10 Commercial Visitor Accommodation with the Hokitika Visitor Accommodation Area

263. Ms Easton acknowledged the support from the two submissions that sought to retain the rule as notified[47]. She recommended no changes to GRZ-R9.

GRZ-R11 Minor Structures not meeting Permitted Activity Standards

264. Ms Easton acknowledged the support from the three submissions that who sought to retain the rule as notified[48].

265. In response to the submissions[49] that sought amendments to accommodate existing legal non-compliance with GRZ-R1 performance standard, Ms Easton recognised existing use rights sat outside of a resource consent process but considered that otherwise existing non-compliance should not be explicitly accommodated within the rules due to potential adverse effects on the environment.

266. No changes were recommended by Ms Easton to GRZ-R11.

GRZ-R12 Relocated Buildings not meeting Permitted Activity Standards

267. Ms Easton recommended retention of this rule as notified. She advised the rule would most likely apply when someone was converting a non-residential building into a residential building and moving it onto a site. An example she gave was of a church being transformed into a dwelling and if the activity met the requirements of GRZ-R1, then matters of control

[45] S567.462 William McLaughlin, S558.409 C & J Coll, S566.409 Chris J Coll Surveying Limited, S574.409 Laura Coll McLaughlin
[46] S620.238, S190.862, S446.092, S538.482
[47] S190.863, S446.093
[48] S190.864, S446.094, S538.483
[49] S567.463 William McLaughlin, S558.410 C & J Coll, S566.410 Chris J Coll Surveying Limited, S574.410 Laura Coll McLaughlin

could address any amenity issues. However, she noted that if the rule was deleted, this would escalate to discretionary, which she considered to be unnecessarily onerous.

GRZ-R13 Buildings not meeting Rule GRZ-R1

268. Ms Easton acknowledged the support from the two submissions that sought to retain the rule as notified[50].

269. Ms Easton supported Margaret Montgomery's (S446.096) request to provide an allowance for party walls or where it was related to a subdivision for failing internal boundary standards because the rule related to circumstances where internal setbacks of less than 1m were proposed.

270. Ms Easton did not support the submissions[51] that sought amendments to accommodate existing legal non-compliance with GRZ-R1 performance standard because of the potential for adverse effects on the environment. However, she supported the same submissions that sought to amend the matters of discretion of GRZ-R13 to include consideration of whether a building project falls into the recession plan due to the application of natural hazards rules. She considered this recognised that such circumstances would become increasingly common on the West Coast as freeboard requirements were incorporated into new developments and additions to existing developments.

271. Ms Easton supported amendments in response to BDC's (S538.485) request for two additional matters of discretionary regarding "*shading and loss of sunlight to adjoining sites*" and "*loss of privacy to adjoining sites*". She considered that these were two principal adverse effects generated by the activities subject to this rule.

272. FENZ (S573.027) sought to add a further matter of discretion to GRZ-R13 regarding the provision of servicing, including a firefighting water supply. This was not supported by Ms Easton because the rule did not apply noted if a property did not have a connection and the activity would default to a discretionary activity.

273. Ms Easton recommended that GRZ-R13 be amended as follows:

> ***GRZ - R13 Buildings not meeting Rule GRZ-R1***
> ***Activity Status Restricted Discretionary***
>
> *Where:*
>
> 1. *The building projects into the recession plane as defined in Appendix Two; or*
> 2. *The building is set back less than 1m from internal boundaries; and*
> 3. *All other performance standards for Rule GRZ - R1 are complied with.*
>
> *Discretion is restricted to:*
>
> a. *Design and location of buildings;*
> b. *Design and location of parking and access; ~~and~~*
> c. *Landscape measures~~.~~,*
> d. ***Shading and loss of sunlight to adjoining sites; and***

[50] S190.866, S608.723
[51] S567.465, S567.466 William McLaughlin, S558.412, S558.413 C & J Coll, S566.412, S566.413 Chris J Coll Surveying Limited, S574.412, S574.413 Laura Coll McLaughlin

e. ***Loss of privacy to adjoining sites***

Activity status where compliance not achieved: *Discretionary*

GRZ-R14 Residential Visitor Accommodation not meeting Permitted Standards

274. Ms Easton acknowledged the support from the three submissions that sought to retain the rule as notified[52].

275. Ms Easton supported in part Margaret Montgomery's (S446.097) request for additional matters of discretion for access and fire standards but noted that access was already a matter of discretion. She did not support the addition of fire standards because it was addressed under the Building Act.

276. In response to BDC's (S538.486) to add noise insulation as matter of discretion and to delete the word noise from clause (e), Ms Easton did not support this submission. She considered the intent of this matter of discretion was that any insulation requirements were to attenuate noise and manage its effects.

277. Ms Easton made no recommended amendments to GRZ-R14.

GRZ-R15 Community Facilities and Educational Facilities not meeting Rule GRZ -R7, Retirement Homes and Supported Residential Accommodation not meeting Rule GRZ - R8 and Retirement Villages

278. Ms Easton acknowledged the support from the three submissions that sought to retain the rule as notified[53].

279. Ms Easton supported BDC's (S538.487) to add additional matters of discretion to cover noise management, traffic generation, loss of privacy to adjoining sites, and character and amenity of the surrounding area to manage key effects. She noted the further submission of Kainga Ora opposing the submission point of BDC concerning supported residential accommodation. However, she highlighted that Kainga Ora had stipulated in their submission that supported residential accommodation would generally be less than 10 residential units and therefore was likely to be permitted under GRZ-R8 and unlikely to be subject to GRZ-R15.

280. Ms Easton recommended that GRZ-R15 be amended as follows:

GRZ - R15 Community Facilities and Educational Facilities not meeting Rule GRZ - R7, Retirement Homes and Supported Residential Accommodation not meeting Rule GRZ - R8 and Retirement Villages

Activity Status Restricted Discretionary
Discretion is restricted to:

a. Design and location of buildings;

b. Design and location of parking and access;

c. Landscape measures;

d. Hours of operation;

e. Water supply, wastewater and stormwater management; and

[52] S190.867, S456.042, S608.724
[53] S190.868, S446.098

f. Acoustic and noise insulation requirements;

g. Noise management;

h. Traffic generation;

i. Loss of privacy to adjoining sites; and

j. Character and amenity of the surrounding area

Notification:
Applications for community facilities will always be notified to adjacent neighbours and may be publicly notified.
Activity status where compliance not achieved: *N/A*

GRZ-R16 Development of Medium Density Housing

281. Ms Easton acknowledged the support from the two submissions that sought to retain the rule as notified[54].

282. Ms Easton did not support Margaret Montgomery's (S445.099) request to waive the density standards if there are no other infringements of the rule. She considered that medium-density housing would generally be expected and preferred in the MRZ and noted that the main settlements on the West Coast were characterised by low-density housing.

283. In response to the submissions[55] that sought amendments to provide more clarity, Ms Easton noted that no further information or examples had been provided about what amendment would be appropriate and she therefore did not support the submissions

284. No changes were recommended by Ms Easton to GRZ-R16.

GRZ-R17 Papakāinga Developments not meeting Permitted Activity Standards

285. Ms Easton acknowledged the support from the three submissions that sought to retain the rule as notified[56].

286. Ms Easton supported in part Margaret Montgomery's (S446.100) to establish that the rule requires the same standards as medium density housing, noting that many of the same standards as those for medium density housing applied. In relation to standards that were not required, Ms Easton considered that papakāinga housing may be clustered and was less likely to involve subdivision; therefore, she considered the standards that apply to the rule supported a common ownership model rather than a traditional individual ownership developer-led model.

287. No changes were recommended by Ms Easton to GRZ-R17.

GRZ-R18 Commercial Visitor Accommodation within the Hokitika Visitor Accommodation Area not meeting Permitted Activity Standards

[54] S190.869, S608.726
[55] S567.467 William McLaughlin, S558.414 C & J Coll, S566.414 Chris J Coll Surveying Limited, S574.414 Laura Coll McLaughlin
[56] S620.239, S190.870

288. Ms Easton acknowledged the support from the two submissions that sought to retain the rule as notified[57]. She recommended no changes to this provision.

GRZ – R19 Residential Activity, Residential Units, Papakāinga developments, Fences, Walls and Minor Structures and Relocated Buildings not meeting Permitted, Controlled or Restricted Discretionary Activity Standards.

289. Ms Easton acknowledged the support from the three submissions that sought to retain the rule as notified[58].

290. Ms Easton did not support Poutini Ngai Tahu's (S620.240) request to amend the rule to reflect the points raised in their submission on the Nosie Chapter (Rule NOISE – R3 which was not referred to in this rule). She noted that the reference to Rule NOISE-R4 in this rule was an error because it should be Rule NOISE-R5.

291. In response to the submission of Frank and Jo Dooley and Frank O'Toole[59] which sought to remove fences, walls, and retaining structures from the rule and develop a new standalone rule for these structures, Ms Easton supported these submission points. She agreed that the rule contains matters that are not relevant to these structures and that these structures would otherwise be subject to an unreasonable degree of assessment against irrelevant matters at the resource consent stage.

292. Ms Easton recommended that GRZ-R19 be amended as follows:

> ***GRZ - R19 Residential Activity, Residential Units, Papakāinga developments, ~~Fences, Walls and Minor Structures~~ and Relocated Buildings not meeting Permitted, Controlled or Restricted Discretionary Activity Standards.***
>
> ***Activity Status Discretionary***
> *Where:*
> 1. *All performance standards for Rules NOISE R1-R2 and R4 and LIGHT - R3 are complied with.*
>
> ***Activity status where compliance not achieved:*** *Non-complying*

GRZ – R20 Home Business not meeting Permitted Activity Standards

293. Ms Easton acknowledged the support from the three submissions that sought to retain the rule as notified[60]. No changes were recommended by Ms Easton to this provision.

GRZ – R21 Residential and Commercial Visitor Accommodation not meeting the Permitted or Restricted Discretionary Activity Standards

294. Ms Easton acknowledged the support from the two submissions that sought to retain the rule as notified[61].

295. Ms Easton did not support Margaret Montgomery's (S446.104) request to add additional controls around residential visitor accommodation or some form of restriction upon time

[57] S190.871, S446.101
[58] S190.872, S446.102, S538.488
[59] S478.031, S478.037 Frank and Jo Dooley, S595.019, S595.025 Frank O'Toole
[60] S190.873, S446.103, S538.489
[61] S190.874, S538.490

limits for renting of dwellings. She considered that as a discretionary activity there as sufficient scope to consider the issues of the submitter.

296. No changes were recommended by Ms Easton to this provision.

GRZ – R22 Commercial Activities and Emergency Service Activities

297. Ms Easton acknowledged the support from the three submissions that who sought to retain the rule as notified[62].

298. In response to Frida Inda and Buller Conservation Group's[63] request to add "*air pollution*" and *"dust, odour and smoke"* to clause (4), Ms Easton did not support this submission. She considered that air pollution was an unquantifiable description and noted it was managed through the Regional Air Plan.

299. Ms Easton did not support FENZ's (S573.028) request to permit Emergency Service Activities in the GRZ because she considered that, although there were three fire stations located within the GRZ, the zone was generally not suitable and could create amenity issues.

300. No changes were recommended by Ms Easton to this provision.

GRZ – R23 Industrial Activities

301. Ms Easton acknowledged the support from the seven submissions who sought to retain the rule as notified[64]. No changes were recommended by Ms Easton to this provision.

GRZ – R24 Any activity not provided for by another Rule in the zone

302. Ms Easton acknowledged the support from the three submissions that sought to retain the rule as notified[65].

303. Ms Easton did not support the submissions[66] that sought to make this rule a discretionary rather than non-complying activity and noted no reasons had been provided to justify this change.

304. No changes were recommended by Ms Easton to GRZ-R24.

Hearing and Submitter Evidence/Statements

305. In relation to GRZ-R4 regarding relocated buildings, Ms Inta considered the amendments proposed in the s42A Report made less sense than the original wording. She recommended reinstating the wording as follows:

> ***GRZ - R4 Relocated Buildings***
> ***Activity Status Permitted***
> *Where:*
>
> 1. *All performance standards for Rule GRZ - R1 are complied with;*

[62] S190.875, S446.105, S538.491
[63] S552.170, S553.170
[64] S190.876, S446.106, S567.469, S558.416, S566.416, S574.416, S538.492
[65] S190.877, S446.107, S538.493
[66] S567.470 William McLaughlin, S558.418 C & J Coll, S566.418 Chris J Coll Surveying Limited, S574.418 Laura Coll McLaughlin

2. *Any relocated building intended for use as a dwelling must have been designed, **and** built **to be** ~~and~~ used as a dwelling;*

…

306. Mr Bhana-Thompson, on behalf of the NZ Heavy Haulage Association Inc., focused on Rule GRZ-R4. He generally agreed with the s42A Report recommendations for the residential zones, except for the amendments sought regarding the maintenance of amenity values of relocated buildings. He noted support for permitting this activity, subject to meeting performance standards and criteria, such as the use of a pre-inspection/reinstatement report. A suggested template for this pre-inspection report was provided, and it was noted that some other councils had adopted (or adapted) this for their district plans.

307. In response to questions from the panel, Mr Bhana-Thompson confirmed that the original notified wording, as opposed to the revised wording in the s42A Report, was preferred. He also confirmed that he considered a 12-month timeframe was appropriate and realistic for achieving reinstatement works.

308. In relation to GRZ-R5 regarding home businesses, Ms Inta considered the vehicle generation thresholds in clause (5) was too high and would disturb domestic animals and wildlife. She requested that any business with this level of traffic be subject to neighbours and/or community approval. She suggested that the number of permitted vehicular traffic should be reduced. She supported the inclusion of clause (7) and considered it should be applied to all parts of the Plan

Reporting Officer Reply Evidence

309. In her Right of Reply, Ms Easton addressed queries from the Panel and considered further amendments in response following the information presented in the hearing. Several of these queries are addressed earlier in this report, specifically in the definitions, general chapter, objectives, and policies sections. These are not repeated here.

310. In relation to the activity status for undertaking residential development without connecting to reticulation systems, Ms Easton was of the view that there was not sufficient scope within submissions to make a change from discretionary to non-complying.

311. In response to Panel questions, Ms Easton agreed that GRZ-R2 could recognise existing use rights for the fire stations to provide greater certainty and recommended the following amendments in addition to those already recommended:

GRZ - R2 Minor Structures
Activity Status Permitted
Where:

a. These are existing hose drying towers with a maximum height of 15m located at the Cobden, Runanga and Hokitika Fire Stations*;*

b. *~~All performance standards for Rule GRZ - R1 are complied with~~ **All other s**~~S~~tructures are set back a minimum of 4.5m from the road boundary and 1m from internal boundaries;*

…

Activity status where compliance not achieved: *Controlled*

312. Regarding the minor error in Rule GRZ-R19 (and other similar rules), where Rule NOISE-R4 was referenced rather than NOISE-R5, Ms Easton considered whether this could be undertaken as an RMA Schedule 1, clause 16 amendment. Her view was that it would meet the criteria and should be recommended for updating across all rules where it was currently incorrectly applied. These are set out as follows:

> Rules GRZ – R5, GRZ – R6, GRZ – R7, GRZ – R8, GRZ – R14, GRZ – R19, GRZ – R20, GRZ – R22, LLRZ – R5, LLRZ – R6, LLRZ – R7, LLRZ – R8, LLRZ – R13, LLRZ – R14, LLRZ – R15, LLRZ – R17, LLRZ – R19, LLRZ – R20, LLRZ – R22, MRZ – R5, MRZ – R6, MRZ – R7, MRZ – R8, MRZ – R14, MRZ – R15 and MRZ – R16.
>
> 1. *All performance standards for Rules NOISE R1-R2 and R4**5** and LIGHT - R3 are complied with…..*

313. In relation to Rule GRZ-R14 for visitor accommodation, as well as corresponding rules LLRZ-R13 and MRZ-R14, Ms Easton considered whether there was scope to add the number of occupants or size of building to the matters of discretion but concluded there was no scope to support such a change.

314. In response to the evidence of NZ Heavy Haulage and subsequent questions from the Panel on GRZ-R4, Ms Easton considered a pre-inspection schedule could be included in the Plan and suggested adding based on the information provided by NZ Heavy Haulage Association. She recommended a new schedule as follows:

> ***Schedule XXXX Requirements for a Relocated Building Pre-Inspection Report***
> ***This report must be provided prior to the building being relocated to its new site. The information required in the pre-inspection report is as follows:***
>
> - ***Proposed new site location***
> - ***Date of report***
> - ***Type of building***
> - ***Date of construction***
> - ***Building description – number of stories, ground floor area, general construction materials for roof, walls, floor, any additional features.***
> - ***Site address where the building was inspected***
> - ***Date when building inspected***
> - ***Name of inspector and qualifications***
> - ***Proposed use of the building***
> - ***Previous use of the building***
> - ***Description of areas accessed (i.e. interior/exterior)***
> - ***Condition assessment of the following external elements: roof, spouting and downpipes, wall cladding, foundation cladding, window and door joinery***
> - ***Any health and safety matters that need to be considered***
> - ***Estimate of costs of external reinstatement including repair of transit damage, repair of any broken or damaged external elements, cleaning and painting of exterior elements.***

315. In response to the Panel question regarding existing use rights on residential accommodation in relation to Rule GRZ-R6, Ms Easton considered that an RMA Schedule 1, clause 16 amendment to the advice note for the rule, to avoid ambiguity around lawfully established activities in Grey District, would be appropriate. This was as follows:

> ***Advice Notes:***

1. *…*
2. *~~In the Buller and Westland Districts, w~~**W**here residential visitor accommodation has been lawfully established under the Buller**, Grey or Westland** District Plan provisions, then existing use rights apply.*

Hearing Panel's Evaluation

316. The Panel agrees with Ms Easton's evaluation and recommendations on the general submissions on the rules provided in her s42A Report.

317. In relation to **GRZ-R1**, the Panel agrees with Ms Easton's evaluation that height restrictions are already included in this rule as notified, and when coupled with recession planes, will provide for appropriate control. We also agree that private views are not protected under the RMA. We therefore accept her recommendation on these submission points.

318. In relation to the Westport Pistol Club's submission to add a requirement to the advice note for any residential activity or residential unit within 250m of a rifle range protection area overlay to be subject to acoustic insulation requirements, the Panel agrees with Ms Easton that there are currently no insulation requirements concerning Rifle Range Protection Areas in Rule NOISE-R3. Therefore, we reject the Westport Pistol Club's submission and do not recommend any amendment.

319. The Panel agrees with Ms Easton that the Te Mana Ora submission, which sought an additional standard in GRZ-R1, relating to clean air burners, falls outside the jurisdiction of the Plan. We recommend no change in response to this submission.

320. The Panel agrees with Ms Easton that a controlled activity status where compliance is not achieved is inappropriate. This is because defaulting to discretionary or restricted discretionary, depending on the standard that is not complied with, is appropriate to provide confidence in a basic level of amenity, density, infrastructure, and character being provided within the zone. We also note that a controlled activity cannot be declined which we consider is another reason to reject the submission.

321. The Panel generally agrees with Ms Easton's evaluation of those submissions which sought an exemption from the recession plane standards, where there is a requirement for a building to meet a freeboard under the natural hazard rules. We have considered her advice that a freeboard can reasonably be provided without infringing the recession planes and note that this will be context specific. The Panel recognise this issue as it arises in relation to GRZ-R13.

322. The Panel agrees with Ms Easton's recommended amendments detailed in Appendix 1 of the s42A Report to clause (8) of GRZ-R1, specifying that stormwater be managed onsite in accordance with NZS 4404:2010. Ms Easton confirmed that NZS 4404:2010 is an appropriate standard to ensure that uncontrolled stormwater is not exacerbated and that secondary flow is managed appropriately. We consider as a consequential amendment the same wording should apply in the MRZ zone.

323. The Panel generally agrees with both Ms Easton's reasons and recommended amendments to GRZ-R1 as sought in submissions and further submissions regarding accessory buildings, differing residential densities in the three districts, the recognition that developments secure connections to community infrastructure as a critical issue, recession plane and setback matters. However, the Panel finds no submission point to support amendment to notified

clause 10(a) and therefore makes no change to that part of the rule. Amendments relating to including accessory buildings are also recommended for Rule LLRZ-R1 and Rule MRZ-R1.

324. The Panel also agrees that this rule does not need to be amended to address the issue of connections to the public reticulated water supply, as other plan provisions provide for the same circumstance. We agree with Ms Easton that there is no need to place the standards in this rule in a separate table, as that would result in unnecessary complexity.

325. The Panel has considered the amendment to GRZ-R1(a) in light of recommendations on use of the term "*site*" in preference to "*allotment*". The Panel are not satisfied that "*allotment*" is the correct term to use in this rule, as recommended by Ms Easton.

326. In relation to **GRZ-R2**, the Panel agrees with Ms Easton's recommended amendments in response to submissions and accepts BDC's submission to delete the reference to Rule GRZ-R1 performance standards and replace it with a 4.5m setback requirement from road boundary and 1m from internal boundaries. We also agree with her recommendation to amend the rule to recognise those existing fire stations with hose drying towers to avoid any uncertainty issues for those stations relying on existing use rights.

327. In relation to **GRZ-R3**, Ms Easton recommends no changes to this rule, and the Panel agree, noting no submitters sought to amend this rule.

328. In relation to **GRZ-R4**, the Panel agrees with the amendments proposed by Ms Easton to partially address the submission of the New Zealand Heavy Haulage Association, which states that buildings intended for dwellings must have originally been used as dwellings. We agree that the other submission points sought by the New Zealand Heavy Haulage Association do not clarify or simplify the rule, however we have added reference to a new Appendix 11 which will set out the information that is required in the building pre-inspection report which is based on information provided by the Association at the hearing. This is a Plan-wide amendment.

329. The Panel has also consolidated rule 4 by deleting Clause 5 and adding to Clause 3. We consider the two clauses were overlapping and there were elements of uncertainty between them. We consider the amendments now make it clear the works to completed within 12-months of the building being delivered to the site. We consider the scope for these amendments stem from the submissions seeking deletion given the changes reduce and clarify the rule. We therefore recommend the amendments proposed and note that similar amendments are proposed in other recommendations.

330. The Panel considers the s42A Report's interpretation of Charles Elley's submission point (S251.003) is the opposite to the relief sought, which is to <u>not</u> require that relocatable dwellings must have been originally used as dwellings. However, we agree with Ms Easton that such buildings that need converting into dwellings should not be a permitted activity and require assessment via a resource consent process. We therefore reject submission point S251.003.

331. In relation to **GRZ-R5**, the Panel accepts Ms Easton's recommendation in relation to the BDC submission to regulate home business through the provision of an additional standard requiring that no more than one full-time equivalent person engaged in the home business can reside off-site given, at present, there is no limit in the pTTPP. We agree this will ensure that the scale of any home business does not exceed what would be reasonably expected in

a residential area. We consider a consequencial amendment to the LLRZ and MRZ Home Business rules is also appropriate as a result of the BDC submission. should We accept Ms Easton's reasons for rejecting submissions that sought other changes to this rule. However, we note that the Panel's recommendations on the Transport Chapter is to delete notified clause (4) in this rule relating to vehicle movements to avoid the potential for uncertainty between provisions.

332. In relation to **GRZ-R6**, the Panel agrees with Ms Easton's recommended amendments to require annual reporting and to align WDC with BDC but not GDC. We also accept her recommendation to utilise clause 16 to make an amendment to the advice note for this rule, clarifying existing use rights related to this rule. For the same reasons Ms Easton provides, we consider LLRZ-R6 and MRZ-R6, which cover similar matters to GRZ-R6, also need the recommended advice note as consequential amendments. Further, we agree with her recommendation that full-house leasing for visitor accommodation should not have a permitted activity status under the Plan, as that activity can have adverse effects that require assessment. We have made minor amendments to clarify that existing use right only apply if the activity is not discontinued for more than 12 months and that these "may" apply depending on any assessment under section 10 of the RMA.

333. The Panel agree that providing records of letting activity to the GDC is a helpful way for the GDC to gather data and monitor for potential effects. We also agree with Ms Easton's recommendation not to alter the rule concerning noise, as the Noise chapter provisions apply. Additionally, we agree that a limit on the number of nights of stay is unnecessary; and that it is not appropriate make amendments to address existing non-compliances.

334. Regarding **GRZ-R7**, the Panel generally agree with Ms Easton, as detailed in her s42A, that no changes are required for this rule. We agree with her assessment and the reasons for recommending rejection of the Ministry of Education and FENZ submissions seeking amendments to the rule, as well as the rejection of the submission seeking to amend the rule to accommodate existing non-compliances. The Panel notes however that, as a result of recommendations in the Transport Chapter regarding trip generation, clause 2, relating to traffic movement, has been amended to ensure compliance with Rule TRN – R6 is also achieved in this situation. While we acknowledge that this has not been the situation for Home Businesses in the Residential Zones where the rule has been deleted in favour of TRN – R6, in the case of Community Facilities and Educational Facilities, we consider a bespoke approach is necessary in order to address the potential scale of these activities, which is not otherwise addressed. We are of the view that this is best achieved by retaining the notified part of the rule. We consider this is particularly necessary where such activities might seek to locate on local roads.

335. In relation to **GRZ-R8 to GRZ-R12**, the Panel accepts Ms Easton's recommendation to retain the rules as notified for the reasons outlined. We note however that as part of a Plan wide amendment stemming from a submission by Manawa (S438.100) reference to 'landscape measures' and 'landscape treatment' have been removed from the matters of discretion and replaced with 'measures to mitigate landscape effects' throughout the chapter.

336. In relation to **GRZ-R13,** the Panel agrees with Ms Easton that it will become increasingly common on the West Coast for a building project to breach the recession plan due to the application of natural hazards rules, as freeboard requirements are included in new developments and additions to existing developments. We recommend this rule be amended to provide for that circumstance.

337. The Panel agrees with Ms Easton's recommendation to include two additional matters of discretion regarding "*shading and loss of sunlight to adjoining sites" and "loss of privacy to adjoining sites"* given the potential for adverse effects to be generated by the activities subject to this rule.

338. The Panel note this rule activates Appendix Two, which details where the relevant measurements are to be taken for determining recession planes. Appendix Two requires this to be taken from filled ground levels, except where an existing building is at a lower level on the other side of a common boundary, where the lower level is to be adopted. We consider this provision in combination with the recommended amendment to this rule will appropriately provide for circumstances where a breach of a recession plane arises due to the application of natural hazard rules and/or new freeboard requirements.

339. In relation to **GRZ-R14**, the Panel accepts Ms Easton's recommendation to retain the rule as notified. We agree that access is already a matter of discretion, so no amendment is needed. We also agree that clause (e) insulation requirements are to attenuate noise and manage its effects and therefore deletion of the word '*noise*' is inappropriate.

340. Regarding **Rule GRZ-R14** for visitor accommodation, as well as corresponding rules LLRZ-R13 and MRZ-R14, we agree with Ms Easton that there is no scope to add the number of occupants or size of building to the matters of discretion.

341. In relation to **GRZ-R15,** the Panel accepts Ms Easton's recommended amendments to include new matters of discretion because those matters are the key effects that should be managed.

342. In relation to **GRZ-R16, GRZ-R17 and GRZ-R18**, the Panel accepts Ms Easton's recommendation to retain the rules as notified for the reasons outlined. We note however that as part of a Plan wide amendment stemming from a submission by Manawa (S438.100) reference to 'landscape measures' and 'landscape treatment' have been removed from the matters of discretion and replaced with 'measures to mitigate landscape effects' throughout the chapter.

343. In relation to new **GRZ-R18A**, the Panel accepts Ms Easton's recommendation to add this new rule and agree the matters of discretion are appropriate.

344. In relation to **GRZ-R19**, the Panel accepts Ms Easton's recommendation to delete '*fences, walls, and retaining structures'* from the heading because they are not relevant to the other structures identified in the rule and new GRZ-R18A addresses these.

345. In relation to **GRZ-R20** to **GRZ-R23**, apart from minor integration issues, the Panel accepts Ms Easton's recommendation to retain the rules as notified for the reasons outlined.

346. The Panel acknowledges that **GRZ-R24** is a 'catch-all' rule intended to manage activities not specifically provided for in the other rules. The Panel has considered this matter plan-wide and we agree with the submitters that such rules are better placed as discretionary; otherwise, they are unnecessarily limiting in our view and could have unforeseen consequences. Therefore, it is our recommendation to recategorise this rule as a discretionary activity.

Hearing Panel's Recommendation

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

GRZ – R1	**Residential Activities and Residential Units and Accessory Buildings**[67] **Activity Status Permitted** Where: 1. Residential unit density is no more than: a. **one**~~1~~[68] unit per 350m^2 net site area~~; or~~ **but within the Buller District there is a maximum of two residential dwellings per allotment**;[69] b. **one**~~1~~[70] unit per 300m^2 net site area where two or more adjoining sites are developed **except within the Buller District this standard does not apply**;[71] 2. There is no more than **one**~~1~~[72] minor residential unit per site with a maximum size of 65m^2; 3. Maximum building height above ground level is: a. 10m; except that b. No building, structure or tree shall protrude into the Airport Approach Path of any airport or aerodrome identified on the planning maps and as described in Appendix Nine; 4. Buildings are setback a minimum 4.5m from road boundaries, except that a roof overhang may encroach 750mm into the setback distance; 5. Maximum site coverage is 40%; 6. A minimum of 30m^2 of outdoor living space is provided per residential unit and 12m^2 per minor residential unit which is separate to the outdoor space for the principal dwelling and excluding any parking and manoeuvring areas~~;~~ **and the outdoor living space must have a minimum dimension of 3m**;[73] 7. No more than one heavy vehicle is stored on site; 8. All residential units and buildings used for a residential activity must be connected to the community water supply, and wastewater networks and stormwater from the site **and are managed in accordance with the relevant standards in NZS4404: 2010 Land Development and Subdivision Infrastructure** ~~used for the activity~~ **and** must not drain to any public road ~~except for secondary flow purposes~~;[74] 9. No building shall project beyond a building envelope defined by a recession plane as defined in Appendix Two to commence 2.5m above any site boundary ~~except where the neighbouring property owner's written approval is provided to the Council at least 10 working days prior to the works commencing.~~ This standard does not apply to~~:~~ ~~a. Road boundaries;~~ ~~b. Buildings on adjoining sites that have a common wall along the boundary;~~

[67] Buller District Council S538.475
[68] RMA Schedule 1, clause 16 correction
[69] Buller District Council S538.475
[70] RMA Schedule 1, clause 16 correction
[71] Buller District Council S538.475
[72] RMA Schedule 1, clause 16 correction
[73] Davis Ogilvie & Partners Limited S465.036
[74] Waka Kotahi NZTA S450.245, Grey District Council S608.720

	~~c. Boundaries abutting an access lot or right of way in which case the furthest boundary of the access lot or right of way may be used for assessing compliance with this standard;~~ [75] ~~d. B~~**b**oundaries adjoining any site in a CMUZ - Commercial and Mixed Use, INZ - Industrial or RURZ - Rural Zone; ~~e. Antennas, aerials, satellite dishes (less than 1m in diameter), chimneys, flues and architectural features (e.g. finials, spires) provided these do not exceed the recession plane by more than 3m vertically; or~~ ~~f. Solar panels and solar water heaters, provided these do not exceed the height in relation to boundary plane by more than 0.25m vertically;~~ and[76] 10. Buildings are setback a minimum of **1.5m from the railway corridor** 1m from all other site boundaries, except that: a. Duplexes do not require a setback from the side boundary of the other duplex unit; and ~~b. Setbacks are not required from adjacent residential boundaries where neighbouring property owner's written approval is provided to the Council 10 working days prior to the works commencing.~~ b. **A setback of 150m is required from the site boundary of any designated wastewater treatment plant.** [77] **Advice Notes:** 1. Where a residential building or noise sensitive activity is located within: a. 80m of a State Highway with a speed limit of 70kph or greater; or b. 40m of a State Highway with a speed limit of less than 70kph; or c. 40m of a Railway Line; or d. The 50 dBA Noise Contour boundary of Franz Josef Heliport; or e. The 55 dBA Noise Contour boundary of the Westport or Hokitika Airports or Greymouth or Karamea Aerodrome. Then the acoustic insulation requirements set out in Rule NOISE - R3 will apply. 2. **Where boundary setbacks are infringed, the Deemed Permitted Activity Boundaries process will apply where the neighbouring property owner's written approval is provided to the relevant district council**.[78] **Activity status where compliance not achieved**: Discretionary where standards 1 to 8 are not complied with. Restricted Discretionary where standards 9 and 10 are not complied with.
GRZ – R2	**Minor Structures** **Activity Status Permitted** Where: 1. **These are existing hose drying towers with a maximum height of 15m located at the Cobden, Runanga and Hokitika Fire Stations**; [79] 2. ~~All performance standards for Rule GRZ - R1 are complied with~~ **All other** ~~S~~structures **are set back a minimum of 4.5m from the road boundary and 1m from internal boundaries**;[80]

[75] Buller District Council S538.635
[76] Buller District Council S538.635
[77] Buller District Council S538.475
[78] Buller District Council S538.475
[79] Fire and Emergency New Zealand S573.024
[80] Buller District Council S538.476

3. Masts, poles, aerials and pou whenua must not exceed 7m in height;
4. Any antenna dish must be less than 1m in diameter;
5. Any ornamental or garden structure must not exceed 2.4 m in height; and
F6 Any other structure must not exceed 10m^2 and 2m in height.

Activity status where compliance not achieved: Controlled

GRZ – R3 No Change

GRZ – R4 **Relocated Buildings**

Activity Status Permitted

Where:

1. All performance standards for Rule GRZ - R1 are complied with;
2. Any relocated building intended for use as a dwelling must have been designed, ~~and~~ built, ~~to be~~ **and** used as a dwelling; [81]
3. A building pre-inspection report **completed in accordance with Appendix Eleven**[82] shall accompany the application for a building consent for the destination site. That report is to identify all reinstatement works that are to be completed to the exterior of the building. The report shall include a certification by the property owner that the **exterior** reinstatement works **including connections to infrastructure services and closing in and ventilation of the foundations** shall be completed within 12-month**s of the building being delivered to the site**; **and**;[83]
4. The building shall be located on permanent foundations approved by building consent no later than 2 months of the building being moved to the site; and
~~5. All other reinstatement work required by the building inspection report and the building consent to reinstate the exterior of any relocated dwelling shall be completed within 12 months of the building being delivered to the site. This reinstatement work is to include connections to all infrastructure services and closing in and ventilation of the foundations.~~[84]

Activity status where compliance not achieved: Controlled

GRZ – R5 **Home Business**

Activity Status Permitted

Where:

1. This is ancillary to a residential activity;
2. All performance standards for Rules GRZ - R1, NOISE R1-R2 and R~~4~~5, LIGHT - R3 and SIGN - R10 are complied with;
3. There is no more than one full–time equivalent person engaged in the home business that resides off-site; [85]
4. Hours of operation are limited to:
a. 7am-7pm weekdays; and

[81] New Zealand Heavy Haulage Association Inc. S616.004
[82] New Zealand Heavy Haulage Association Inc. S616.004
[83] William McLaughlin (S567.019, S567.458, S567.020, S567.464, S567.021), Chris & Jan Coll (S558.120, S558.411, S558.131), Chris J Coll Surveying Limited (S566.109 S566.404, S566.120, S566.411, S566.131), Laura Coll McLaughlin (S574.109, S574.404, S574.120, S574.411, S574.131), Buller District Council (S538.478, S538.484)
[84] William McLaughlin (S567.019, S567.458, S567.020, S567.464, S567.021), Chris & Jan Coll (S558.120, S558.411, S558.131), Chris J Coll Surveying Limited (S566.109 S566.404, S566.120, S566.411, S566.131), Laura Coll McLaughlin (S574.109, S574.404, S574.120, S574.411, S574.131), Buller District Council (S538.478, S538.484)
[85] Buller District Council S538.479

	b. 8am - 5pm weekends and public holidays; c. Except where: i. The entire activity is located within a building; ii. Each person engaged in the activity outside the above hours resides permanently on site; and iii. There are no visitors, customers or deliveries to the activity outside of the above hours ~~5. A maximum of 4 heavy vehicle movements per day, and whichever is the greater of 20 light vehicle movements per day or and 140 light vehicle movements per week;~~[86] 5. No external storage of products except those associated with residential use shall be visible from any residential zoned property or public place; and 6. No external generation of dust, odour or smoke occurs as part of the activity. **Activity status where compliance not achieved**: Discretionary
GRZ – R6	**Residential Visitor Accommodation** **Activity Status Permitted** Where: 1. The accommodation is ancillary to a residential activity; 2. All performance standards for Rules GRZ - R1, NOISE R1-R2 and R~~4~~5, LIGHT - R3 and SIGN - R10 are complied with; 3. There is a maximum of **six**~~6~~[87] paying guests at any one time; 4. Written notification to the District Council is required 10 working days prior to the activity commencing; 5. Records of letting activity must be kept and provided to the District Council **annually** ~~on request~~;[88] and 6. No heavy vehicle movements are generated; and 7. In the Buller **and Westland**[89] District**s** the accommodation is homestay accommodation with a permanent resident living on site. **Advice Notes**: 1. Compliance with the Building Code is required for any use of residential property for visitor accommodation. Written notice to the relevant Council Building Compliance Team must be provided and a Building Consent may also be required. 2. ~~In the Buller and Westland Districts, w~~**W**here residential visitor accommodation has been lawfully established under the Buller, **Grey** or Westland District Plan provisions **and not discontinued for more than 12 months**, ~~then~~ existing use rights **may** apply. [90] **Activity status where compliance not achieved**: Restricted Discretionary
GRZ – R7	**Community Facilities and Educational Facilities** **Activity Status Permitted** Where:

[86] Consequential amendment from Transport Chapter, Buller District Council S538.083
[87] RMA Schedule 1, clause 16 correction
[88] Grey District Council S608.104
[89] Westland District Council S181.036
[90] Consequential Westland District Council S181.036

	1. All performance standards for Rules GRZ - R1, NOISE R1-R2 and R4<u>5</u>, LIGHT - R3 and SIGN - R10 are complied with; **<u>and</u>**[91] 2. A maximum of 4 heavy vehicle movements and whichever is the greater of 20 light vehicle movements per day or 140 vehicle movements per week and **<u>compliance is achieved with TRN – R6</u>**; and[92] 3. No external storage of products except those associated with residential use shall be visible from any residential zoned property or public place. **Activity status where compliance not achieved**: Restricted Discretionary
GRZ – R8	**Retirement Homes and Supported Residential Accommodation Activity Status Permitted** Where: 1. All performance standards for Rules GRZ - R1, NOISE R1-R2 and R4<u>5</u>, LIGHT - R3 and SIGN - R10 are complied with; 2. There is a maximum of 10 residents; and 3. No external storage of products except those associated with residential use shall be visible from any residential zoned property or public place. **Activity status where compliance not achieved**: Restricted Discretionary
GRZ – R9	As notified
GRZ – R10	As notified
GRZ – R11	**Minor Structures not meeting Permitted Activity Standards** **Activity Status Controlled** Where: 1. The minor structure does not exceed 10m in height; and 2. **<u>Structures are set back a minimum of 4.5m from the road boundary and 1m from internal boundaries.</u>** [93] **Matters of control are:** a. Design and location of structures; and b. ~~Landscape measures.~~**<u>Measures to mitigate landscape effects;</u>**[94] **Activity status where compliance not achieved:** Discretionary
GRZ – R12	**Relocated Buildings not meeting Permitted Activity Standards** **Activity Status Controlled** Where: All performance standards for Rule GRZ - R1 are complied with. **Matters of control are:** a. Design and location of structures; b. ~~Landscape measures~~ **<u>Measures to mitigate landscape effects</u>**;[95] and

[91] RMA Schedule 1, clause 16 correction
[92] Consequential amendment from the Transport Chapter, Buller District Council S538.083
[93] Consequential amendment Buller District Council S538.476
[94] Consequential Plan-wide amendment Manawa Energy Limited S438.100
[95] Consequential Plan-wide amendment Manawa Energy Limited S438.100

	c. Appearance of buildings. **Activity status where compliance not achieved: Discretionary**
GRZ – R13	**Buildings not meeting Rule GRZ-R1** **Activity Status Restricted Discretionary** Where: 1. The building projects into the recession plane as defined in Appendix Two; or 2. The building is set back less than 1m from internal boundaries; and 3. All other performance standards for Rule GRZ - R1 are complied with. **Discretion is restricted to:** a. Design and location of buildings; b. Design and location of parking and access; ~~and~~ c. ~~Landscape measures.~~**Measures to mitigate landscape effects;**[96] **d. Shading and loss of sunlight to adjoining sites; and**[97] **e. Loss of privacy to adjoining sites.** [98] **Activity status where compliance not achieved:** Discretionary
GRZ – R14	**Residential Visitor Accommodation not meeting Rule GRZ - R6 Activity Status Restricted Discretionary** Where: 1. This is ancillary to a residential activity; 2. No heavy vehicle movements are generated; and 3. All performance standards for Rules GRZ - R1, NOISE R1-R2 and R4**5**, LIGHT - R3 and SIGN - R10 are complied with. **Discretion is restricted to:** a. Design and location of buildings; b. Design and location of parking and access; c. ~~Landscape measures.~~**Measures to mitigate landscape effects;** [99] d. Hours of operation; and e. Acoustic and noise insulation requirements. **Activity status where compliance not achieved:** Discretionary
GRZ – R15	**Community Facilities and Educational Facilities not meeting Rule GRZ - R7, Retirement Homes and Supported Residential Accommodation not meeting Rule GRZ - R8 and Retirement Villages** **Activity Status Restricted Discretionary Discretion is restricted to:** a. Design and location of buildings; b. Design and location of parking and access; c. ~~Landscape measures.~~**Measures to mitigate landscape effects**; [100] d. Hours of operation; e. Water supply, wastewater and stormwater management; ~~and~~ f. Acoustic and noise insulation requirements;

[96] Consequential Plan-wide amendment Manawa Energy Limited S438.100
[97] Buller District Council S538.485
[98] Buller District Council S538.485
[99] Consequential Plan-wide amendment Manawa Energy Limited S438.100
[100] Consequential Plan-wide amendment Manawa Energy Limited S438.100

g. Noise management; [101]
h. Traffic generation; [102]
i. Loss of privacy to adjoining sites; and [103]
j. Character and amenity of the surrounding area. [104]

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

Activity status where compliance not achieved: N/A

GRZ – R16 **Development of Medium Density Housing**
Activity Status Restricted Discretionary

Where:

1. These do not meet the GRZ - 1 Permitted Activity Standards in relation to any of density, height, setbacks, recession planes and building coverage;
2. All other performance standards for Rules GRZ - R1 are complied with;
3. The minimum density is 150m2 net site area;
4. The maximum height is 12.5m;
5. Within 10 metres of a site boundary that is zoned General Residential the maximum height shall be 10m; and
6. Maximum building coverage is 50%.

Discretion is restricted to:

a. Number of units;
b. Provision of infrastructure to service the development;
c. Design and location of parking and access;
d. Design and location of buildings;
e. Compliance with the Medium Density Housing Design guidelines in Appendix Three;
f. ~~Landscape measures~~ **Measures to mitigate landscape effects**;[105] and
g. Acoustic and noise insulation requirements

GRZ – R17 Papakāinga Developments not meeting Permitted Activity Standards
Activity Status Restricted Discretionary

Where:

1. The minimum residential unit density is 150m2 net site area;
2. The maximum height is 12.5m;
3. Within 10 metres of a site boundary that is zoned General Residential the maximum height shall be 10m; and
4. Maximum building coverage is 50%.

Discretion is restricted to:

a. Number of units;

[101] Consequential amendment Buller District Council S538.487
[102] Consequential amendment Buller District Council S538.487
[103] Consequential amendment Buller District Council S538.487
[104] Consequential amendment Buller District Council S538.487
[105] Consequential Plan-wide amendment Manawa Energy Limited S438.100

	b. Provision of infrastructure to service the development; c. Design and location of parking and access; d. Design and location of buildings; e. Where relevant compliance with the Medium Density Housing Design guidelines in Appendix Three; f. ~~Landscape measures~~ **Measures to mitigate landscape effects**;[106] and g. Acoustic and noise insulation requirements
GRZ – R18	**Commercial Visitor Accommodation within the Hokitika Visitor Accommodation Area not meeting Permitted Activity Standards** Activity Status Restricted Discretionary 1. The maximum height is 12.5m; 2. Within 10 metres of a site boundary that is zoned General Residential the maximum height shall be 10m; and 3. Maximum building coverage is 50%. Discretion is restricted to: a. Number of units; b. Provision of infrastructure to service the development; c. Design and location of parking and access; d. Design and location of buildings; e. ~~Landscape measures~~ **Measures to mitigate landscape effects**;[107] and f. Acoustic and noise insulation requirements
GRZ – R18A	**Fences, Walls and Retaining Structures not meeting Permitted Activity Standards** **Activity Status Restricted Discretionary** **Discretion is restricted to:** **a. Design and location of structures;** **b. Height of structures; and** **c. Shading and dominance effects on adjoining sites.** [108]
GRZ – R19	**Residential Activity, Residential Units, Papakāinga developments, ~~Fences, Walls and~~ Minor Structures[109] and Relocated Buildings not meeting Permitted, Controlled or Restricted Discretionary Activity Standards.** **Activity Status Discretionary** Where: 1. All performance standards for Rules NOISE R1-R2 and R~~4~~**5**[110] and LIGHT - R3 are complied with. **Activity status where compliance not achieved:** Non-complying
GRZ – R20	**Home Business not meeting Permitted Activity Standards Activity Status Discretionary** Where:

[106] Consequential Plan-wide amendment Manawa Energy Limited S438.100
[107] Consequential Plan-wide amendment Manawa Energy Limited S438.100
[108] Consequential amendment Frank and Jo Dooley S478.031 and S478.037, Frank O'Toole S595.019 and S595.025
[109] Frank and Jo Dooley S478.031 and S478.037, Frank O'Toole S595.019 and S595.025
[110] RMA Schedule 1, clause 16 correction

	1. All performance standards for Rules NOISE R1-R2 and R4**5**[111] and LIGHT - R3 are complied with. **Activity status where compliance not achieved:** Non-complying
GRZ – R21	As notified
GRZ – R22	**Commercial Activities and Emergency Service Activities Activity Status Discretionary** Where: 1. This is not a Home Business or Visitor Accommodation; 2. All performance standards for Rules NOISE R1-R2 and R4**5**[112] and LIGHT - R3 are complied with; 3. Commercial Activities Hours of Operation are limited to 7am to 7pm weekdays and 8am to 5pm weekends and public holidays; and 4. No external generation of dust, odour or smoke occurs as part of the activity. **Activity status where compliance not achieved:** Non-complying Refer Home Business and Visitor Accommodation Rules for these activities
GRZ – R23	As notified
GRZ – R24	**Any Activity not provided for by another Rule in the zone** **Activity Status ~~Non-complying~~ Discretioanry** **Activity status where compliance not achieved**: N/A[113]
Appendix Eleven	**Requirements for a Relocated Building Pre-Inspection Report[114]** **This report must be provided prior to the building being relocated to its new site. The information required in the pre-inspection report is as follows:** • **Proposed new site location** • **Date of report** • **Type of building** • **Date of construction** • **Building description – number of stories, ground floor area, general construction materials for roof, walls, floor, any additional features.** • **Site address where the building was inspected** • **Date when building inspected** • **Name of inspector and qualifications** • **Proposed use of the building** • **Previous use of the building** • **Description of areas accessed (ie interior/exterior)** • **Condition assessment of the following external elements: roof, spouting and downpipes, wall cladding, foundation cladding, window and door joinery** • **Any health and safety matters that need to be considered**

[111] RMA Schedule 1, clause 16 correction
[112] RMA Schedule 1, clause 16 correction
[113] William McLaughlin (S567.470), Chris & Jan Coll (S558.418), Chris J Coll Surveying Limited (S566.418), Laura Coll McLaughlin (S574.418)
[114] New Zealand Heavy Haulage Association (S616.006)

- **Estimate of costs of external reinstatement including repair of transit damage, repair of any broken or damaged external elements, clearning and painting of exterior elements.**

2.6. Large Lot Residential Zone – Rules and Standards

Submissions and Further Submissions

Large Lot Residential Zone - General

348. Three submission points relating to the LLRZ rules (as a whole) were summarised in the Table on page 59 of the s42A Report. Two submission points sought to retain all, or select, rules as notified. The remaining submission sought amendments.

Large Lot Residential Zone

349. Eleven submission points and one further submission point relating to Rule **LLRZ-R1** were summarised in a Table on pages 59-60 of the s42A Report. Two submission points sought amendments to the rule as notified. The remaining submissions all sought amendments, with one further submission in partial support of a suggested amendment.

350. Six submission points and one further submission point relating to Rule **LLRZ-R2** were summarised in a Table on pages 60-61 of the s42A Report. One submission point supported the retention of the rule as notified. The remaining submission points sought amendments, while the one further submission supported in part the amendments sought by one submitter.

351. Five submission points in support of Rule **LLRZ-R3** as notified were summarised in a Table on page 61 of the s42A Report.

352. Eight submission points and two further submissions relating to Rule **LLRZ-R4** were summarised in a Table on pages 61-62 of the s42A Report. Two submission points supported the retention of the rule as notified. Four submission points opposed the rule as notified and sought its deletion in full. The remaining two submission points sought amendments, with one further submission supporting in part and the other opposing in part, suggesting amendments.

353. Six submission points relating to Rule **LLRZ-R5** were summarised in the Table on pages 62-63 of the S42A Report. One submission point supported the retention of the rule as notified. The remaining five submission points sought amendments.

354. Nine submission points relating to Rule **LLRZ-R6** were summarised in a Table on page 63 of the s42A Report. Three submission points supported the retention of the rule as notified. The remaining submission points sought amendments.

355. Seven submission points and one further submission point relating to Rule **LLRZ-R7** were summarised in a Table on pages 63-64 of the s42A Report. Two submission points supported the retention of the rule as notified. The remaining submission points sought amendments, while the one further submission opposed in part the amendments sought by one submitter.

356. Six submission points and one further submission point relating to Rule **LLRZ-R8** were summarised in a Table on page 64 of the s42A Report. Two submission points supported the retention of the rule, as notified, with one further submitter supporting one of these submissions. The remaining submission points sought amendments.

357. One submission point supported Rule **LLRZ-R9** as notified and was summarised in the Table on page 64 of the s42A Report.

358. Five submission points relating to Rule **LLRZ-R10** were summarised in the Table on page 65 of the s42A Report. One submission point supported the retention of the rule as notified, while the remaining submissions sought amendments.

359. Five submission points relating to Rule **LLRZ-R11** were summarised in the Table on page 65 of the s42A Report. One submission point supported the retention of the rule as notified. The remaining submission points opposed the rule and sought its deletion.

360. Eight submission points and two further submissions relating to Rule **LLRZ-R12** were summarised in the Table on pages 65-66 of the s42A Report. Seven submission points supported the retention of the rule as notified, with one further submitter in support. The remaining submission sought amendments, which were supported in part by one further submitter.

361. Six submission points relating to Rule **LLRZ-R13** were summarised in the Table on page 66 of the s42A Report. Two submission points supported the retention of the rule as notified. The remaining submission points sought amendments.

362. Four submission points relating to Rule **LLRZ-R14** were summarised in a Table on pages 66-67 of the s42A Report. Three submission points supported the retention of the rule as notified. The remaining submission point sought amendments.

363. Thirteen submission points relating to Rule **LLRZ-R15** were summarised in a Table on page 67 of the s42A Report. One submission point supported the retention of the rule as notified. The remaining submission points sought amendments.

364. Nine submission points relating to Rule **LLRZ-R16** were summarised in a Table on pages 67-68 of the s42A Report. One submission point supported the retention of the rule as notified. The remaining submission points sought amendments.

365. Nine submission points relating to Rule **LLRZ-R17** were summarised in a Table on page 68 of the s42A Report. One submission point supported the retention of the rule as notified. The remaining submission point sought amendments.

366. Two submission points relating to Rule **LLRZ-R18** were summarised in a Table on page 68 of the s42A Report. One submission supported the retention of the rule as notified. One submission opposed the rule and sought amendments.

367. Five submission points relating to Rule **LLRZ-R19** were summarised in a Table on page 69 of the s42A Report. One submission point supported the retention of the rule as notified. The remaining submission point sought amendments.

368. Five submission points relating to Rule **LLRZ-R20** were summarised in a Table on page 69 of the s42A Report. One submission point supported the retention of the rule as notified. The remaining submission point sought amendments.

369. Five submission points relating to Rule **LLRZ-R21** were summarised in a Table on page 69 of the s42A Report. One submission point supported the retention of the rule as notified. The remaining submission point sought amendments.

370. Five submission points relating to Rule **LLRZ-R22** were summarised in a Table on pages 69-70 of the s42A Report. One submission point supported the retention of the rule as notified. The remaining submission points opposed the rule and sought its deletion.

371. The Panel adopts these summaries and has considered the relevant submissions and further submissions.

Section 42A Report

Standards (General)

372. Ms Easton acknowledged the support from the submissions that support the rules, or selected rules, as notified.

373. In response to the submission of the New Zealand Motor Caravan Association (S490.014) that sought to provide campgrounds and camping as a permitted activity within this zone, Ms Easton did not support that submission. She considered that this zone primarily provides for residential activities, and that the visitor accommodation provisions in the zone rules address campgrounds and other visitor accommodations.

374. Ms Easton made no recommendations to amend the LLRZ rules in response to these submissions.

LLRZ-R1 Residential Activities and Residential Units

375. In relation to Rule **LLRZ-R1**, Ms Easton acknowledged the two submissions that sought to retain the standard as notified[115].

376. In response to the submission points of Buller Conservation Group and Frida Inta[116] that sought to amend clause (7) only to require connection to a community water supply and wastewater if these services are provided, Ms Easton did not support these submissions. She noted the expectation of residential zones, including large lot residential zones, was that buildings are connected to three waters services. She also noted that many large-lot residential areas are known to have stormwater management issues, and therefore, on-site wastewater systems have a higher chance of causing cumulative adverse effects on water quality.

377. Ms Easton did not support the submissions[117] requesting to delete the advice note on the basis that an advice note is not a rule and because it cross-references to the requirements under NOISE-R3, which remain in place regardless of this advice note. She noted that Rule

[115] S349.011, S190.879, S450.250
[116] S552.171, S553.171
[117] S567.471 William McLaughlin, S558.419-420 Chris and Jan Coll, S566.419-420 Chris J Coll Surveying Limited, S574.419-420 Laura Coll Mclaughlin

NOISE-R3 would be considered under the Noise Chapter, and provided it remained in the Plan, Ms Easton considered that this advice note should remain.

378. In response to William McLaughlin's (S567.472) requested for a controlled activity status when compliance with permitted standards is not achieved, Ms Easton did not support this this submission. She considered that landowners and residents should be able to have confidence in a basic level of amenity, density, infrastructure capacity and character within the zone and given a controlled activity must always be granted, she did not consider this status was appropriate.

379. Ms Easton did not support FENZ's (S573.029) to add a new standard to require a developer to demonstrate how an alternative and satisfactory water supply could be provided to each lot where a development would not be connected to an adequate public reticulated water supply. She noted that a development was not a permitted activity where it could not connect to a public reticulated water supply; and therefore, she did not consider such a standard necessary.

380. Ms Easton supported GDC's (S608.728) request to remove the reference to "*secondary flow purposes*" in clause (6) because the exemption for secondary flow purposes was not consistent with NZS4404:2010.

381. Ms Easton considered a consequential amendment necessary following on from her recommendation on the BDC submission S538.475 on GRZ-R1 regarding accessory buildings.

382. Ms Easton recommended that LLRZ-R1 be amended as follows:

> ***LLRZ-R1 Residential Activities and Residential Units <u>and Accessory Buildings</u>***
> ***Activity Status: Permitted***
>
> *1. …*
>
> *6. Stormwater is managed on site with any off-site discharge is managed in accordance with NZS4404:2010 Land Development and Subdivision Infrastructure and must not drain to any public road ~~except for secondary flow purposes~~;*
>
> *7. …*

LLRZ-R2 Minor Structures

383. Ms Easton acknowledged the submission that sought to retain the rule as notified[118].

384. In response to the submissions[119] that sought amendments to accommodate existing, legal non-compliances with the LLRZ-R1 performance standards, Ms Easton supported these submissions in part. She considered that the reference to the LLRZ-R1 performance standards was inappropriate as this rule related to very minor structures such as flagpoles, water tanks, garden ornaments and sheds. She therefore recommended that only the setback requirement be included, similar to the standard for the equivalent Rule GRZ-R2.

385. Ms Easton did not support FENZ's (S573.030) request for an exemption for hose drying towers and siren towers to be up to 15m high in this zone. She noted that there were no fire

[118] S190.880
[119] S567.473 William McLaughlin, S558.421 C and C Coll, S566.421 Chris Coll Surveying, S574.421 Laura Coll McLaughlin

stations within the LLRZ and considered that the merits of such a proposal should be assessed through a resource consent process.

386. Ms Easton's recommended amendments to LLRZ-R2 were as follows:

> ***LLRZ - R2 Minor Structures***
> ***Activity Status Permitted***
> *Where:*
>
> *a. ~~All performance standards for Rule LLRZ - R1 are complied with~~* ***Structures are set back a minimum of 4.5m from the road boundary and 1m from internal boundaries****;*
>
> *b. Masts, poles, aerials and pou whenua must not exceed 7m in height;*
>
> *c. Any antenna dish must be less than 1m in diameter;*
>
> *d. Any ornamental or garden structure must not exceed 2.4 m in height; and*
>
> *e. Any other structure must not exceed 10m^2 and 2m in height.*
>
> ***Activity status where compliance not achieved:*** *Controlled*

LLRZ-R3 Fence Wall and Retaining Walls

387. Ms Easton acknowledged the support from submitters that sought to retain the rule as notified[120]. She recommended no changes to this provision.

LLRZ-R4 Relocated Buildings, LLRZ-R11 Relocated Buildings not meeting Permitted Activity Standards

388. Ms Easton acknowledged the two submissions that sought to retain the rule as notified[121].

389. There are several submissions[122] that sought that Rules LLRZ-R4 and LLRZ-R11 be deleted in their entirety. Ms Easton did not support these submissions and considered that the rules were necessary to manage amenity and ensure necessary building work to meet standards was completed within a specified timeframe.

390. As outlined above in relation to GRZ-R4, Charles Elley (S251.003) sought to remove restrictions that only allow relocatable buildings intended to be dwellings that were originally built and used dwellings. Ms Easton supported this submission, but it appears she misinterpreted this submission because the s42A Report states the submission sought to amend the rule to relate only to those buildings that are intended to be dwellings and were originally dwellings.

391. NZ Heavy Haulage Association Inc. (S616.005) sought performance standards for relocatable buildings based on the matters in schedule 1 of its submission, as outlined above in relation to GRZ-R4. Ms Easton supported an amendment that buildings must originally be dwellings, but did not support the balance of changes, which she considered would make the rule more complex.

392. Ms Easton's recommended retaining LLRZ-R11 as notified and amending LLRZ-R4, as follows:

> ***LLRZ - R4 Relocated Buildings***

[120] S190.881, S567.474, S558.422, S566.422, S574.422
[121] S190.882, S608.729
[122] S567.014, S567.475, S567.015, S567.481William McLaughlin, S558.054, S558.423, S558.065, S558.430 C & J Coll, S566.054, S566.423, S566.065, S566.430 Chris J Coll Surveying Limited, S574.054, S574.423, S574.065, S574.430 Laura Coll McLaughlin

Activity Status Permitted
Where:

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

Activity status where compliance not achieved: *Controlled*

LLRZ-R5 Home Business

393. Ms Easton acknowledged the one submitter that sought to retain the rule as notified[123].

394. In response to the submissions[124] that sought amendments to accommodate existing, legal non-compliances with the LLRZ-R1 performance standards, Ms Easton did not support these submissions. She considered that where there may be a non-compliance, for example with noise or light emissions, that could lead to cumulative effects on neighbouring amenity.

395. Ms Easton recommended amendments to provide greater clarity in response to Waka Kotahi NZTA's (S450.251) request to amend the rule to reduce the permitted level of vehicle movements to no more than 30 car movements per day. She noted the current standard was limited to no more than four heavy vehicle movements per day, 20 light vehicle movements per day or 210 vehicle movements per week, whichever is greater. She considered this could be interpreted to allow for 210 vehicle movements per day and none for the rest of the week.

396. Ms Easton recommended amendments to LLRZ-R5 as follows:

LLRZ - R5 Home Business
Activity Status Permitted
Where:
1. This is ancillary to a residential activity;
2. All performance standards for Rules LLRZ - R1, NOISE R1-R2 and R4, LIGHT - R3 and SIGN - R10 are complied with;
3. Hours of operation are limited to:
a. 7am-7pm weekdays; and
b. 8am - 5pm weekends and public holidays;
c. Except where:
i. The entire activity is located within a building;
ii. Each person engaged in the activity outside the above hours resides permanently on site; and

[123] S190.883
[124] S567.476 William McLaughlin, S558.424 Chris and Jan Coll, S566.424 Chris J Coll Surveying Limited, S574.424 Laura McLaughlin

iii. There are no visitors, customers or deliveries to the activity outside of the above hours
*4. A maximum of 4 heavy vehicle movements per day**,** ~~and whichever is the greater of~~ 30 light vehicle movements per day, ~~or~~ **and** 210 light vehicle movements per week;*
…

***Activity status where compliance not achieved**: Discretionary*

LLRZ-R6 Residential Visitor Accommodation

397. Ms Easton acknowledged the three submissions that sought to retain the rule as notified[125].

398. The submission of GDC (S608.105) sought that records of letting activity be provided to the Council on an annual basis rather than on request so that landowners undertaking this activity should provide the evidence rather than GDC trying to determine where the businesses have set up. Ms Easton considered this was a reasonable requirement to ensure that permitted activity standards were met.

399. Ms Easton did not support Lynda Richmond's (S423.002) request that only homestay accommodation in Greymouth be a permitted activity. She considered that Greymouth was not impacted by residential visitor accommodation and was not a major tourism destination compared to other parts of the West Coast.

400. Ms Easton did not support submissions[126] that sought amendments to accommodate existing legal non-compliance with LLRZ-R1 performance standard due to the potential for adverse effects on the environment, using the example of where wastewater capacity was insufficient to cater for additional people.

401. Ms Easton recommended that LLRZ-R6 be amended as follows:

LLRZ - R6 Residential Visitor Accommodation Activity Status Permitted
Where:
…
*5. Records of letting activity must be kept and provided to the District Council **annually** ~~on request~~; and*
…

LLRZ-R7 Community Facilities and Educational Facilities

402. Ms Easton acknowledged the two submissions that sought to retain the rule as notified[127].

403. Similar to LLRZ-R6, Ms Easton did not support the amendments sought in submissions[128] to accommodate existing legal non-compliance because of potential adverse environmental effects.

404. In response to the Ministry of Education's (S456.043) request to allow for 210 light vehicle movements per day for educational facilities, Ms Easton did not support that amendment and considered that this rule intended to allow very small educational and community

[125] S190.884, S450.252
[126] S567.477 William McLaughlin, S558.425 C & J Coll, S566.425 Chris J Coll Surveying Limited, S574.425 Laura Coll McLaughlin
[127] S190.885, S450.253
[128] S567.478 William McLaughlin, S558.426 C & J Coll, S566.426 Chris J Coll Surveying Limited, S574.426 Laura Coll McLaughlin

facilities within residential areas rather than provide for schools, or other significant facilities as a permitted activity.

405. No changes were recommended by Ms Easton to this provision.

LLRZ-R8 Retirement Homes and Supported Residential Accommodation

406. Ms Easton acknowledged the two submissions that sought to retain the rule as notified[129].

407. Similar to LLRZ-R6 and LLRZ-R7, Ms Easton did not support the amendments sought in submissions[130] to accommodate existing legal non-compliance because of potential adverse environmental effects.

408. No changes are recommended by Ms Easton to this provision.

LLRZ-R9 Papakāinga Developments

409. Ms Easton acknowledged the submission that sought to retain the rule as notified[131]. She recommended no changes to this provision.

LLRZ-R10 Minor Structures not meeting Permitted Activity Standards

410. Ms Easton acknowledged the submission that sought to retain the rule as notified[132].

411. In response to the submissions[133] that sought that this rule be amended to accommodate existing legal non-compliance with LLRZ-R1 performance standard, Ms Easton supported that outcome insofar as recognising existing use rights sit outside of a resource consent process, but otherwise she considered existing non-compliance should not be explicitly accommodated within the rules given the potential for adverse effects on the environment.

412. Ms Easton noted that due to earlier changes recommended to LLRZ-R2, to focus on setbacks only, consequential amendments were required to this rule. She recommended amendments as follows:

> ***LLRZ - R10 Minor Structures not meeting Permitted Activity Standards***
> ***Activity Status Controlled***
> *Where:*
> *1. The minor structure does not exceed 10m in height; and*
> *2. ~~All other performance standards for Rule LLRZ - R1 are complied with~~* ***Structures are set back a minimum of 4.5m from the road boundary and 1m from internal boundaries***
>
> ***Matters of control are:***
>
> *a. Design and location of structures; and*
>
> *b. Landscape measures.*
>
> ***Activity status where compliance not achieved:*** *Discretionary*

[129] S349.011, S190.886, S450.254
[130] S567.479 William McLaughlin, S558.427 C & J Coll, S566.427 Chris J Coll Surveying Limited, S574.427 Laura Coll McLaughlin
[131] S190.887
[132] S190.888
[133] S567.480 William McLaughlin, S558.429 C & J Coll, S566.429 Chris J Coll Surveying Limited, S574.429 Laura Coll McLaughlin

LLRZ-R11 Relocated Buildings not meeting Permitted Activity Standards

413. Ms Easton recommended retaining LLRZ-R11 as notified, which was supported by one submitter[134], and therefore rejected submissions seeking deletion of the rule[135].

LLRZ-R12 Community Facilities and Educational Facilities not meeting Rule LLRZ-R7, Retirement Homes and Supported Residential Accommodation not meeting Rule LLRZ-R8 and Retirement Villages

414. Ms Easton acknowledged the seven submissions that sought to retain the rule as notified[136].

415. Ms Easton did not support FENZ's (S573.032) request to add a matter of discretion to LLRZ-R12 regarding the provision of servicing, including a firefighting water supply. She noted that if a property did not have a connection, this rule would not apply and the activity escalated to a discretionary activity.

416. No changes were recommended by Ms Easton to this provision.

LLRZ-R13 Residential Visitor Accommodation not meeting Permitted Standards

417. Ms Easton acknowledged the two submissions that sought to retain the rule as notified[137].

418. Ms Easton did not support the amendments sought in submissions[138] for the reasons outlined in relation to other rules. She recommended LLRZ-R13 be retained as notified.

LLRZ-R14 Papakainga Developments not meeting Permitted Activity Standards

419. Ms Easton acknowledged the three submissions that sought to retain the rule as notified[139].

420. In response to Poutini Ngāi Tahu's (S620.402) to delete the reference to "*hours of operation*" as a matter of discretion, Ms Easton supported this amendment and considered it corrected an error in the Plan.

421. Ms Easton recommends that LLRZ-R14 be amended as follows:

> ***LLRZ - R14 Papakaianga Developments not meeting Permitted Activity Standards Activity Status Restricted Discretionary***
>
> *Where:*
>
> *1. The minimum residential unit density is 200m^2 net site area;*
>
> *...*
>
> ***Discretion is restricted to:***
>
> *a. Design and location of buildings;*
>
> *…*
>
> *~~f. Hours of operation;~~ and*

[134] S190.889
[135] S567.015, S567.481 William McLaughlin, S558.065, S558.430 C & J Coll, S566.065, S566.430 Chris J Coll Surveying Limited, S574.065, S574.430 Laura Coll McLaughlin
[136] S190.890, S567.482, S558.431, S566.431, S574.431, S456.044, S608.730
[137] S190.891, S608.731
[138] S567.483 William McLaughlin, S558.432 C & J Coll, S566.432 Chris J Coll Surveying Limited, S574.432 Laura Coll McLaughlin
[139] S620.241, S190.892, S608.732

...

Activity status where compliance not achieved: Discretionary

LLRZ-R15 Residential Activities, Residential Units, Papakāinga Developments, Fences, Walls and Retaining Walls and Minor Structures not meeting Permitted, Controlled or Restricted Discretionary Standards

422. Ms Easton acknowledged the submission that sought to retain the rule as notified[140].

423. In response to the submissions[141] that sought clause (1), which requires the relevant NOISE and LIGHT permitted activity rules to be met, be deleted; and where compliance was not achieved, the activity status becomes N/A, Ms Easton did not support these submissions. She considered that these rules applied to activities within a residential area and should provide for a reasonable expectation in terms of minimum standards around noise and light.

424. In response to the submissions of Frank and Jo Dooley[142] and Frank O'Toole[143] that sought that "*fences, walls and retaining structures*" were removed from the rule and subject to a separate restricted discretionary rule, Ms Easton supported these submissions and agreed that Rule LLRZ-R15 contained matters that were not relevant to these structures.

425. Ms Easton recommended change to the heading of LLRZ-R15 and recommended the inclusion of the following new rule into the Plan:

LLRZ – RXX Fences, Walls and Retaining Structures not meeting Permitted Activity Standards
Activity Status Restricted Discretionary
Discretion is restricted to:
a. Design and location of structures
b. Height of structures
c. Shading and dominance effects on adjoining sites

LLRZ-R16 Home Business not meeting Permitted Activity Standards

426. Ms Easton acknowledged the submission that sought to retain the rule as notified[144].

427. In response to the submissions[145] that sought that clause (1), which required the relevant NOISE and LIGHT permitted activity rules to be met, be deleted; and where compliance is not achieved, the activity status becomes N/A, Ms Easton did not support those submissions. She considered that these rules applied to activities within a residential area and should provide for a reasonable expectation in terms of minimum standards around noise and light.

428. Ms Easton recommended retaining this rule as notified.

[140] S190.893
[141] S567.484, S567.485William McLaughlin, S558.433, S558.434 C & J Coll, S566.433, S566.434 Chris J Coll Surveying Limited, S574.433, S574.434 Laura Coll McLaughlin
[142] S478.032 Frank and Jo Dooley
[143] S595.020 Frank O'Toole
[144] S190.894
[145] S567.486, S567.487 William McLaughlin, S558.435, S558.436 C & J Coll, S566.435, S566.436 Chris J Coll Surveying Limited, S574.435, S574.435 Laura Coll McLaughlin

LLRZ-R17 Residential Visitor Accommodation not meeting Restricted Discretionary Activity Standards and Commercial Visitor Accommodation and LLRZ-R19 Visitor Accommodation not meeting the Permitted, Restricted Discretionary or Discretionary Activity Standards

429. Ms Easton acknowledged the submission that sought to retain the rule as notified[146].

430. Ms Easton did not support the submissions[147] that sought changes to clause (1) nor changing the default activity status for the reasons outlined previously in relation to LLRZ-R15 and LLZ-R16. She also did not support deleting Rule LLRZ-R19 be deleted. She noted that these rules applied to activities within a residential area and that home businesses should provide for a reasonable expectation in terms of minimum standards around noise and light.

431. Ms Easton recommended retaining this rule as notified.

LLRZ – R18 Emergency Service Activities

432. Ms Easton acknowledged the submission that sought to retain the rule as notified[148].

433. Ms Easton did not support FENZ's (S573.033) request for emergency service activities to be permitted in the LLRZ because she considered the predominant use of this zone should be residential with a reasonable expectation for residential activities and amenity. She noted that while there may be circumstances where an emergency service facility could locate in this zone, careful assessment needed to be undertaken via a consent process.

434. Ms Easton recommended retaining this rule as notified.

LLRZ – R20 Commercial Activities including Home Business not meeting the Permitted, Restricted Discretionary or Discretionary Activity Standards

435. Ms Easton acknowledged the submission that sought to retain the rule as notified[149].

436. Ms Easton did not support submissions[150] that sought to change the activity status from non-complying to discretionary. She considered that this zone was primarily for the purpose of residential use. Where the rules designed to provide for some commercial activities were not met, Ms Easton considered that there would be a high risk of adverse effects. She therefore considered it was appropriate that these be classified as a non complying activity in this zone.

437. Ms Easton recommended retaining this rule as notified.

LLRZ – R21 Industrial Activities

438. Ms Easton acknowledged the submission that sought to retain the rule as notified[151].

[146] S190.895
[147] S567.488, S567.489 William McLaughlin, S558.437, S558.438 C & J Coll, S566.437, S566.438 Chris J Coll Surveying Limited, S574.437, S74.438 Laura Coll McLaughlin
[148] S190.896
[149] S190.898
[150] S567.491 William McLaughlin, S558.441 C & J Coll, S566.441 Chris J Coll Surveying Limited, S574.441 Laura Coll McLaughlin
[151] S190.899

439. Ms Easton did not support submissions[152] that sought to change the activity status from non-complying to discretionary. For the same reasons as outlined for Rule LLZR-R20 above, she considered it was appropriate that these be classified as a non-complying activity in this zone.

440. Ms Easton recommended retaining this rule as notified.

LLRZ – R22 Any Activity not provided for by another Rule in the zone

441. Ms Easton acknowledged one submitter that sought to retain the rule as notified[153].

442. In response to the submission[154] that sought to delete this rule, Ms Easton noted that no reasons had provided to justify this and she therefore did not support these submissions.

443. Ms Easton recommended retaining this rule as notified.

Hearing and Submitter Evidence/Statements

444. Ms Inta requested two amendments to Rule LLRZ-R1. The first was to correct poor grammar; and the second related to the requirement to connect to reticulated services if these services were provided, using the example of a composting toilet, which does not require a connection. The amendments she sought was as follows:

> ***LLRZ – R1 Permitted Activities***
> ***Activity Status Permitted***
> *Where:*
> *1.*
> *…*
> *6. Stormwater is managed on site with any off-site discharge ~~is~~ managed in accordance with NZS4404:2010 Land Development and Subdivision Infrastructure and must not drain to any public road except for secondary flow purposes;*
> *7. All residential units and buildings used for a residential activity must be connected to the community water supply and wastewater networks **if these services are provided**;*
> *…*

445. As outline above, Mr Bhana-Thompson generally agreed with the s42A Report recommendations for the residential zones and sought use of a pre-inspection/reinstatement reports. He provided a template that some other Councils had adopted (or adapted) for district plans. He considered a 12-month timeframe was appropriate and realistic for achieving reinstatement works in Rule LLRZ-R4.

Reporting Officer Reply Evidence

446. In her Right of Reply, Ms Easton addressed queries from the Panel and considered further amendments in response following the information presented in the hearing. Several of these queries have been addressed earlier in this report under the definitions, general chapter, objectives, policies, and GRZ rule sections. These are not repeated here unless directly relevant.

[152] S567.492 William McLaughlin, S558.442 C & J Coll, S566.442 Chris J Coll Surveying Limited, S574.442 Laura Coll McLaughlin
[153] S190.900
[154] S567.493 William McLaughlin, S558.443 C & J Coll, S566.443 Chris J Coll Surveying Limited, S574.443 Laura Coll McLaughlin

447. Ms Easton considered the minor error where Rule NOISE-R4 was referenced rather than NOISE-R5 in some rules could be undertaken as a clause 16 amendment and should be used to update all rules across the Plan where there were errors or consequential numbering changes.

448. In relation to Rule LLRZ-R13 (and also Rule GRZ-R14 and MRZ-R14), Ms Easton considered was insufficient scope in submissions to add the number of occupants or size of building to the matters of discretion.

449. In response to the evidence of NZ Heavy Haulage Association, Ms Easton recommended including reference to a pre-inspection schedule in Rule LLRZ-R4, as set out above in relation to the GRZ-R4 above.

Hearing Panel's Evaluation

450. The Panel agrees with Ms Easton that there is no need to make any amendments arising from the submissions on the rules generally.

451. The Panel recommends consequential amendments to ensure consistency between equivalent rules in the GRZ and MRZ, where appropriate. We also recommend amendments under RMA Schedule 1, clause 16 to fix errors and consequential renumbering of the rules cross reference to reflect Panel recommendations on other chapters. We identify these consequential amendments and corrections in the footnotes included in our recommendation box below.

452. In relation to Rule **LLRZ-R1**, the Panel generally accepts Ms Easton's recommendation to amend the rule to match recommended amendments to GRZ-R1, with the exception that only the first advice note is considered relevant to the zone.

453. In relation to Rule **LLRZ-R2**, the Panel accepts Ms Easton's recommendation and reasons to retain the rule as notified, except for deleting the reference to the LLRZ-R1 performance standard.

454. In relation to Rule **LLRZ-R3**, the Panel accepts Ms Easton's recommendation to retain the rule as notified.

455. In relation to **LLRZ-R4**, the Panel agrees with the amendments proposed by Ms Easton to partially address the submission of the New Zealand Heavy Haulage Association, which states that buildings intended for dwellings must have originally been used as dwellings. We agree that the other submission points sought by the New Zealand Heavy Haulage Association do not clarify or simplify the rule, however we have added reference to a new Appendix 11 which will set out the information that is required in the building pre-inspection report which is based on information provided by the Association at the hearing. This is a Plan-wide amendment.

456. The Panel has also consolidated rule 4 by deleting Clause 5 and adding to Clause 3. We consider the two clauses were overlapping and there were elements of uncertainty between them. We consider the amendments now make it clear the works to completed within 12-months of the building being delivered to the site. We consider the scope for these amendments stem from the submissions seeking deletion given the changes reduce and clarify the rule. We therefore recommend the amendments proposed and note that similar amendments are proposed in other recommendations.

457. In relation to Rule **LLRZ-R5**, the Panel acknowledges Ms Easton's recommendation to retain the rule as notified, except for amendments to clause(4) to clarify traffic movements. However, we note that we have included a consequential amenmdnt stemming from BDC submission (538.479) to include a limit on employee numbers. Further, we note however that as a result of recommendations in the Transport Chapter in relation to trip generation that clause (4) relating to traffic movement is to be deleted so as to avoid the potential for uncertainty between provisions.

458. In relation to Rule **LLRZ-R6**, the Panel accepts Ms Easton's recommendation to retain the rule as notified, except for amendments to clause (5) for the reasons outlined, including minor clause 16 amendments.

459. In relation to Rule **LLRZ-R7**, the Panel notes that, as a result of recommendations in the Transport Chapter regarding trip generation, clause 2, relating to traffic movement, has been amended to ensure compliance with Rule TRN – R6 is also achieved in this situation. While we acknowledge that this has not been the situation for Home Businesses in the Residential Zones where the rule has been deleted in favour of TRN – R6, in the case of Community Facilities and Educational Facilities, we consider a bespoke approach is necessary in order to address the potential scale of these activities, which is not otherwise addressed. We are of the view that this is best achieved by retaining the notified part of the rule. We consider this is particularly necessary where such activities might seek to locate on local roads.

460. In relation to Rule **LLRZ-R8**, the Panel accepts Ms Easton's recommendation to retain the rule as notified.

461. In relation to Rule **LLRZ-R9**, the Panel accepts Ms Easton's recommendation to retain the rule as notified.

462. In relation to Rule **LLRZ-R10**, the Panel accepts Ms Easton's recommendation to retain the rule as notified, except that due to earlier changes recommended to LLRZ-R2 to focus on setbacks only, consequential amendments are also required to this rule. We note however that as part of a Plan wide amendment stemming from a submission by Manawa (S438.100) reference to 'landscape measures' and 'landscape treatment' have been removed from the matters of discretion and replaced with 'measures to mitigate landscape effects' throughout the chapter.

463. In relation to rules **LLRZ-R11 to LLRZ-R13,** the Panel accepts Ms Easton's recommendation to retain the rules as notified. We note however that as part of a Plan wide amendment stemming from a submission by Manawa (S438.100) reference to 'landscape measures' and 'landscape treatment' have been removed from the matters of discretion and replaced with 'measures to mitigate landscape effects' throughout the chapter.

464. In relation to Rule **LLRZ-R14**, the Panel accepts Ms Easton's recommendation to retain the rule as notified, except for deleting clause (f) to correct an error in the plan as notified. We note however that as part of a Plan wide amendment stemming from a submission by Manawa (S438.100) reference to 'landscape measures' and 'landscape treatment' have been removed from the matters of discretion and replaced with 'measures to mitigate landscape effects' throughout the chapter.

465. In relation to Rule **LLRZ-R15**, the Panel accepts Ms Easton's recommendation to remove "*fences, walls and retaining structures*" and add a new **Rule LLRZ-RX** (new Rule LLRZ-R14A

below) for these because Rule LLRZ-R15 includes matters that are not relevant to these structures.

466. In relation to rules **LLRZ -R16** to **LLRZ-R21**, apart from minor integration issues, the Panel accepts Ms Easton's recommendation to retain the rules as notified.

467. The Panel acknowledges that **LLRZ-R22** is a 'catch-all' rule intended to manage activities not specifically provided for in the other rules. The Panel has considered this matter plan-wide and we agree with the submitters that such rules are better placed as discretionary; otherwise, they are unnecessarily limiting in our view and could have unforeseen consequences. Therefore, it is our recommendation to recategorise this rule as a discretionary activity.

Hearing Panel's Recommendation

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

LLRZ – R1	**Residential Activities and Residential Units and Accessory Buildings**[155] **Activity Status Permitted** Where: 1. There is no more than **one**~~1~~[156] unit per 1000m^2 net site area; 2. The maximum height of a building above ground level is 10m; 3. There is no more than **one**~~1~~[157] minor residential unit per 1000m^2 net site area with a maximum size of 65m^2; 4. Buildings are setback a minimum 10m from road boundaries, except that a roof overhang may encroach 750mm; 5. Maximum site coverage is 40% or 500m^2 whichever is the lesser; 6. Stormwater is managed on site with any off-site discharge ~~is~~ [158]managed in accordance with NZS4404:2010 Land Development and Subdivision Infrastructure and must not drain to any public road ~~except for secondary flow purposes~~; [159] 7. All residential units and buildings used for a residential activity must be connected to the community water supply and wastewater networks; 8. No more than two heavy vehicles are stored on site; 9. Buildings are setback a minimum of 4m from all other site boundaries except where the neighbouring property owner's written approval is provided to the Council at least 10 working days prior to the works commencing; 10. No building shall project beyond a building envelope defined by a recession plane as defined in Appendix Two to commence 2.5m above any site boundary ~~except where neighbouring property owner's written approval is provided to the Council at least 10 working days prior to the works commencing.~~ [160] This standard does not apply to~~:~~ ~~a. Road boundaries;~~ ~~b. Buildings on adjoining sites that have a common wall along the boundary;~~

[155] Consequential amendment Buller District Council S538.475
[156] RMA Schedule 1, clause 16 correction
[157] RMA Schedule 1, clause 16 correction
[158] Clause 16(2) of the RMA
[159] Grey District Council S608.728
[160] Consequential amendment Buller District Council S538.475

~~c. Boundaries abutting an access lot or right of way in which case the furthest boundary of the access lot or right of way may be used for assessing compliance with this standard;~~

~~d.~~ Boundaries adjoining any site in a CMUZ - Commercial and Mixed Use, INZ - Industrial or RURZ - Rural Zone~~;~~**.**[161]

~~e. Antennas, aerials, satellite dishes (less than 1m in diameter), chimneys, flues and architectural features (e.g. finials, spires) provided these do not exceed the recession plane by more than 3m vertically; or~~

~~f. Solar panels and solar water heaters, provided these do not exceed the height in relation to boundary plane by more than 0.25m vertically.~~ [162]

Advice Note:

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

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

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

Activity status where compliance not achieved: Discretionary

LLRZ – R2 **Minor Structures**

Activity Status Permitted

Where:

1. ~~All performance standards for Rule LLRZ - R1 are complied with~~ **Structures are set back a minimum of 4.5m from the road boundary and 1m from internal boundaries**;[163]
2. Masts, poles, aerials and pou whenua must not exceed 7m in height;
3. Any antenna dish must be less than 1m in diameter;
4. Any ornamental or garden structure must not exceed 2.4 m in height; and
5. Any other structure must not exceed 10m^2 and 2m in height.

Activity status where compliance not achieved: Controlled

LLRZ – R3 No Change

LLRZ – R4 **Relocated Buildings**

Activity Status Permitted

Where:

1. All performance standards for Rule LLRZ - R1 are complied with;
2. Any relocated building intended for use as a dwelling must have been designed**,** ~~and~~ built ~~to be~~ **and** used as a dwelling; [164]

[161] Buller District Council S538.635
[162] Buller District Council S538.476
[163] Consequential amendment Buller District Council S538.476
[164] New Zealand Heavy Haulage Association Inc. S616.005

	3. A building pre-inspection report **completed in accordance with Appendix Eleven**[165] shall accompany the application for a building consent for the destination site. That report is to identify all reinstatement works that are to be completed to the exterior of the building. The report shall include a certification by the property owner that the **exterior** reinstatement works **including connections to infrastructure services and closing in and ventilation of the foundations** shall be completed within 12-month**s of the building being delivered to the site**; **and**;[166] 4. The building shall be located on permanent foundations approved by building consent no later than 2 months of the building being moved to the site; and ~~5. All other reinstatement work required by the building inspection report and the building consent to reinstate the exterior of any relocated dwelling shall be completed within 12 months of the building being delivered to the site. This reinstatement work is to include connections to all infrastructure services and closing in and ventilation of the foundations.~~[167] **Activity status where compliance not achieved**: Controlled
LLRZ – R5	**Home Business** **Activity Status Permitted** Where: 1. This is ancillary to a residential activity; 2. All performance standards for Rules LLRZ - R1, NOISE R1-R2 and R45 and LIGHT - R3 are complied with; 3. Hours of operation are limited to: a. 7am-10pm weekdays; and b. 8am - 8pm weekends and public holidays; c. Except where: i. The entire activity is located within a building; ii. Each person engaged in the activity outside the above hours resides permanently on site; and iii. There are no visitors, customers or deliveries to the activity outside of the above hours. 4. **There is no more than one full–time equivalent person engaged in the home business that resides off-site.**[168] ~~4. A maximum of 4 heavy vehicle movements per day, and whichever is the greater of 30 light vehicle movements per day or and 210 light vehicle movements per week;~~[169] 5. No external storage of products except those associated with residential use shall be visible from any residential zoned property or public place; and 6. No external generation of dust, odour or smoke occurs as part of the activity. **Activity status where compliance not achieved**: Discretionary

[165] New Zealand Heavy Haulage Association Inc. S616.005
[166] William McLaughlin (S567.014, S567.475, S574.065 S574.430), Chris & Jan Coll (S558.054, S558.423, S558.065 S558.430), Chris J Coll Surveying Limited (S566.054, S566.423, S566.065 S566.430), Laura Coll McLaughlin (S574.054, S574.423, S574.065, S574.430)
[167] William McLaughlin (S567.014, S567.475, S574.065 S574.430), Chris & Jan Coll (S558.054, S558.423, S558.065 S558.430), Chris J Coll Surveying Limited (S566.054, S566.423, S566.065 S566.430), Laura Coll McLaughlin (S574.054, S574.423, S574.065, S574.430)
[168] Consequential Amendment stemming from Buller Disrict Council (538.479)
[169] Consequential amendment to recommendations on the Transport Chapter, Buller District Council S538.083

LLRZ – R6	**Residential Visitor Accommodation** **Activity Status Permitted** Where: 1. This is ancillary to a residential activity; 2. All performance standards for Rules LLRZ - R1, NOISE R1-R2 and R4**5**[170] and LIGHT - R3 and SIGN - R10 are complied with; 3. There is a maximum of **six**~~6~~[171] paying guests at any one time; 4. Written notification to the District Council is required 10 working days prior to the activity commencing; 5. Records of letting activity must be kept and provided to the Council **annually** ~~on request~~; [172] and 6. No heavy vehicle movements are generated. **Advice Notes**: **1.** Compliance with the Building Code is required for any use of residential property for visitor accommodation. Written notice to the relevant Council Building Compliance Team must be provided and a Building Consent may also be required. **2. Where residential visitor accommodation has been lawfully established under the Buller, Grey or Westland District Plan provisions and has not been discontinued for more than 12 months, then existing use rights may apply.** [173] **Activity status where compliance not achieved**: Restricted Discretionary
LLRZ – R7	**Community Facilities and Educational Facilities** **Activity Status Permitted** Where: 1. All performance standards for Rules LLRZ - R1, NOISE R1-R2 and R4**5**[174] and LIGHT - R3 and SIGN - R10 are complied with; **and**[175] 2. A maximum of 4 heavy vehicle movements and whichever is the greater of 30 light vehicle movements per day or 210 vehicle movements per week **and compliance is achieved with TRN – R6**; and[176] 3. No external storage of products except those associated with residential use shall be visible from any residential zoned property or public place. **Activity status where compliance not achieved**: Restricted Discretionary
LLRZ – R8	**Retirement Homes and Supported Residential Accommodation Activity Status Permitted** Where: 1. All performance standards for Rules LLRZ - R1, NOISE R1-R2 and R4**5**[177] and LIGHT - R3 and SIGN - R10 are complied with; 2. The maximum number of residents is 10; and

[170] RMA Schedule 1, clause 16 correction
[171] RMA Schedule 1, clause 16 correction
[172] Grey District Council S608.105
[173] Consequential amendment Westland District Council S181.036
[174] RMA Schedule 1, clause 16 correction
[175] RMA Schedule 1, clause 16 correction
[176] Consequential amendment stemming from recommended amendments to the Transport Chapter, Buller District Council S538.083
[177] RMA Schedule 1, clause 16 correction

	3. No external storage of products except those associated with residential use shall be visible from any residential zoned property or public place. **Activity status where compliance not achieved**: Restricted Discretionary
LLRZ – R9	As notified
LLRZ – R10	**Minor Structures not meeting Permitted Activity Standards Activity Status Controlled** Where: 1. The minor structure does not exceed 10m in height; and 2. ~~All performance standards for Rule LLRZ - R1 are complied with~~ **Structures are set back a minimum of 4.5m from the road boundary and 1m from internal boundaries.**[178] **Matters of control are:** a. Design and location of structures; and b. ~~Landscape measures.~~**Measures to mitigate landscape effects**.[179] **Activity status where compliance not achieved:** Discretionary
LLRZ – R11	**Relocated Buildings not meeting Permitted Activity Standards** **Activity Status Controlled** Where: 1. All performance standards for Rule LLRZ - R1 are complied with. **Matters of control are**: a. Design and location of structures; b. ~~Landscape measures~~ **Measures to mitigate landscape effects**;[180] and c. Appearance of buildings.
LLRZ – R12	**Community Facilities and Educational Facilities not meeting Rule LLRZ -R7, Supported Residential Accommodation and Retirement Homes not meeting Rule LLRZ - R8 and Retirement Villages** **Activity Status Restricted Discretionary** Discretion is restricted to: a. Design and location of buildings; b. Design and location of parking and access; c. ~~Landscape treatment~~ **Measures to mitigate landscape effects**;[181] d. Water supply, wastewater and stormwater requirements; e. Hours of operation; and f. Acoustic and noise insulation requirements. **Notification:** Applications for community facilities will always be notified to adjacent neighbours and may be publicly notified.

[178] Consequential amendment Buller District Council S538.476
[179] Consequential Plan-wide amendment Manawa Energy Limited S438.100
[180] Consequential Plan-wide amendment Manawa Energy Limited S438.100
[181] Consequential Plan-wide amendment Manawa Energy Limited S438.100

LLRZ – R13	**Residential Visitor Accommodation not meeting Permitted Activity Standards Activity Status Restricted Discretionary** Where: 1. This is ancillary to a residential activity; 2. No heavy vehicle movements are generated; and 3. All performance standards for Rules LLRZ - R1, NOISE R1-R2 and R~~4~~**5**[182] and LIGHT - R3 and SIGN - R10 are complied with. **Discretion is restricted to:** a. Design and location of buildings; b. Design and location of parking and access; c. ~~Landscape measures.~~**Measures to mitigate landscape effects;** [183] d. Water supply, wastewater and stormwater requirements; e. Hours of operation; and f. Acoustic and noise insulation requirements. **Activity status where compliance not achieved:** Discretionary
LLRZ – R14	**Papakainga Developments not meeting Permitted Activity Standards Activity Status Restricted Discretionary** Where: 1. The minimum residential unit density is 200m^2 net site area; 2. The maximum height is 12.5m; 3. Within 10 metres of a site boundary that is zoned Large Lot Residential the maximum height shall be 10m; 4. All performance standards for Rules NOISE R1-R2 and R~~4~~**5**[184] and LIGHT - R3 are complied with; and 5. Maximum building coverage is 50%. **Discretion is restricted to:** a. Design and location of buildings; b. Design and location of parking and access; c. ~~Landscape measures.~~**Measures to mitigate landscape effects;**[185] d. Water supply, wastewater and stormwater requirements; e. Where relevant compliance with the Medium Density Housing Design guidelines in Appendix Three; ~~f. Hours of operation;~~ [186] and g. Acoustic and noise insulation requirements. **Activity status where compliance not achieved:** Discretionary
LLRZ - R14A	**Fences, Walls and Retaining Structures not meeting Permitted Activity Standards** **Activity Status Restricted Discretionary** **Discretion is restricted to:**

[182] RMA Schedule 1, clause 16 correction
[183] Consequential Plan-wide amendment Manawa Energy Limited S438.100
[184] RMA Schedule 1, clause 16 correction
[185] Consequential Plan-wide amendment Manawa Energy Limited S438.100
[186] Te Rūnanga O Ngāti Waewae, Te Rūnanga O Makaawhio and Te Rūnanga O Ngāi Tahu S620.402

	a. Design and location of structures; **b. Height of structures; and** **c. Shading and dominance effects on adjoining sites.**[187]
LLRZ – R15	**Residential Activities, Residential Units, Papakāinga Developments~~, Fences, Walls and Retaining Walls~~**[188] **and Minor Structures not meeting Permitted, Controlled or Restricted Discretionary Standards** **Activity Status Discretionary** Where: 1. All performance standards for Rules NOISE R1-R2 and R~~4~~**5**[189] and LIGHT - R3 are complied with. **Activity status where compliance not achieved:** Non-complying
LLRZ – R16	As notified
LLRZ – R17	**Residential Visitor Accommodation not meeting Restricted Discretionary Activity Standards and Commercial Visitor Accommodation** **Activity Status Discretionary** Where: 1. All performance standards for Rules NOISE R1-R2 and R~~4~~**5**[190] and LIGHT - R3 are complied with. **Activity status where compliance not achieved:** Non-complying
LLRZ – R18	As notified
LLRZ – R19	As notified
LLRZ – R20	As notified
LLRZ – R21	As notified
LLRZ – R22	**Any Activity not provided for by another Rule in the zone** **Activity Status ~~Non-complying~~ Discretionary** **Activity status where compliance not achieved:** N/A[191]

2.7. Medium Density Residential Zone – Rules and Standards

Submissions and Further Submissions

Residential - General

469. Three submission points and three further submissions relating to the MRZ Rules (as a whole) were summarised in the Table on pages 78-79 of the s42A Report. Two submission

[187] Frank and Jo Dooley S478.038, Frank O'Toole S595.026
[188] Frank and Jo Dooley S478.032, Frank O'Toole S595.020
[189] RMA Schedule 1, clause 16 correction
[190] RMA Schedule 1, clause 16 correction
[191] William McLaughlin (S567.493), Chris & Jan Coll (S558.443), Chris J Coll Surveying Limited (S566.443), Laura Coll McLaughlin (S574.443)

points sought to retain all, or select, rules as notified. One of the further submissions supported these points, while two opposed. The remaining submission sought amendments.

Medium Density Residential Zone

470. Twelve submission points and two further submission points relating to Rule **MRZ-R1** were summarised in a Table on pages 79-80 of the s42A Report. All submission points sought amendments to the rule as notified. Both further submissions were in support of a suggested amendment.

471. Six submission points and one further submission relating to Rule **MRZ-R2** were summarised in a Table on pages 80-81 of the s42A Report. One submission point supported the retention of the rule as notified. The remaining submission points sought amendments, while the one further submission supported in part the amendments sought by one submitter.

472. Five submission points supporting Rule **MRZ-R3** as notified were summarised in a Table on page 81 of the s42A Report.

473. Eight submission points and two further submissions relating to Rule **MRZ-R4** were summarised in a Table on pages 81-82 of the s42A Report. Two submission points supported the retention of the rule as notified. Four submission points opposed the rule as notified and sought its deletion in full. The remaining two submission points sought amendments, with one further submission supporting in part and the other opposing in part, suggesting amendments.

474. Six submission points relating to Rule **MRZ-R5** were summarised in the Table on pages 82-83 of the s42A Report. One submission point supported the retention of the rule as notified. The remaining five submission points sought amendments.

475. Seven submission points relating to Rule **MRZ-R6** were summarised in a Table on page 83 of the s42A Report. One submission point supported the retention of the rule as notified. The remaining submission points sought amendments.

476. Eight submission points and one further submission point relating to Rule **MRZ-R7** were summarised in a Table on pages 83-84 of the s42A Report. Two submission points supported the retention of the rule as notified. The remaining submission points sought amendments, while the one further submission opposed the amendments sought by one submitter.

477. Six submission points and relating to Rule **MRZ-R8** were summarised in a Table on pages 84-85 of the s42A Report. Two submission points supported the retention of the rule, as notified, with one further submitter supporting one of these submissions. The remaining submission points sought amendments.

478. Five submission points relating to Rule **MRZ-R9** were summarised in the Table on page 85 of the S42A Report. One submission point supported the retention of the rule as notified. The remaining submission points sought amendments.

479. Six submission points relating to Rule **MRZ-R10** were summarised in the Table on page 85 of the s42A Report. Two submission points supported the retention of the rule as notified, while the remaining four submissions opposed the rule and sought its deletion.

480. Six submission points and one further submission supporting Rule **MRZ-R11** as notified were summarised in the Table on pages 85-86 of the s42A Report.

481. Eight submission points and one further submission relating to Rule **MRZ-R12** were summarised in the Table on page 86 of the s42A Report. Six submission points supported the retention of the rule as notified, with one further submitter in support. The remaining submissions sought amendments.

482. Six submission points and one further submission supporting Rule **MRZ-R13** as notified were summarised in the Table on page 86 of the s42A Report.

483. Six submission points relating to Rule **MRZ-R14** were summarised in a Table on pages 86-87 of the s42A Report. One submission point supported the retention of the rule as notified. The remaining submission point sought amendments.

484. Seventeen submission points relating to Rule **MRZ-R15** were summarised in a Table on pages 87-88 of the s42A Report. One submission point supported the retention of the rule as notified. The remaining submission points sought amendments.

485. Nine submission points relating to Rule **MRZ-R16** were summarised in a Table on page 88 of the s42A Report. One submission point supported the retention of the rule as notified. The remaining submission points sought amendments.

486. Nine submission points relating to Rule **MRZ-R17** were summarised in a Table on pages 88-89 of the s42A Report. One submission point supported the retention of the rule as notified. The remaining submission point sought amendments.

487. Five submission points relating to Rule **MRZ-R18** were summarised in a Table on page 89 of the s42A Report. One submission supported the retention of the rule as notified. The remaining submission points sought amendments.

488. Five submission points relating to Rule **MRZ-R19** were summarised in a Table on pages 89 of the s42A Report. One submission point supported the retention of the rule as notified. The remaining submission point sought amendments.

489. One submission point supporting Rule **MRZ-R20** as notified was summarised in a Table on page 89 of the s42A Report.

490. Five submission points relating to Rule **MRZ-R21** were summarised in a Table on pages 89-90 of the s42A Report. One submission point supported the retention of the rule as notified. The remaining submission point sought amendments.

491. The Panel adopts these summaries and has considered the relevant submissions and further submissions.

Section 42A Report

Standards (General)

492. Ms Easton acknowledged the submissions that supported the rules, or selected rules, as notified.

493. Ms Easton made no recommendations to amend the MRZ rules in response to submissions.

MRZ-R1 Residential Activities and Residential Units

494.

495. In response to the submissions[192] that sought that the advice note in MRZ-R1 regarding NOISE-R3 be deleted, Ms Easton did not support these submissions for the reasons outlined previously. She recommended that this advice note should remain.

496. In response to the submission point made by the submitters[193] that sought a controlled activity status when compliance with permitted standards is not achieved, Ms Easton did not support this submission. She considered that the standards have been designed to allow for a range of housing types, including medium density, to develop over time. Additionally, she considered that as this transition to more intensive residential occurs, a good degree of residential amenity and infrastructure capacity needs to be provided.

497. Ms Easton supported Waka Kotahi NZTA's (S450.255) request to include reference to NZS4404:2010, to manage stormwater on-site and GDC's (S608.728) request to remove the reference to "*secondary flow purposes*" in clause (6), for the reasons previously outlined.

498. Ms Easton did not support FENZ's (S573.034) request for a new standard for the reason previously outlined.

499. Ms Easton recommended that MRZ-R1 be amended as follows:

> ***MRZ-R1 Residential Activities and Residential Units <u>and Accessory Buildings</u>***
> ***Activity Status: Permitted***
>
> *1. …*
>
> *7. All residential units and buildings used for a residential activity must be connected to the community water supply and wastewater networks;*
>
> *8 . ~~and s~~<u>S</u>tormwater ~~from the~~ <u>is managed on site with any off-site discharge is managed in accordance with NZS4404:2010 Land Development and Subdivision Infrastructure and</u> ~~used for the activity~~ must not drain to any public road ~~except for secondary flow purposes~~.*
>
> *…*

MRZ-R2 Minor Structures

500. Ms Easton acknowledged the submission that sought to retain the rule as notified[194].

501. Ms Easton supported in part the submissions[195] that sought amendments to accommodate existing, legal non-compliances with the MRZ-R1 performance standards, in that she considered the reference to the MRZ-R1 performance standards was inappropriate (as this rule relates to very minor structures such as flagpoles, water tanks, garden ornaments and sheds). Ms Easton therefore recommended that only the setback requirement be included,

[192] S567.494 William McLaughlin, S558.444 Chris and Jan Coll, S566.444 Chris J Coll Surveying Limited, S574.444 Laura Coll Mclaughlin
[193] S567.495 Wiliam McLaughlin, S558.445 Chris and Jan Coll, S566.445 Chris J Coll Surveying Limited, S574.445 Laura Coll Mclaughlin
[194] S190.903
[195] S567.496 William McLaughlin, S558.446 C and C Coll, S566.446 Chris Coll Surveying, S574.446 Laura Coll McLaughlin

similar to the standard for the equivalent Rule GRZ-R2. She noted consequential amendments would also be required to Rule MRZ-R9.

502. FENZ (S573.035) sought an exemption for hose drying towers and siren towers to be up to 15m high in this zone. Ms Easton did not support this submission, noting that there were no fire stations within the MRZ and she considered that the merits of such a proposal should be assessed through a resource consent process.

503. Ms Easton recommended amendments to MRZ-R2 as follows:

> ***MRZ - R2 Minor Structures***
> ***Activity Status Permitted***
> *Where:*
>
> *a. ~~All performance standards for Rule MRZ - R1 are complied with~~* ***Structures are set back a minimum of 4.5m from the road boundary and 1m from internal boundaries****;*
>
> *…*
>
> ***Activity status where compliance not achieved:*** *Controlled*

MRZ-R3 Fence Wall and Retaining Walls

504. Ms Easton acknowledged the five submissions that sought to retain the rule as notified[196]. She did not recommend any changes to this provision.

MRZ-R4 Relocated Buildings, MRZ-R10 Relocated Buildings not meeting Rule MRZ-R4

505. Ms Easton acknowledged the submission that sought to retain the rule as notified[197].

506. Ms Easton did not support the submissions[198] that sought to delete rules MRZ-R4 and MRZ-R11 because she considered the rules were necessary to manage amenity and ensure necessary building work to meet standards is completed within a specified timeframe.

507. As outlined above, Charles Elley (S251.003) sought to remove restrictions that only allow relocatable buildings intended to be dwellings that were originally built and used dwellings. Ms Easton supported this submission, but it appears she misinterpreted this submission because the s42A Report states the submission sought to amend the rule to relate only to those buildings that are intended to be dwellings and were originally dwellings.

508. NZ Heavy Haulage Association Inc. (S616.006) sought performance standards for relocatable buildings based on the matters in schedule 1 of its submission, as outlined above in relation to GRZ-R4. Ms Easton supported an amendment that buildings must originally be dwellings, but did not support the balance of changes, which she considered would make the rule more complex.

509. Ms Easton recommended no changes to MRZ-R10 and amendments to MRZ-R4 as follows:

> ***MRZ - R4 Relocated Buildings***

[196] S190.904, S558.447, S566.447, S567.497, S574.447
[197] S190.905
[198] S567.016, S567.498, S567.017, S567.504 William McLaughlin, S558.076, S558.448, S558.087, S558.455 C & J Coll, S566.076, S566.448, S566.087, S566.455 Chris J Coll Surveying Limited, S574.076, S574.448, S574.087, S574.455 Laura Coll McLaughlin

Activity Status Permitted
Where:

1. *All performance standards for Rule MRZ - R1 are complied with;*
2. *Any relocated building intended for use as a dwelling must have been designed, ~~and~~ built ~~to be~~ **and** used as a dwelling;*

…

Activity status where compliance not achieved: *Controlled*

MRZ-R5 Home Business

510. Ms Easton acknowledged the submission that sought to retain the rule as notified[199].

511. Ms Easton did not support the submissions[200] that sought amendments to accommodate existing, legal non-compliances with the MRZ-R1 performance standards, for the reasons previously outlined.

512. Ms Easton recommended amendments to provide greater clarity in response to Waka Kotahi NZTA's (S450.246) request to amend the rule to reduce the permitted level of vehicle movements.

513. Ms Easton recommended amendments to MRZ-R5 as follows:

MRZ - R5 Home Business
Activity Status Permitted
Where:

1. *This is ancillary to a residential activity;*
2. *All performance standards for Rules LLRZ - R1, NOISE R1-R2 and R~~4~~**5**, LIGHT - R3 and SIGN - R10 are complied with;*

…

4. *A maximum of 4 heavy vehicle movements per day**,** and whichever is the greater of 20 light vehicle movements per day, ~~or~~ **and** 140 light vehicle movements per week;*

…

Activity status where compliance not achieved*: Discretionary*

MRZ-R6 Residential Visitor Accommodation

514. Ms Easton acknowledged the two submissions that sought to retain the rule as notified[201].

515. Ms Easton supported WDC's (S181.039) request to only provide for homestay accommodation as a permitted activity Westland District, being the same as Buller District, but different from Grey District. She considered that this reflected the primary concern relating to dwellings being converted to short-term visitor accommodation (e.g. Airbnb).

[199] S190.906
[200] S567.499 William McLaughlin, S558.449 Chris and Jan Coll, S566.449 Chris J Coll Surveying Limited, S574.449 Laura McLaughlin
[201] S190.907, S450.257

516. Ms Easton did not support the submissions[202] that sought to amendments to accommodate existing, legal non-compliance with MRZ-R1 performance standard, for the reasons outlined for the equivalent GRZ and LLRZ rules.

517. Ms Easton recommended amendments to MRZ-R6 as follows:

> ***MRZ - R6 Residential Visitor Accommodation Activity Status Permitted***
> *Where:*
> 1. *This is ancillary to a residential activity;*
> *…*
>
> 5. *Records of letting activity must be kept and provided to the District Council* ***annually*** ~~*on request;*~~ *and*
> 6. *No heavy vehicle movements are generated.*
> 7. *In the Buller* ***and Westland*** *District*s *the accommodation is homestay accommodation with a permanent resident living on site.*
> *…*

MRZ-R7 Community Facilities and Educational Facilities

518. Ms Easton acknowledged the three submissions that sought to retain the rule as notified[203].

519. Ms Easton did not support the submissions[204] that sought amendments to accommodate existing, legal non-compliance with MRZ-R1 performance standard, for the reasons outlined for the equivalent GRZ and LLRZ rules.

520. In response to the Ministry of Education's (S456.045) request to allow for 140 light vehicle movements per day for educational facilities, Ms Easton did not support this amendment. She considered that the intent of this rule is to allow very small educational and community facilities within residential areas rather than provide for schools, or other significant facilities as a permitted activity.

521. Ms Easton did not support FENZ's (S573.036) for similar reasons as her recommendations for other residential zones.

522. No changes were recommended by Ms Easton to this provision.

MRZ-R8 Retirement Homes and Supported Residential Accommodation

523. Ms Easton acknowledged the two submissions that sought to retain the rule as notified[205].

524. Ms Easton did not support the submissions[206] that sought amendments to accommodate existing, legal non-compliance with MRZ-R1 performance standard, for the reasons outlined for the equivalent GRZ and LLRZ rules.

525. No changes were recommended by Ms Easton to this provision.

[202] S567.500 William McLaughlin, S558.451 C & J Coll, S566.451 Chris J Coll Surveying Limited, S574.451 Laura Coll McLaughlin
[203] S190.908, S450.258
[204] S567.501 William McLaughlin, S558.452 C & J Coll, S566.452 Chris J Coll Surveying Limited, S574.452 Laura Coll McLaughlin
[205] S190.909, S349.011, S450.259
[206] S567.502 William McLaughlin, S558.453 C & J Coll, S566.453 Chris J Coll Surveying Limited, S574.453 Laura Coll McLaughlin

MRZ-R9 Minor Structures not meeting Permitted Activity Standards

526. Ms Easton acknowledged the submission that sought to retain the rule as notified[207].

527. Ms Easton did not support the submissions[208] that sought amendments to accommodate existing, legal non-compliance with MRZ-R1 performance standard, for the reasons outlined for the equivalent GRZ and LLRZ rules.

528. Ms Easton noted that due to earlier changes recommended to MRZ-R2, to focus on setbacks only, consequential amendments were recommended as follows:

> ***MRZ - R9 Minor Structures not meeting Rule MRZ - R2***
> ***Activity Status Controlled***
> *Where:*
>
> *1. The minor structure does not exceed 10m in height; and*
>
> *2. ~~All performance standards for Rule GRZ - R1 are complied with~~* ***Structures are set back a minimum of 4.5m from the road boundary and 1m from internal boundaries****;*
>
> ***Matters of control are:***
>
> *1. Design and location of structures; and*
>
> *2. Landscape measures.*
>
> ***Activity status where compliance not achieved:*** *Discretionary*

MRZ-R11 Development of Medium Density Developments

529. Ms Easton acknowledged the six submissions that sought to retain the rule as notified[209]. No changes were recommended by Ms Easton to this provision.

MRZ-R12 Community Facilities and Educational Facilities not meeting Rule MRZ-R7, Retirement Homes and Supported Residential Accommodation not meeting Rule MRZ-R8 and Retirement Villages

530. Ms Easton acknowledged the six submissions that sought to retain the rule as notified[210].

531. FENZ (S573.037) supported the rule subject to a new standard being provided in MRZ-R1 to require servicing, including a firefighting water supply. This was supported in part by Ms Easton, who noted that MRZ-R1 already required connection to a reticulated water supply system.

532. Ms Easton supported GDC's (S608.737) request to include "*the provision of infrastructure to service the development*" as an additional matter of discretion. She noted the significant additional demand on servicing that these facilities could generate.

533. The following changes were recommended by Ms Easton:

> ***MRZ - R12 Community Facilities and Educational Facilities not meeting Rule MRZ - R7, Supported Residential Accommodation and Retirement Homes not meeting Rule MRZ - R8 and Retirement Villages***

[207] S190.910
[208] S567.503 William McLaughlin, S558.454 C & J Coll, S566.454 Chris J Coll Surveying Limited, S574.454 Laura Coll McLaughlin
[209] S190.912, S558.456, S566.456, S567.505, S574.456, S608.736
[210] S190.913, S456.046, S558.457, S556.457, S567.506, S574.457

Activity Status Restricted Discretionary
Discretion is restricted to:

a. Design and location of buildings;

b. Design and location of parking and access;

c. Landscape measures;

d. Hours of operation; ~~and~~

*e. Acoustic and noise insulation requirements; **and***

f. Provision of infrastructure to service the development

Notification:

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

***Activity status where compliance not achieved:** N/A*

MRZ-R13 Medium Density Housing not meeting Rule MRZ-R11

534. Ms Easton acknowledged the six submissions that sought to retain the rule as notified[211]. She made no recommended amendments to MRZ-R13.

MRZ-R14 Residential Visitor Accommodation not meeting Permitted Standards

535. Ms Easton acknowledged the submission that sought to retain the rule as notified[212].

536. Ms Easton did not support the submissions[213] that sought amendments to accommodate existing, legal non-compliance with MRZ-R1 performance standard, for the reasons outlined for the equivalent GRZ and LLRZ rules.

537. Ms Easton recommended no changes to this rule.

MRZ-R15 Residential Activities, Residential Units, Relocated Buildings, Fences, Walls and Retaining Walls and Minor Structures not meeting Permitted, Controlled or Restricted Discretionary Standards

538. Ms Easton acknowledged the submission that sought to retain the rule as notified[214].

539. Ms Easton did not support submissions[215] that sought to delete clause (1), which requires the relevant NOISE and LIGHT permitted activity rules to be met; or the request to change activity status to 'N/A' where compliance was not achieved. She considered these rules applied to activities within a residential area and should provide for a reasonable expectation in terms of minimum standards around noise and light.

[211] S190.914, S558.458, S566.458, S567.507, S574.458, S608.738
[212] S190.915
[213] S567.508 William McLaughlin, S558.459 C & J Coll, S566.459 Chris J Coll Surveying Limited, S574.459 Laura Coll McLaughlin
[214] S190.916
[215] S567.509, S567.510 William McLaughlin, S558.460, S558.462 C & J Coll, S566.460, S566.462 Chris J Coll Surveying Limited, S574.460, S574.462 Laura Coll McLaughlin

540. In response to the submissions[216] that sought deletion of the reference to relocated buildings, Ms Easton did not support those submissions. She noted that the management and residential character were important considerations, including for relocated buildings.

541. In response to the submissions of Frank and Jo Dooley[217] and Frank O'Toole[218] that sought that fences, walls and retaining structures be removed from the rule and subject to a separate restricted discretionary rule, Ms Easton supported these submissions and agreed that Rule MRZ-R15 contained matters that were not relevant to these structures.

542. Ms Easton recommended no changes to MRZ-R15, but recommended the addition of the following new rule into the Plan:

> ***MRZ – RXX Fences, Walls and Retaining Structures not meeting Permitted Activity Standards***
> ***Activity Status Restricted Discretionary***
> ***Discretion is restricted to:***
> ***a. Design and location of structures***
> ***b. Height of structures***
> ***c. Shading and dominance effects on adjoining sites***

MRZ-R16 Home Business not meeting Rule MRZ-R6

543. Ms Easton acknowledged the submission that sought to retain the rule as notified[219].

544. In response to the submitters[220] seeking that standard 1, which requires the relevant NOISE and LIGHT permitted activity rules to be met, be deleted, and where compliance is not achieved, the activity status becomes N/A, Ms Easton did not support these submissions. Ms Easton considered that these rules apply to activities within a residential area and should provide for a reasonable expectation in terms of minimum standards around noise and light.

545. No changes were recommended by Ms Easton to this provision.

MRZ-R17 Residential Visitor Accommodation not meeting Restricted Discretionary Activity Standards

546. Ms Easton acknowledged the submission that sought to retain the rule as notified[221].

547. Ms Easton did not support submissions[222] that sought to delete clause (1), which requires the relevant NOISE and LIGHT permitted activity rules to be met; or the request to change activity status to 'N/A' where compliance was not achieved and that Rule MRZ-R19 be deleted. She considered these rules applied to activities within a residential area and that home businesses should provide for a reasonable expectation in terms of minimum standards around noise and light.

548. No changes were recommended by Ms Easton to this provision.

[216] S567.018 William McLaughlin, S558.098 C & J Coll, S566.098 Chris J Coll Surveying Limited, S574.098 Laura Coll McLaughlin
[217] S478.033, S478.039 Frank and Jo Dooley
[218] S595.021, S595.027 Frank O'Toole
[219] S190.917
[220] S567.511, S567.512 William McLaughlin, S558.463, S558.464 C & J Coll, S566.463, S566.464 Chris J Coll Surveying Limited, S574.463, S574.464 Laura Coll McLaughlin
[221] S190.918
[222] S567.513, S567.514 William McLaughlin, S558.465, S558.466 C & J Coll, S566.465, S566.466 Chris J Coll Surveying Limited, S574.465, S574.466 Laura Coll McLaughlin

MRZ – R18 Visitor Accommodation not meeting Permitted, Restricted Discretionary or Discretionary Standards

549. Ms Easton acknowledged the submission that sought to retain the rule as notified[223].

550. In response to the submissions[224] that sought that the activity status be amended from non-complying to discretionary, Ms Easton did not support these submissions. She considered that the medium density residential zone was one where the primary purpose was around residential activities, and that while the framework was designed to allow for some commercial activities subject to meeting set standards, any failure to meet these standards would result in a high risk of adverse effects, and therefore that a non-complying status was appropriate.

551. No changes were recommended by Ms Easton to this rule.

MRZ – R19 Any Commercial Activity not meeting another Rule in the Zone

552. Ms Easton acknowledged the submission that sought to retain the rule as notified[225].

553. In response to the submissions[226] that sought that these activities be classified as a discretionary rather than non-complying activity, Ms Easton did not support these submissions. She considered that this zone was primarily for the purpose of residential use. Where the rules designed to provide for some commercial activities are not met, Ms Easton considered that there was a high risk of adverse effects and considered it appropriate that these were classified as non-complying.

554. No changes were recommended by Ms Easton to this rule.

MRZ – R20 Industrial Activities

555. Ms Easton acknowledged the submission that sought to retain the rule as notified[227]. No changes were recommended by Ms Easton.

MRZ – R21 Any Activity not provided for by another Rule in the zone

556. Ms Easton acknowledged the submission that sought to retain the rule as notified[228].

557. In response to the submissions[229] that sought that this rule be a discretionary rather than non-complying activity, Ms Easton did not support these submissions without further justification.

558. No changes were recommended by Ms Easton.

Hearing and Submitter Evidence/Statements

[223] S190.919
[224] S567.515 William McLaughlin, S558.467 C & J Coll, S566.467 Chris J Coll Surveying Limited, S574.467 Laura Coll McLaughlin
[225] S190.920
[226] S567.516 William McLaughlin, S558.468 C & J Coll, S566.468 Chris J Coll Surveying Limited, S574.468 Laura Coll McLaughlin
[227] S190.921
[228] S190.922
[229] S567.517 William McLaughlin, S558.469 C & J Coll, S566.469 Chris J Coll Surveying Limited, S574.469 Laura Coll McLaughlin

559. Ms Inta noted the differences between the structure and wording of similar rules between the GRZ and MRZ.

560. In response to Panel questions, Mr Bhana Thomson noted his evidence also of relevance to Rule MRZ-R4.

Reporting Officer Reply Evidence

561. The Right of Reply acknowledged that the recommended amendments to MRZ-R1 in response to the submissions of GDC and Waka Kotahi NZTA were not shown in Appendix 1 of the s42A Report and therefore included these in the Right of Reply as follows:

> ***MRZ-R1 Residential Activities and Residential Units and Accessory Buildings***
> ***Activity Status: Permitted***
>
> *1. …*
>
> *7. All residential units and buildings used for a residential activity must be connected to the community water supply and wastewater networks;*
>
> *8. ~~and s~~Stormwater ~~from the~~ is managed on site with any off-site discharge is managed in accordance with NZS4404:2010 Land Development and Subdivision Infrastructure and ~~used for the activity~~ must not drain to any public road ~~except for secondary flow purposes.~~*

562. In response to the evidence of NZ Heavy Haulage Association and subsequent questions from the Panel regarding GRZ-R4, Ms Easton considered that a pre-inspection schedule (new Appendix Eleven) should also be included in MRZ-R4.

563. In response to a question on GRZ-R5 on whether there was scope to apply the same restriction sought by BDC concerning the number of people engaged in a home business that reside off-site to equivalent rules MRZ – R5 or LLRZ – R5, Ms Easton did not consider there was scope to address this matter within these rules.

564. In response to the question regarding existing use rights on residential accommodation rule GRZ-R6, Ms Easton considered that a clause 16 amendment to the advice note for the rule, to avoid ambiguity, around lawfully established activities in Grey District, would be appropriate as follows:

> ***Advice Notes:***
> *1. …*
> *2. ~~In the Buller and Westland Districts, w~~**W**here residential visitor accommodation has been lawfully established under the Buller**, Grey or Westland** District Plan provisions, then existing use rights apply.*

565. With regard to Rule GRZ-R14 for visitor accommodation, as well as corresponding rules LLRZ-R13 and MRZ-R14, Ms Easton considered whether there was scope to add the number of occupants or size of building to the matters of discretion. She concluded there was scope no scope to make this change to Rule MRZ-R14.

Hearing Panel's Evaluation

566. The Panel agrees with Ms Easton that there is no need to make any amendments arising from the submissions on the rules generally.

567. The Panel recommends consequential amendments to ensure consistency between equivalent rules in the GRZ and LLRZ, where appropriate. We also recommend amendments under RMA Schedule 1, clause 16 to fix errors, provide forconsequential renumbering of the rules and cross reference to reflect Panel recommendations on other chapters. We identify these consequential amendments and corrections in the footnotes included in our recommendation box below.

568. In relation to **MRZ-R1**, the Panel accepts Ms Easton's recommendation to retain the rule as notified, except for a clause to be included, reference NZS4404:2010, to manage stormwater on-site, as well as the removal of the reference to "*secondary flow purposes*" in clause (6). We note that MRZ-R7 includes, in clause 2, simlar wording to clause 1. in this rule that we recommend amending as a consequential amendment so as to ensure consisentcey. We also recommend consequential amendments to be consistent with our recommendations on GRZ-R1 and LLRZ-R1, to include a reference to accessory buildings.

569. In relation to **MRZ-R2**, the Panel agrees with Ms Easton that the reference to the MRZ-R1 performance standards is inappropriate, as this rule relates to very minor structures, such as flagpoles, water tanks, garden ornaments, and sheds. Ms Easton therefore recommends that only the setback requirement be included, similar to the standard for the equivalent rule in GRZ-R2. Consequential amendments will also apply to MRZ-R9. We agree with that approach and amendment to those rules.

570. In relation to **MRZ-R3**, the Panel accepts Ms Easton's recommendation to retain the rule as notified.

571. In relation to **MRZ-R4**, the Panel agrees with the amendments proposed by Ms Easton to partially address the submission of the New Zealand Heavy Haulage Association, which states that buildings intended for dwellings must have originally been used as dwellings. We agree that the other submission points sought by the New Zealand Heavy Haulage Association do not clarify or simplify the rule, however we have added reference to a new Appendix 11 which will set out the information that is required in the building pre-inspection report which is based on information provided by the Association at the hearing. This is a Plan-wide amendment.

572. The Panel has also consolidated rule 4 by deleting Clause 5 and adding to Clause 3. We consider the two clauses were overlapping and there were elements of uncertainty between them. We consider the amendments now make it clear the works to completed within 12-months of the building being delivered to the site. We consider the scope for these amendments stem from the submissions seeking deletion given the changes reduce and clarify the rule. We therefore recommend the amendments proposed and note that similar amendments are proposed in other recommendations.

573. In relation to **MRZ-R5**, the Panel acknowledges Ms Easton's recommendation to retain the rule as notified, except for an amendment to provide greater clarity. However, we note that we have included a consequential amenmdnt stemming from BDC submission (538.479) to include a limit on employee numbers. Further, we also note that as a result of recommendations on the Transport Chapter in relation to trip generation that clause (4)

relating to traffic movement is to be deleted so as to avoid the potential for uncertainty between provisions.

574. In relation to **MRZ-R6**, the Panel notes WDC's request that the Westland District only provide for homestay accommodation as a permitted activity, being the same as the Buller District, but different from Grey District. Ms Easton supported this submission and considered that this reflects the primary concern relating to dwellings being converted to short-term visitor accommodation (e.g. Airbnb). We recommend changes for consistency with GRZ-R6 and LLRZ-R6 consistency.

575. In relation to **MRZ-R7**, the Panel notes Ms Easton's recommendation was to retain the rule as notified. However, as we record above, when discussing MRZ-R1, we recommend a consequential amendment to performance standard 2 in this rule to ensure consistency with MRZ-R1 regarding the inclusion of NZS4404:2010. We also note that, as a result of recommendations in the Transport Chapter in relation to trip generation, clause (2) relating to traffic movement is recommended to be deleted to avoid the potential for uncertainty between provisions.

576. In relation to **MRZ-R8**, **MRZ-R10 and MRZ-R11** the Panel accepts Ms Easton's recommendation to retain the rules as notified. However, we note that we recommend minor corrections to MRZ-R8. We also note in relation to MRZ-R10 and MRZ-R11 that as part of a Plan wide amendment stemming from a submission by Manawa (S438.100) reference to 'landscape measures' and 'landscape treatment' have been removed from the matters of discretion and replaced with 'measures to mitigate landscape effects' throughout the chapter.

577. In relation to **MRZ-R9,** Ms Easton noted that, due to earlier changes recommended to MRZ-R2 to focus on setbacks only, consequential amendments were required to this rule. The Panel accept Ms Easton's recommendation to make those consequential amendments. We note however that as part of a Plan wide amendment stemming from a submission by Manawa (S438.100) reference to 'landscape measures' and 'landscape treatment' have been removed from the matters of discretion and replaced with 'measures to mitigate landscape effects' throughout the chapter.

578. In relation to **MRZ-R12** the Panel agrees with Ms Easton's response to the submission of GDC that sought additional requirements to ensure that infrastructure is provided to service the development and that a further matter of discretion, "*the provision of infrastructure to service the development*" be added. Ms Easton supported that submission and noted the significant additional demand on servicing that these facilities could generate. We agree and support the rule amendment to include a new clause (f). We also note that as part of a Plan wide amendment stemming from a submission by Manawa (S438.100) reference to 'landscape measures' and 'landscape treatment' have been removed from the matters of discretion and replaced with 'measures to mitigate landscape effects' throughout the chapter.

579. In relation to **MRZ-R13,** the Panel accepts in part the submission of GDC (S608.738) and recommends the addition of a clause to match the recommendation on MRZ-R12. We also note that as part of a Plan wide amendment stemming from a submission by Manawa (S438.100) reference to 'landscape measures' and 'landscape treatment' have been removed from the matters of discretion and replaced with 'measures to mitigate landscape effects' throughout the chapter.

580. In relation to **MRZ-R14**, the Panel notes that Ms Easton did not specifically address GDC's (S608.739) to add "*the provision of infrastructure to service the development*" as a new matter of discretion to MRZ-R14. We recommend this new matter of discretion is appropriate and is consistent with Ms Easton's reasons and recommendation on MRZ-R12. We accept GDC's submission point (S608.739). We agree with Ms Easton that there is no scope to include number of occupants or size of building as new matters of discretion. We also note that as part of a Plan wide amendment stemming from a submission by Manawa (S438.100) reference to 'landscape measures' and 'landscape treatment' have been removed from the matters of discretion and replaced with 'measures to mitigate landscape effects' throughout the chapter.

581. In relation to **MRZ-R15**, Ms Easton recommended no changes to MRZ-R15, but she did recommend the inclusion of a new restricted discretionary rule in the Plan providing for *Fences, Walls and Retaining Structures,* which we agree with**.** However, we also recommend that "*Fences, Walls and Retaining Structures*" is deleted from Rule MRZ-R15, as requested, in recognition of the new rule.

582. In relation to **MRZ-R16** to **MRZ-R20,** apart from minor integration issues, the Panel accepts Ms Easton's recommendation to retain the rules as notified.

583. The Panel acknowledges that **MRZ-R21** is a 'catch-all' rule intended to manage activities not specifically provided for in the other rules. The Panel has considered this matter plan-wide and we agree with the submitters that such rules are better placed as discretionary; otherwise, they are unnecessarily limiting in our view and could have unforeseen consequences. Therefore, it is our recommendation to recategorise this rule as a discretionary activity.

Hearing Panel's Recommendation

584. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends that the relevant submission points identified in the footnotes below are accepted and accepted in part and recommends the following amendments are made to the **Medium Density Residential Zone Rules**:

MRZ-R1	**Residential Activities and Residential Units and Accessory Buildings**[230] **Activity Status Permitted** Where: 1. Residential unit density is no more than **one**~~1~~[231] unit per 300m^2 net site area; 2. The maximum building height above ground level is 10m; 3. Buildings are setback a minimum 4.5m from road boundaries, except that a roof overhang may encroach 750mm; 4. Maximum site coverage is 40%; 5. A minimum of 30m^2 of outdoor living space is provided per residential unit excluding any parking and manoeuvring areas~~;~~ **and the outdoor living space must have a minimum dimension of 3m**[232]; 6. No heavy vehicles are stored on site; 7. All residential units and buildings used for a residential activity must be connected to the community water supply, and wastewater networks and

[230] Consequential amendment Buller District Council S538.475
[231] RMA Schedule 1, clause 16 correction
[232] Davis Ogilvie & Partners Ltd S465.036

stormwater from the site and are **managed in accordance with the relevant standards in NZS4404:2010 Land Development and Subdivision Infrastructure**[233] ~~used for the activity~~ and must not drain to any public road ~~except for secondary flow purposes~~; [234]

~~8~~**9**. No building shall project beyond a building envelope defined by a recession plane as defined in Appendix Two to commence 2.5m above any site boundary ~~except where neighbouring property owner's written approval is provided to the Council at least 10 working days prior to the works commencing.~~ This standard does not apply to~~:~~

~~a. Road boundaries;~~

~~b. Buildings on adjoining sites that have a common wall along the boundary;~~

~~c. Boundaries abutting an access lot or right of way in which case the furthest boundary of the access lot or right of way may be used for assessing compliance with this standard;~~[235]

~~d.~~ ~~**B**~~**b**oundaries adjoining any site in a CMUZ - Commercial and Mixed Use, INZ - Industrial or RURZ - Rural Zone;

~~e. Antennas, aerials, satellite dishes (less than 1m in diameter), chimneys, flues and architectural features (e.g. finials, spires) provided these do not exceed the recession plane by more than 3m vertically; or~~

~~f. Solar panels and solar water heaters, provided these do not exceed the height in relation to boundary plane by more than 0.25m vertically;~~ [236] and

10. Buildings are setback a minimum of 1.5m from the railway corridor and 1m from all other site boundaries, except that:

a. Duplexes do not require a setback from the side boundary of the other duplex unit; and

~~b. Setbacks are not required from adjacent residential boundaries where the neighbouring property owner's written approval is provided to the Council at least 10 working days prior to the works commencing.~~ [237]

Advice Note~~**s**~~**:**

1. Where a residential building or noise sensitive activity is located within:
i. 80m of a State Highway with a speed limit of 70kph or greater; or
ii. 40m of a State Highway with a speed limit of less than 70kph; or
iii. 40m of a Railway Line; or
iv. The 50 dBA Noise Contour boundary of Franz Josef Heliport; or
v. The 55 dBA Noise Contour boundary of the Westport or Hokitika Airports or Greymouth or Karamea Aerodrome.
Then the acoustic insulation requirements set out in Rule NOISE - R3 will apply.
2. **Where boundary setbacks are infringed, the Deemed Permitted Activity Boundaries process will apply where the neighbouring property owner's written approval is provided to the relevant district council.**[238]

Activity status where compliance not achieved:
Controlled where this is for Medium Density Housing and standards 1 - 4 are not complied with. Otherwise: Discretionary

[233] Waka Kotahi NZTA S450.255
[234] Grey District Council S608.733
[235] Buller District Council S538.475 [presume consequential amendment]
[236] Buller District Council S538.635
[237] [presume consequential amendment from S538.475]
[238] ~~Waka Kotahi NZTA S450.245~~[presume consequential amendment from S538.475]

MRZ-R2	**Minor Structures** **Activity Status Permitted** Where: 1. ~~All performance standards for Rule GRZ - R1 are complied with~~ **Structures are set back a minimum of 4.5m from the road boundary and 1m from internal boundaries;**[239] 2. Masts, poles, aerials and pou whenua must not exceed 7m in height; 3. Any antenna dish must be less than 1m in diameter; 4. Any ornamental or garden structure must not exceed 2.4 m in height; and 5. Any other structure must not exceed 10m^2 and 2m in height. **Activity status where compliance not achieved**: Controlled
MRZ-R3	As notified
MRZ-R4	**Relocated Buildings** **Activity Status Permitted** Where: 1. All performance standards for Rule MRZ - R1 are complied with; 2. Any relocated building intended for use as a dwelling must have been designed, ~~and~~ built**,** ~~to be~~ and **used** as a dwelling; [240] 3. A building pre-inspection report **completed in accordance with Appendix Eleven**[241] shall accompany the application for a building consent for the destination site. That report is to identify all reinstatement works that are to be completed to the exterior of the building. The report shall include a certification by the property owner that the **exterior** reinstatement works **including connections to infrastructure services and closing in and ventilation of the foundations** shall be completed within 12-month**s of the building being delivered to the site**; **and**;[242] 4. The building shall be located on permanent foundations approved by building consent no later than 2 months of the building being moved to the site; and ~~5. All other reinstatement work required by the building inspection report and the building consent to reinstate the exterior of any relocated dwelling shall be completed within 12 months of the building being delivered to the site. This reinstatement work is to include connections to all infrastructure services and closing in and ventilation of the foundations.~~[243] **Activity status where compliance not achieved**: Controlled
MRZ-R5	**Home Business** **Activity Status Permitted** Where: 1. This is ancillary to a residential activity;

[239] Consequential amendment Buller District Council S538.476
[240] New Zealand Heavy Haulage Association Inc. S616.006
[241] New Zealand Heavy Haulage Association Inc. S616.006
[242] William McLaughlin (S567.016, S567.498, S567.017 S567.504), Chris & Jan Coll (S558.076, S558.448, S558.087 S558.455), Chris J Coll Surveying Limited (S566.076, S566.448, S566.087 S566.455), Laura Coll McLaughlin (S574.076, S574.448, S574.087, S574.455)
[243] William McLaughlin (S567.016, S567.498, S567.017 S567.504), Chris & Jan Coll (S558.076, S558.448, S558.087 S558.455), Chris J Coll Surveying Limited (S566.076, S566.448, S566.087 S566.455), Laura Coll McLaughlin (S574.076, S574.448, S574.087, S574.455)

	2. All performance standards for Rules MRZ - R1, NOISE R1-R2 and R~~4~~**5**,[244] LIGHT - R3 and SIGN - R10 are complied with; 3. Hours of operation are limited to: a. 7am-7pm weekdays; and b. 8am - 5pm weekends and public holidays; c. Except where: i. The entire activity is located within a building; ii. Each person engaged in the activity outside the above hours resides permanently on site; and iii. There are no visitors, customers or deliveries to the activity outside of the above hours; 4. **There is no more than one full–time equivalent person engaged in the home business that resides off-site**.[245] ~~4. A maximum of 4 heavy vehicle movements per day and whichever is the greater of 20 light vehicle movements per day or and 140 light vehicle movements per week;~~[246] 4. No external storage of products except those associated with residential use shall be visible from any residential zoned property or public place; and 5. No external generation of dust, odour or smoke occurs as part of the activity. **Activity status where compliance not achieved**: Discretionary
MRZ-R6	**Residential Visitor Accommodation** **Activity Status Permitted** Where: 1. This is ancillary to a residential activity; 2. All performance standards for Rules MRZ - R1, NOISE R1-R2 and R~~4~~**5**,[247] LIGHT - R3 and SIGN - R10 are complied with; 3. There is a maximum of **six**~~6~~[248] paying guests at any one time; 4. Written notification to the District Council is required 10 working days prior to the activity commencing; 5. Records of letting activity must be kept and provided to the Council on request; 6. No heavy vehicle movements are generated; and 7. In the Buller **and Westland**[249] District**s** the accommodation is homestay accommodation with a permanent resident living on site. **Advice Notes**: 1. Compliance with the Building Code is required for any use of residential property for visitor accommodation. Written notice to the relevant Council Building Compliance Team must be provided and a Building Consent may also be required. 2. **Where residential visitor accommodation has been lawfully established under the Buller, Grey or Westland District Plan provisions and not discontinued for more than 12 months, then existing use rights may apply**.[250]

[244] RMA Schedule 1, clause 16 correction
[245] Consequential amendment stemming from Buller District Council (S538.479)
[246] Consequential amendment to the Transport Chapter, Buller District Council (S538.083)
[247] RMA Schedule 1, clause 16 correction
[248] RMA Schedule 1, clause 16 correction
[249] Westland District Council S181.039
[250] Consequential Westland District Council S181.039

	Activity status where compliance not achieved: Restricted Discretionary
MRZ-R7	**Community Facilities and Educational Facilities** **Activity Status Permitted** Where: 1. All performance standards for Rules MRZ - R1, NOISE R1-R2 and R4**5**,[251] LIGHT - R3 and SIGN - R10 are complied with; 2. A maximum of 4 heavy vehicle movements and whichever is the greater of 20 light vehicle movements per day or 140 vehicle movements per week **and compliance is achieved with TRN – R6**;and [252] 3. Any buildings must be connected to the community water supply and wastewater networks and stormwater from the site used for the activity from the site and are **managed in accordance with the relevant standards in NZS4404:2010 Land Development and Subdivision Infrastructure** [253] ~~used for the activity~~ and must not drain to any public road ~~except for secondary flow purposes~~; [254]; and 3. No external storage of products except those associated with residential use shall be visible from any residential zoned property or public place. **Activity status where compliance not achieved**: Restricted Discretionary
MRZ-R8	**Retirement Homes and Supported Residential Accommodation Activity Status Permitted** Where: 1. All performance standards for Rules MRZ - R1, NOISE R1-R2 and R4**5**,[255] LIGHT - R3 and SIGN - R10 are complied with; 2. There are a maximum of **six**~~6~~[256] residents living on site; and 3. No external storage of products except those associated with residential use shall be visible from any residential zoned property or public place. **Activity status where compliance not achieved**: Restricted Discretionary
MRZ-R9	**Minor Structures not meeting Rule MRZ - R2** **Activity Status Controlled** Where: 1. The minor structure does not exceed 10m in height; and 2. ~~All performance standards for Rule GRZ - R1 are complied with~~ **Structures are set back a minimum of 4.5m from the road boundary and 1m from internal boundaries**. [257] **Matters of control are:** 1. Design and location of structures; and 2. ~~Landscape measures.~~**Measures to mitigate landscape effects**. [258]

[251] RMA Schedule 1, clause 16 correction
[252] Consequential amendment stemming from amendments to the Transport Chapter, Buller District Council S538.083
[253] Consequential amendment to Waka Kotahi NZTA S450.255
[254] Consequential amendment to Grey District Council S608.733
[255] RMA Schedule 1, clause 16 correction
[256] RMA Schedule 1, clause 16 correction
[257] Consequential amendment Buller District Council S538.476
[258] Consequential Plan-wide amendment Manawa Energy Limited S438.100

Activity status where compliance not achieved: Discretionary

MRZ-R10 **Relocated Buildings not meeting Rule MRZ - R4**
Activity Status Controlled

Where:

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

Matters of control are:

a. Design and location of structures;
b. ~~Landscape measures~~ **Measures to mitigate landscape effects**;[259]
c. Connections to water supply, wastewater and stormwater; and
d. Appearance of buildings.

Activity status where compliance not achieved: Discretionary

MRZ-R11 **Development of Medium Density Developments**
Activity Status Controlled

Where:

1. These do not meet the MRZ - 1 performance standards in relation to any of density, height, setbacks, recession planes and building coverage;
2. The maximum height is 12.5m;
3. Residential unit density is no more than 1 unit per 200m^2 net site area;
4. Within 10 metres of a site boundary that is zoned General Residential the maximum height shall be 10m; and
5. Maximum building coverage is 50%.

Matters of control are:

a. Provision of infrastructure to service the development;
b. Design and location of parking and access;
c. Design and location of buildings and compliance with the Medium Density Housing Design guidelines in Appendix Three; and
d. ~~Landscape measures~~ **Measures to mitigate landscape effects**.[260]

Activity status where compliance not achieved: Restricted Discretionary

MRZ-R12 **Community Facilities and Educational Facilities not meeting Rule MRZ - R7, Supported Residential Accommodation and Retirement Homes not meeting Rule MRZ - R8 and Retirement Villages**
Activity Status Restricted Discretionary
Discretion is restricted to:
a. Design and location of buildings;
b. Design and location of parking and access;
c. ~~Landscape measures.~~**Measures to mitigate landscape effects**; [261]
d. Hours of operation; ~~and~~[262]

[259] Consequential Plan-wide amendment Manawa Energy Limited S438.100
[260] Consequential Plan-wide amendment Manawa Energy Limited S438.100
[261] Consequential Plan-wide amendment Manawa Energy Limited S438.100
[262] RMA Schedule 1, clause 16 correction

	e. Acoustic and noise insulation requirements; **and** **f. Provision of infrastructure to service the development.**[263] **Notification**: Applications for community facilities will always be notified to adjacent neighbours and may be publicly notified. **Activity status where compliance not achieved:** N/A
MRZ-R13	**Community Facilities and Educational Facilities not meeting Rule MRZ - R7, Supported Residential Accommodation and Retirement Homes not meeting Rule MRZ - R8 and Retirement Villages** **Activity Status Restricted Discretionary** **Discretion is restricted to:** Design and location of buildings; b. Design and location of parking and access; c. ~~Landscape measures.~~**Measures to mitigate landscape effects**;[264] d. Hours of operation; ~~and~~[265] e. Acoustic and noise insulation requirements; **and** **f. Provision of infrastructure to service the development.**
MRZ-R14	**Residential Visitor Accommodation not meeting Rule MRZ - R6** **Activity Status Restricted Discretionary** Where: a. This is ancillary to a residential activity; b. No heavy vehicle movements are generated; and c. All performance standards for Rules MRZ - R1, NOISE R1-R2 and R4**5**,[266] LIGHT - R3 and SIGN - R10 are complied with. **Discretion is restricted to:** 1. Design and location of buildings; 2. Design and location of parking and access; 3. ~~Landscape measures.~~**Measures to mitigate landscape effects;**[267] 4. Hours of operation; and 5. Acoustic and noise insulation requirements; **and** **6. Provision of infrastructure to service the development.**[268] **Activity status where compliance not achieved:** Discretionary
MRZ-R14A	**Fences, Walls and Retaining Structures not meeting Permitted Activity Standards** **Activity Status Restricted Discretionary** **Discretion is restricted to:** **a. Design and location of structures;**

[263] Grey District Council S608.737
[264] Consequential Plan-wide amendment Manawa Energy Limited S438.100
[265] RMA Schedule 1, clause 16 correction
[266] RMA Schedule 1, clause 16 correction
[267] Consequential Plan-wide amendment Manawa Energy Limited S438.100
[268] Grey District Council S608.739

	b. Height of structures; and **c. Shading and dominance effects on adjoining sites.** [269]
MRZ-R15	**Residential Activities, Residential Units~~, Fences, Walls and Retaining Walls, Relocated Buildings~~**[270] **and Minor Structures not meeting Permitted, Controlled or Restricted Discretionary Standards.** **Activity Status Discretionary** Where: a. All performance standards for Rules NOISE R1-R2 and R4**5**[271] and LIGHT - R3 are complied with. **Activity status where compliance not achieved:** Non-complying
MRZ-R16	**Home Business not meeting Rule MRZ - R5** **Activity Status Discretionary** Where: a. This is ancillary to a Residential Activity; and b. All performance standards for Rules NOISE R1-R2 and R4**5**[272] and LIGHT - R3 are complied with. **Activity status where compliance not achieved:** Non-complying
MRZ-R17	As notified
MRZ-R18	As notified
MRZ-R19	As notified
MRZ-R20	As notified
MRZ-R21	**Any Activity not provided for by another Rule in the zone** **Activity Status ~~Non-complying~~ Discretionary** **Activity status where compliance not achieved**: N/A[273]

2.8. Zoning Maps

Submissions and Further Submissions

Zoning Maps – Buller District – Alma Road Zoning

585. Sixty-five submission points and 48 further submission relating to the Zoning Maps for the Alma Road zoning were summarised in the Table on pages 98-105 of the s42A Report.

586. Seven submitters sought specific zone changes for residential purposes. The remainder of the submissions sought to have that particular land zoned or retained as general rural. The

[269] Frank and Jo Dooley S478.039, Frank O'Toole S595.027
[270] Frank and Jo Dooley S478.033, Frank O'Toole S595.021
[271] RMA Schedule 1, clause 16 correction
[272] RMA Schedule 1, clause 16 correction
[273] William McLaughlin (S567.517), Chris & Jan Coll (S558.469), Chris J Coll Surveying Limited (S566.469), Laura Coll McLaughlin (S574.469)

further submissions included a mix of support and opposition to submissions on the proposed zoning as notified.

Zoning Maps – Buller District – Wider Westport Zoning

587. Fifteen submission points relating to the Zoning Maps for the Wider Westport Area were summarised in the Table on pages 105-107 of the s42A Report. Twelve submission points were in support of specific zonings as notified. Three submissions sought amendments.

Zoning Maps – Buller District – Reefton Zoning

588. Two submission points relating to the Zoning Maps for Reefton area were summarised in the Table on page 107 of the s42A Report. One submission point was in opposition, while the other sought amendments.

Zoning Maps – Grey District – Greymouth Area

589. Three submission points and two further submissions relating to the Zoning Maps for the Greymouth area were summarised in the Table on pages 107 of the s42A Report. All three submission points sought amendments, with one further submission in support and the other in opposition.

Zoning Maps – Grey District – Kaiata Park

590. Three submission points relating to the Zoning Maps for the Kaiata Park area were summarised in the Table on page 107 of the s42A Report. All three submission points sought amendments.

Zoning Maps – Westland District – Hokitika Area

591. Thirteen submission points relating to the Zoning Maps for the Hokitika Area were summarised in the Table on pages 107-108 of the s42A Report. Four submissions were in opposition to specific zonings, three were in support of specific zonings, while the remainder sought amendments.

Zoning Maps – Other Zoning Requests

592. Two submission points and one further submission relating to the Zoning Maps for other areas were summarised in the Table on page 108 of the s42A Report. The two submission points seek amendments, with one further submitter supporting one of the submissions.

593. The Panel adopts these summaries and has considered all of the relevant submissions and further submissions

Section 42A Report

Zoning Maps – Buller District – Alma Road Zoning

594. The 65 submission points in related to the Alma Road Terrace zoning sought a range of outcomes.

595. Ms Easton set out the context for rezoning of this area, noting that BDC had long considered this site for residential development and long-term growth direction for Westport given that the terrace was largely free from natural hazard risk. Ms Easton noted that because Westport was subject to significant flooding in 2019, planning for infrastructure servicing on the terrace had been undertaken.

596. Due to master planning and infrastructure work not being complete prior to the TTPP notification, Ms Easton noted that the zone boundaries for Alma Road were not finalised and that more information was expected to come forward from BDC during the submission period. She highlighted that BDC's submission sought alterations to the proposed zoning. She noted that in addition to the submission of BDC, many other submissions sought various zoning changes. These are outlined in more detail in a Table located in the s42A Report on pages 111-113.

597. Ms Easton identified three main groups of submitters: 'The Avery Group', 'The Rifle Range Group', 'The BDC, TTPP Committee' and other landowners in favour of urban development on the Alma Road Terrace Group.

598. Ms Easton noted The Avery Group represented the owners of the quarry at Alma Road, who had cited concerns that the quarry's operation could be impacted by reverse sensitivity effects as the reason for not supporting any rezoning of the Alma Road Terrace for urban uses.

599. Ms Easton noted The Rifle Range Group represented gun clubs and users of the range who were concerned about reverse sensitivity effects on the rifle range if urban uses were to occur in the area but do not oppose urban development *per se* if this could be addressed.

600. Ms Easton noted The BDC, TTPP Committee, and other landowner groups generally acknowledge the existing uses in the area but considered that providing a safe, low-hazard location for residential development and progressive managed retreat was now the highest priority for this land.

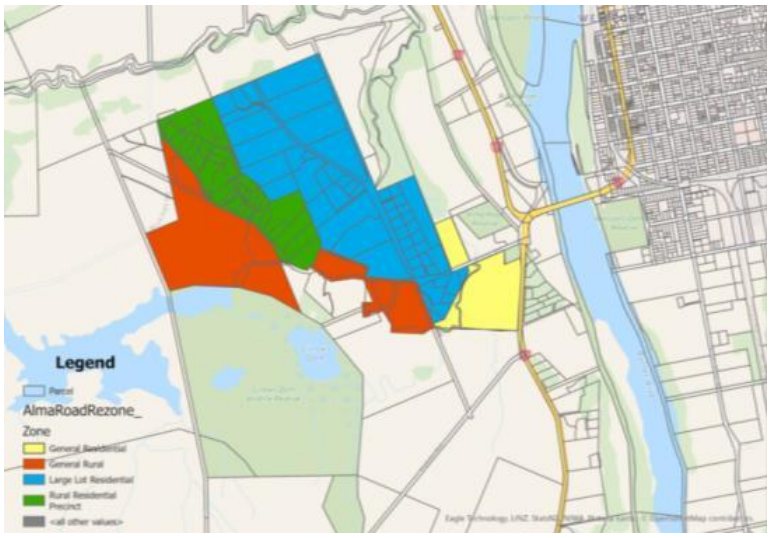
601. Following a pre-hearing meeting on 21 May 2024, for any submitters who wished to attend, BDC proposed additional amendments to address the range of submission points, while still enabling the development of part of the Alma Road terrace. Reverse sensitivity effects to noise were identified as the principal concern of the Rifle Range Group, and a technical noise assessment was considered necessary to understand the impact of any rezoning. BDC provided an agreement stating that the land between the rifle range and Gillows Dam should remain rural at this time.

602. The amended zoning sought by BDC following this pre-hearing meeting was set out by Ms Easton in her s42A Report as follows:

Notified Zoning Map



Proposed Rezoning Map (Proposed by BDC)



603. Ms Easton supported BDC's amended proposal and considered it had taken a pragmatic approach to addressing landowner concerns while also addressing the critical housing needs of Westport.

604. As a result, Ms Easton recommended to accept, accept in part, reject and reject in part, the various submissions as they related to the amended zoning map provided above. A table of these recommendations, which can also be found on pages 114-117 of the s42A Report of Ms Easton is provided below:

Submission	How the Buller District Council amended zoning Proposal Addresses This	Recommendation And Scope Comment
Retain General Rural Zone at 107 Alma Road S507.074 S558.495 S567.540 S574.495 S510.074 S512.074 S511.074 S513.074 S609.066 S508.074 S509.074	Retains General Rural Zone at 107 Alma Road	Accept In Scope
Retain General Rural Zone at Lot 1 DP 17523 (103 Alma Road_ S558.496 S566.496 S567.541 S574.496	Retains General Rural Zone at 103 Alma Road	Accept In Scope

S507.075 S510.075 S513.075 S512.075 S509.067 S511.075 S508.075 S509.075		
Retain General Rural Zone at the land between the quarry and Pakiihi Road (Lot 2 DP 404550, Lot 2 DP 418652 and Pt Section 24 Blk VII Kawatiri SD) S507.076 S512.076 S511.076 S508.076 S510.076 S509.076 S513.076 S574.497 S567.542 S566.497 S558.497 S336.005 S457.002 S330.001 S457.006 S263.001 S336.006 S336.007	Retains General Rural Zone on these three properties	Accept In scope
Ensure that there is sufficient buffer around the Westport rifle range to allow the existing use of the rifle range to continue without bring new developments in the area into dispute with current operations, particularly with regard to noise. S338.001	Uncertain without noise report	Accept in part. I consider the General Rural Zoning around the rifle range provides sufficient buffer.
Rezone Lot 2 DP 418652 Lot 2 DP 404550 Part Section 24 Block VII Kawatiri	Retains these sites as General Rural Zone	Reject In scope

residential or rural lifestyle		
Address the issues raised in the submission around drainage and land covenants if rezoning of Alma Road area is to go ahead. S87.001	Infrastructure servicing has informed the revised zoning approach from Buller District Council. Land covenants are a civil matter that sit outside of the RMA.	Accept in part In scope
Amend General Residential Zoning in the Alma Road area to a lower density zone such as General Rural Zone or Rural Lifestyle Zone. 510.072 S511.072 S512.072 S513.072 S567.453 S609.064 S507.072 S508.072 S509.072 S558.399 S566.399	The Buller District Council proposal identifies that: • the area around the quarry is rezoned General Rural, • the area around Alma Road that has already been subdivided to lifestyle properties is rezoned Settlement Zone: Rural Residential Precinct, and • the McPadden Road area is rezoned Large Lot Residential Zone. This is a significant reduction in density from the notified plan provisions, though is not to the degree sought by these submitters.	Accept in part In scope

SD General Residential Zone S171.002 S538.528		
Retain General Residential Zone at 5/153 Alma Road 193.001	Proposes this site as General Rural Zone	Reject In scope due to other submissions seeking a return to General Rural Zone
Rezone 103 Alma Road from Commercial to Residential 165.001	Proposes this site as General Rural Zone	Reject. In scope due to other submissions seeking a return to General Rural Zone
Rezone the proposed commercial zone designated at Alma Road, Westport to General Rural Zone 358.005	Proposes this site as General Rural Zone	Accept In scope
Remove the commercial zone from the property at 20 Gillows Dam Rd. 475.001	Proposes this site as General Rural Zone	Accept In scope
Change the zoning over 103 Alma Road and 20 Gillows Dam Road from Commercial to General Residential Zone 538.407	Proposes this site as General Rural Zone	Reject In scope due to other submissions seeking a return to General Rural Zone
Rezone the land to the west of Buller Road between Alma Road and the Crossroads to General Residential Zone 358.002	Proposes this site as General Rural Zone	Reject In scope
To keep buildings at least 300 meters from Pakihi Road and to note ALL land titles that there is an active existing rifle range on Pakihi Road which is an approved activity.	N/A – not a zoning matter – is existing rifle range protection area	Reject In scope
Zone 141 Alma Road(Lot 2 DP362094 Blk IV Steeples SD) either	Retains this site as General Rural Zone	Reject In scope

Zoning Maps – Buller District – Wider Westport Zoning

605. Ms Eason acknowledged the submissions[274] that supported the zoning of specific properties within Westport as notified.

606. In response to the submission of The O'Connor Institute Trust Board (S466.002) and Frank and Jo Dooley (S478.045) that sought that Stafford Street beside the O'Connor Home was rezoned from General Rural Zone to GRZ, Ms Easton supported these submissions and noted that the general principle in the Plan was that the zone is the same as the adjacent land. She noted that where the zone differs on one side of the road from the other, the zone would change at the road centreline. In this circumstance, she confirmed the adjacent zoning was GRZ on one side and Special Purpose Hospital Zone on the other. Ms Easton considered that the rezoning to GRZ was a practical and pragmatic zoning in this situation.

607. In response to the submission of Paul Finlay (408.006) that sought that the zoning provided for cadastral and subdivision planning, including servicing, Ms Easton supported the submission. She noted that a 30-year Infrastructure Strategy and Master Planning exercise was currently underway for Westport, which would address this strategic planning issue outside the Plan.

608. Ms Easton made the following recommendations in response to these submissions.

Rezone the identified area of Stafford Street from General Rural to General Residential Zone.



Zoning Maps – Buller District – Reefton Zoning

609. Paul Finlay (S408.005) also sought a non-specific area of growth in Reefton be provided generally in the Butts and Crampton Road area. Ms Easton did not support this submission and considered that there was sufficient infill and rezoned development land provided for Reefton within the Plan, as well as a greenfield development area around Wicken Place/Conlon Street and Buller Road. She considered this zoning sufficient to meet the additional residential growth needs of Reefton beyond the life of the Plan.

610. In response to the submission by BDC that sought the rezoning of four Neighbourhood Centre Zones (NCZ) to GRZ, Ms Easton supported this submission. She noted that, prior to the TTPP, these sites were all zoned for residential use. She considered spot zoning was not appropriate

[274] S507.071 Leonie Avery, S509.071 Kyle Avery, S508.071 Jared Avery, S510.071 Avery Bros, S511.071 Bradshaw Farms, S512.071 Paul Avery, S513.071 Brett Avery, S609.063 Avery Brothers, S558.398 Chris and Jan Coll, S566.398 Chris J Coll Surveying Limited, S574.398 Laura Coll McLaughlin.

in these locations, where limited demand has been identified for small commercial premises outside the town centre of Reefton.

611. Ms Easton made the following recommendations in response to these submissions:

Rezone the land with red dots from Neighbourhood Centre Zone to General Residential Zone



Zoning Maps – Grey District – Greymouth Area

612. Kim Scrivener (S5.001) requested the property at 2 Sturge Street, Cobden, be rezoned back to General Rural Zone from the proposed GRZ. Ms Easton noted that this land was proposed to be rezoned to GRZ to provide for the growth of Cobden because it was contiguous with the surrounding residential community. She noted that there was no obligation on the current landowners to develop the land but that its rezoning was advantageous in that it was a large land block on a terrace outside the coastal and flood hazard overlay areas. For this reason, Ms Easton did not support this submission.

613. Paul Finlay (S408.003) sought the rezoning of a section of Rural Lifestyle Zone to provide for increased subdivision potential. Ms Easton did not support that submission because the land was not contiguous with Cobden or other more developed areas.

614. Scoped Planning and Design Limited (S617.001) sought to rezone five parcels of land from Future Urban Zone (**FUZ**) to Large Lot Residential Zone (**LLRZ**) on Glen Road, Greymouth. Ms Easton did not support this submission and noted that this land was zoned FUZ because there was not sufficient infrastructure capacity for this area at present. She noted that the site was also subject to an instability overlay and, therefore, would require further consideration of this factor to determine what a suitable alternative zone would be.

615. Ms Easton did not recommend any changes as a result of these submissions.

Zoning Maps – Grey District – Kaiata Park

616. Ball Developments Ltd (S453.002, S453.003, S453.006) requested a range of amendments to the zoning of land at Kaiata Park to reflect their proposed subdivision plan for the area. Ms Easton supported this submission in part concerning changes to Open Space Zone (OSZ) within the Park. However, she noted those changes had been more specifically addressed under the OSZ Chapter. Ms Easton did not support changes that sought a reduction in the Commercial Mixed Use Zone or the conversion from Commercial and Light Industrial Zones to GRZ. She considered these zones were intended to mitigate the potential for reverse sensitivity effects by providing a buffer between the GRZ and the General Industrial Zone (GIZ).

617. Ms Easton did not make any recommended changes beyond those addressed under the Open Space Zone as referenced above.

Zoning Maps – Westland District – Hokitika Area

618. Westland Milk Products (S63.001) supported the General Industrial Zone for their manufacturing plant and the GRZ for 14, 41, 43, 51, and 59 Livingstone Street.

619. Ms Easton supported Paul Finlay's (S408.004) request to provide for the former racecourse and Seaview mental institution sites to be rezoned for residential purposes. She noted that both areas had been rezoned in the Plan for residential development.

620. Silver Fern Farms (S441.071, S441.062) sought the GRZ be removed from land adjacent to the Hokitika Silver Fern Farms site to avoid reverse sensitivity effects. Ms Easton shared this concern but noted that the consents for subdivision of this adjoining land for residential properties had already occurred, with roads built and houses under construction. She considered changing the proposed GRZ to General Rural Zone, as requested by the submitter, would be inappropriate given it was now subdivided and sold for residential development at urban densities. However, for the lots that had not been consented to full residential densities, she recommended changing the proposed zoning from GRZ to Rural Lifestyle Zone to reduce the risk of further potential reverse sensitivity effects.

621. Ms Easton did not support submissions[275] that sought land along Revell Street be changed from MRZ to GRZ due to concerns about coastal erosion in this area. She referred to the coastal natural hazard overlays mapped in the area. She noted that the modelling work undertaken by NIWA concerning these hazards did not indicate that the properties zoned MRZ would be affected by these hazards. However, she did acknowledge that some of the properties proposed to be MRZ had existing building encroachments beyond their legal title boundaries and within the coastal esplanade reserve, which may contribute to the impression that the properties were subject to a higher degree of risk than indicated in the hazard overlays. In response to Panel questions, she did not know why this part of Revell St and only one side had been rezoned MRZ. She said there was no information to support why Westland District Council had identified this area.

622. Clare Backes (S444.018) requested that the Plan acknowledge the flooding potential in Hokitika, stop further building along the coastal strip, and encourage managed retreat. Ms Easton did not support this submission. She noted that the Plan included several different

[275] S617.010 Scoped Planning and Design Ltd, S462.007 Inger Perkins, S473.017 Katherine Gilbert, S462.032 Inger Perkins, S195.001 Lois Meldrum, S267.001 Karyn Davis, S268.001 Michael Anderson, S424.001 Noeline Pullan

hazard overlays across various parts of Hokitika, which significantly restrict development in these areas. She also referred to policies in the Plan that supported managed retreat and noted that existing use rights could not be extinguished through the Plan.

623. Ms Easton made the following recommendations in response to these submissions.

Rezone the land with red dots from General Residential to Rural Lifestyle Zone.



Zoning Maps – Other Zoning Requests

624. Ms Easton supported in part WCRC's (S488.023 and S488.024) request for the Regional Council be party to the refinement of greenfield areas of the TTPP to ensure sites were efficient, effective and useable, and were appropriately serviced. She noted that the primary concern of this submitter related to the impact of earthworks and stormwater management. She highlighted several amendments recommended to provisions concerning stormwater management, including the requirement that this management be in accordance with NZS 4404:2010 and that stormwater be controlled within a site as part of any earthwork activities, in accordance with Rule EW-R1.

625. Lynley Hargreaves (S481.023) requested that there be no rezoning of any areas unless the rezoning approach had been subject to public consultation. Ms Easton supported this submission and outlined the consultation that was undertaken for proposed areas to be rezoned, including through the draft plan consultation process.

626. Ms Easton made no recommendations to amend the zoning maps rules in response to these submissions.

Hearing and Submitter Evidence/Statements

627. Concerning Zoning Maps – Buller District – Alma Road Zoning, the Panel heard from Ms McKenzie, planner, on behalf of the Westport Pistol Club, Westport Rifle Club Inc., and Mr Chris Hartigan. Ms McKenize provided details on the location and nature of activities at the

Westport Rifle Club and Pistol Club. She outlined the relevant regulatory framework currently applicable to the activity, including a Rifle Range Protection Area. Ms McKenzie considered that there was potential for reverse sensitivity effects in the rezoning proposed in the notified TTPP, as well as additional rezoning sought by submitters, including both BDC and WCRC. Ms McKenize was concerned with a lack of information and evidence to support the rezoning, in particular a noise evaluation to determine the extent of the noise profile and the effect on future residents.

628. Ms McKenzie also discussed the pre-hearing meeting held on 21 May 2024, whereby BDC tabled a revised zoning proposal. She noted that the revised proposal showed that BDC were no longer pursuing residential zoning directly adjacent to the Westport Rifle Range, but that the most intensive residential zoning proposed was still within 250m of the Rifle Range. Ms McKenzie was of the view that the additional areas sought to be rezoned through submissions (i.e. those adjacent to the rifle range) should remain General Rural Zone. Regarding the proposed residential zoning at Alma Road, Ms McKenzie considered that further noise analysis was required to ensure suitable provisions were included, which she considered should be incorporated into the Noise Chapter of the TTPP and essentially provided a buffer around the rifle range.

629. The Panel heard from the BDC, which was represented by Mr Barr, planner, and Ms Inwood, also a planner. Ms Inwood produced a written preliminary noise assessment (dated 14 June, 2024) and a supplementary written statement (dated 31 July 2024), both prepared at her request by Mr Farren, an acoustic expert, with Marshall Day Acoustic Consultants.

630. The preliminary noise assessment considered the shooting noise from the existing Rifle Range in relation to the proposed rezoned residential boundaries at Alma Road and provided three noise contours based on preliminary shooting noise, which were set at 50 dB LAFMax, 55 dB LAFMax, and 60 dB LAFMax. As a guide, Ms Inwood considered that gunshot noise levels in the range of 50-55db LAFMax were appropriate for residential amenity. However, she noted an advisory note may be appropriate to inform new residents that shooting noise will be audible. Between 55-60 dBLAFMax, Ms Inwood noted that some consideration of noise mitigation for new dwellings and their outdoor areas was deemed appropriate, while new residential development should be discouraged where noise levels will exceed 60 dBLAFMax. Ms Inwood also noted that if the noise contours were to be adopted by the Council, then actual measurements on site would be required to refine the contour extents.

631. The supplementary assessment, prepared by Mr Farren provided revised noise modelling with detailed terrain data. As a result of the updated assessment, an adjustment had been made to the 55 dB LAFMax contour that crossed the Alma Road land compared to the preliminary assessment. Mr Barr outlined the proposed rezoning that BDC now sought following consideration of submissions and noise information provided by Marshall Day. He noted that this rezoning would provide for a mix of GRZ, LLRZ, and Settlement Zone – Precinct 4 zoning. He stated that this could provide for approximately 605 residential units in an area that was not vulnerable to severe flooding, and one that BDC plans to service with water and wastewater infrastructure. Mr Barr also considered that the proposed rezoning would alleviate at least some of the concerns of submitters regarding Alma Road.

632. Mr Barr referred to the noise assessment prepared by Mr Farren, which identified the noise characteristics and nature, as well as the scale of activities from the Rifle Range. The assessment modelled the estimated noise and identified three sound level areas as noise contours. Mr Barr considered that the estimated sound levels modelled by Mr Farren could

be managed through rules in the TTPP so that new sensitive activities within the proposed GRZ and LLRZ could be appropriately managed. Mr Barr considered that the most efficient way to achieve this was through amendments to the rules in the Noise Chapter, with an additional matter of discretion added to the Subdivision Chapter, which could serve to provide further opportunities for site-specific mitigation as necessary. With this considered, Mr Barr concluded the proposed rezoning was appropriate and would not lead to any incompatibility issues between the Rifle Range and future residential activity within the proposed GRZ and LLRZ.

633. Mr Barr also addressed the existing Avery Brothers Quarry located at 107 Alma Road. He noted that the proposed rezoning, which sought to retain all properties located between the quarry as General Rural Zone as opposed to GRZ, had alleviated the concerns of those submitters.

634. Overall, Mr Barr considered the change in amenity and character as a result of the proposed rezoning would not be inappropriate and that the provision of acoustic attenuation rules for new housing within the influence of the Rifle Range would address compatibility effects. He also confirmed that the retention of the GRUZ land adjacent to the Avery quarry would provide an appropriate buffer.

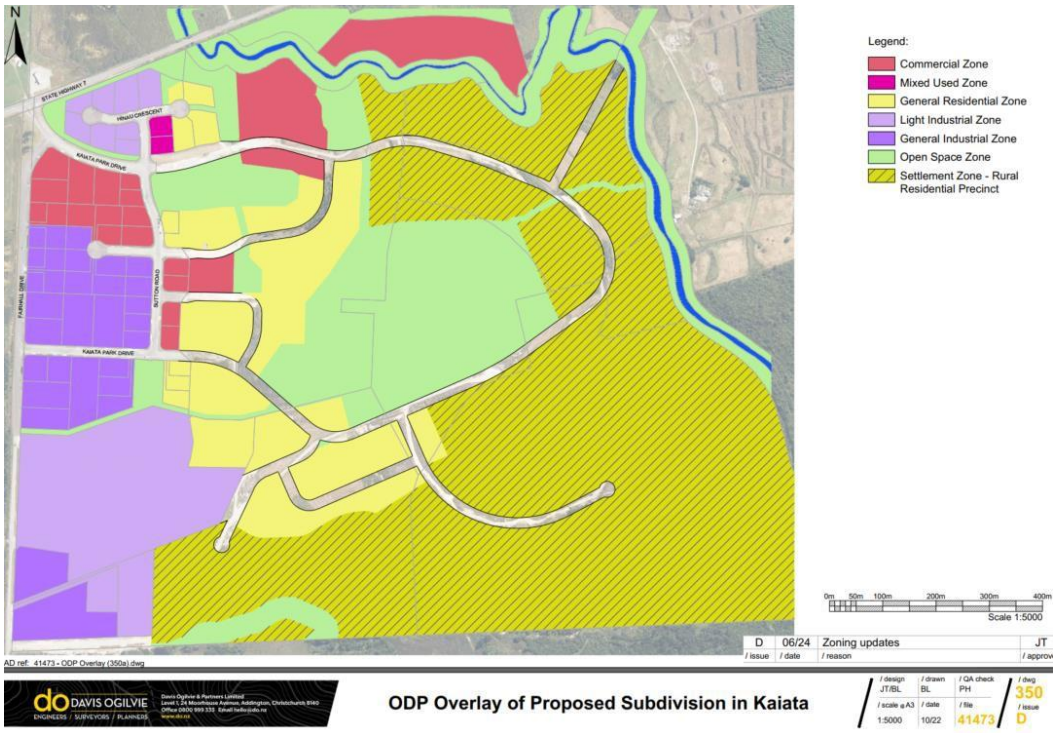
635. The Panel issued direction via Minute #34 on 22 July 2024 following the Residential and Special Purpose Zones hearing. This minute acknowledged that several parties sought to provide further information to the Panel following the hearing. Further information was received from BDC on 16 August 2024, regarding the proposed rezoning at the Alma Road site. This information included details on flood risk, consideration of alternative sites, any further discussions or agreements between the submitters and the Council, and whether the Council wished to withdraw the part of their submission that sought to rezone land beyond the updated and refined proposed rezoning map presented at the hearing.

636. Regarding Zoning Maps – Grey District – Greymouth Area, the Panel heard from Mr Glen and Ms Kim Scrivener, who outlined the success of their property for use as an Airbnb farm stay accommodation and reiterated their opposition to the proposed rezoning of their land from General Rural Zone to GRZ in the Plan. Ms Scrivener considered that their land would be tricky to subdivide or undertake urban development on due to limited access and natural hazards (land instability). She considered that Rural Lifestyle Zone would be more appropriate, taking into account the circumstances. Ms Scrivener also raised concerns around the potential for rates to increase on the property due to the rezoning. They provided photographs of the site to support their submission.

637. Regarding the Zoning Maps – Grey District – Kaiata Park, a statement of evidence was provided by Ms Hadfield, which included an updated Outline Development Plan (ODP) zoning overlay for Kaiata Park. The updated plan included amendments to the roading layout, as well as to the Open Space, General Industrial, Light Industrial, Commercial, Mixed Use, General Residential, and Small Settlement Zoning – Rural Residential Precinct. In particular, the GRZ area had been amended to a smaller area to reduce the area within Kaiata Park where reticulated services were required and to provide a larger area of Open Space Zone, as well as increases in the Settlement Zone – Rural Residential Precinct where onsite servicing had been indicated.

638. In response to the matters raised in the s42A Report, Ms Hadfield also noted that she considered that adequate buffers between residential and industrial land uses had now been

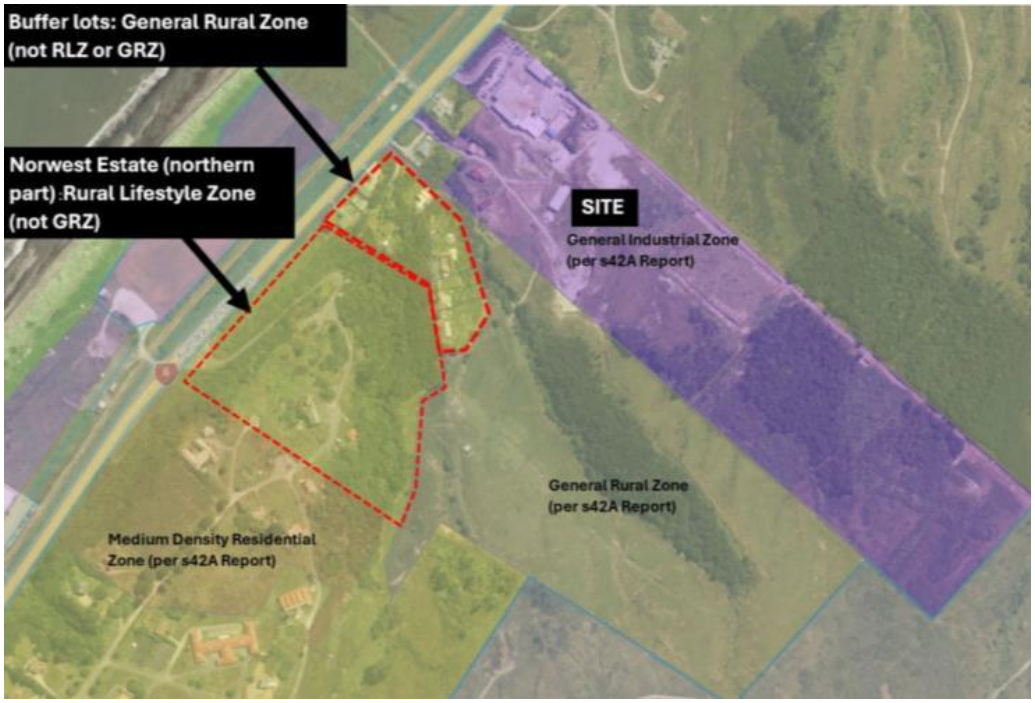
provided in the updated ODP. The updated Kaiata Park ODP presented by Ms Hadfield is provided below:



639. In relation to Zoning Maps – Westland District – Hokitika Area, statements of evidence were provided by Mr Humpheson, acoustics, and Mr Tuck, planning, on behalf of Silver Fern Farms.

640. From a planning perspective, Mr Tuck did not support the recommendation in the s42A Report to rezone land adjacent to the Silver Fern Farms Hokitika site, known as the Norwest Estate site, to a mix of GRZ and RLZ. He considered these rezonings presented a risk of reverse sensitivity effects that would affect the Silver Fern Farms industrial site. He also considered the rezoning may result in the perception of a high level of amenity being warranted and available in the context, which presented a risk of constraining Silver Fern Farms' ability to operate as envisaged by the GIZ and the resource consents that regulate the site.

641. Mr Tuck noted the resource consents issued for the adjoining site to the Silver Fern Farms site were issued in the context of the current rural zoning and that consenting and development of the adjoining land did not demand retrospective legitimisation by rezoning to a residential zone. He recommended an amended zone configuration, which would involve rezoning the Norwest Estate site to a mix of General Rural Zone and RLZ as set out below:



642. The acoustic evidence of Mr Humpheson focused on residential amenity expectations from a noise perspective. He considered that reverse sensitivity effects were likely to occur from more dwellings being permitted and more future occupants being exposed to noise from the Silver Fern Farms site. He also considered that the outdoor noise level of residential zones was overly permissive and would be sufficient to interfere with speech and communication, while the WHO-recommended internal noise levels would also be exceeded through an open window at residential dwellings. Mr Humpheson noted that even if the Silver Fern Farms site was fully compliant with the TTPP noise rules, the expectation of noise amenity in residential environments was still likely to lead to reverse sensitivity issues that may constrain site operations.

643. Mr Humpheson therefore recommended the provision of a buffer zone between the GIZ and Residential zones, of approximately 100m in width, with light industrial or rural zoned land being suitable for the buffer zone area. Alternatively, he considered that, should the residential zoning remain, additional acoustic requirements should be introduced, which could include acoustic insulation requirements, or the use of "no complaints" covenants on lot titles.

644. Ms Inger Perkins provided a statement opposing the proposed MRZ on the seaside of Revell Street and requested it be zoned GRZ like the rest of the town. She noted that WCRC was behind other councils in its consideration of the risk of climate change and needed to plan for protection from storms, storm surge and sea level rise. She considered the intensification of housing beside the sea should not be an option and that allowing medium density housing on the seaward side of Revell Street was "frankly bonkers". She also considered medium density housing (up to 10m high) would be at odds with the amenity and character of the existing low single storey housing.

Reporting Officer Reply Evidence

645. In her Right of Reply, Ms Easton addressed queries from the Panel and considered further amendments in response following the information presented in the hearing.

646. Regarding the **Zoning Maps – Alma Road Zoning**, Ms Easton retained her view expressed in the s42A Report, which was that she supported the updated rezoning proposal presented by Mr Barr on behalf of BDC. She considered that there was a need for some acoustic management provisions within the 55 dBLAMax contour, which would be addressed in the Noise Chapter of the Plan.

647. The Panel asked Ms Easton whether she could provide a joint view from the s42A authors on the rezoning and noise issues at Alma Road regarding the Rifle Range. Given that the noise hearing had not commenced at the time of the residential hearing, it was agreed by the respective s42A Reporting Officers that this joint position would be provided after the Noise Chapter hearing.

648. A joint Right of Reply statement was provided to the Panel on 24 September 2024 following the noise hearing. This confirmed that a joint witness statement (**JWS**) was prepared by the relevant s42A Reporting Officers for the residential and noise topics, BDC, Westport Pistol Club, Mr Hartigan, and Westport Rifle Club Incorporated, in relation to the provisions and mapping associated with the Westport Rifle Range noise overlay. This JWS confirmed agreement as they related to provisions of the Noise and Subdivision chapters, as well as the planning maps to reflect the Rifle Range Noise Overlay. It was also confirmed BDC had formally withdrawn its original submission seeking to rezone land adjacent to the Rifle Range for residential zoning.

649. No further recommendations were made by Ms Easton to the Zoning Maps – Buller District – Alma Road Zoning.

650. Regarding **Zoning Maps – Grey District – Greymouth Area**, Ms Easton considered the evidence of Ms Scrivener further. Regarding the land instability issue raised, Ms Easton noted that the land instability overlay was mapped at a regional scale based on the adjacent Elizabeth Range, rather than considering the past use and filling on the site from its previous use as sports grounds. In terms of the demand for residential land at Cobden, she agreed that at present, demand was low but was of the view that, due to the significant coastal and flood hazard overlays that sit across the low-lying area of Cobden, that overtime this could have significant effects on the ability for infill development to occur. In terms of the potential for rates to increase, Ms Easton was unable to comment on the specific implications for this site, other than to acknowledge that the value of a property often increased when it was rezoned, which can have an impact on rates. Overall, Ms Easton considered the property was likely to be important for the future development of Cobden but agreed that parts of the property were unlikely to be developable. Given that there was no strong pressure for development in this location and considering the detailed work that WCRC was continuing to undertake on land instability hazards, Ms Easton considers it was possible to leave this property as General Rural Zone and reconsider it at the time of the next Plan review.

651. In relation to the **Zoning Maps – Grey District – Kaiata Park**, Ms Easton reviewed the updated material presented by Ms Hadfield at the hearing and considered that the majority of change requests were within scope of the submission. In terms of proposed changes to zoning, Ms Easton supported the change from specific General Industrial to Commercial zoned land and considered this addressed her previous reverse sensitivity concerns with the ODP layout in the original submission of Ball Developments. Ms Easton reached the same conclusions for the change from specific Commercial Mixed Use and Open Space to GRZ zoning, Light Industrial to Commercial and GRZ, and Commercial to GRZ zoning.

652. Regarding the **Zoning Maps – Westland District – Hokitika Area**, Ms Easton retained her view on the rezoning of the properties adjacent to the Silver Fern Farms site, as outlined in the s42A Report. She considered there was no difference in the likelihood of complaints between a RLZ and a GRUZ and noted people's expectations around amenity levels would be the same regardless of zoning. Ms Easton also considered that there was no practical rural production use of the properties adjacent to the Silver Fern Farms site.

653. Ms Easton considered the best approach to manage reverse sensitivity effects was through the use of setbacks from boundaries within the GIZ site. She noted that, at notified, the GIZ included setback requirements for buildings within 5m of any residential or settlement zoned property and considered that the inclusion of a setback from rural/rural lifestyle properties could further assist with addressing this issue.

654. Ms Easton also met with Mr Belgrave, Reporting Officer for the Industrial and Commercial Zones Chapters, and Ms Evans, Reporting Officer for the Noise Chapter, in relation to the submission points of Silver Fern Farms. A joint Right of Reply was provided on 17 October 2024. It recorded agreement that no further changes to the Residential Zone provisions were recommended as a result of these discussions.

655. In response to Panel questions regarding the proposed MRZ located at Revell St, Hokitika, Ms Easton confirmed that there was an assumption that existing rock protection works would continue to be maintained and upgraded for coastal hazard protection. She also noted that discussions with WCRC's Chief Engineer confirmed that the existing seawall was constructed by the WCRC as emergency works and was unconsented, although a retrospective resource consent had been lodged to upgrade the protection works along the Revell Street frontage.

656. In response to Panel questions regard the proposed Revell Street MRZ and the relevant provisions of the NZCPS and RPS that apply, Ms Easton set out Policy 27 of the NZCPS, Policy 6, 7 and 8 of the coastal environment chapter of the RPS, and Policy 2 of natural hazards chapter of the RPS. In relation the NZCPS, Ms Easton understood that it was intended that Hokitika would continue to be protected by hard engineering structures to mitigate coastal erosion risk but that without the present seawall or similar structure in place, coastal properties along Revell Street would be increasingly at risk from coastal erosion. Ms Easton also noted that the Revell Street area was not at risk, even taking a 100-year view with allowance for climate change, from the coastal inundation hazard as modelled by NIWA.

657. No further recommendations were made to the Zoning Maps – Westland District – Hokitika Area in Ms Easton's Right of Reply.

Hearing Panel's Evaluation

658. In relation to **Zoning Maps – Buller District – Alma Road Zoning,** the Panel agree with both Mr Barr's and Ms Easton's assessment of the evidence, particularly the evidence available from the Avery Group and the Rifle Range Group. We agree with Ms Easton's evaluation of submissions in respect of scope. We further agree with Ms Easton's reasons for supporting the updated rezoning proposal presented by Mr Barr on behalf of BDC. We note Ms Easton's view that there is a need for some acoustic management provisions within the 55 dBLAMax contour, which should be provided in the Noise Chapter of the Plan. We understand the acoustic management provisions will include rifle range noise contours in the planning maps provided under the Noise Chapter, as outlined in the Recommendations Report for that

chapter. We agree that Alma Road rezoning will provide much needed options for Westport's community to be able to respond to existing flooding issues and future flood risks.

659. Regarding **Zoning Maps – Buller District – Wider Westport Zoning,** the Panel agree with Ms Easton's recommendation to rezone the identified area of Stafford Street from GRUZ to GRZ, for the reasons outlined in the s42A Report.

660. In relation to **Zoning Maps – Buller District – Reefton Zoning,** the Panel agree with Ms Easton recommendation to rezone the land with red dots from NCZ to GRZ, for the reasons outlined in the s42A Report.

661. Regarding **Zoning Maps – Grey District – Greymouth Area** and Mr and Ms Scrivener's property at 2 Sturge Street, Cobden, the Panel agree with Ms Easton's recommendation included in her Reply that the land be rezoned back to General Rural Zone. We agree this should be reconsidered when the Plan is next reviewed, given there is currently no strong pressure for development in this location and detailed work is presently being undertaken by WCRC on land instability hazards.

662. In relation to Mr Finlay's submission, the Panel agree with Ms Easton's recommendation to not rezone the land as requested by the submitter, for the reasons outlined in the s42A Report.

663. Regarding the Scoped Planning and Design Limited submission that sought to rezone five parcels of land from FUZ to LLRZ on Glen Road, Greymouth, the Panel agree with Ms Easton not to change the zone. The Panel recommend retaining future options for the zone and allowing for future council planning to guide the most effective use of the area, consistent with the purpose of the FUZ.

664. In relation to **Zoning Maps – Grey District – Kaiata Park**, the Panel notes Ms Easton supported this submission in part concerning changes to OSZ and agrees those changes need to be addressed in the recommendation in the OSZ Chapter. We agree with Ms Easton that the updated material, detailing changes from the submission are all within the scope of the submission. We accept Ms Easton's recommended changes to the zoning as set out in her Reply.

665. Regarding **Zoning Maps – Westland District – Hokitika Area**, we agree with Ms Easton's recommendation to rezone the land adjacent to the Hokitika Silver Fern Farms site from GRZ (as notified) to RLZ. The consents for subdividing this adjoining land for residential properties have already been issued and the development is existing, with roads built and houses both built and under construction. The Panel visited the Silver Fern Farms site to understand its processes and activities and to familiarise ourselves with the context of both the site and the adjacent developed land. We agree with Ms Easton that a General Rural Zone, as requested by the submitter, would be inappropriate for land that is now subdivided and sold for residential development at urban densities. However, we also agree that, for the lots that have not been consented to full residential densities, these could potentially be rezoned as Rural Lifestyle Zone to reduce the risk of further reverse sensitivity issues. We agree with Ms Easton that there is no difference in the likelihood of complaints between a rural lifestyle vs rural zone, and that expectations around amenity levels would be the same regardless of zoning. In particular, we noted that anticipated noise levels in the GRUZ and RLZ are identical, with reference to the Noise Chapter provisions. We also agree with Ms Easton that there is no practical rural production use of the properties adjacent to the Silver Fern Farms site.

666. Ms Easton considered that the best approach to manage reverse sensitivity effects is through the use of setbacks from boundaries with the General Industrial Zone site. Ms Easton notes that at present the General Industrial Zone includes setback requirements for buildings within 5m of any residential or settlement zoned property and considers that the inclusion of a setback from rural/rural lifestyle properties could further assist with addressing this issue. However, as she did not propose a specific setback distance for the Silver Fern site, we assume either there was no scope to do so, or she was satisfied with the 5m setback.

667. Regarding the submissions that sought land along Revell Street be rezoned from MRZ to GRZ due to concerns about natural hazards from coastal erosion and flooding, the Panel disagrees with Ms Easton's recommendation to reject these submissions. The Panel considers it is not appropriate to take into account any protection currently provided by an unconsented rock seawall that was constructed under the emergency provisions of the RMA to support the rezoning. There is no information available of any analysis undertaken to support the suitability of this area for medium density housing, except for the NIWA coastal mapping which takes into account the existing seawall. However, the seawall does not extend along the entire frontage of the MRZ. There is no certainty that the existing seawall will be extended to protect the entire frontage of the proposed MRZ or that it will be maintained for 50 years (the minimum life of a building).

668. During the Panel's site visit, we noted the seawall is currently being undermined and overtopped, with driftwood and tidal debris evident on top of the seawall and on the adjacent land. While we acknowledge Ms Easton's point that some of the properties proposed to be MRZ have existing building encroachments beyond their legal title boundaries and within the coastal esplanade reserve, which may contribute to the impression that the properties are subject to a higher degree of risk than indicated in the hazard overlays, our observations indicate the risks posed by coastal erosion are very real in this location.

669. Policy 25 of the NZCPS directs the Panel to avoid increasing the risk of social, environmental and economic harm from coastal hazards; to avoid redevelopment or change in land use that would increase the risk; and to discourage the use of hard protection structures. Policy 27 of the NZCPS is about strategies to protect significant existing development, not strategies for increasing development, and it directs that hard protection structure to protect private properties should not be located on public land.

670. The RPS objectives and policies must give effect to the NZCPS. RPS Chapter 9 (coastal environment) Policies 6, 7 and 8 direct that new development affected by coastal hazards must adopt a risk management approach, over a 100-year timeframe, and in areas of significant development, planners must use a range of options to reduce the risk. RPS Chapter 11 (natural hazards) Policies 1 and 2 direct a reduction of susceptibility to natural hazard by improving planning, and locating new use and development to avoid or minimise the need for hazard protection works.

671. The Panel finds there is no information or evidence available to support the proposed rezoning to MRZ on the seaward side of Revell Street. While Ms Easton considers the Revell Street area is not at risk from coastal inundation, as modelled by NIWA (even taking a 100-year view with allowance for climate change), the Panel's recommendation must take into account the *existing environment*. This does not include the existing unconsented *ad hoc* coastal protection structure or assumptions that new hard protection structures will be constructed and maintained along the frontage of the MRZ areas in the future.

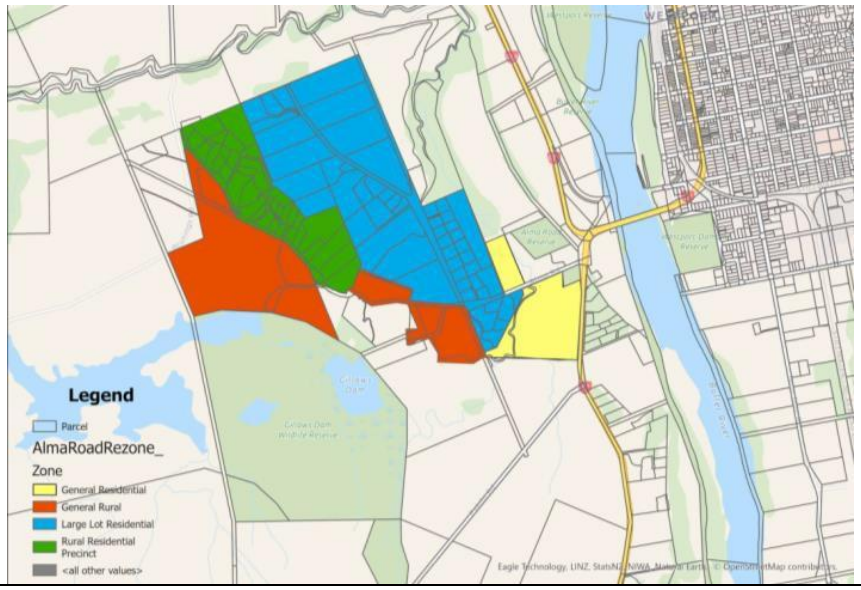
672. The Panel also agrees with submitters that medium density development in this area would be inconsistent with the existing amenity and character of the area. It also seems disconnected and some distance from the town centre.

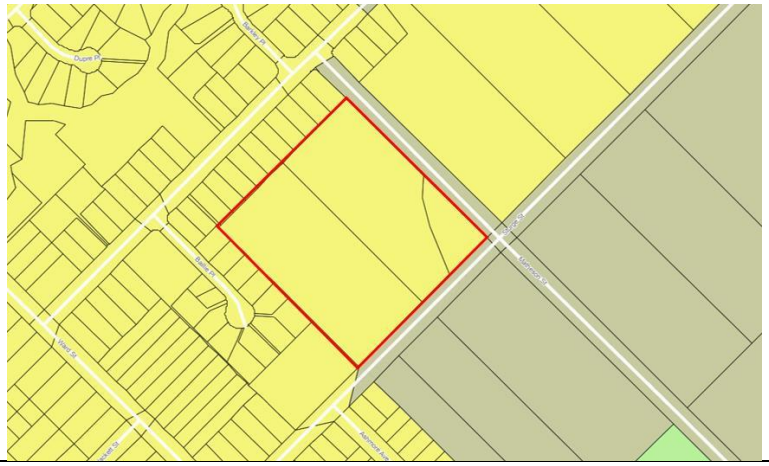
673. For these reasons, the Panel recommends the MRZ on Revell Street Hokitika is changed to GRZ as requested by submitters. We accept the submissions of Scoped Planning and Design Limited (S617.010), Inger Perkins (S462.007 and S562.032), Katherine Gilbert (S473.017), Lois Meldrum (S195.001), Karyn Davis (S267.017) Michael Anderson (S268.001) and Noeline Pullan (S424.001). We consider our recommendation also partly addresses Clare Backes' submission (S444.018) that sought to have the Plan acknowledge the flooding potential in Hokitika and stop building along the coastal strip, and encourage managed retreat; and therefore, also partly accept this submission point.

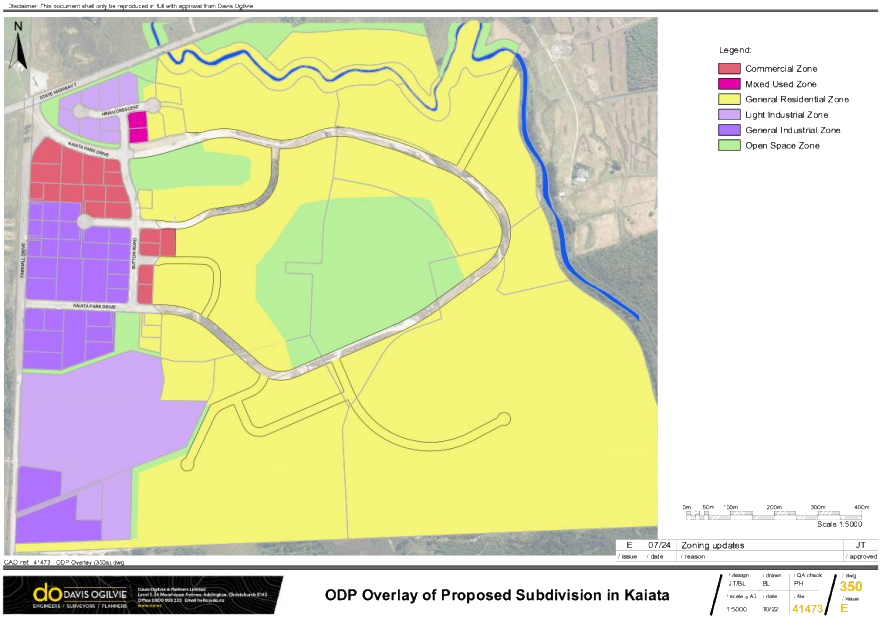
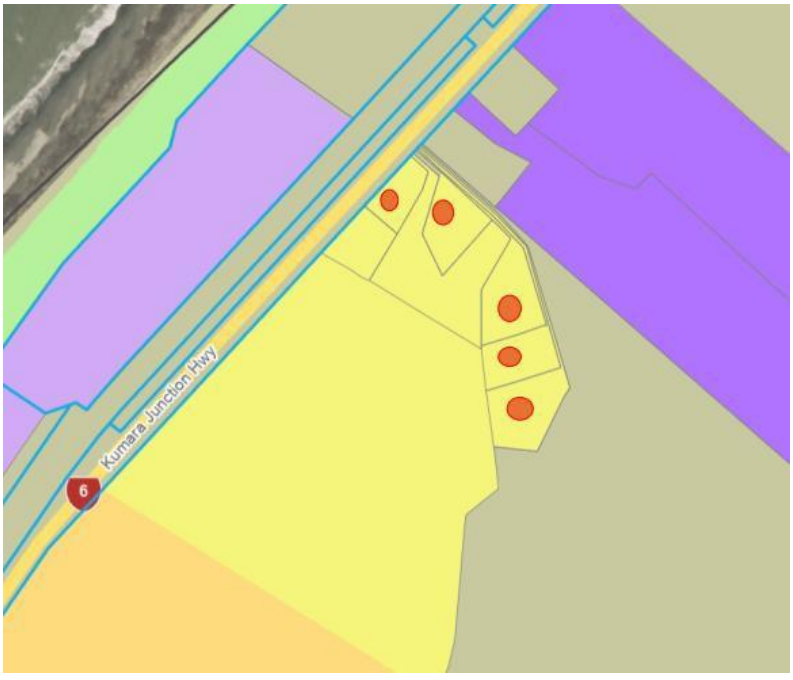
674. In relation to **Zoning Maps – Other Zoning Requests**, the Panel accepts Ms Easton's recommendation that no amendment to the zoning maps were required in response to submissions.

Hearing Panel's Recommendation

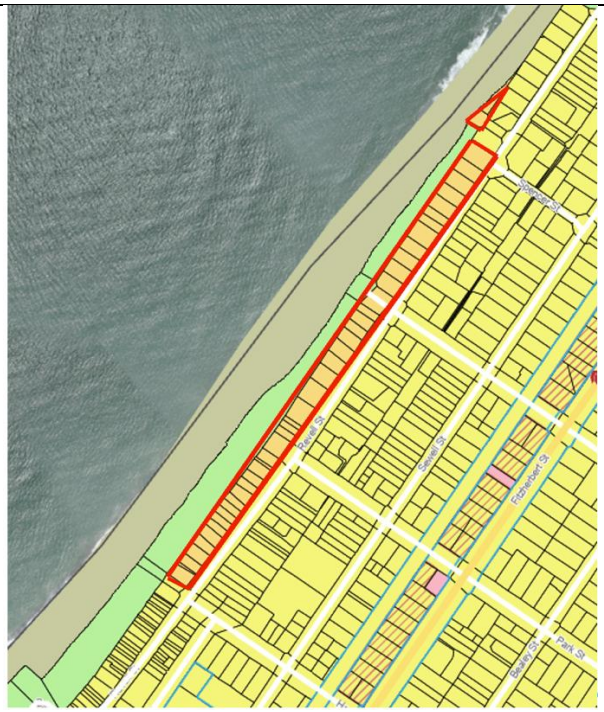
675. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends that the relevant submission points are accepted and accepted in part, and recommend the following amendments are made to the Zoning Maps:

Provision	Recommended Amendments to Planning Maps
Alma Road Terrace Area	Amend the Alma Road Terrace Area in accordance with the Map Below 

Stafford Street - Westport	Amend Stafford Street (red outline) beside the O'Connor Home as General Residential Zone 
Neighbourhood Centre Zones - Reefton	Amend Neighbourhood Centre Zones (red dots) as General Residential Zone 
Sturge Street – Cobden - Greymouth	Amend General Residential Zone (red outline) to General Rural Zone 

Kaiata Park - Greymouth	Amend Kaiata Park in accordance with the Kaiata Park ODP below 
Land Adjacent to Silver Fern Farms Site	Amend Land (shown with red dots) adjacent to Silver Fern Farms site to Rural Lifestyle Zone 
Medium Density Residential	Amend Medium Density Residential Zone at Revell Street to General Residential Zone

Zone Revell Street, Hokitika



2.9. Appendix 2 of the Plan – Recession Planes

Submissions and Further Submissions

Appendix 2 of the Plan – Recession Planes

676. Fifteen submission points and two further submissions relating to **Appendix 2 – Recession Planes** of the Plan were summarised in the Table on pages 128-130 of the s42A Report. All submission points sought amendments, with the two further submissions supporting in part the proposed amendments of two submissions.

677. The Panel adopts these summaries and has considered the relevant submissions and further submissions.

Section 42A Report

Standards (General)

678. Ms Easton acknowledged the submissions that supported the rules, or selected rules, as notified.

679. In response to the submissions[276] that sought amendments to the recession diagrams and indicators to improve clarity or reduce the restrictiveness of the recession plane, as notified,

[276] S190.854, S190.837 Te Mana Ora, S567.736 William McLaughlin, S558.710 Chris and Jan Coll, S566.710 Chris J Coll Surveying Limited, S574.710 Laura Coll McLaughlin.

Ms Easton did not support replacing the recession planes as notified in the Plan, including the request to replace these with those from the operative BDP.

680. In response to the submission of BDC (S538.635) that sought additional clarification be added to Appendix Two to confirm that "*the level of site boundaries shall be measured from filled ground level except where there is an existing building at a lower level on the other side of a common boundary, where that lower level shall be adopted*", Ms Easton supported this approach. She considered it was a practical approach to managing the issue of site boundaries in locations where land was required to be built up due to natural hazard or geotechnical reasons. Ms Easton also supported the additional submission point of BDC that providing exclusions to recession planes, e.g. road boundaries, antennas, solar panels, should be included with Appendix Two. Ms Easton considered that this would reduce duplication within the Plan, provided these exclusions were removed from the respective zone-based rules.

681. In response to the submissions[277] that sought a new recession plane diagram that was more enabling for those seeking to satisfy requirements for natural hazard mitigation, Ms Easton did not support changing the recession plane diagram. However, she noted that the above exclusions under the BDP submission points above would partly address these submission points.

682. Ms Easton recommended amending Appendix Two – Recession Planes as follows:

Appendix Two: Recession Planes

[277] S567.738 William McLaughlin, S558.712 Chris and Jan Coll, S566.712 Chris J Coll Surveying Limited, S574.712 Laura Coll McLaughlin.

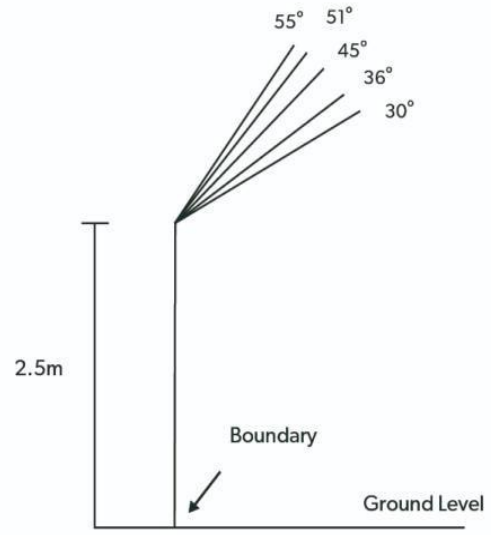


Diagram A

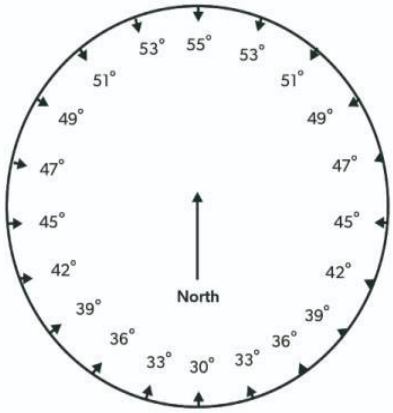


Diagram B

Place Diagram B on the inside of the boundary. The angle tangential to the boundary is the angle of the recession plane. Note North is True North. The recession plane angle shall be applied as per Diagram A.

The level of site boundaries shall be measured from filled ground level except where there is an existing building at a lower level on the other side of a common boundary, where that lower level shall be adopted. For the purpose of measuring recession planes only internal boundaries shall be taken as site boundaries. These standards do not apply to:

1. *Road boundaries;*
2. *Buildings on adjoining sites that have a common wall along the boundary;*
3. *Boundaries abutting an access lot or right of way in which case the furthest boundary of the access lot or right of way may be used for assessing compliance with this standard;*
4. *Antennas, aerials, satellite dishes (less than 1m in diameter), chimneys, flues and architectural features (e.g. finials, spires) provided these do not exceed the recession plane by more than 3m vertically; or*
5. *Solar panels and solar water heaters, provided these do not exceed the height in relation to boundary plane by more than 0.25m vertically;*

683. Ms Easton also recommended subsequent amendments to various zone rules in the Plan to remove duplication as follows:

Remove the following from NOSZ – R1, OSZ – R1, SARZ – R1, MUZ – R1, NCZ – R1, TCZ – R1, GIZ -R1, LIZ – R1, SETZ – R1, HOSZ – R1, PORTZ – R1, STADZ – R1, SVZ – R1.

~~*These standards do not apply to:*~~
~~*i. Road boundaries;*~~
~~*ii. Buildings on adjoining sites that have a common wall along the boundary;*~~
~~*iii. Boundaries abutting an access lot or right of way in which case the furthest boundary of the access lot or right of way may be used for assessing compliance with this standard;*~~

~~iv. Antennas, aerials, satellite dishes (less than 1m in diameter), chimneys, flues and architectural features (e.g. finials, spires) provided these do not exceed the recession plane by more than 3m vertically; or~~

~~v. Solar panels and solar water heaters, provided these do not exceed the height in relation to boundary plane by more than 0.25m vertically;~~

Hearing and Submitter Evidence/Statements

684. No evidence or statements were presented by any party in relation to Appendix Two: Recession Planes.

Reporting Officer Reply Evidence

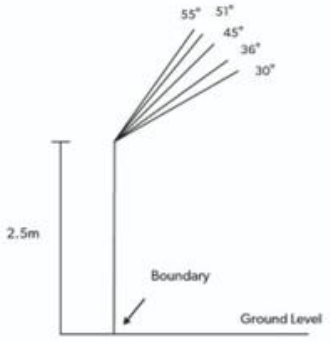
685. No further material related to Appendix Two: Recession Planes was provided in Reply.

Hearing Panel's Evaluation

686. The Panel agree with Ms Easton's assessment of the issues raised in submissions relating to Recession Planes and we also agree with her recommendations to make amendments to those provisions for the reasons she outlined.

Hearing Panel's Recommendation

687. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends that the relevant submission points are accepted and accepted in part, and recommend the following amendments are made to Appendix 2:

Provision	Recommendation
Appendix Two: Recession Planes	**Appendix Two: Recession Planes**  **Diagram A**  **Diagram B** Place Diagram B on the inside of the boundary. The angle tangential to the boundary is the angle of the recession plane. Note North is True North. The recession plane angle shall be applied as per Diagram A. ***The level of site boundaries shall be measured from filled ground level except where there is in existing building at a lower level on the other side of a common boundary, where that lower level shall be adopted. For the purpose of measuring recession planes only internal boundaries shall be taken as site boundaries These standards do not apply to:***

	1. Road boundaries; ***2. Buildings on adjoining sites that have a common wall along the boundary;*** ***3. Boundaries abutting an access lot or right of way in which case the furthest boundary of the access lot or right of way may be used for assessing compliance with this standard;*** ***4. Antennas, aerials, satellite dishes (less than 1m in diameter), chimneys, flues and architectural features (e.g. finials, spires) provided these do not exceed the recession plane by more than 3m vertically; or*** ***5. Solar panels and solar water heaters, provided these do not exceed the height in relation to boundary plane by more than 0.25m vertically;***
NOSZ – R1, OSZ – R1, SARZ – R1, MUZ – R1, NCZ – R1, TCZ – R1, GIZ -R1, LIZ – R1, SETZ – R1, HOSZ – R1, PORTZ – R1, STADZ – R1, SVZ – R1.	Remove the following from NOSZ – R1, OSZ – R1, SARZ – R1, MUZ – R1, NCZ – R1, TCZ – R1, GIZ -R1, LIZ – R1, SETZ – R1, HOSZ – R1, PORTZ – R1, STADZ – R1, SVZ – R1. ~~*These standards do not apply to:*~~ ~~*i. Road boundaries;*~~ ~~*ii. Buildings on adjoining sites that have a common wall along the boundary;*~~ ~~*iii. Boundaries abutting an access lot or right of way in which case the furthest boundary of the access lot or right of way may be used for assessing compliance with this standard;*~~ ~~*iv. Antennas, aerials, satellite dishes (less than 1m in diameter), chimneys, flues and architectural features (e.g. finials, spires) provided these do not exceed the recession plane by more than 3m vertically; or*~~ ~~*v. Solar panels and solar water heaters, provided these do not exceed the height in relation to boundary plane by more than 0.25m vertically;*~~

Kumara Junction Development Plan

Submissions and Further Submissions

Kumara Junction Development Plan

688. One submission point relating to the **Kumara Junction Development Plan** was summarised in the Table on page 130 of the s42A Report. That submission sought to retain the Kumara Junction Development Plan as notified.

689. The Panel adopts this summary and has considered the relevant submission.

Section 42A Report

Standards (General)

690. Ms Easton acknowledged the submission that supported this development plan, as notified. She recommended retaining the Kumara Development Plan as notified.

Hearing and Submitter Evidence/Statements

691. No evidence or statements were presented by any party concerning the Kumara Junction Development Plan.

Reporting Officer Reply Evidence

692. No matters related to the Kumara Junction Development Plan were addressed in Reply.

Hearing Panel's Evaluation

693. The Panel agree with Ms Easton's assessment of the issues raised in and accept her recommendations to retain the Kumara Junction Development Plan as notified.

Hearing Panel's Recommendation

694. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends retaining the Kumara Junction Development Plan as notified.



Paul Rogers

Hearings Panel - Chair



Sharon McGarry

Hearings Panel Member



Maria Bartlett

Hearings Panel Member

Date: 5 September 2025

APPENDIX 1 – RECOMMENDATIONS ON PLAN PROVISIONS

Appendix One: Residential Zones

RESZ - O1	To provide for a variety of housing forms and densities in the main towns of the West Coast/Te Tai o Poutini to enable individual residential lifestyle options while ensuring developments are serviced with all required infrastructure.
RESZ - O2	To maintain or enhance the distinctive character, amenity and heritage values of residential areas, build community resilience and protect these areas from the adverse effects of inappropriate development.
RESZ - O3	To provide for a range of non-residential activities within RESZ - Residential Zones where the effects are compatible with the residential character, scale and amenities and the cultural and historic heritage values of the area.

RESZ -P4	Enable existing non-residential activities and home occupations to continue and new non – residential activities to establish provided they ~~do not have a~~ **avoid** significant adverse effect**s** on the character and amenity of RESZ - Residential Zones, particularly in relation to scale, car parking, vehicle movements, noise, visual appearance, glare, dust and odour.
RESZ-P10 **RESZ - P16**	Ensure that developments are serviced with all required infrastructure in an effective and efficient manner, while minimising impacts on the environment. Where new infrastructure such as roads and three waters (wastewater, water supply, stormwater) is provided to serve multiple households this infrastructure should be vested in the ~~appropriate public agency~~ **district council**. Avoid reverse sensitivity effects from residential development adjacent to strategic infrastructure **and industrial zones** including: a. Hokitika, Greymouth and Westport Airports; b. The rail network; c. The arterial road and State Highway network; d. The Ports of Westport and Greymouth; e. Wastewater treatment plants; f. Landfills; g. Potable water supply plants; h. Stormwater treatment facilities; i. The National Grid.

GRZ – R1	**Residential Activities and Residential Units and Accessory Buildings** **Activity Status Permitted** Where:

1. Residential unit density is no more than:

a. **one**~~1~~ unit per 350m^2 net site area~~; or~~ **but within the Buller District there is a maximum of two residential dwellings per allotment**;

b. **one**~~1~~ unit per 300m^2 net site area where two or more adjoining sites are developed **except within the Buller District this standard does not apply**;

2. There is no more than **one**~~1~~ minor residential unit per site with a maximum size of 65m^2;

3. Maximum building height above ground level is:

a. 10m; except that

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

4. Buildings are setback a minimum 4.5m from road boundaries, except that a roof overhang may encroach 750mm into the setback distance;

5. Maximum site coverage is 40%;

6. A minimum of 30m^2 of outdoor living space is provided per residential unit and 12m^2 per minor residential unit which is separate to the outdoor space for the principal dwelling and excluding any parking and manoeuvring areas~~;~~ **and the outdoor living space must have a minimum dimension of 3m**;

7. No more than one heavy vehicle is stored on site;

8. All residential units and buildings used for a residential activity must be connected to the community water supply, and wastewater networks and stormwater from the site **and are managed in accordance with the relevant standards in NZS4404: 2010 Land Development and Subdivision Infrastructure** ~~used for the activity~~ **and** must not drain to any public road ~~except for secondary flow purposes~~;

9. No building shall project beyond a building envelope defined by a recession plane as defined in Appendix Two to commence 2.5m above any site boundary ~~except where the neighbouring property owner's written approval is provided to the Council at least 10 working days prior to the works commencing.~~ This standard does not apply to~~:~~

~~a. Road boundaries;~~

~~b. Buildings on adjoining sites that have a common wall along the boundary;~~

~~c. Boundaries abutting an access lot or right of way in which case the furthest boundary of the access lot or right of way may be used for assessing compliance with this standard;~~

~~d. B~~**b**oundaries adjoining any site in a CMUZ - Commercial and Mixed Use, INZ - Industrial or RURZ - Rural Zone;

~~e. Antennas, aerials, satellite dishes (less than 1m in diameter), chimneys, flues and architectural features (e.g. finials, spires) provided these do not exceed the recession plane by more than 3m vertically; or~~

~~f. Solar panels and solar water heaters, provided these do not exceed the height in relation to boundary plane by more than 0.25m vertically;~~ and

10. Buildings are setback a minimum of 1m from all other site boundaries, except that:

a. Duplexes do not require a setback from the side boundary of the other duplex unit; and

~~b. Setbacks are not required from adjacent residential boundaries where neighbouring property owner's written approval is provided to the Council 10 working days prior to the works commencing.~~

b. **A setback of 150m is required from the site boundary of any designated wastewater treatment plant.**

Advice Notes:

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

a. 80m of a State Highway with a speed limit of 70kph or greater; or

b. 40m of a State Highway with a speed limit of less than 70kph; or

c. 40m of a Railway Line; or

d. The 50 dBA Noise Contour boundary of Franz Josef Heliport; or

e. The 55 dBA Noise Contour boundary of the Westport or Hokitika Airports or Greymouth or Karamea Aerodrome.

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

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

Activity status where compliance not achieved: Discretionary where standards 1 to 8 are not complied with. Restricted Discretionary where standards 9 and 10 are not complied with.

GRZ – R2 **Minor Structures**

Activity Status Permitted

Where:

1. **These are existing hose drying towers with a maximum height of 15m located at the Cobden, Runanga and Hokitika Fire Stations**;

2. ~~All performance standards for Rule GRZ – R1 are complied with~~ **All other** ~~S~~structures **are set back a minimum of 4.5m from the road boundary and 1m from internal boundaries**;

3. Masts, poles, aerials and pou whenua must not exceed 7m in height;

4. Any antenna dish must be less than 1m in diameter;

	5. Any ornamental or garden structure must not exceed 2.4 m in height; and F6 Any other structure must not exceed 10m^2 and 2m in height. **Activity status where compliance not achieved**: Controlled
GRZ – R3	No Change
GRZ – R4	**Relocated Buildings** **Activity Status Permitted** Where: 1. All performance standards for Rule GRZ - R1 are complied with; 2. Any relocated building intended for use as a dwelling must have been designed, ~~and~~ built, ~~to be~~ **and** used as a dwelling; 3. A building pre-inspection report **completed in accordance with Appendix Eleven** shall accompany the application for a building consent for the destination site. That report is to identify all reinstatement works that are to be completed to the exterior of the building. The report shall include a certification by the property owner that the **exterior** reinstatement works **including connections to infrastructure services and closing in and ventilation of the foundations** shall be completed within 12-month**s of the building being delivered to the site**; **and**; 4. The building shall be located on permanent foundations approved by building consent no later than 2 months of the building being moved to the site; and ~~5. All other reinstatement work required by the building inspection report and the building consent to reinstate the exterior of any relocated dwelling shall be completed within 12 months of the building being delivered to the site. This reinstatement work is to include connections to all infrastructure services and closing in and ventilation of the foundations.~~ **Activity status where compliance not achieved**: Controlled
GRZ – R5	**Home Business** **Activity Status Permitted** Where: 1. This is ancillary to a residential activity; 2. All performance standards for Rules GRZ - R1, NOISE R1-R2 and R45, LIGHT - R3 and SIGN - R10 are complied with; **3. There is no more than one full–time equivalent person engaged in the home business that resides off-site;** 4. Hours of operation are limited to:

a. 7am-7pm weekdays; and

b. 8am - 5pm weekends and public holidays;

c. Except where:

i. The entire activity is located within a building;

ii. Each person engaged in the activity outside the above hours resides permanently on site; and

iii. There are no visitors, customers or deliveries to the activity outside of the above hours

~~5. A maximum of 4 heavy vehicle movements per day, and whichever is the greater of 20 light vehicle movements per day or and 140 light vehicle movements per week;~~

5. No external storage of products except those associated with residential use shall be visible from any residential zoned property or public place; and

6. No external generation of dust, odour or smoke occurs as part of the activity.

Activity status where compliance not achieved: Discretionary

GRZ – R6 **Residential Visitor Accommodation**

Activity Status Permitted

Where:

1. The accommodation is ancillary to a residential activity;

2. All performance standards for Rules GRZ - R1, NOISE R1-R2 and R~~4~~5, LIGHT - R3 and SIGN - R10 are complied with;

3. There is a maximum of **six**~~6~~ paying guests at any one time;

4. Written notification to the District Council is required 10 working days prior to the activity commencing;

5. Records of letting activity must be kept and provided to the District Council **annually** ~~on request~~; and

6. No heavy vehicle movements are generated; and

7. In the Buller **and Westland** District**s** the accommodation is homestay accommodation with a permanent resident living on site.

Advice Notes:

1. Compliance with the Building Code is required for any use of residential property for visitor accommodation. Written notice to the relevant Council Building Compliance Team must be provided and a Building Consent may also be required.

2. ~~In the Buller and Westland Districts, w~~**W**here residential visitor accommodation has been lawfully established under the Buller, **Grey** or Westland District Plan

	provisions **and not discontinued for more than 12 months**, ~~then~~ existing use rights **may** apply. **Activity status where compliance not achieved**: Restricted Discretionary
GRZ – R7	**Community Facilities and Educational Facilities** **Activity Status Permitted** Where: 1. All performance standards for Rules GRZ - R1, NOISE R1-R2 and R~~4~~5, LIGHT - R3 and SIGN - R10 are complied with; **and** 2. A maximum of 4 heavy vehicle movements and whichever is the greater of 20 light vehicle movements per day or 140 vehicle movements per week and **compliance is achieved with TRN – R6**; and 3. No external storage of products except those associated with residential use shall be visible from any residential zoned property or public place. **Activity status where compliance not achieved**: Restricted Discretionary
GRZ – R8	**Retirement Homes and Supported Residential Accommodation Activity Status Permitted** Where: 1. All performance standards for Rules GRZ - R1, NOISE R1-R2 and R~~4~~5, LIGHT - R3 and SIGN - R10 are complied with; 2. There is a maximum of 10 residents; and 3. No external storage of products except those associated with residential use shall be visible from any residential zoned property or public place. **Activity status where compliance not achieved**: Restricted Discretionary
GRZ – R9	As notified
GRZ – R10	As notified
GRZ – R11	**Minor Structures not meeting Permitted Activity Standards** **Activity Status Controlled** Where: 1. The minor structure does not exceed 10m in height; and 2. **Structures are set back a minimum of 4.5m from the road boundary and 1m from internal boundaries.**

	Matters of control are: a. Design and location of structures; and b. ~~Landscape measures.~~**Measures to mitigate landscape effects;** **Activity status where compliance not achieved:** Discretionary
GRZ – R12	**Relocated Buildings not meeting Permitted Activity Standards** **Activity Status Controlled** Where: All performance standards for Rule GRZ - R1 are complied with. **Matters of control are:** a. Design and location of structures; b. ~~Landscape measures~~ **Measures to mitigate landscape effects**; and c. Appearance of buildings. **Activity status where compliance not achieved: Discretionary**
GRZ – R13	**Buildings not meeting Rule GRZ-R1** **Activity Status Restricted Discretionary** Where: 1. The building projects into the recession plane as defined in Appendix Two; or 2. The building is set back less than 1m from internal boundaries; and 3. All other performance standards for Rule GRZ - R1 are complied with. **Discretion is restricted to:** a. Design and location of buildings; b. Design and location of parking and access; ~~and~~ c. ~~Landscape measures.~~**Measures to mitigate landscape effects;** **d. Shading and loss of sunlight to adjoining sites; and** **e. Loss of privacy to adjoining sites.** **Activity status where compliance not achieved:** Discretionary
GRZ – R14	**Residential Visitor Accommodation not meeting Rule GRZ - R6 Activity Status Restricted Discretionary** Where: 1. This is ancillary to a residential activity;

	2. No heavy vehicle movements are generated; and 3. All performance standards for Rules GRZ - R1, NOISE R1-R2 and R4**5**, LIGHT - R3 and SIGN - R10 are complied with. **Discretion is restricted to:** a. Design and location of buildings; b. Design and location of parking and access; c. ~~Landscape measures.~~**Measures to mitigate landscape effects;** d. Hours of operation; and e. Acoustic and noise insulation requirements. **Activity status where compliance not achieved:** Discretionary
GRZ – R15	**Community Facilities and Educational Facilities not meeting Rule GRZ - R7, Retirement Homes and Supported Residential Accommodation not meeting Rule GRZ - R8 and Retirement Villages** **Activity Status Restricted Discretionary Discretion is restricted to:** a. Design and location of buildings; b. Design and location of parking and access; c. ~~Landscape measures.~~**Measures to mitigate landscape effects**; d. Hours of operation; e. Water supply, wastewater and stormwater management; ~~and~~ f. Acoustic and noise insulation requirements; **g. Noise management;** **h. Traffic generation;** **i. Loss of privacy to adjoining sites; and** **j. Character and amenity of the surrounding area.** **Notification**: Applications for community facilities will always be notified to adjacent neighbours and may be publicly notified. **Activity status where compliance not achieved:** N/A
GRZ – R16	**Development of Medium Density Housing**

	Activity Status Restricted Discretionary Where: 1. These do not meet the GRZ - 1 Permitted Activity Standards in relation to any of density, height, setbacks, recession planes and building coverage; 2. All other performance standards for Rules GRZ - R1 are complied with; 3. The minimum density is 150m2 net site area; 4. The maximum height is 12.5m; 5. Within 10 metres of a site boundary that is zoned General Residential the maximum height shall be 10m; and 6. Maximum building coverage is 50%. Discretion is restricted to: a. Number of units; b. Provision of infrastructure to service the development; c. Design and location of parking and access; d. Design and location of buildings; e. Compliance with the Medium Density Housing Design guidelines in Appendix Three; f. ~~Landscape measures~~ **Measures to mitigate landscape effects**; and g. Acoustic and noise insulation requirements
GRZ – R17	Papakāinga Developments not meeting Permitted Activity Standards Activity Status Restricted Discretionary Where: 1. The minimum residential unit density is 150m2 net site area; 2. The maximum height is 12.5m; 3. Within 10 metres of a site boundary that is zoned General Residential the maximum height shall be 10m; and 4. Maximum building coverage is 50%. **Discretion is restricted to:** a. Number of units; b. Provision of infrastructure to service the development; c. Design and location of parking and access; d. Design and location of buildings; e. Where relevant compliance with the Medium Density Housing Design guidelines in Appendix Three; f. ~~Landscape measures~~ **Measures to mitigate landscape effects**; and g. Acoustic and noise insulation requirements
GRZ – R18	**Commercial Visitor Accommodation within the Hokitika Visitor Accommodation Area not meeting Permitted Activity Standards** Activity Status Restricted Discretionary

	1. The maximum height is 12.5m; 2. Within 10 metres of a site boundary that is zoned General Residential the maximum height shall be 10m; and 3. Maximum building coverage is 50%. Discretion is restricted to: a. Number of units; b. Provision of infrastructure to service the development; c. Design and location of parking and access; d. Design and location of buildings; e. ~~Landscape measures~~ **Measures to mitigate landscape effects**; and f. Acoustic and noise insulation requirements
GRZ – R18A	**Fences, Walls and Retaining Structures not meeting Permitted Activity Standards** **Activity Status Restricted Discretionary** **Discretion is restricted to:** **a. Design and location of structures;** **b. Height of structures; and** **c. Shading and dominance effects on adjoining sites.**
GRZ – R19	**Residential Activity, Residential Units, Papakāinga developments, ~~Fences, Walls and~~ Minor Structures and Relocated Buildings not meeting Permitted, Controlled or Restricted Discretionary Activity Standards.** **Activity Status Discretionary** Where: 1. All performance standards for Rules NOISE R1-R2 and R4**5** and LIGHT - R3 are complied with. **Activity status where compliance not achieved:** Non-complying
GRZ – R20	**Home Business not meeting Permitted Activity Standards Activity Status Discretionary** Where: 1. All performance standards for Rules NOISE R1-R2 and R4**5** and LIGHT - R3 are complied with. **Activity status where compliance not achieved:** Non-complying
GRZ – R21	As notified

GRZ – R22	**Commercial Activities and Emergency Service Activities Activity Status Discretionary** Where: 1. This is not a Home Business or Visitor Accommodation; 2. All performance standards for Rules NOISE R1-R2 and R4**5** and LIGHT - R3 are complied with; 3. Commercial Activities Hours of Operation are limited to 7am to 7pm weekdays and 8am to 5pm weekends and public holidays; and 4. No external generation of dust, odour or smoke occurs as part of the activity. **Activity status where compliance not achieved:** Non-complying Refer Home Business and Visitor Accommodation Rules for these activities
GRZ – R23	As notified
GRZ – R24	**Any Activity not provided for by another Rule in the zone** **Activity Status ~~Non-complying~~ Discretionary** **Activity status where compliance not achieved**: N/A
Appendix Eleven	**Requirements for a Relocated Building Pre-Inspection Report** **This report must be provided prior to the building being relocated to its new site. The information required in the pre-inspection report is as follows:** • **Proposed new site location** • **Date of report** • **Type of building** • **Date of construction** • **Building description – number of stories, ground floor area, general construction materials for roof, walls, floor, any additional features.** • **Site address where the building was inspected** • **Date when building inspected** • **Name of inspector and qualifications** • **Proposed use of the building** • **Previous use of the building** • **Description of areas accessed (ie interior/exterior)** • **Condition assessment of the following external elements: roof, spouting and downpipes, wall cladding, foundation cladding, window and door joinery** • **Any health and safety matters that need to be considered** • **Estimate of costs of external reinstatement including repair of transit damage, repair of any broken or damaged external elements, clearning and painting of exterior elements.**

LLRZ – R1	**Residential Activities and Residential Units and Accessory Buildings**

Activity Status Permitted

Where:

1. There is no more than **one**~~1~~unit per 1000m^2 net site area;

2. The maximum height of a building above ground level is 10m;

3. There is no more than **one**~~1~~ minor residential unit per 1000m^2 net site area with a maximum size of 65m^2;

4. Buildings are setback a minimum 10m from road boundaries, except that a roof overhang may encroach 750mm;

5. Maximum site coverage is 40% or 500m^2 whichever is the lesser;

6. Stormwater is managed on site with any off-site discharge ~~is~~ managed in accordance with NZS4404:2010 Land Development and Subdivision Infrastructure and must not drain to any public road ~~except for secondary flow purposes~~;

7. All residential units and buildings used for a residential activity must be connected to the community water supply and wastewater networks;

8. No more than two heavy vehicles are stored on site;

9. Buildings are setback a minimum of 4m from all other site boundaries except where the neighbouring property owner's written approval is provided to the Council at least 10 working days prior to the works commencing;

10. No building shall project beyond a building envelope defined by a recession plane as defined in Appendix Two to commence 2.5m above any site boundary ~~except where neighbouring property owner's written approval is provided to the Council at least 10 working days prior to the works commencing.~~ This standard does not apply to~~:~~

~~a. Road boundaries;~~

~~b. Buildings on adjoining sites that have a common wall along the boundary;~~

~~c. Boundaries abutting an access lot or right of way in which case the furthest boundary of the access lot or right of way may be used for assessing compliance with this standard;~~

~~d.~~ Boundaries adjoining any site in a CMUZ - Commercial and Mixed Use, INZ - Industrial or RURZ - Rural Zone~~;~~.

~~e. Antennas, aerials, satellite dishes (less than 1m in diameter), chimneys, flues and architectural features (e.g. finials, spires) provided these do not exceed the recession plane by more than 3m vertically; or~~

~~f. Solar panels and solar water heaters, provided these do not exceed the height in relation to boundary plane by more than 0.25m vertically.~~

Advice Note:

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

vi. 80m of a State Highway with a speed limit of 70kph or greater; or
vii. 40m of a State Highway with a speed limit of less than 70kph; or

viii. 40m of a Railway Line; or
ix. The 50 dBA Noise Contour boundary of Franz Josef Heliport; or
x. The 55 dBA Noise Contour boundary of the Westport or Hokitika Airports or Greymouth or Karamea Aerodrome.

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

Activity status where compliance not achieved: Discretionary

LLRZ – R2 **Minor Structures**

Activity Status Permitted

Where:

1. ~~All performance standards for Rule LLRZ - R1 are complied with~~ **Structures are set back a minimum of 4.5m from the road boundary and 1m from internal boundaries**;

2. Masts, poles, aerials and pou whenua must not exceed 7m in height;

3. Any antenna dish must be less than 1m in diameter;

4. Any ornamental or garden structure must not exceed 2.4 m in height; and

5. Any other structure must not exceed $10m^2$ and 2m in height.

Activity status where compliance not achieved: Controlled

LLRZ – R3 No Change

LLRZ – R4 **Relocated Buildings**

Activity Status Permitted

Where:

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

2. Any relocated building intended for use as a dwelling must have been designed**,** ~~and~~ built ~~to be~~ **and** used as a dwelling;

3. A building pre-inspection report **completed in accordance with Appendix Eleven** shall accompany the application for a building consent for the destination site. That report is to identify all reinstatement works that are to be completed to the exterior of the building. The report shall include a certification by the property owner that the **exterior** reinstatement works **including connections to infrastructure services and closing in and ventilation of the foundations** shall be completed within 12-month**s of the building being delivered to the site**; **and**;

4. The building shall be located on permanent foundations approved by building consent no later than 2 months of the building being moved to the site; and

~~5. All other reinstatement work required by the building inspection report and the building consent to reinstate the exterior of any relocated dwelling shall be completed within 12 months of the building being delivered to the site. This reinstatement work is to include connections to all infrastructure services and closing in and ventilation of the foundations.~~

Activity status where compliance not achieved: Controlled

LLRZ – R5 **Home Business**

Activity Status Permitted

Where:

1. This is ancillary to a residential activity;

2. All performance standards for Rules LLRZ - R1, NOISE R1-R2 and R4<u>5</u> and LIGHT - R3 are complied with;

3. Hours of operation are limited to:

a. 7am-10pm weekdays; and

b. 8am - 8pm weekends and public holidays;

c. Except where:

i. The entire activity is located within a building;

ii. Each person engaged in the activity outside the above hours resides permanently on site; and

iii. There are no visitors, customers or deliveries to the activity outside of the above hours.

4. **<u>There is no more than one full–time equivalent person engaged in the home business that resides off-site</u>.**

~~4. A maximum of 4 heavy vehicle movements per day, and whichever is the greater of 30 light vehicle movements per day or and 210 light vehicle movements per week;~~

5. No external storage of products except those associated with residential use shall be visible from any residential zoned property or public place; and

6. No external generation of dust, odour or smoke occurs as part of the activity.

Activity status where compliance not achieved: Discretionary

LLRZ – R6 **Residential Visitor Accommodation**

Activity Status Permitted

Where:

1. This is ancillary to a residential activity;

	2. All performance standards for Rules LLRZ - R1, NOISE R1-R2 and R4~~4~~5 and LIGHT - R3 and SIGN - R10 are complied with; 3. There is a maximum of **six**~~6~~ paying guests at any one time; 4. Written notification to the District Council is required 10 working days prior to the activity commencing; 5. Records of letting activity must be kept and provided to the Council **annually** ~~on request~~; and 6. No heavy vehicle movements are generated. **Advice Notes**: **1.** Compliance with the Building Code is required for any use of residential property for visitor accommodation. Written notice to the relevant Council Building Compliance Team must be provided and a Building Consent may also be required. **2. Where residential visitor accommodation has been lawfully established under the Buller, Grey or Westland District Plan provisions and has not been discontinued for more than 12 months, then existing use rights may apply.** **Activity status where compliance not achieved**: Restricted Discretionary
LLRZ – R7	**Community Facilities and Educational Facilities** **Activity Status Permitted** Where: 1. All performance standards for Rules LLRZ - R1, NOISE R1-R2 and R4**5** and LIGHT - R3 and SIGN - R10 are complied with; **and** 2. A maximum of 4 heavy vehicle movements and whichever is the greater of 30 light vehicle movements per day or 210 vehicle movements per week **and compliance is achieved with TRN – R6**; and 3. No external storage of products except those associated with residential use shall be visible from any residential zoned property or public place. **Activity status where compliance not achieved**: Restricted Discretionary
LLRZ – R8	**Retirement Homes and Supported Residential Accommodation Activity Status Permitted** Where: 1. All performance standards for Rules LLRZ - R1, NOISE R1-R2 and R4**5** and LIGHT - R3 and SIGN - R10 are complied with; 2. The maximum number of residents is 10; and

	3. No external storage of products except those associated with residential use shall be visible from any residential zoned property or public place. **Activity status where compliance not achieved**: Restricted Discretionary
LLRZ – R9	As notified
LLRZ – R10	**Minor Structures not meeting Permitted Activity Standards Activity Status Controlled** Where: 1. The minor structure does not exceed 10m in height; and 2. ~~All performance standards for Rule LLRZ - R1 are complied with~~ **Structures are set back a minimum of 4.5m from the road boundary and 1m from internal boundaries.** **Matters of control are:** a. Design and location of structures; and b. ~~Landscape measures.~~**Measures to mitigate landscape effects**. **Activity status where compliance not achieved:** Discretionary
LLRZ – R11	**Relocated Buildings not meeting Permitted Activity Standards** **Activity Status Controlled** Where: 1. All performance standards for Rule LLRZ - R1 are complied with. **Matters of control are**: a. Design and location of structures; b. ~~Landscape measures~~ **Measures to mitigate landscape effects**; and c. Appearance of buildings.
LLRZ – R12	**Community Facilities and Educational Facilities not meeting Rule LLRZ -R7, Supported Residential Accommodation and Retirement Homes not meeting Rule LLRZ - R8 and Retirement Villages** **Activity Status Restricted Discretionary** Discretion is restricted to: a. Design and location of buildings; b. Design and location of parking and access; c. ~~Landscape treatment~~ **Measures to mitigate landscape effects**; d. Water supply, wastewater and stormwater requirements;

e. Hours of operation; and
f. Acoustic and noise insulation requirements.

Notification:

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

LLRZ – R13 **Residential Visitor Accommodation not meeting Permitted Activity Standards**

Activity Status Restricted Discretionary

Where:

1. This is ancillary to a residential activity;

2. No heavy vehicle movements are generated; and

3. All performance standards for Rules LLRZ - R1, NOISE R1-R2 and R4**5** and LIGHT - R3 and SIGN - R10 are complied with.

Discretion is restricted to:

a. Design and location of buildings;

b. Design and location of parking and access;

c. ~~Landscape measures.~~**Measures to mitigate landscape effects;**

d. Water supply, wastewater and stormwater requirements;

e. Hours of operation; and

f. Acoustic and noise insulation requirements.

Activity status where compliance not achieved: Discretionary

LLRZ – R14 **Papakainga Developments not meeting Permitted Activity Standards Activity Status Restricted Discretionary**

Where:

1. The minimum residential unit density is 200m^2 net site area;

2. The maximum height is 12.5m;

3. Within 10 metres of a site boundary that is zoned Large Lot Residential the maximum height shall be 10m;

4. All performance standards for Rules NOISE R1-R2 and R4**5** and LIGHT - R3 are complied with; and

5. Maximum building coverage is 50%.

Discretion is restricted to:

a. Design and location of buildings;

	b. Design and location of parking and access; c. ~~Landscape measures.~~**Measures to mitigate landscape effects;** d. Water supply, wastewater and stormwater requirements; e. Where relevant compliance with the Medium Density Housing Design guidelines in Appendix Three; ~~f. Hours of operation;~~ and f. Acoustic and noise insulation requirements. **Activity status where compliance not achieved:** Discretionary
LLRZ - R14A	**Fences, Walls and Retaining Structures not meeting Permitted Activity Standards** **Activity Status Restricted Discretionary** **Discretion is restricted to:** **a. Design and location of structures;** **b. Height of structures; and** **c. Shading and dominance effects on adjoining sites.**
LLRZ – R15	**Residential Activities, Residential Units, Papakāinga Developments~~, Fences, Walls and Retaining Walls~~ and Minor Structures not meeting Permitted, Controlled or Restricted Discretionary Standards** **Activity Status Discretionary** Where: 1. All performance standards for Rules NOISE R1-R2 and R4**5** and LIGHT - R3 are complied with. **Activity status where compliance not achieved:** Non-complying
LLRZ – R16	As notified
LLRZ – R17	**Residential Visitor Accommodation not meeting Restricted Discretionary Activity Standards and Commercial Visitor Accommodation** **Activity Status Discretionary** Where: 1. All performance standards for Rules NOISE R1-R2 and R4**5** and LIGHT - R3 are complied with.

	Activity status where compliance not achieved: Non-complying
LLRZ – R18	As notified
LLRZ – R19	As notified
LLRZ – R20	As notified
LLRZ – R21	As notified
LLRZ – R22	**Any Activity not provided for by another Rule in the zone** **Activity Status ~~Non-complying~~ Discretionary** **Activity status where compliance not achieved**: N/A

MRZ-R1	**Residential Activities and Residential Units and Accessory Buildings** **Activity Status Permitted** Where: 1. Residential unit density is no more than **one**~~1~~ unit per 300m^2 net site area; 2. The maximum building height above ground level is 10m; 3. Buildings are setback a minimum 4.5m from road boundaries, except that a roof overhang may encroach 750mm; 4. Maximum site coverage is 40%; 5. A minimum of 30m^2 of outdoor living space is provided per residential unit excluding any parking and manoeuvring areas~~;~~ **and the outdoor living space must have a minimum dimension of 3m**; 6. No heavy vehicles are stored on site; 7. All residential units and buildings used for a residential activity must be connected to the community water supply, and wastewater networks and stormwater from the site and are **managed in accordance with the relevant standards in NZS4404:2010 Land Development and Subdivision Infrastructure** ~~used for the activity~~ and must not drain to any public road ~~except for secondary flow purposes~~; 8. No building shall project beyond a building envelope defined by a recession plane as defined in Appendix Two to commence 2.5m above any site boundary ~~except where neighbouring property owner's written approval is provided to the Council at least 10 working days prior to the works commencing.~~ This standard does not apply to~~:~~ ~~a. Road boundaries;~~ ~~b. Buildings on adjoining sites that have a common wall along the boundary;~~ ~~c. Boundaries abutting an access lot or right of way in which case the furthest boundary of the access lot or right of way may be used for assessing compliance with this standard;~~ ~~d. B~~**b**oundaries adjoining any site in a CMUZ - Commercial and Mixed Use, INZ - Industrial or RURZ - Rural Zone;

	~~e. Antennas, aerials, satellite dishes (less than 1m in diameter), chimneys, flues and architectural features (e.g. finials, spires) provided these do not exceed the recession plane by more than 3m vertically; or~~ ~~f. Solar panels and solar water heaters, provided these do not exceed the height in relation to boundary plane by more than 0.25m vertically;~~ and 9. Buildings are setback a minimum of 1.5m from the railway corridor and 1m from all other site boundaries, except that: a. Duplexes do not require a setback from the side boundary of the other duplex unit; and ~~b. Setbacks are not required from adjacent residential boundaries where the neighbouring property owner's written approval is provided to the Council at least 10 working days prior to the works commencing.~~ **Advice Notes:** 1. Where a residential building or noise sensitive activity is located within: i. 80m of a State Highway with a speed limit of 70kph or greater; or ii. 40m of a State Highway with a speed limit of less than 70kph; or iii. 40m of a Railway Line; or iv. The 50 dBA Noise Contour boundary of Franz Josef Heliport; or v. The 55 dBA Noise Contour boundary of the Westport or Hokitika Airports or Greymouth or Karamea Aerodrome. Then the acoustic insulation requirements set out in Rule NOISE - R3 will apply. 2. **Where boundary setbacks are infringed, the Deemed Permitted Activity Boundaries process will apply where the neighbouring property owner's written approval is provided to the relevant district council.** **Activity status where compliance not achieved**: Controlled where this is for Medium Density Housing and standards 1 - 4 are not complied with. Otherwise: Discretionary
MRZ-R2	**Minor Structures** **Activity Status Permitted** Where: 1. ~~All performance standards for Rule GRZ - R1 are complied with~~ **Structures are set back a minimum of 4.5m from the road boundary and 1m from internal boundaries;** 2. Masts, poles, aerials and pou whenua must not exceed 7m in height; 3. Any antenna dish must be less than 1m in diameter; 4. Any ornamental or garden structure must not exceed 2.4 m in height; and

	5. Any other structure must not exceed 10m^2 and 2m in height. **Activity status where compliance not achieved**: Controlled
MRZ-R3	As notified
MRZ-R4	**Relocated Buildings** **Activity Status Permitted** Where: 1. All performance standards for Rule MRZ - R1 are complied with; 2. Any relocated building intended for use as a dwelling must have been designed, ~~and~~ built, ~~to be~~ and **used** as a dwelling; 3. A building pre-inspection report **completed in accordance with Appendix Eleven** shall accompany the application for a building consent for the destination site. That report is to identify all reinstatement works that are to be completed to the exterior of the building. The report shall include a certification by the property owner that the **exterior** reinstatement works **including connections to infrastructure services and closing in and ventilation of the foundations** shall be completed within 12-month**s of the building being delivered to the site**; **and**; 4. The building shall be located on permanent foundations approved by building consent no later than 2 months of the building being moved to the site; and ~~5. All other reinstatement work required by the building inspection report and the building consent to reinstate the exterior of any relocated dwelling shall be completed within 12 months of the building being delivered to the site. This reinstatement work is to include connections to all infrastructure services and closing in and ventilation of the foundations.~~ **Activity status where compliance not achieved**: Controlled
MRZ-R5	**Home Business** **Activity Status Permitted** Where: 1. This is ancillary to a residential activity; 2. All performance standards for Rules MRZ - R1, NOISE R1-R2 and R~~4~~**5**, LIGHT - R3 and SIGN - R10 are complied with; 3. Hours of operation are limited to: a. 7am-7pm weekdays; and b. 8am - 5pm weekends and public holidays; c. Except where:

	i. The entire activity is located within a building; ii. Each person engaged in the activity outside the above hours resides permanently on site; and iii. There are no visitors, customers or deliveries to the activity outside of the above hours; 4. **There is no more than one full–time equivalent person engaged in the home business that resides off-site**. ~~4. A maximum of 4 heavy vehicle movements per day and whichever is the greater of 20 light vehicle movements per day or and 140 light vehicle movements per week;~~ 5. No external storage of products except those associated with residential use shall be visible from any residential zoned property or public place; and 6. No external generation of dust, odour or smoke occurs as part of the activity. **Activity status where compliance not achieved**: Discretionary
MRZ-R6	**Residential Visitor Accommodation** **Activity Status Permitted** Where: 1. This is ancillary to a residential activity; 2. All performance standards for Rules MRZ - R1, NOISE R1-R2 and R~~4~~**5**, LIGHT - R3 and SIGN - R10 are complied with; 3. There is a maximum of **six**~~6~~ paying guests at any one time; 4. Written notification to the District Council is required 10 working days prior to the activity commencing; 5. Records of letting activity must be kept and provided to the Council on request; 6. No heavy vehicle movements are generated; and 7. In the Buller **and Westland** District**s** the accommodation is homestay accommodation with a permanent resident living on site. **Advice Notes**: 1. Compliance with the Building Code is required for any use of residential property for visitor accommodation. Written notice to the relevant Council Building Compliance Team must be provided and a Building Consent may also be required. 2. **Where residential visitor accommodation has been lawfully established under the Buller, Grey or Westland District Plan provisions and not discontinued for more than 12 months, then existing use rights may apply**.

	Activity status where compliance not achieved: Restricted Discretionary
MRZ-R7	**Community Facilities and Educational Facilities** **Activity Status Permitted** Where: 1. All performance standards for Rules MRZ - R1, NOISE R1-R2 and R4**5**, LIGHT - R3 and SIGN - R10 are complied with; 2. A maximum of 4 heavy vehicle movements and whichever is the greater of 20 light vehicle movements per day or 140 vehicle movements per week **and compliance is achieved with TRN – R6**;and 3. Any buildings must be connected to the community water supply and wastewater networks and stormwater from the site used for the activity from the site and are **managed in accordance with the relevant standards in NZS4404:2010 Land Development and Subdivision Infrastructure** ~~used for the activity~~ and must not drain to any public road ~~except for secondary flow purposes~~; and 4. No external storage of products except those associated with residential use shall be visible from any residential zoned property or public place. **Activity status where compliance not achieved**: Restricted Discretionary
MRZ-R8	**Retirement Homes and Supported Residential Accommodation Activity Status Permitted** Where: 1. All performance standards for Rules MRZ - R1, NOISE R1-R2 and R4**5**, LIGHT - R3 and SIGN - R10 are complied with; 2. There are a maximum of **six**~~6~~ residents living on site; and 3. No external storage of products except those associated with residential use shall be visible from any residential zoned property or public place. **Activity status where compliance not achieved**: Restricted Discretionary
MRZ-R9	**Minor Structures not meeting Rule MRZ - R2** **Activity Status Controlled** Where: 1. The minor structure does not exceed 10m in height; and 2. ~~All performance standards for Rule GRZ - R1 are complied with~~ **Structures are set back a minimum of 4.5m from the road boundary and 1m from internal boundaries**.

Matters of control are:

1. Design and location of structures; and

2. ~~Landscape measures.~~**Measures to mitigate landscape effects**.

Activity status where compliance not achieved: Discretionary

MRZ-R10 Relocated Buildings not meeting Rule MRZ - R4

Activity Status Controlled

Where:

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

Matters of control are:

a. Design and location of structures;
b. ~~Landscape measures~~ **Measures to mitigate landscape effects**;
c. Connections to water supply, wastewater and stormwater; and
d. Appearance of buildings.

Activity status where compliance not achieved: Discretionary

MRZ-R11 Development of Medium Density Developments

Activity Status Controlled

Where:

1. These do not meet the MRZ - 1 performance standards in relation to any of density, height, setbacks, recession planes and building coverage;
2. The maximum height is 12.5m;
3. Residential unit density is no more than 1 unit per 200m^2 net site area;
4. Within 10 metres of a site boundary that is zoned General Residential the maximum height shall be 10m; and
5. Maximum building coverage is 50%.

Matters of control are:

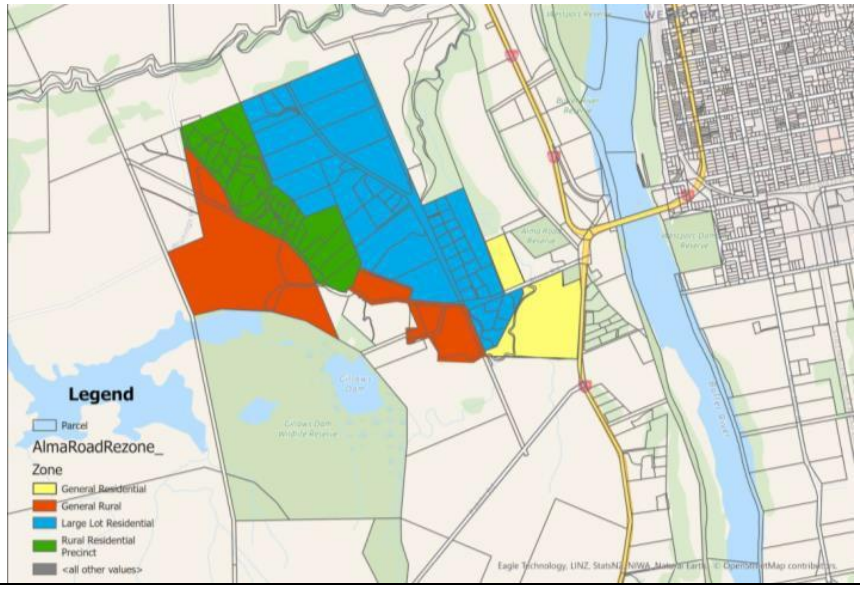
a. Provision of infrastructure to service the development;
b. Design and location of parking and access;
c. Design and location of buildings and compliance with the Medium Density Housing Design guidelines in Appendix Three; and
d. ~~Landscape measures~~ **Measures to mitigate landscape effects**.

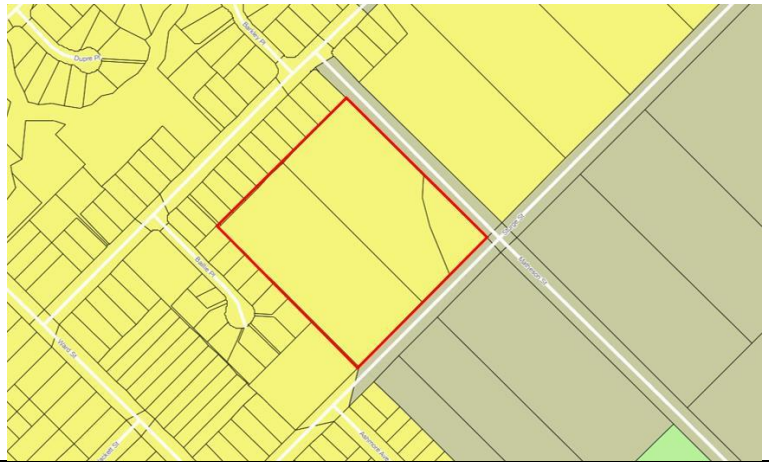
	Activity status where compliance not achieved: Restricted Discretionary
MRZ-R12	**Community Facilities and Educational Facilities not meeting Rule MRZ - R7, Supported Residential Accommodation and Retirement Homes not meeting Rule MRZ - R8 and Retirement Villages** **Activity Status Restricted Discretionary** **Discretion is restricted to:** a. Design and location of buildings; b. Design and location of parking and access; c. ~~Landscape measures.~~**Measures to mitigate landscape effects**; d. Hours of operation; ~~and~~ e. Acoustic and noise insulation requirements; **and** **f. Provision of infrastructure to service the development.** **Notification**: Applications for community facilities will always be notified to adjacent neighbours and may be publicly notified. **Activity status where compliance not achieved:** N/A
MRZ-R13	**Community Facilities and Educational Facilities not meeting Rule MRZ - R7, Supported Residential Accommodation and Retirement Homes not meeting Rule MRZ - R8 and Retirement Villages** **Activity Status Restricted Discretionary** **Discretion is restricted to:** Design and location of buildings; a. Design and location of parking and access; b. ~~Landscape measures.~~**Measures to mitigate landscape effects**; c. Hours of operation; ~~and~~ d. Acoustic and noise insulation requirements; **and** **e. Provision of infrastructure to service the development.**
MRZ-R14	**Residential Visitor Accommodation not meeting Rule MRZ - R6** **Activity Status Restricted Discretionary** Where:

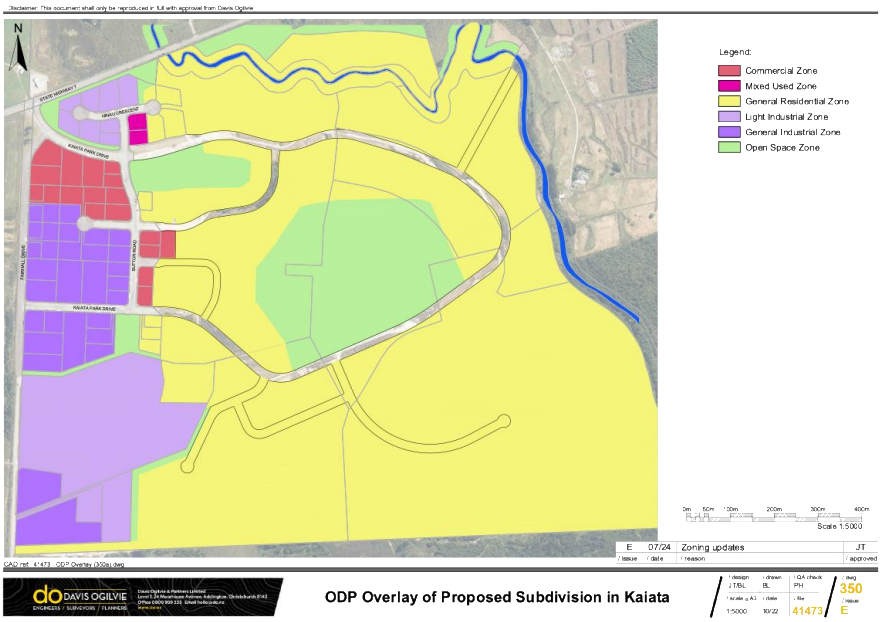
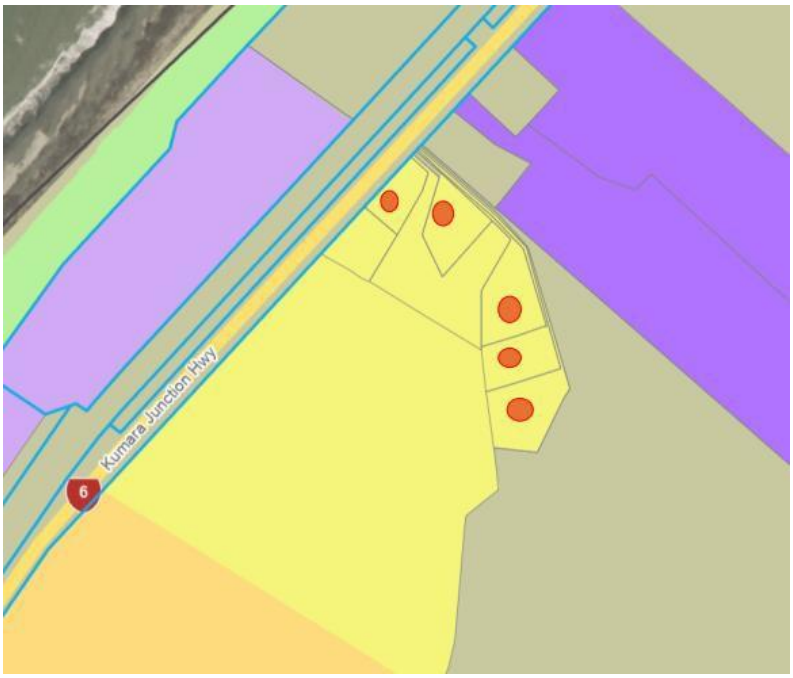
	a. This is ancillary to a residential activity; b. No heavy vehicle movements are generated; and c. All performance standards for Rules MRZ - R1, NOISE R1-R2 and R4**5**, LIGHT - R3 and SIGN - R10 are complied with. **Discretion is restricted to:** 1. Design and location of buildings; 2. Design and location of parking and access; 3. ~~Landscape measures.~~**Measures to mitigate landscape effects;** 4. Hours of operation; and 5. Acoustic and noise insulation requirements; **and** **6. Provision of infrastructure to service the development.** **Activity status where compliance not achieved:** Discretionary
MRZ-R14A	**Fences, Walls and Retaining Structures not meeting Permitted Activity Standards** **Activity Status Restricted Discretionary** **Discretion is restricted to:** **a. Design and location of structures;** **b. Height of structures; and** **c. Shading and dominance effects on adjoining sites.**
MRZ-R15	**Residential Activities, Residential Units~~, Fences, Walls and Retaining Walls, Relocated Buildings~~ and Minor Structures not meeting Permitted, Controlled or Restricted Discretionary Standards.** **Activity Status Discretionary** Where: a. All performance standards for Rules NOISE R1-R2 and R4**5** and LIGHT - R3 are complied with. **Activity status where compliance not achieved:** Non-complying
MRZ-R16	**Home Business not meeting Rule MRZ - R5** **Activity Status Discretionary** Where:

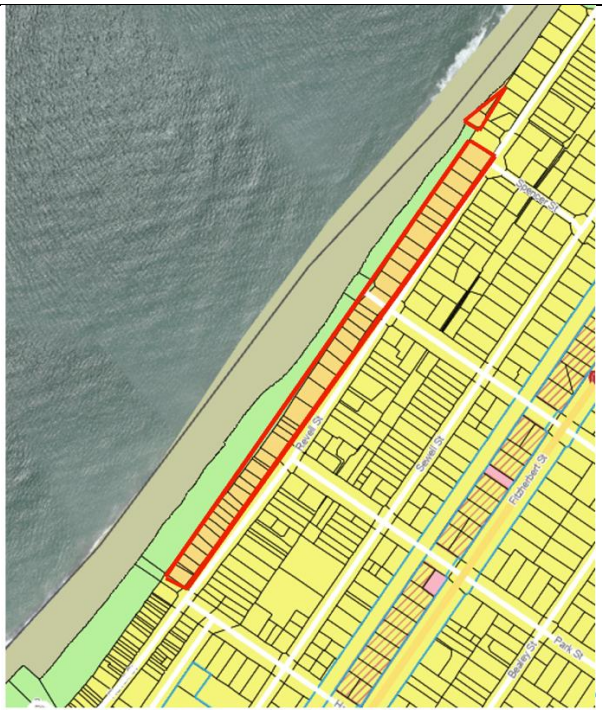
	a. This is ancillary to a Residential Activity; and b. All performance standards for Rules NOISE R1-R2 and R4**5** and LIGHT - R3 are complied with. **Activity status where compliance not achieved:** Non-complying
MRZ-R17	As notified
MRZ-R18	As notified
MRZ-R19	As notified
MRZ-R20	As notified
MRZ-R21	**Any Activity not provided for by another Rule in the zone** **Activity Status ~~Non-complying~~ Discretionary** **Activity status where compliance not achieved**: N/A

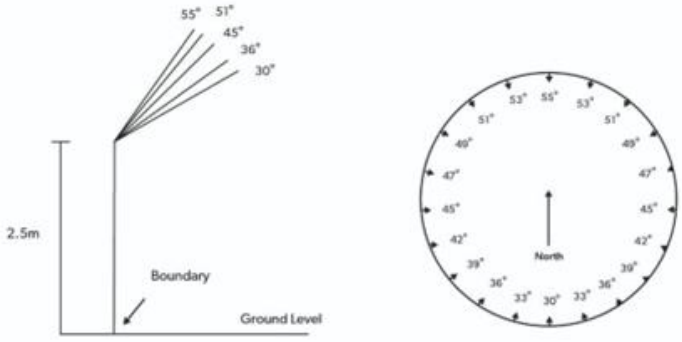
Zoning Maps

Provision	Recommended Amendments to Planning Maps
Alma Road Terrace Area	Amend the Alma Road Terrace Area in accordance with the Map Below 

Stafford Street - Westport	Amend Stafford Street (red outline) beside the O'Connor Home as General Residential Zone 
Neighbourhood Centre Zones - Reefton	Amend Neighbourhood Centre Zones (red dots) as General Residential Zone 
Sturge Street – Cobden - Greymouth	Amend General Residential Zone (red outline) to General Rural Zone 

Kaiata Park - Greymouth	Amend Kaiata Park in accordance with the Kaiata Park ODP below 
Land Adjacent to Silver Fern Farms Site	Amend Land (shown with red dots) adjacent to Silver Fern Farms site to Rural Lifestyle Zone 
Medium Density Residential Zone Revell Street, Hokitika	Amend Medium Density Residential Zone at Revell Street to General Residential Zone



Provision	Recommendation
Appendix Two: Recession Planes	**Appendix Two: Recession Planes**  **Diagram A** **Diagram B** Place Diagram B on the inside of the boundary. The angle tangential to the boundary is the angle of the recession plane. Note North is True North. The recession plane angle shall be applied as per Diagram A. ***The level of site boundaries shall be measured from filled ground level except where there is in existing building at a lower level on the other side of a common boundary, where that lower level shall be adopted. For the purpose of measuring recession planes only internal boundaries shall be taken as site boundaries These standards do not apply to:*** ***1. Road boundaries;*** ***2. Buildings on adjoining sites that have a common wall along the boundary;***

		3. Boundaries abutting an access lot or right of way in which case the furthest boundary of the access lot or right of way may be used for assessing compliance with this standard; ***4. Antennas, aerials, satellite dishes (less than 1m in diameter), chimneys, flues and architectural features (e.g. finials, spires) provided these do not exceed the recession plane by more than 3m vertically; or*** ***5. Solar panels and solar water heaters, provided these do not exceed the height in relation to boundary plane by more than 0.25m vertically;***
NOSZ – R1, OSZ – R1, SARZ – R1, MUZ – R1, NCZ – R1, TCZ – R1, GIZ -R1, LIZ – R1, SETZ – R1, HOSZ – R1, PORTZ – R1, STADZ – R1, SVZ – R1.		Remove the following from NOSZ – R1, OSZ – R1, SARZ – R1, MUZ – R1, NCZ – R1, TCZ – R1, GIZ -R1, LIZ – R1, SETZ – R1, HOSZ – R1, PORTZ – R1, STADZ – R1, SVZ – R1. ~~*These standards do not apply to:*~~ ~~*j. Road boundaries;*~~ ~~*ii. Buildings on adjoining sites that have a common wall along the boundary;*~~ ~~*iii. Boundaries abutting an access lot or right of way in which case the furthest boundary of the access lot or right of way may be used for assessing compliance with this standard;*~~ ~~*iv. Antennas, aerials, satellite dishes (less than 1m in diameter), chimneys, flues and architectural features (e.g. finials, spires) provided these do not exceed the recession plane by more than 3m vertically; or*~~ ~~*v. Solar panels and solar water heaters, provided these do not exceed the height in relation to boundary plane by more than 0.25m vertically;*~~

TAI POUTINI PLAN COMMITTEE

Hearing of Submissions on the Proposed Te Tai O Poutini Plan

Recommendation Report of Hearing Panel

Recommendation Report

Settlement Zones

Ngā Takiwa Tuawhenua

Settlement Zone

Te Takiwā Nōhanga Pōnaho

Hearing Dates: 29th & 30th and 1st & 2nd August 2024

HEARING PANEL

Dean Chrystal (Chair)

Paul Rogers

Anton Becker

Maria Bartlett

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APPENDICES

Appendix 1 – Recommendations

PART A – INTRODUCTORY MATTERS

1. PRELIMINARY MATTERS

1.1. Introduction

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

2. This Recommendation Report relates to the Settlement Zone - Ngā Takiwa Nōhanga Pōnaho of the pTTPP. It contains the Hearing Panel's evaluations and recommendations to the TTPP Committee on the submissions and further submissions received on the Settlement Zone provisions and planning maps.

3. The Section 32 Report[1] provided an evaluation of the Settlement Zone and how it was managed through the combined Plan, including the regulatory framework, resource management issues, the evidence base, consultation, information and analysis undertaken and evaluation of the options.

4. The Section 42A Officer's Report[2] ('s42A Report') for the Settlement Zones was authored by Ms Lois Easton, a planner with Kererū Consultants as the Reporting Officer, and was circulated before the hearing. The Reports provided an analysis of submissions and further submissions received and made recommendations on changes to the notified plan provisions.

5. Ms Easton subsequently provided an Addendum s42A Report[3] covering the rural and settlement zone topics, prepared to address submission points which were omitted, and updated commentary and recommendations on the specific submission of Russell Robinson concerning rezoning at Moana as a result of further technical information received from the Grey District Council.

6. The Settlement Zone (SETZ) s42A Report assessed a total of 378 submission points and 29 further submission points on the SETZ and the planning maps. It provided summaries of all submissions and further submissions received, as well as the relief sought; an analysis of the proposed changes to the provisions; and recommendations on changes to the plan provisions.

7. The matters raised by submitters were generally grouped in the s42A Report in relation to each of the key issues. The Panel notes that this format was slightly different from other s42A reports as it deals with Rules as a Whole prior to the Precinct Policies, as follows:

    - Overview and Rules as a whole;
    - Precinct Policies;
    - Rules SETZ-R1 and SETZ-R2;
    - Coastal Settlement Precinct rules – SETZ-R3, SETZ-R16 and SETZ-R20;
    - Rules SETZ-R4 – SETZ-R14;
    - Rules SETZ-R17 – SETZ-R28;

[1] Te Tai o Poutini Plan – Section 32 Evaluation Report Twelve

[2] Te Tai o Poutini Plan Section 42A Officer's Report Settlement Zone– Ngā Takiwa Nōhanga Pōnaho

[3] Addendum to Rural Zones and Settlement Zones s42A Reports and Appendices

- Subdivision Standard SUB1 in relation to the Settlement Zone; and
- Planning Maps and rezonings

8. In this recommendation report the Panel have moved the Rules as a Whole section to follow the Precinct Policies section.

9. An s32AA Evaluation for the changes was provided at the end of the s42A Report.

1.2. Recommendation Report

10. This Recommendation Report follows the same structure as the s42A Report. It provides a brief summary of the issues raised in submissions and further submissions, the s42A Report analysis and recommendations, submitter evidence and the Reporting Officer's reply evidence, before providing our evaluation and recommendation.

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

12. This Recommendation Report contains the reasons for the Panel's recommendations. These comprise either adoption of the reasoning and recommendations of the original section 42A Reports or the Reporting Officer's reply evidence (Councils' right of reply post hearing adjournment), or a specific reasoning by the Panel.

13. Where the Panel recommends the TTPP provisions should remain as notified, it is because:

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

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

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

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

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

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

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

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

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

16. If there are circumstances where the Panel consider that alternative relief is more appropriate than that requested in submissions and further submissions to give effect to the RMA, NZCPS, national policy statements and/or RPS, but are still within the scope of the relief sought, the relevant recommendation clearly sets out the nature of the change and the reason for the change. This is recorded in this Recommendation Report.

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

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

1.3. Terminology in this Report

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

Department of Corrections	Ara Poutama Aotearoa, Department of Corrections
Director General	Director General of Conservation
BDC	Buller District Council
BCG	Buller Conservation Group
Councils	Buller District Council, Grey District Council, and Westland District Council
FENZ	Fire and Emergency New Zealand
Foodstuffs	Foodstuffs (South Island) Properties Limited
Forest & Bird	Royal Forest & Bird Protection Society of NZ Inc
GDC	Grey District Council
GIZ	General Industrial Zone

HortNZ	Horticulture New Zealand
KiwiRail	KiwiRail Holdings Limited
MOE	Ministry of Education
Ngāi Tahu	Te Rūnanga o Ngāi Tahu, Te Runanga o Ngāti Waewae, Te Rūnanga o Makaawhio
NZAAA	New Zealand Agricultural Aviation Association
NPSHPL	National Policy Statement for Highly Productive Land
NPSFM	National Policy Statement for Freshwater Management 2020
NPSUD	National Policy Statement on Urban Development 2020
pTTPP	Proposed Te Tai Poutini Plan
RNZ	Radio New Zealand
RMA or the Act	Resource Management Act 1991
RPS	West Coast Regional Policy Statement
SASM	Sites and Areas of Significance to Māori
SFF	Silver Fern Farms Limited
Waka Kotahi	NZ Transport Agency Waka Kotahi
WCRC	West Coast Regional Council
WDC	Westland District Council

1.4. Hearing Arrangements

20. The hearing was held at two venues, the first being the NBS Theatre in Westport on the 29 & 30 July 2024 and the second being the West Coast Regional Council Building on the 1 & 2 August 2024. Some submitters appeared by internet connection.

21. At the hearing, Ms Easton tabled a Planning Summary Statement to her s42A Report and Addendum Report.

1.5. Appearances

22. The following submitters appeared at the hearing:

Mr Vance Boyd for himself

Hadleigh Pedler, Steve White and Mark Bucham for Radio New Zealand

Mr Frank O'Toole for himself and **Ms Anna Bensemann** for Mr Frank O'Toole

Mr Philippe Dumout, Mr Andrei Cotiga, Mr Jade McFarlane, Ms Claire McKeever, Mr Garry Howard, Ms Holly Luzak, Mr Anthony Fisher, Mr Tom McGaveston & Mr Bryan McGillan for Tauranga Bay Holdings Ltd

Ms Marie Elder for herself

Ms Pauline Hadfield for Te Kinga Investments Ltd and Davis Oglivie Ltd

Ms Kelsey Barry, Mr Russel Robinson, Mr Tony Penny, Mr Richard Nichol, Ms Helen Kellet, Ms Louise Bailey & Mr Craig Barr for Russell Robinson and Brunner Builders Limited

Mr Jonathan Bhana-Thomson for New Zealand Heavy Haulage Association Inc

Karl Luxon for Scenic Hotel Group

Rob Kinney for Te Kinga Estate Ltd

1.6. Overview of submitter evidence received

23. Legal submissions were received from Ms Kelsey Barry for Russell Robinson and Brunner Builders Limited, and Hadleigh Pedler for RNZ.

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

    (a) Mr Jonathan Bhana-Thomson, Chief Executive of the New Zealand Heavy Haulage Association Inc. (dated 14 June 2024);

    (b) Mr Martin Kennedy, planner for Westpower Limited (dated 1 July 2024);

    (c) Anna Jane Bensemann, planner for Frank O'Toole (dated 1 July 2024)

    (d) Craig Barr, Helen Kellett, Louise Bailey, Richard Nichol, Russell Robinson, Sophie South, Tony Penny for Russell Robinson and Brunner Builders Limited, (dated 18 March 2024)

    (e) Steve White, Transmission Engineer Specialist for RNZ (dated 2 July 2024).

25. Following the receipt of the s42A Report and the Addendum to the s42A Report, the following were received:

    (a) FENZ provided a letter[4] with additional discussion on those submission points that the reporting officer rejected.

    (b) KiwiRail provided a letter[5] confirming that they did not wish to be heard. The letter indicated that KiwiRail sought minimum building setback requirements from the rail corridor in the settlement zone.

    (c) A memorandum of Counsel was submitted on behalf of Foodstuffs (South Island) Properties Ltd. The letter confirms support for the officer's recommendation to accept Foodstuff's submission point on SETZ-PREC2 and confirms that Foodstuffs maintains its

[4] Letter from Alec Duncan dated 19 July 2024
[5] Letter from Michelle Grinlinton-Hancock dated 1 July 2024

position on other submission points. The letter also provides additional comments on supermarkets in the Settlement Zone, in response to the s42A report.

(d) A statement of rebuttal evidence of Craig Barr, planner for Russel Robinson and Brunner Builders Ltd, addresses matters raised in the s42A report relating to residential density and location of the rezoning, and lack of detail in the Development Area Plan.

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

(a) Closing legal submissions and statement of planning evidence were submitted on behalf of Russell Robinson and Brunner Builders Ltd (dated 9 September 2024)

(b) Further legal submissions were submitted on behalf of RNZ, providing legal advice on the scope of RNZ's submission and confirmed support for the draft provisions prepared by the s42A Officer (dated 25 September 2024).

(c) Scenic Hotels Ltd provided a letter and memo[6] responding to the Panel's request for proposed text amendments to the Proposed Plan.

1.7. Right of Reply

27. Ms Easton provided a written right of reply (dated 30 September 2024) that addressed the Panel's questions on various matters and proposed amendments to several provisions, including both track changes and a clean copy of the amended provisions.

28. Ms Easton provided a written right of reply (dated 12 February 2024, although the date should have been 12 February 2025) addressing the matters raised by the Panel in relation to rezoning at Moana and Cape Foulwind.

1.8. Procedural Steps and Issues

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

30. The Panel notes that the provisions concerning Mineral Prospecting and Mineral Extraction (SETZ–R15 and SETZ–R23) within the Settlement Zone are not included within this report and are assessed in the Mining and Minerals s42A Report.

1.9. Site Visits

31. As part of this hearing, we undertook site visits as follows:

- Te Kinga
- Moana – Russel Robinson Builder's Block
- 11 Lake Brunner Road -Klempel Block
- Punakaiki Township
- Pekenga Drive Fox Glacier
- Cron, Cowan, and Condon Streets in Franz Josef Glacier

[6] Letter from Karl Luxon dated 22 August 2024 and attached memo from Planz Consultants dated 23 August 2024

PART B - STATUTORY REQUIREMENTS AND DOCUMENTS

32. The Settlement Zone - Te Takiwā Nōhanga Pōnaho is in Part 3 – Area-specific Matters – Te Wāhanga 3 – Ngā Take a Ia Rohe. The zone forms part of the Rural Zones section of the Plan, which also includes the General Rural and Rural Lifestyle zones. The section comprises one objective and policy chapter (with specific provisions) that applies across all three zones, as well as three rule chapters, each with rules specific to its respective zone. Submissions on the Rural Zones policies, the General Rural Zone and Rural Lifestyle Zone provisions are addressed in a separate s42A report.

33. The creation of the Settlement Zones provisions required the amalgamation of the three different approaches and zones used across the Operative Plans, as well as aligning the zones to the National Planning Standards requirements. That has resulted in four Precincts to reflect the range of types of Settlements found across the West Coast. Additionally, a further Settlement Centre Precinct was developed and applied to commercial areas in certain settlements.

34. The rules for the Settlement Zone and its precincts generally:

- Provide for a wide range of expected activities that would occur in the zone, which are compatible with the settlement/precinct type.
- Provide for some other activities that may be appropriate to locate in the Settlement Zone areas through resource consent requirements.
- Recognise that the Settlement Zone – Rural Residential Precinct is an important new precinct to provide for what has become a very popular type of rural living development.

35. The Section 32 Report outlined the relevant statutory considerations applicable to the rural zones, and the relationships between the sections of the RMA and higher order documents.

36. The section 42A Reports highlighted the relevant sections of the RMA, and higher-order statutory documents and relevant documents. The Panel notes in particular the following:

- New Zealand Coastal Policy Statement 2010 (**NZCPS**);
- National Policy Statement for Freshwater Management 2020 (**NPSFM**);
- National Policy Statement for Highly Productive Land 2022 (**NPSHPL**);
- National Policy Statement for Indigenous Biodiversity 2023 (**NPSIB**);
- Iwi Management Plans, Mana Whakahono a Rohe; and
- West Coast Regional Policy Statement 2020 (**RPS**).

37. It is also noted there are three iwi management plans on the West Coast – the Te Rūnanga o Makaawhio Pounamu Management Plan, the Ngāti Waewae Pounamu Management Plan and the Lake Māhinapua Management Plan.

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

39. The National Planning Standards set out the zones allowed for use in the Plan and provide the following information for the Settlement Zone:

    Areas used predominantly for a cluster of residential, commercial, light industrial and/or community activities that are located in rural areas or coastal environments.

40. The Panel are satisfied that the Settlement Zone is consistent with this national direction.

PART C – SUBMISSIONS, EVIDENCE, EVALUATION AND RECOMMENDATIONS

2. SETTLEMENT ZONE

2.1. Overview and rules as a whole

Submissions and Further Submissions

41. Four submission points and one further submission point were received on the overview and are summarised in a table on page 10 of the s.42A report. One submission was in support, and three sought amendments.

42. Three submission points and one further submission point were received on SETZ-PREC2 - Settlement Centre Precinct Overview and are summarised in a table on pages 10-11 of the s.42A report. One submission was in support, and two sought amendments.

43. Eleven submission points and one further submission point were received on the rules as a whole and are summarised in tables on pages 11-12 of the s.42A report and pages 5-6 of the addendum report. Two submissions were in support, one was neutral, and the remainder sought amendments.

44. Seven submission points were received on SETZ-PREC3 - Coastal Settlement Precinct and are summarised in tables on pages 12-13 of the s.42A report. All submissions sought amendments.

45. The Panel has considered the relevant submissions and further submissions received and adopts the summaries in the s42A Report.

Section 42A Report

46. Ms Easton acknowledged submissions received in support of the overview and rules as notified.

47. Ms Easton did not support submission points from Marie Elder (S352.003) and Teresa Wyndham-Smith (S312.003) seeking that the overview refers to '*limited commercial activities*,' because some settlements have a reasonable extent of commercial activity, recognised by a Settlement Centre Precinct.

48. Ms Easton did not support a submission point from Marie Elder (S352.003) seeking the overview refer to settlements also in Buller and Westland Districts, noting that the overview mentions settlements across the three Districts.

49. Ms Easton did not support a submission point from Te Mana Ora (S190.1029) seeking the overview to provide more accurate information about wastewater services, as she considered it to be a general introduction to the zone. She noted that the individual councils would need to be consulted for specific information on water and wastewater reticulation. She also noted that, as Moana is predominantly zoned general Residential, it should not be referenced in the Settlement Zone overview.

50. Ms Easton did not support a submission point from Te Mana Ora (S190.1030) seeking that Waimangaroa, Ikamatua, Ahaura, Barrytown, Otira and Whataroa have areas identified as Settlement Centre Precinct. She acknowledged that these small centres have commercial activities but considered that this is largely limited to 1-2 premises that have not developed

into centres over time. She advised that Settlement Centre Precincts were carefully identified and applied only where there was a clear expectation or experience of growth and expansion of commercial activity, with multiple commercial premises.

51. Ms Easton did not support a submission point from Te Mana Ora (190.1031) seeking that Hector, Ngakawau, Granity and Mokihinui/Seddonville be included as Coastal Settlement Precinct, as this precinct was developed to replace the existing Westland Coastal Settlement and Buller Scenically Sensitive Residential Zones. She acknowledged these settlements are charming, but considered that, as they were not in one of those zones in the operative plans, these settlements do not meet the criteria for inclusion in the coastal precinct. She advised that this precinct has more restrictive rules focused on ensuring that development is compatible with scenic coastal values.

52. Ms Easton did not support a submission from Frida Inta (S553.185) requesting that intensive rural production be limited, noting that the rules already restrict these activities in the zone.

53. Ms Easton did not support a submission from the New Zealand Motor Caravan Association (S490.016) seeking that camping and camping grounds be a permitted activity, noting that settlement zones are residential areas and camping grounds should be appropriately assessed through a resource consent process.

54. Ms Easton did not support several submission points[7] seeking an advice note stating that existing non-compliance with the standards does not mean the rule does not apply. She considered that, outside of a resource consent process, existing non-compliance should not be accommodated in the rules, as this could result in a range of adverse effects.

55. Ms Easton did not support submissions from Jane Whyte and Jeff Page (S467.040) seeking a new rule to make it clear that the rights provided for in NH-R1 and NH-R39, as modified by the submission, are enabled within the Settlement Zone. She noted that the natural hazard rules sit across all the rule chapters, and duplication of rules is not efficient.

56. Ms Easton did not support a submission point from Jane Whyte and Jeff Page (S467.003) seeking that tourism activities be enabled in Punakaiki Village. She noted that Punakaiki has a Scenic Visitor Zone for commercial activity, and residents have expressed strong concerns about the loss of amenity in residential areas due to the expansion of commercial activity. She considered the rules recognise this concern and reflect the operative Plan approach for retaining the residential area primarily for residential use.

57. Ms Easton did not support submission points from Jane Whyte and Jeff Page (S467.015) seeking that Punakaiki Village be removed from the chapter, or that the rules be amended to reflect the character and type of development appropriate for the village as a significant tourism destination. She noted there is a specific zone in Punakaiki Village for commercial activities and considered this to be the appropriate location. She noted that the natural hazards, high natural values, and limited private land available constrain the level of development possible in the area and considered that the Plan strikes an appropriate balance in managing this.

58. Ms Easton did not support a submission from Foodstuffs (S464.004) seeking specific provisions to be developed for supermarkets in the zone. She considered that the

[7] Chris J Coll Surveying Limited S566.625, Chris & Jan Coll S558.625, William McLaughlin S567.659, Laura Coll McLaughlin S574.625

settlements subject to these provisions are very small and are unlikely locations for supermarket development, as the communities would not provide sufficient catchment area. She noted that SETZ-R13 provides for retail activities and considered that a Four Square or similar small convenience store could be established as a permitted activity under this rule. She noted that a larger supermarket would be a Discretionary activity. She considered that it provides an appropriate level of assessment and management for what would be a significant development for this type of settlement.

59. Ms Easton did not support several submission points from Marie Elder (S352.005, S352.006, S352.008, S352.014) concerning clearing for access and building in the Ross Subdivision (Punakaiki), vegetation clearance for commercial car parking in the Coastal Settlement Precinct,evelopment of tourism infrastructure and road widening, as well as prevention of overdevelopment and continued expansion of existing tourism businesses. She considered these reflected specific circumstances and compliance issues that have arisen under the operative Buller District Plan. She considered that the pTTPP provisions address these matters appropriately.

60. Ms Easton did not support a submission from WMS Group (S599.160) seeking that a new rule allow for port activities in Jackson Bay, as SETZ-R16 specifically provides for port activities, including expansion. She noted that the rule is drafted to reflect high natural values in the area and the limited accessibility of the location.

61. Ms Easton did not recommend any amendments as a result of these submissions; however, she recommended that the overview section be standardised as sought by the Forest and Bird submission (S560.034). She discussed in the Rural Zones s42A report (para 65), that all relevant chapters be included under the heading '*Other relevant Te Tai o Poutini Plan provisions*'.

S.42A Addendum

62. Ms Easton noted that she supported a setback from water supply catchments in principle, where these are designated and identified on the planning maps, but was not clear on where these activities are located, as they do not appear to be designated or mapped, or what the appropriate setback distance would be. She considered that these activities should be mapped and identified so that landowners are aware of the rules that apply to them.

63. Ms Easton did not support a submission from Frank and Jo Dooley (S478.003) seeking provisions addressing the management of sites to be rezoned, and that they only be triggered when a full infrastructure plan is in place. She noted that the Settlement Zone, Rural Lifestyle and general Rural zones are anticipated to be serviced through on-site methods rather than via public infrastructure. She considered that roading infrastructure could be accommodated through the development phase, with the financial contributions chapter addressing funding. She noted that provisions allowing for higher density development in Settlement zones with 3 waters servicing are principally designed to provide for existing serviced areas in some of the small towns. Ms Easton clarified that new Settlement Zone development will not be serviced as there is no capacity in the Council's infrastructure planning for significant expansion of 3 waters infrastructure.

64. Ms Easton did not support Scenic Hotel Group's submission point in support of treating Airbnb as a commercial land use (S483.006). She considered that the submitter had misinterpreted how these activities are managed through the Plan, as they are addressed in

the residential visitor accommodation provisions and required to be ancillary to residential activities.

Hearing and Submitter Evidence

65. Marie Elder continued to seek further restrictions on vegetation clearance, intrusive tourist infrastructure and road widening to accommodate tourist traffic in the Ross Subdivision (Punakaiki).

66. A memorandum of Counsel submitted on behalf of Foodstuffs[8] confirmed that they continued to seek the relief sought in their original submission, including specific provisions for supermarkets. The memorandum confirmed that there are two existing supermarkets in the Settlement zones, namely Karamea and Franz Josef Four Squares, and that these stores meet the Plan definition of '*supermarket*'. Foodstuffs disagreed with the Reporting Officers' statement that the settlements are unlikely locations for supermarket development, considering the evidential basis from an economic perspective to be unclear. They also disagreed that a supermarket could '*easily establish'* as of right, as 250m^2 is not a viable floorspace for a supermarket activity.

67. Scenic Hotel Group sought the Settlement Zone overview be amended to include visitor and worker accommodation activities, and for an addition to the description of the Coastal Settlement Precinct, acknowledging the high proportion of visitor and worker accommodation in Punakaiki.

Reporting Officer Reply Evidence

68. Based on the Foodstuffs evidence presented, Ms Easton agreed that Four Square is a supermarket. She confirmed that the Karamea Four Square is the only supermarket in the Settlement Zone, as the Franz Josef Four Square is within a Scenic Visitor Zone. She accepted that 250m^2 is too small for a supermarket and considered that a resource consent process would appropriately consider how to manage the effects of a larger building. She noted that the maximum permitted building size within a Settlement Centre Precinct would be 350m² under SETZ-R2 (Standard 3).

69. Ms Easton considered the Scenic Hotel Group's requested changes to the Settlement Zone overview to be out of the scope of their original submission. However, she noted that these changes could be made as Section 16 amendments, as they have no statutory weight.

70. No amendments to the overview or zone provisions were recommended.

Hearing Panel's Evaluation

71. The Panel has considered the evidence provided by the Reporting Officer and agrees with the conclusions reached that amendment to the Overview in response to Forest & Bird submission is necessary to ensure consistency with other chapters of the Plan. Otherwise, the Panel retain the notified wording. The Panel notes that we have supported Ms Easton's recommendation relating to deleting reference to the Overlay Chapters and including the more detailed wording arising from the Rural Zones recommendation, and those changes are shown below.

[8] Sarah Schulte/Alex Booker

72. The Panel acknowledge the statement from Foodstuffs, and we agree that 250m^2 is too small for a supermarket. We have considered the issue further and we do not see the necessity for Clause 4 under SETZ-R13. The rule itself is problematic as it does not define '*combined floor area*' and 350m^2 is already permitted in SETZ-R2. The Panel considered it would be more appropriate and clearer to simply rely on SETZ-R2 for the scale of retail activities (acknowledging the gross floor area is defined) and delete Clause 4 under SETZ-R13. We consider the Foodstuffs submission provides scope for this to occur, and we recommend this amendment.

73. The Panel note that we have taken the opportunity via Clause 16(2) of the First Schedule of the RMA to update '*plantation forestry*' to '*commercial forestry*' as per the National Environmental Standards for Commercial Forestry

74. In relation to the remainder of the submissions on the Overview and Rules as a Whole, the Panel agrees that these should be rejected based on the conclusions reached by Ms Easton.

Hearing Panel's Recommendation

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

> **Overview**
>
> The SETZ - Settlement Zone covers all the wide range of settlements that are outside of the four main towns throughout the West Coast/Te Tai o Poutini. Settlements differ from the main towns because of their small scale and low intensity of development. They comprise a mixture of residential, commercial, recreational, rural, community and other uses, often interspersed. The character of settlements is influenced by the prevailing mixture of uses, large section sizes, low intensity of development and informal appearance.
>
> The extent of reticulated services is limited. While some settlements in Grey District have a reticulated water supply, most settlements have no reticulated servicing, and are reliant on the use of on-site wastewater systems and water supplies. The degree of road infrastructure developed is also variable. Older settlements may have a main street with footpaths, streetlights and kerb and channel, but many locations do not have this infrastructure and this more rural character should generally prevail in any new development.
>
> The SETZ - Settlement Zone provides for residential activities as well as some commercial activities. Where industrial activities are proposed these need to be undertaken in an INZ - Industrial Zone.
>
> There are three Precincts within the SETZ Settlement Zone - SETZ - PREC2 - Settlement Centre, SETZ - PREC3 - Coastal Settlement and SETZ - PREC4 - Rural Residential.
>
> The RURZ - Rural Zones Objectives and Policies and SETZ - Settlement Zone Rules provide the framework for managing the effects of development in the SETZ - Settlement Zone. However, there are additional specific policies and rules for each of the three Precincts. Where there is a conflict between a SETZ - Settlement Zone provision and a Precinct provision, the Precinct provision applies.

SETZ - PREC2 - Settlement Centre Precinct is located in settlements where a focal community and commercial area is developing. It is anticipated that the Settlement Centre character will develop over time, with more commercial development in particular. This precinct anticipates the possibility that the settlement will grow and demand for retail and commercial services will increase, and that community facilities could be developed or expanded with this growth. Settlement Centre Precincts are identified in Karamea, Charleston, Blackball, Kumara, Ross, Harihari, Kaniere and Haast.

SETZ - PREC3 - Coastal Settlement Precinct is located over settlements which are located in coastal areas, generally within or near areas of high coastal natural character and coastal landscape values. The Coastal Settlement Precinct provides principally for residential activities, and a low-scale development and subdivision pattern which fits with the surrounding scenic landscape. Design of buildings, their size and location are all key matters which are controlled within the Coastal Settlement Precinct. Little Wanganui (subdivision area), Punakaiki (including within Grey District), Ōkarito, Okuru, Hannah's Clearing, Neil's Beach, Mahitahi/Bruce Bay and Okahu/Jackson Bay are included in the Coastal Settlement Precinct. These areas are also all subject to significant natural hazards and the provisions in the natural hazards chapter are very relevant for activities in this Precinct.

SETZ - PREC 4 - Rural Residential Precinct is located over areas on the edge of settlements and towns where larger lots - 4000m^2 are provided for a more rural residential lifestyle. These areas sit on an interface with the GRUZ - General Rural Zone or RLZ - Rural Lifestyle Zone and avoiding reverse sensitivity for rural uses is often as important as managing the amenity for residents within the Precinct. Alongside residential uses, some sorts of rural activities such as small-scale horticulture or market gardening, or grazing of animals may occur in this Precinct, reflecting its more rural character. The Precinct is also characterised by more rural infrastructure with an absence of footpaths, streetlights and kerb and channel in these areas.

Other relevant Te Tai o Poutini Plan provisions

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

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

- **Sites and Areas of Significance to Māori, Historic Heritage and Notable Tree Chapters – there may be sites and areas of significance to Māori, historic heritage or notable trees identified on individual sites within the Settlement Zone. Specific information on the provisions that apply to these can be found in the Sites and Areas of Significance to Māori, Historic Heritage, and Notable Trees Chapters.**
- **Natural Hazards - natural hazards are widespread on the coast and in some locations natural hazard overlays may affect areas in the Settlement Zone. Information on natural hazard overlays and provisions can be found in the Natural Hazards chapter.**
- **Natural Character and Margins of Waterbodies -in some locations areas of Settlement Zone may extend into the riparian margins of waterbodies. The**

Natural Character and Margins of Waterbodies Chapter contains provisions on how these areas must be managed.

- **Ecosystems and Biodiversity – Where indigenous vegetation clearance is proposed within a Settlement Zone, the provisions of the Ecosystems and Biodiversity chapter apply**[9]

General District Wide Matters - provisions in relation to earthworks may be relevant to many activities.

Subdivision - The Subdivision chapter sets out the requirements for subdivision activities the SETZ - Settlement Rural Zone.

Financial Contributions - The Financial Contributions chapter sets out the requirements for contributions of costs for activities which impact on the local network utility operators.

Relationship with Other Plans

Many activities that occur in rural areas are also regulated by the West Coast Regional Council through Regional Plans, including the Regional Land and Water Plan, Regional Air Plan and Regional Coastal Plan. When planning to undertake an activity, the status under the relevant Regional Plans should also be confirmed and any necessary resource consents applied for under both Plans.

Note with Regard to ~~Plantation~~ Commercial Forestry[10]

There are no specific provisions as relate to ~~plantation~~ **commercial** forestry within the RURZ - Rural Zone Chapters. This is because ~~plantation~~ **commercial** forestry is principally regulated by the Resource Management (National Environmental Standard**s** for ~~Plantation~~ **Commercial** Forestry) Regulations 2017. Exceptions to this occur in the Overlay Chapters and where forestry activities are proposed**,** these chapters must be considered. [11]

2.2. Precinct Policies

Submissions and Further Submissions

76. Five submission points were received in support of SETZ-PREC-P2 and are summarised in a table on page 15 of the s.42A report.

77. Nine submission points relating to SETZ-PREC-P3 were received and are summarised in a table on pages 15-16 of the s42A report. Seven submission points supported the policy; two submission points opposed the policy and sought amendments.

78. Eight submission points relating to SETZ-PREC-P4 were received and are summarised in a table on pages 16-17 of the s.42A report. Seven submissions supported the policy, and one was in opposition, seeking amendments.

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[9] Forest and Bird (S560.370, S560.0543)
[10] Schedule 1 Clause 16(2) RMA
[11] Schedule 1 Clause 16(2) RMA

79. Ms Easton acknowledged the submissions received in support of the policies.

80. Ms Easton supported a submission from Paparoa Track Services (S605.028) seeking that clause (d) of SETZ-PREC3-P3 be amended to state:

*Be located to avoid **or designed to mitigate** the significant risks of natural hazards.*

81. She agreed that there may be a range of mitigations to address natural hazards and considered this to be appropriately referenced in the policy.

82. Ms Easton supported in part a submission point from the Director General (S602.232) seeking several amendments to SETZ-PREC-P3. She supported a request to delete the reference to the coastal development guidelines, considering this to be an error, as these are not included in the Plan. She considered that some of the matters raised by the Director General were s6 RMA matters addressed in the Coastal Environment overlay, but agreed it was appropriate to strengthen the policy wording relating to managing scenic and visual effects. She considered the amendment made in response to the Paparoa Track Services submission addressed natural hazards matters raised by the Director General and did not think it was appropriate to add a clause seeking to avoid hard protection structures, as this matter would predominantly sit in the Coastal Environment chapter.

83. Ms Easton supported a submission from RNZ seeking an additional clause in SETZ-PREC4-P4 *'to avoid reverse sensitivity effects on rural activities and established infrastructure'*, considering that this precinct is where a conflict between rural activities and established infrastructure is most likely to occur, although she recommended an amended wording. She noted that this amendment is consistent with the Plan's wider approach to reverse sensitivity.

84. Ms Easton supported a submission from Westland Farm Services (S550.014) seeking an amendment to SETZ-PREC-P4 Clause 1 to include reference to '*industrial or commercial activities which have a functional relationship with rural areas'* as she considered the precinct to be a likely location for such activities, and they are provided for in the rules.

Hearing and Submitter Evidence

85. At the hearing, Scenic Hotel Group sought an additional clause to be added to SETZ-PREC3-P3 '*Support and enable the development of visitor accommodation, worker accommodation and tourism support facilities in Punakaiki.'*

Reporting Officer Reply Evidence

86. Ms Easton considered that SETZ-PREC3-P3 should refer to the titles on which the Port Activity can be undertaken for Jackson Bay, as this would better integrate the policy with the rule provisions in SETZ-R16.

87. Ms Easton considered the requested amendment above to SETZ-PREC-P3 by Scenic Hotel Group to be one of the few submission points to be within the scope of their original submission.

Hearing Panel's Evaluation

88. The Panel agrees with Ms Easton the need for a new clause in SETZ-PREC-P3 to indicate the reference to the titles on which Port Activity can be undertaken at Jackson Bay, based

partially on the submission from WMS Group. We consider such a clause will provide greater clarity for any assessment associated with SETZ-R16. However, we consider the wording of the clause needs to be revised because the default position of not complying with SETZ-R16 is fully discretionary. In that context in our view the development of port activities beyond the referenced titles should be discouraged at a policy level and we have revised the clause accordingly.

89. The Panel agrees with Ms Easton's recommendation to amend clause (e) of SETZ-PREC-P3 to refer to *designed to mitigate*, as sought by submitters. We acknowledge that there are a range of mitigation measures that can be used to address natural hazards. Having considered the submission of the Director General in this context and we are of a view that the clause needs to be amended further to recognise '*increasing the significant risk of natural hazards*'. We recommend the clause (d) be reworded as follows:

> *Be located **and designed to mitigate or** avoid **increasing** the significant risks of natural hazards.*

90. The Panel agree with Ms Easton's recommendation that Policy SETZ - PREC-P3 (a) be amended to "*Recognise and provide for*" coastal natural character, rather than "*Take into account*" and the policy states that the scenic landscape values of the area are protected. We consider this wording to provide greater clarity and direction, thereby strengthening the policy. We also agree with the deletion of the reference to the Coastal Development Guidelines from SETZ-PREC-P3 (b) sought by the Director General. We accept this is an error and should not be included in the Plan.

91. Subject to minor rewording, the Panel accepts the proposed wording of Scenic Hotels Group for SETZ-PREC-P3 and recommends it be included. We consider Punakaiki to be a unique settlement, based mainly on tourism and constrained in terms of development opportunities. We consider that the additional wording in the policy will support that tourism focus.

92. The Panel accept Westland Farm Services' submission seeking the inclusion of a further clause in SETZ-PREC-P4 regarding acknowledging that industrial or commercial activities which have a functional relationship with rural areas. We agree that the precinct is likely to be a location for such activities and that they are provided for in the rules.

93. The Panel agree with Ms Easton's recommendation to add an additional clause to SETZ-PREC-P4 - *Presence of rural activities and established infrastructure, which should be protected from reverse sensitivity effects.* We acknowledge that this stems from a submission from RNZ, and we recognise that this is a precinct where reverse sensitivity could occur, given the established infrastructure and rural activities.

94. In relation to the remainder of the submissions on SETZ-PREC-P2 and SETZ-PRES-P3, the Panel agrees that these should be rejected based on the conclusions reached by Ms Easton.

Hearing Panel's Recommendation

95. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends that the relevant submission points identified in the footnotes below are accept or accepted in part and recommends the following amendments be made to the **SETZ Policies**:

SETZ-PREC-P2	Subdivision, use and development within the SETZ - PREC2 - Settlement Centre Precinct should: a. Maintain or enhance the character and built form of the settlement; b. Adaptively reuse existing heritage and character buildings where practicable; and c. Provide for commercial activities and community facilities which serve the settlement, rural community and visitors
SETZ-PREC3_P3	Subdivision, use and development within the SETZ - PREC3 - Coastal Settlement Precinct should: a. ~~Take into account~~ **Recognise and provide for** the coastal natural character and **protect the** scenic landscape values of the area; [12] b. Have appropriate controls on design and height to protect the landscape and coastal natural character values ~~and be undertaken in accordance with the coastal development guidelines~~;[13] c. Recognise and provide for access to mahinga kai and Sites and Areas of Significance to Māori for Poutini Ngāi Tahu; ~~and~~ **d. Development of the port area at Jackson Bay is:** **i. discouraged other than on legal road reserve at Jackson Bay, Sections 208 and 209 TN of Arawata and Sections 8, 9 and 10 TN of Arawata; and** **ii. of a scale and extent appropriate to the location**[14] **e.** Be located **and designed to mitigate or** avoid **increasing** the significant risks of natural hazards.[15] **f. Support the development of visitor accommodation, worker accommodation and tourism support facilities in Punakaiki.**[16]
SETZ-PREC-P4	Subdivision, use and development within the SETZ - PREC4 - Rural Residential Precinct should maintain the predominant rural character and amenity values, which include: a. Low-density residential living and small-scale rural activities; b. Open space and privacy around buildings; ~~and~~ c. On-site servicing and a general absence of urban infrastructure; **d. Industrial or commercial activities which have a functional relationship with rural areas;**[17] **and** **e. Presence of rural activities and established infrastructure which should be protected from reverse sensitivity effects.**[18]

[12] Department of Conservation (S602.232)
[13] Director General (S602.232)
[14] WMS Group (S599.107)
[15] Paparoa Track Services Ltd, Craig and Sue Findlay, Tim Findlay and Punakaiki Beach Camp (S605.028)
[16] Scenic Hotel Group (S483.003)
[17] Westland Farm Services (S550.014)
[18] Radio New Zealand (S476.039)

2.3. Rules SETZ-R1 and SETZ-R2

Submissions and Further Submissions

96. Fifty submissions points and sixteen further submission points relating to the SETZ-R1 and R2 were received and are summarised in a Table on pages 19-29 of the s42A Report.

97. Twenty-eight submission points related to **SETZ-R1**, of which seven were in support, and twenty-one sought amendments.

98. Twenty-two submission points related to **SETZ-R2**, of which four were in support, and eighteen sought amendments.

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SETZ-R1

99. Ms Easton acknowledged the submissions in support of the rules.

100. Ms Easton supported submissions from Marie Elder, Davis Ogilvie & Partners Ltd and Cashmere Bay Dairy seeking that the rule be amended to allow dwellings to be built on existing undersized lots. She noted that the existing grandfather clause only applies to reticulated areas and considered that it should be extended to include unreticulated sites as well.

101. Ms Easton did not support submissions from Stephen Page and Greenstone Retreat seeking that the rule allow on-site servicing, noting that community infrastructure is an effective way of minimising cumulative effects and is funded based on the whole community connecting.

102. Ms Easton supported a submission from Waka Kotahi seeking that the rule requires vehicle crossings to meet minimum permitted standards, considering that new or expanded activities should be required to have vehicle crossings constructed to safe standards. She recommended an amendment to Rule 2, as Rule 1 deals with density matters.

103. Ms Easton did not support a submission from Davis Ogilvie & Partners Ltd. seeking to amend the density standard to be consistent with the subdivision standard approach, which applies the minimum area to both sewered and unsewered sites. She acknowledged an inconsistency between the zone and subdivision chapters, but considered the subdivision chapter should be amended, although she noted there may not be scope to do so.

104. BDC sought to have the grandfather clauses removed, considering that existing use rights are sufficient. Ms Easton did not support this submission point, noting that there are a large number of existing sites that were lawfully developed with lesser lot sizes, and the grandfather clause allows these to be built upon without resource consent.

105. Ms Easton supported submissions from BDC and several other submitters[19] seeking that a mandatory connection to services requires a qualification that the scheme must have the capacity.

106. Ms Easton did not support submissions from Frida Inta and BCG seeking that servicing by composting toilets and rainwater for drinking water be provided. She noted that community

[19] Chris & Jan Col, Chris J Coll Surveying Limited, Laura Coll McLaughlin and William McLaughlin

infrastructure is an effective way of minimising cumulative effects and is funded based on the whole community connecting.

107. Ms Easton did not support submissions[20] seeking a controlled activity status for activities that do not comply, as she considered landowners and residents should be able to have confidence that a basic level of amenity, density, infrastructure capacity and character would be maintained in the zone. She noted no reason was given for requesting this change.

108. Ms Easton did not support a submission point from FENZ seeking minimum requirements for firefighting water support, as she considered that connection to a reticulated system should provide adequately for firefighting. She considered this to be a subdivision matter covered by SUB-S3. She acknowledged that there can be issues with firefighting water supply in rural areas and invited the submitter to provide more information about the needs they see in unreticulated areas.

109. Ms Easton did not support a submission from David Ellerm seeking an additional standard for on-site wastewater treatment, collection and disposal, noting this is managed through the building code and the Regional Council's land and water plan.

SETZ-R2

110. Ms Easton acknowledged the submissions received in support of the rule.

111. Ms Easton did not support a submission from Marie Elder seeking that clause 5a apply to the Ross subdivision at Punakaiki, as this is a rollover of the Westland District Plan requirements for the Kumara Junction subdivision. Ms Easton considered that these distances from boundaries are unlikely to be achieved within the smaller site sizes at Punakaiki.

112. Ms Easton supported in part a submission point from RNZ seeking the addition of an advice note concerning tall structures within 1000m of their Cape Foulwind facility. She considered that, as the permitted height limit is 10m, there is no need to amend the standard. She considered an amendment to SETZ-R12 more relevant as emergency service activities are more likely to include structures of 15m or more in height.

113. Ms Easton did not support a submission point from Foodstuffs seeking an exemption for existing supermarkets. As above, she was not aware of any supermarkets in the Settlement Zone and noted that the Karamea Four Square would be subject to the 12m height limit in that precinct.

114. Ms Easton supported submissions from BDC seeking changes to the reference to the deemed permitted boundary infringements and the introduction of a minimum setback from designated wastewater treatment facilities. She also recommended an amendment to rule SETZ-R2 to include a 150m setback from designated wastewater treatment sites, sought by BDC. She recommended that the rule be amended also to apply this setback to designated landfill sites. She did not support reduced height limits for Settlement Centre Precincts, noting that this standard applies across all three Districts. She acknowledged that a lower height limit could be appropriate in the Buller District Settlement Centre Precincts, reflecting the lower density character in these settlements.

115. Ms Easton did not support submissions from Frida Inta and BCG seeking to change the standard 5b relating to indigenous vegetation clearance to Discretionary or to reword it to

[20] Chris & Jan Col, Chris J Coll Surveying Limited, Laura Coll McLaughlin and William McLaughlin

specify 2000m² or 10% of the site area, whichever is lesser. She noted that this standard is a roll-over of the Westland District Plan provisions and is in addition to the Ecosystems and Biodiversity Chapter rules.

116. Ms Easton did not support submission points[21] seeking to delete the noise advice note. She noted that noise matters would be considered as part of the Noise topic, and any changes to the rule would be reflected through consequential amendments to the advice note.

117. Ms Easton did not support several submission points[22] seeking a controlled activity status for activities that do not comply, as she considered landowners and residents should be able to have confidence that a basic level of amenity, density, infrastructure capacity and character would be maintained in the zone. She noted no reason was given for requesting this change.

118. Ms Easton did not support a submission from David Ellerm seeking a reduction in the height limit to 8m for residential and emergency service buildings, and 5m for accessory buildings, as well as a decrease in site coverage to 35%. She noted that no reasons are given for requesting these changes and that these would be significant reductions from the operative plans.

119. Ms Easton did not support a submission point from Paparoa Track Services seeking to increase the gross ground floor area from 200m² to 250m², noting that the requirement is intended to ensure developments are in harmony with the environment in these sensitive coastal locations. She considered a 50m² increase to be a significant potential increase in the dominance of the built environment, as existing sites in these areas are often small, and that this change would be inappropriate and would not align with the precinct's intent.

120. GDC sought to amend the rule to clarify whether the term *'non-residential buildings'* referred to in Standard 4. ii meant commercial/industrial buildings, or accessory buildings. Ms Easton recommended that the rule be amended to refer to non-residential and accessory buildings.

Hearing and Submitter Evidence

121. In a letter dated 1 July 2024, KiwiRail sought that SETZ-R2 be amended to include a minimum 5m setback from the rail designation boundary, and that the rule refer to *buildings and structures*. They also sought additional matters of discretion relating to impacts on the safe and efficient operation of the rail network when there is non-compliance with the setback.

122. FENZ continued to seek requirements for firefighting water supply to be included, and provided a suggested amended approach for consideration, being an addition to R2 as follows:

4. Provision shall be made for sufficient water supply and access to water supplies for firefighting in accordance with the New Zealand Fire Service Firefighting Water Supplies Code of Practice (SNZ PAS:4509:2008)

Advice Note:

2. The New Zealand Fire Service Firefighting Water Supplies Code of Practice PAS:4509:2008 should be consulted when determining the most appropriate design for firefighting water supply. Fire and Emergency New Zealand is available to assist with this

[21] Chris & Jan Col, Chris J Coll Surveying Limited, Laura Coll McLaughlin and William McLaughlin
[22] Chris & Jan Col, Chris J Coll Surveying Limited, Laura Coll McLaughlin and William McLaughlin

123. Foodstuffs maintained its position, including amendments to R2 to allow a 12m height limit for existing supermarkets and to exempt existing supermarkets from conditions 2, 3, and 4.

124. Marie Elder continued to seek that Rule 5a, relating to the Kumara Junction Developments Area, also be applied to the subdivision at Hartmount Place and Ross Place.

125. Scenic Hotel Group sought several amendments to SETZ-R2, including:

- A 10m height limit to visitor and worker accommodation, as well as residential units,
- A 10m height limit in the Punakaiki Coastal Settlement Precinct
- A maximum of 50% site coverage in the Punakaiki Coastal Settlement Precinct,
- Exempt Punakaiki from the 200m^2 ground floor area limit,
- Include an exemption from recession planes for boundaries adjoining Open Space zones,
- Adding an advice note stating that within areas subject to a flood or coastal hazard overlay, recession planes and height limits should be measured from the level specified on a minimum floor level certificate.

Reporting Officer Reply Evidence

126. Ms Easton noted that FENZ had provided further evidence on the policy gap that existed around firefighting water supply and the limitations of the building code. She revised her view in relation to this issue, recommending that a performance standard and advice note be added to SETZ-R2, consistent with the wording used across the rural zones.

127. Ms Easton provided a comparison between the proposed rules applicable to the Ross subdivision and those of the operative Buller District Plan.

128. Ms Easton considered the Scenic Hotel Group's submission points, requesting amendments to the recession plane provisions under SETZ-R2, to be within the scope of their original submission. She considered other changes requested to SETZ-R2 to be outside of scope, noting the following:

- Amendments to Rule SETZ – R2 seeking that provisions that apply to residential buildings also apply to worker and visitor accommodation. This would be a substantial difference from the operative plan rules.
- Increase in maximum site coverage to 50% in Punakaiki – this differs from the operative Buller District Plan provisions
- Change to Rule SETZ – R2 to increase the maximum total gross ground floor area of buildings at Punakaiki – the TTPP rule is less restrictive than the operative Buller District Plan (which has a 150m^2 maximum).

129. In a joint right of reply addressing KiwiRail's submission, prepared by Ms Easton and Ms Briar Belgrave, (reporting planner for the Commercial and Industrial zones), the planners considered a 5m setback from the Settlement zone to be excessive given that many existing sites in this zone are a similar size to those in the General Residential zone. They considered that a 5m setback would considerably constrain use on a 500m^2 site. In addition, they considered that KiwiRail had not provided clear and detailed evidence to support a 5m

setback as being either appropriate or necessary. They considered a 1.5m setback to be a balanced and appropriate setback requirement in the Settlement zone, ensuring new buildings are not located on the boundary and that maintenance can occur.

Hearing Panel's Evaluation

SETZ-R1

130. The Panel agree with the extension of the grandfather clause recommended by Ms Easton to apply to unreticulated sites where they have been lawfully established. In this context, we also note Ms Easton's comments regarding BDC's submission that there are a large number of existing sites that were lawfully developed with smaller lot sizes, and the grandfather clause allows these to be built upon without requiring resource consent. We agree with this conclusion.

131. The Panel agrees with Ms Easton's addition to clause 2, clarifying that mandatory connection to services is subject to a qualification: the scheme must have sufficient capacity.

132. The Panel also agrees with Ms Easton's recommended amendment, supporting a submission from Waka Kotahi, which seeks to require vehicle crossings to meet minimum permitted standards. We agree that this amendment should be included in SETZ-R2.

133. The Panel acknowledge Ms Easton's revised position concerning the FENZ submission, and we accept her recommendation to include a performance standard and advice note in SETZ-R2 based on the further information provided by FENZ. We agree that this addresses a gap between policies and the building code.

134. In relation to the remainder of the submissions on SETZ-R1, the Panel agrees that these should be rejected based on the conclusions reached by Ms Easton.

SETZ-R2

135. The Panel agrees with Ms Easton that a 5m setback from the rail corridor is excessive and would result in inefficiencies in terms of land use. While we acknowledge the safety issue raised by KiwiRail, we consider a 1.5m setback, as recommended by Ms Easton, more appropriate and would still address the safety concerns around building maintenance. We also consider the rule should refer to the setback being from the '*rail designation*' rather than the '*rail corridor*' so as to provide a definitive point of measurement.

136. The Panel accepts Ms Easton's recommendation to reject the submission from Paparoa Track Services to increase the gross ground floor area in the Coastal Settlement Precinct to 250m^2 from 200m^2. We agree that this requirement is intended to ensure developments are in harmony with the environment in these sensitive coastal locations. We note that the scale has already increased by 100 m² in the pTTPP compared to the operative Buller District Plan.

137. The Panel agrees with Ms Easton regarding that part of the Foodstuffs submission seeking an exemption for existing supermarkets from Standards 2, 3, and 4. As we understand it, Karamea Four Square is the only existing supermarket in the settlement zone. We note that the three standards concerned allow for 60% site coverage, a 350m² gross ground floor area (we note we have recommended the deletion of scale on the retail activity clause in SETZ-R13), and a 1m boundary setback within the Settlement Centre Precinct. We do not consider these to be unreasonable and note there is a consenting pathway if they are exceeded.

138. The Panel accepts the recommendation of Ms Easton to add an advice note concerning tall structures within 1000m of their Cape Foulwind facility in response to RNZ's submission. We agree that, as the permitted height limit is 10m, there is no need to amend SETZ-R2, and that an amendment to SETZ-R12 to address emergency service activities, which are more likely to include structures of 15m or more in height, was appropriate.

139. The Panel also agrees with the BDC submission to change the reference to the deemed permitted boundary infringements and introduce a minimum setback from designated wastewater treatment facilities. We also note that Ms Easton, in addition to accepting this, accepted in part a submission from Cashmere Bay Dairy seeking setbacks from infrastructure, including wastewater treatment plants, land disposal areas, transmission infrastructure, and water supply catchments. She recommended that, in addition to amending rule SETZ-R2 to include a 150m setback from designated wastewater treatment facility site, the rule be further amended to apply the setback to designated landfill sites. We agree with adding the designated landfill setback.

140. We agree with Ms Easton that a differentiation can be applied to the Buller District in terms of height in the Settlement Centre Precincts, due to its being less developed and having a lower density character compared to other settlements.

141. The Panel have further considered the submission of Marie Elder regarding matters associated with the Hartmount Place and Ross Place subdivision in Buller District. While some of the matters Ms Elder sought to be addressed are beyond the scope of what a District Plan can put in place and may well relate to enforcement issues, we have noted that this subdivision did have some carve-out provisions in the operative Buller District Plan due to its uniqueness in terms of scenic values and indigenous vegetation. We consider the pTTPP addresses most of these provisions, albeit sometimes in a different way, in the Coastal Settlement Zone including Residential Visitor Accommodation (SETZ-R10). We also note that as the subdivision falls within a High Coastal Natural Character Overlay the permitted level of development for any new building is no more than 100m^2 ground floor area (CE-R5) rather than the recommended 150m^2 ground floor area that would be permitted generically within Coastal Settlement Precinct.

142. The remaining issue referred to by Ms Elder was indigenous vegetation clearance. Again, this is already addressed in an overlay (Coastal Environment) where the extent of indigenous vegetation disturbed and/or cleared per site is limited to 500m^2 in area per site in any three year period (ECO-R2). In this case the Panel considers Ms Elder has a point as we consider the ability to clear 500m^2 per site of indigenous vegetation over a 3-year period is, given the small-scale nature of the sites within the subdivision (most are only around 800m^2), could result in all indigenous vegetation being removed over a 4 year period. In our view, given the Hartmount Place and Ross Place subdivision is rather unique, we consider indigenous vegetation removal should be limited to 500m^2 per site with no permitted status beyond that (i.e. no 3 year period). We consider this will enable a building platform to be formed and is in line with the 40% site coverage which is permitted per site. The rule would continue to sit within the Ecosystems and Biodiversity Chapter in ECO-R1 as follows:

> *except in the Hartmount Place and Ross Place subdivision in Buller District where the extent of indigenous vegetation disturbed and/or cleared is restricted to a one-off 500m^2 per site;*

143. The Panel agrees with Ms Easton's recommended clarification of Standard 4 (ii) to refer to accessory buildings. We consider that this partially addresses the submission of GDC and provides greater clarity.

144. The Panel acknowledges the KiwiRail submission point to include the word 'structures' in the heading of SETZ-R2 but considers that structures such as telecommunications and electricity poles and antennas, are covered in the Energy and Infrastructure Chapters. We also note that such a change would necessitate a significant amendment to the rules that follow the heading. We have therefore rejected this submission.

145. In relation to the remainder of the submissions on SETZ-R2, the Panel agrees that these should be rejected based on the conclusions reached by Ms Easton.

Hearing Panel's Recommendation

146. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends that the relevant submission points identified in the footnotes below are accepted or accepted in part and recommends the following amendments be made to rules **SETZ-R1 and SETZ-R2**

SETZ-R1 Residential Activities and Residential Buildings - Density

Activity Status Permitted

Where:

1. Residential unit density is no more than:
    - **i. 1 unit per site where these were lawfully established under the previous District Plans; otherwise**[23]
    - ii. 1 unit per 500m^2 net site area in areas fully serviced by a network utility operator with wastewater, water supply and stormwater systems**;** ~~except that:~~
        - ~~a. where smaller sites were lawfully established under the previous Buller, Grey or Westland District Plan then the residential unit density is one residential unit per site; or~~[24]
    - iii. 1 unit per 1000m^2 net site area in areas where there is on site servicing of wastewater, water supply and stormwater systems; except
    - iv. In the SETZ - PREC4 - Rural Residential Precinct residential unit density is 1 unit per 4000m^2 net site area;
2. Where the settlement is serviced by a network utility operator for wastewater, water supply or stormwater**, and provided there is capacity,**[25] all residential units and buildings used for a residential activity must be connected to the community wastewater, water supply and stormwater infrastructure;
3. Where the settlement is not serviced by a network utility operator for wastewater, water supply or stormwater on site collection, treatment and disposal must be undertaken in accordance with NZS4404:2010 Land Development and Subdivision Infrastructure or the relevant Council Engineering Technical Standards.

Activity status where compliance not achieved: Discretionary

[23] Marie Elder (S352.002), Davis Ogilvie +Partners LTD (S465.028), (S465.026) Cashmere Dairy Ltd (S461.002)
[24] Marie Elder (S352.002), Davis Ogilvie +Partners LTD (S465.028), (S465.026) Cashmere Dairy Ltd (S461.002)
[25] Buller District Council (S538.553), Chris and Jan Coll (S558592), Chris J Coll Surveying Limited (S566.592), Laura Coll Mclaughlin (S574.592) and William McLaughlin (S567.629)

SETZ-R2 Buildings and Sites - Design

Activity Status Permitted

Where:

1. The maximum height above ground level for buildings is:
    i. 10m for residential buildings and Emergency Service Facilities and 7m for accessory buildings; except
    ii. No building, structure or tree shall protrude into the Airport Approach Path of any airport or aerodrome identified on the planning maps and as described in Appendix Nine;
    iii. 7m for buildings in the SETZ - PREC3 - Coastal Settlement Precinct; and
    iv. 12m for buildings in the SETZ - PREC2 - Settlement Centre Precinct **in the Grey,** ~~and~~ **Westland Districts and 10m in the Buller District**;[26]

2. The maximum site coverage is:
    i. 40%; except
    ii. Maximum site coverage is 60% in the SETZ - PREC2 - Settlement Centre Precinct

3. The maximum gross ground floor area of any one building
    i. Is 350m^2; except
    ii. In the SETZ - PREC3 - Coastal Settlement Precinct the gross ground floor area is a maximum of 200m^2 total for all buildings on the site.

4. Buildings are setback from boundaries as follows:
    i. 5m from the road and any GRUZ - General Rural or INZ Industrial Zone boundary, **1.5m from the rail designation,**[27] and 1m from internal boundaries; except
    ii. In the SETZ - PREC4 - Rural Residential Precinct all buildings are setback 10m from road boundaries, residential buildings are setback 10m from the internal boundaries and non-residential buildings **and accessory buildings**[28] are setback 5m from internal boundaries;
    iii. In the SETZ - PREC2 - Settlement Centre Precinct no setback from the road boundary is required where there is a verandah provided over an adjacent footpath; **and**
    iv. **No building housing sensitive activities shall be located within 150m of a designated community wastewater treatment facility site boundary**[29] **or a designated landfill site boundary.**[30]

5. In the Kumara Junction Developments area:
    a. A minimum 5m wide buffer strip of indigenous vegetation is to be retained on all boundaries. Native species will be retained or planted to ensure that, at maturity, buildings will be screened from the road and neighbouring allotments;

[26] Buller District Council (S538.554)
[27] KiwiRail (S442.093)
[28] Grey District Council (S608.119)
[29] Buller District Council (S538.554)
[30] Casmere Bay dairy Ltd (S461.021

b. A maximum of 2000m^2 indigenous vegetation in total is allowed to be cleared from each site; and
c. Development will be in accordance with the Outline Plan set out in the Development Areas section of the Plan;

6. No building shall project beyond a building envelope defined by a recession plane as defined in Appendix Two to commence 2.5m above any site boundary ~~except where neighbouring property owner's written approval is provided to the Council at least 10 working days prior to the works commencing.~~ [31] This standard does not apply to:
   i. Road boundaries;
   ii. Buildings on adjoining sites that have a common wall along the boundary;
   iii. Boundaries abutting an access lot or right of way in which case the furthest boundary of the access lot or right of way may be used for assessing compliance with this standard;
   iv. Boundaries adjoining any site in a CMUZ - Commercial and Mixed Use, INZ - Industrial or GRUZ General Rural Zone;
   v. Antennas, aerials, satellite dishes (less than 1m in diameter), chimneys, flues and architectural features (e.g. finials, spires) provided these do not exceed the recession plane by more than 3m vertically; or
   vi. Solar panels and solar water heaters provided these do not exceed the height in relation to boundary plane by more than 0.25m vertically**;**

7. **Vehicle crossing standards in Rule TRN – R1 are met; and**[32]

8. **Provision shall be made for sufficient water supply and access to water supplies for firefighting in accordance with the New Zealand Fire Service Firefighting Water Supplies Code of Practice (SNZ PAS:4509:2008)**[33]

Advice Notes:

1. In relation to indigenous vegetation clearance in Kumara Junction developments and Standard 5. it should be noted that indigenous vegetation clearance provisions in the Ecosystems and Biodiversity Chapter also apply;

2. Where a residential building or noise sensitive activity is located within:
   i. 80m of a State Highway with a speed limit of 70kph or greater; or
   ii. 40m of a State Highway with a speed limit of less than 70kph; or
   iii. 40m of a Railway Line; or
   iv. The 50 dBA Noise Contour boundary of Franz Josef Heliport; or
   v. The 55 dBA Noise Contour boundary of the Westport or Hokitika Airports or Greymouth or Karamea Aerodrome.

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

3. **Where boundary setbacks are infringed, the Deemed Permitted Activity Boundaries process will apply where the neighbouring property owner's written approval is provided to the relevant district council.**[34]

[31] Buller District Council (S 538.554)
[32] Waka Kotahi (S450.403)
[33] Fire and Emergency New Zealand (S573.049)
[34] Buller District Council (S538.554)

4. **The New Zealand Fire Service Firefighting Water Supplies Code of Practice PAS:4509:2008 should be consulted when determining the most appropriate design for firefighting water supply. Fire and Emergency New Zealand is available to assist with this.**[35]

Activity status where compliance not achieved: Discretionary where standards 1-4 are not complied with. Restricted Discretionary where standards 5-~~6~~**8** are not complied with.

2.4. Specific Coastal Settlement Precinct Rules SETZ-R3, SETZ-R16 and SETZ-R20

Submissions and Further Submissions

147. Twenty-four submission points relating to rules R3, R16 and R20 were received and are summarised in a table on pages 35-37 of the s42A Report.

148. Fifteen submission points were received on SETZ-R3 and are summarised in a Table on pages 35-36 of the s42A Report, of which five were in support and one was in opposition, seeking that the rule be deleted. The remaining nine sought amendments.

149. Two submission points were received on SETZ-R16 and are summarised in a table on page 36 of the s42a report, one in support and one seeking amendments.

150. Seven submission points were received on SETZ-R20 and are summarised in a Table on pages 36-37 of the s42A Report. Two were in support, and the remaining five sought amendments.

Section 42A Report

151. Ms Easton acknowledged submission points in support of the rules.

SETZ-R3

152. Ms Easton did not support a submission point from Paparoa Track Services seeking to delete the standard restricting building size. She noted that this standard intends to ensure the balance between the natural and built environment retains an emphasis on the natural. She noted that, as existing sites in this precinct are often small, there is a risk that buildings will dominate the environment.

153. Ms Easton supported a submission point from BDC seeking an increase in the minimum permitted ground floor area to 150m^2, and several others[36] seeking an unspecified increase. She noted that 150m^2 is consistent with the operative Buller District Plan standards for the Paparoa Character Area. BDC considered that this has achieved appropriate outcomes in this sensitive environment and suggests the same be applied.

154. Ms Easton did not support submission points[37] seeking the rule be amended so that existing non-compliance with performance standards for Rule SETZ-R2 (3) does not preclude the application of this rule, noting that new or expanded activities should comply to ensure amenity and effects are adequately managed.

SETZ-R16

[35] Fire and Emergency New Zealand (S573.049)
[36] Chris & Jan Col, Chris J Coll Surveying Limited, Laura Coll McLaughlin and William McLaughlin
[37] Chris & Jan Col, Chris J Coll Surveying Limited, Laura Coll McLaughlin and William McLaughlin

155. Ms Easton did not support a submission point from WMS Group, seeking that the reference to 'the lots fronting the esplanade' be removed, the maximum building size be increased to 500m², and the height increased to 10m. She noted that Jackson Bay Port is currently a small collection of sheds, and a car park located in a very small coastal settlement within a wider area of outstanding natural landscape and coastal natural character. She considered the current rule allows for modest expansion as a permitted activity, and that expansion beyond this should be assessed through a resource consent process.

SETZ-R20

156. Ms Easton supported a submission point from BDC seeking 3 additional matters of discretion, noting that these are appropriate and reflect the potential environmental effects of the activity.

157. Ms Easton did not support submission points[38] seeking the rule be amended so that existing non-compliance with performance standards Rule SETZ-R1 and R2 does not preclude the application of this rule, noting that new or expanded activities should comply to ensure amenity and effects are adequately managed.

Hearing and Submitter Evidence

158. Scenic Hotels Group sought that the SETZ-R3 rule name be amended to state '*except Punakaiki*.'

Reporting Officer Reply Evidence

159. In response to the Scenic Hotels Group's request for an amendment to Rule R3, Ms Easton noted that this rule is the same as the operative Buller District Plan rule and considered the requested change out of scope of the original submission.

Hearing Panel's Evaluation

160. The Panel agrees with the amendment sought by the BDC and other submitters to increase the permitted ground floor area in SETZ-R3 to 150m², which is consistent with the operative Buller District Plan.

161. The Panel agrees with BDC and Ms Easton that the inclusion of three new matters of discretion proposed to SETZ-R20, relating to shading and loss of sunlight, loss of privacy, character, and amenity, is appropriate. We acknowledge that these are factors to consider when assessing and managing the impacts of these activities. We agree that these reflect the potential effects of the activity. (We note that similar changes have been proposed to other rules below).

162. In relation to the remainder of the submissions on SETZ-R3, SETZ-R16 and SETZ-R20, the Panel agrees that these should be rejected based on the conclusions reached by Ms Easton.

Hearing Panel's Recommendation

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

[38] Chris & Jan Col, Chris J Coll Surveying Limited, Laura Coll McLaughlin and William McLaughlin

accepted and recommends that the following amendments be made to rules **SETZ-R3 and SETZ-R20**.

SETZ-R3 Building Design in the Coastal Settlement Precinct

Activity Status Permitted

Where:

(f) All standards for Rule SETZ - R1 and R2 are complied with;

(g) New buildings are no more than 1~~0~~**5**0m^2 [39] in ground floor area and additions to existing buildings add up to no more than 50m^2 ground floor area.

Activity status where compliance not achieved: Restricted Discretionary

SETZ-R16 Port Activities at Jackson Bay Port

Activity Status Permitted

Where:

1. These are undertaken on lots fronting The Esplanade as follows:
    i. On legal road reserve between Mean High-Water Springs and the edge of the road carriageway;
    ii. On the following lots:
        i. Sections 208 and 209 TN OF Arawata; and
        ii. Sections 8, 9 and 10 TN of Arawata;
2. Permitted Port Activities are limited to the following:
    i. Cargo handling, including the loading, unloading, storage, processing and transit of cargo (including fish);
    ii. Passenger handling, including the loading, unloading and transit of passengers including passenger or cruise ship terminals;
    iii. Port administration.
    iv. Facilities for recreational boating.
    v. Activities associated with maritime navigation; and
    vi. Ancillary buildings, structures, utilities, signs, parking, landscaping, offices and other facilities.
3. Maximum building size is 200m^2;
4. Maximum building height is 5m;
5. Buildings must be setback 1m from the road and internal boundaries; and
6. No building shall project beyond a building envelope defined by a recession plane as defined in Appendix Two to commence 2.5m above any site boundary except where the neighbouring property owner's written approval is provided to the Council at least 10 working days prior to the works commencing. This standard does not apply to:

[39] Buller District Council (S538.555) Chris and Jan Coll (S558.598) Chris J Coll Surveying Limited (S566.598) William McLaughlin (S567.634) and Laura Coll Mclaughlin (S574.598)

i. Road boundaries;

ii. Buildings on adjoining sites that have a common wall along the boundary;

iii. Boundaries abutting an access lot or right of way in which case the furthest boundary of the access lot or right of way may be used for assessing compliance with this standard;

iv. Boundaries adjoining any site in a CMUZ - Commercial and Mixed Use, INZ - Industrial or GRUZ - General Rural Zone;

v. Antennas, aerials, satellite dishes (less than 1m in diameter), chimneys, flues and architectural features (e.g. finials, spires) provided these do not exceed the recession plane by more than 3m vertically; or

vi. Solar panels and solar water heaters provided these do not exceed the height in relation to boundary plane by more than 0.25m vertically.

Activity status where compliance not achieved: Discretionary

SETZ-R20 Buildings in the SETZ - PREC2 - Coastal Settlement Precinct not meeting Building Design Requirements in SETZ - R3

Activity Status Restricted Discretionary

Where:

1. All performance standards for Rule SETZ - R1 - and R2 are complied with.

Discretion is restricted to:

a. Design, size, height and location of buildings;

b. Design, size and location of parking and access;

c. Any requirement for financial contributions;

d. Retention of existing vegetation;

~~e.~~ Volume and location of earthworks; ~~and~~

f. ~~Landscape measures~~ **Measures to mitigate landscape effects;**[40]

g. Shading and loss of sunlight to adjoining sites;

h. Loss of privacy to adjoining sites; and

i. Character and amenity of the surrounding area.[41]

Activity status where compliance not achieved: Discretionary

2.5. Other permitted activity rules

Submissions and Further Submissions

164. Six submission points and two further submission points were received on rule SETZ-R4 and are summarised in a table on pages 39-40 of the s.42A report. Three submissions were in

[40] Consequential Plan wide amendment to Manawa Energy Limited S438.100
[41] Buller District Council (S538.568)

support and three requested amendments and two further submission points supported the amendments sought.

165. Seven submission points were received on rule SETZ-R5 and are summarised in a table on page 41 of the s42A report. Two submissions were in support, and five requested amendments.

166. Eight submission points were received on rule SETZ-R6 and are summarised in a table on pages 41-42 of the s42A report. Two submissions were in support, and six requested amendments.

167. Seven submission points were received in support of rule SETZ-R7 and are summarised in a table on page 42 of the s42A report.

168. Eleven submission points and one further submission point were received on rule SETZ-R8 and are summarised in a table on pages 42-44 of the s42A report. Two submission points were in support, and the remainder requested amendments. The further submission point supported the amendment sought.

169. Ten submission points and one further submission point were received on rule SETZ-R9 and are summarised in a table on pages 44-45 of the s42A report. Two submissions were in support, and the remainder requested amendments.

170. Thirteen submission points were received on rule SETZ-R10 and are summarised in a table on pages 45-46 of the s42A report. Three were in support, and the remainder requested amendments.

171. Thirteen submission points were received on rule SETZ-R11 and are summarised in a table on pages 46-47 of the s42A report. Four were in support, and the remainder requested amendments.

172. Twelve submission points were received on rule SETZ-R12 and are summarised in a table on page 47 of the s42A report. Three were in support, and the remainder requested amendments.

173. Thirteen submission points were received on rule SETZ-R13 and are summarised in a table on pages 47-48 of the s42A report. Five were in support, and the remainder requested amendments.

174. Fourteen submission points were received on rule SETZ-R14 and are summarised in a table on pages 48-49 of the s42A report. Five were in support, and the remainder requested amendments.

175. The Panel has considered the relevant submissions and further submissions received and adopts the summaries in the s42A Report and the addendum report.

Section 42A Report

176. Ms Easton acknowledged submissions in support of each rule.

SETZ-R4

177. Ms Easton supported a submission point from Ngai Tahu seeking to amend the standard providing for clustered units, so it applies in reticulated areas, noting that she considered this a drafting error of omission.

178. Ms Easton did not support a submission from FENZ seeking an additional standard for firefighting water supply, considering this a building consent matter. She acknowledged concerns around the sufficient provision of firefighting water to rural properties and invited FENZ to provide more specific information at the hearing on this matter.

179. Ms Easton supported a submission from Ngai Tahu seeking an amendment to allow the same residential densities as for SETZ-R2, considering the omission of a residential density in reticulated areas to be an error.

SETZ-R5

180. Ms Easton supported a submission from BDC seeking an amendment to limit agricultural activities to grazing where shelters and buildings for housing or feeding livestock are at least 30m from any boundary. Ms Easton noted that a similar submission was made on the Rural Lifestyle Zone, and she recommended the following change be made for consistency:

~~*Performance standards for poultry farming and pig keeping apply as follows:*~~

- ~~*For poultry setbacks of 10m from any residential building on another site and 2m from the site boundary;*~~
- ~~*For pig keeping setbacks of 50m from any residential building on another site and 100m for any shelter holding 4 or more pigs*~~

Shelters and buildings used to house or feed poultry or pigs must be setback at least 30m from any boundary.

181. Ms Easton did not support submission points[42] seeking that the rule be amended so that existing non-compliance does not preclude the application of the rule. She considered that existing building activities have existing use rights; therefore, this rule does not prevent these activities from continuing to operate at their current scale. However, new or expanded activities should comply with these standards to ensure that amenity and infrastructure effects are adequately managed.

SETZ-R6

182. Ms Easton supported in part a submission point from BDC seeking that the performance standard requiring compliance with the standards in SETZ-R2 be deleted. She considered that minor structures should still be required to comply with setbacks in SETZ-R2, as BDC sought in other zones.

183. Ms Easton did not support submission points[43] seeking that the rule be amended so that existing non-compliance does not preclude the application of the rule. She considered that existing building activities have existing use rights; therefore, this rule does not prevent these activities from continuing to operate at their current scale. However, new or expanded activities should comply with these standards to ensure that amenity and infrastructure effects are adequately managed.

[42] Chris & Jan Col, Chris J Coll Surveying Limited, Laura Coll McLaughlin and William McLaughlin
[43] Chris & Jan Col, Chris J Coll Surveying Limited, Laura Coll McLaughlin and William McLaughlin

184. Ms Easton did not support submission points seeking to increase the height in Standard 2 to 8m. She considered the notified height of 7m aligns with the maximum permitted heights in the Coastal Settlement Precinct and accessory buildings.

SETZ-R7

185. All submissions supported this rule, and no changes were requested or recommended.

SETZ-R8

186. Ms Easton did not support several submission points seeking that this rule be deleted, as she considered the rules are needed to protect amenity, noting that issues have arisen with the relocation of old dwellings on the West Coast.

187. Ms Easton did not support submission points from Greg Maitland seeking to increase the timeframe for compliance to 24 months, as she considered 12 months to be sufficient. She also did not support a submission point from David Ellerm seeking that a bond be required, as she did not think this was appropriate for a permitted activity.

188. Ms Easton supported the submission of the NZ Heavy Haulage Association Inc. in part, concerning the amendment to require buildings used for dwellings to have originally been dwellings. She considered that the other amendments requested did not make the rule clearer or easier to enforce.

SETZ-R9

189. Ms Easton did not support a submission from Marie Elder seeking an amendment to restrict all visitors and guests to a home business (including visitor accommodation) from socialising outdoors between 10 pm and 8 am. She noted that the District Plan cannot regulate the behaviour of visitors and that adverse effects are managed by limiting visitor numbers.

190. Ms Easton supported a submission from Waka Kotahi, seeking to limit the permitted level of vehicle movements to 30 equivalent car movements per day, noting that exceeding this number would consider the use of the vehicle crossing a high trip-generating activity. She noted that the current rule wording could allow 210 vehicle movements on one day and none of the rest of the week. She recommended the standard read: "a maximum of 10 heavy vehicle movements per day and whichever is the greater of 30 light vehicle movements per day ~~or~~ and 210 light vehicle movements per week.

191. Ms Easton did not support a submission point from Jane Whyte and Jeff Page seeking to delete the word '*permanently*' from condition 3(ii)(b). She considered that this would result in people coming to the business out of hours and create a greater risk of disturbance. She considered that the effects of people working outside of normal work hours would be appropriately assessed through the resource consent process.

192. Ms Easton supported a submission point from BDC seeking an additional performance standard outside the SETZ-PREC2 Settlement Centre Precinct, allowing a maximum of one full-time equivalent employee who resides off-site. She noted that the Council are concerned that the traffic generation standards would be difficult to monitor and enforce when there are combined business and residential activities in one dwelling.

193. Ms Easton did not support submission points[44] seeking that the rule be amended so that existing non-compliance does not preclude the application of the rule. She considered that existing building activities have existing use rights; therefore, this rule does not prevent these activities from continuing to operate at their current scale. However, new or expanded activities should comply with these standards to ensure amenity and effects are adequately managed.

SETZ – R10 Residential Visitor Accommodation

194. Paparoa Track Services sought to delete Standard 7 and considered that whole-house visitor accommodation should be permitted. Ms Easton did not support this submission point, noting that the loss of residential housing to visitor accommodation was the single biggest issue raised in the Settlements zone across the West Coast, and that this has had a significant impact on local communities. She noted that the impacts include a lack of housing for residents, difficulties for businesses in finding staff, the performance capabilities of volunteer fire brigades, overall community cohesion, and environmental effects. She noted that this matter was carefully examined during the development of TTPP and was the subject of specific consultation before this approach was included in the Plan.

195. WDC sought that Standard 7 be amended so the same rules apply in Westland as in the Buller District, rather than the Grey approach being applied to Westland. Ms Easton supported this submission, noting that Westland faces similar problems to Buller in relation to high tourist numbers. She said that the staff recommendation was to manage Westland and Buller visitor accommodation in the same way, but the TTPP Committee overruled this.

196. Ms Easton did not support a submission from Marie Elder seeking specific restrictions for Hartmount Place and Ross Place. She noted that these matters relate to a particular activity established under resource consent, and where there are compliance issues, that is not a matter for rules in a District Plan. The Panel notes this matter has been addressed above.

197. Ms Easton did not support a submission from Jane Whyte & Jeff Page seeking to delete standards 1, 3 and 7. She noted that these standards ensure that commercial activities are not established without appropriate oversight and limit the number of paying guests to manage the scale of adverse effects to what is reasonable in a residential area. Clause 7 pertains to the differences between the rules in Buller and those in other districts.

198. Ms Easton supported a submission point from GDC seeking that Clause 5 be amended to require records to be provided annually rather than on request.

199. Ms Easton did not support submission points[45] seeking to amend the rule so that existing non-compliance does not preclude its application. She considered that existing building activities have existing use rights therefore this rule does not prevent these activities from continuing to operate at their current scale. However, new or expanded activities should comply with these clauses in order to ensure amenity and effects are adequately managed.

SETZ-R11

[44] Chris & Jan Col, Chris J Coll Surveying Limited, Laura Coll McLaughlin and William McLaughlin
[45] Chris & Jan Col, Chris J Coll Surveying Limited, Laura Coll McLaughlin and William McLaughlin

200. Ms Easton did not support submission points[46] seeking to delete the acoustic insulation advice note. She noted that this matter would be addressed in the noise topic, and any changes to the rules would be reflected in consequential amendments to the advice note.

201. Ms Easton did not support submission points[47] seeking that the rule be amended so that existing non-compliance does not preclude the application of the rule. She considered that existing building activities have existing use rights; therefore, this rule does not prevent these activities from continuing to operate at their current scale. However, new or expanded activities should comply with these standards to ensure amenity and effects are adequately managed.

SETZ-R12

202. Ms Easton did not support submission points[48] seeking to delete the acoustic insulation advice note. She noted that this matter would be addressed in the noise topic, and any changes to the rules would be reflected in consequential amendments to the advice note.

203. Ms Easton did not support submission points[49] seeking that the rule be amended so that existing non-compliance does not preclude the application of the rule. She considered that existing building activities have existing use rights; therefore, this rule does not prevent these activities from continuing to operate at their current scale. However, new or expanded activities should comply with these standards to ensure amenity and effects are adequately managed.

SETZ-R13

204. Ms Easton supported a submission point from Westland Farm Services, seeking to delete Standard 9, as air discharge is a regional matter, and agreed that the standard is unnecessary for retail activities. She noted, however, that the Regional Air Plan is very permissive and that, in the context of other Plan provisions, additional regulation may be necessary for amenity reasons.

205. Ms Easton did not support a submission point from David Ellerm seeking that Standard 3 be amended to 5km rather than 10km. She noted that the implications of the distance had been considered and 10km was chosen to ensure the expected environmental outcomes of focusing retail businesses within areas specifically set aside for that activity.

206. Ms Easton did not support a submission from Foodstuffs seeking a restricted discretionary activity status, noting that the zone is largely residential in character and that a discretionary activity status provides for careful consideration of activities that could have significant adverse effects on the residential character.

207. Ms Easton did not support a submission from BDC seeking that rules 13 and 14 be combined to reduce confusion, noting that rule 14 explicitly states it does not apply to retail, home businesses, or visitor accommodations.

208. Ms Easton did not support submission points[50] seeking that the rule be amended so that existing non-compliance does not preclude the application of the rule. She considered that

[46] BDC, Chris & Jan Col, Chris J Coll Surveying Limited, Laura Coll McLaughlin and William McLaughlin
[47] Chris & Jan Col, Chris J Coll Surveying Limited, Laura Coll McLaughlin and William McLaughlin
[48] BDC, Chris & Jan Col, Chris J Coll Surveying Limited, Laura Coll McLaughlin and William McLaughlin
[49] Chris & Jan Col, Chris J Coll Surveying Limited, Laura Coll McLaughlin and William McLaughlin
[50] Chris & Jan Col, Chris J Coll Surveying Limited, Laura Coll McLaughlin and William McLaughlin

existing building activities have existing use rights; therefore, this rule does not prevent these activities from continuing to operate at their current scale. However, new or expanded activities should comply with these standards in order to ensure amenity and effects are adequately managed.

SETZ – R14

209. Ms Easton supported a submission point from Westland Farm Services seeking that the rule apply in the SETZ-PREC4 Rural Residential Precinct and that Standard 6 be deleted. She considered control of dust, odour, or smoke discharge to be unnecessary for commercial activities, but noted, however, that the Regional Air Plan is very permissive and that, in the context of other Plan provisions, additional regulation may be necessary for amenity reasons.

210. Ms Easton did not support submission points[51] seeking to delete the acoustic insulation advice note. She noted that this matter would be addressed in the noise topic, and any changes to the rules would be reflected in consequential amendments to the advice note.

211. Ms Easton did not support submission points[52] seeking that the rule be amended so that existing non-compliance does not preclude the application of the rule. She considered that existing building activities have existing use rights; therefore, this rule does not prevent these activities from continuing to operate at their current scale. However, new or expanded activities should comply with these standards in order to ensure amenity and effects are adequately managed.

Hearing and Submitter Evidence

212. Frida Inta noted that, in relation to rule 10, up to 6 paying guests would generate heavy vehicle movements and considered the restriction on heavy vehicle movements to be illogical. She considered that retirement homes and educational activities should not be permitted activities, as these activities need public scrutiny. She also considered that Standards 13 and 14 should not include a permitted activity status.

213. Jonathan Bhana-Thomson, in evidence presented on behalf of the NZ Heavy Haulage Association, supported Ms Easton's recommendation to retain the relocated building rule, but continued to seek the other amendments requested in the submission on the basis that they would clarify the rule and make it easier to enforce.

214. Scenic Hotel Group sought further amendments to SETZ-R11 to provide for worker accommodation in the Settlement Zone in Barrytown and the Settlement Coastal Precinct in Punakaiki, and to delete the advice note stating that visitor accommodation is permitted in SETZ-PREC2.

215. In a written response to the Panel relating to their submission point on SETZ-R4, FENZ agreed with Ms Easton that papakainga development are likely to connect to reticulated water supplies, where they are available. They proposed an alternative amendment to the rule to require firefighting water supply, as follows:

[51] BDC, Chris & Jan Col, Chris J Coll Surveying Limited, Laura Coll McLaughlin and William McLaughlin
[52] Chris & Jan Col, Chris J Coll Surveying Limited, Laura Coll McLaughlin and William McLaughlin

3.iii Provision shall be made for sufficient water supply and access to water supplies for firefighting in accordance with the New Zealand Fire Service Firefighting Water Supplies Code of Practice (SNZ PAS:4509:2008)

Advice Note:

The New Zealand Fire Service Firefighting Water Supplies Code of Practice PAS:4509:2008 should be consulted when determining the most appropriate design for firefighting water supply. Fire and Emergency New Zealand is available to assist with this.

216. Foodstuffs continued to seek that SETZ-R13 have a restricted discretionary activity status for activities that do not comply, as sought in their original submission point.

217. Marie Elder acknowledged Ms Easton's comments on SETZ-R10. She continued to seek the changes requested in her original submission, noting that she considered them reasonable requests given the road safety issues and her neighbourhood experience. She considered that the Buller District Plan provides precedent for rules controlling parking for commercial premises.

Reporting Officer Reply Evidence

218. In response to a question from the Panel about whether there is scope to consider non-notification clauses at Punakaiki, Ms Easton noted that the original submissions on the settlement zone provisions did not provide any specific scope for this. For completeness, she also reviewed submissions on the Scenic Visitor Zone and confirmed these also did not provide specific scope for non-notification clauses.

219. Ms Easton noted that the Scenic Hotel Group submission opposed all proposed rules and zone changes affecting their properties, and that the Panel could consider a non-notification clause as providing partial relief to this submission for some rules. However, she pointed out that there are no non-notification clauses in the Westland or Buller Operative District Plans, so she considered the link between the submission and introduction of a non-notification clause to be tenuous.

220. In relation to the Scenic Hotels requested changes to SETZ-R11, Ms Easton noted the original submission did not reference worker accommodation or Barrytown.

221. Ms Easton acknowledged the additional information provided by FENZ and recommended an amendment to SETZ-R4 to include an additional performance standard and advice note as follows:

Provision shall be made for sufficient water supply and access to water supplies for firefighting in accordance with the New Zealand Fire Service Firefighting Water Supplies Code of Practice (SNZ PAS:4509:2008)

***Advice Note**: The New Zealand Fire Service Firefighting Water Supplies Code of Practice PAS:4509:2008 should be consulted when determining the most appropriate design for firefighting water supply. Fire and Emergency New Zealand is available to assist with this.*

222. In relation to SETZ-R5, Ms Easton did not consider additional road boundary setbacks to be necessary for chicken and pig keeping. She noted that many other Councils have bylaws for pig and chicken keeping and that it is common for keeping of up to 10 chickens or 4 pigs to be excluded from more significant regulation. She recommended a similar approach be taken

to allow a domestic level of production where nuisance matters are less likely. She recommended the following amendment to Standard 3:

Shelters and buildings used to house or feed more than 10 poultry or 4 pigs must be setback at least 30m from any internal boundary

223. No further comment was given in the ROR in relation to Foodstuffs request for Restricted Discretionary Status for SETZ-R13.

Hearing Panel's Evaluation

224. The Panel generally agrees with Ms Easton's analysis of submissions and recommended changes to the Rules.

SETZ-R4

225. The Panel accepts Ms Easton's recommendation and reasoning to amend the SETZ-R4 to provide for clustering of units in relation to Papakainga Developments, where this is serviced, as she acknowledges these amendments address an omission error in the notified Plan, which only applied in areas not serviced by reticulation. We agree that this should also include providing for the same residential densities as in SETZ-R2.

226. The Panel acknowledge Ms Easton's revised position concerning the FENZ submission, and we accept her recommendation to include a performance standard and advice note in SETZ-R4 based on the further information provided by FENZ. We agree that this addresses a gap between policies and the building code.

SETZ-R5

227. The Panel agrees with Ms Easton's recommendation to amend the setback distance from residential properties for the keeping of pigs and poultry farming as partially sought by BDC. We do not agree with the wording proposed by BDC that the rule should be extended to all agricultural activities as this would have perverse outcomes.

228. We accept the setback distances should relate to shelters and buildings and that they be from any internal boundary rather than a residential building as the latter could result in shelters and buildings being built up to the boundary. We also agree that the allowable number of pigs should be restricted but we consider the wording should be clarified to refer to "*more than 3 pigs*". This reflects the notified plan limit.

229. In terms of poultry, we have found it difficult to justify scope for a limit of 10 as proposed by Ms Easton as BDC did not propose a limit in their submission. We have therefore not placed a limit on poultry.

SETZ-R6

230. The Panel agrees with Ms Easton's recommendation to amend the Rule as sought by BDC, as we consider this provides greater clarity to plan users without the need to refer to SETZ-R2. We note that the amendment necessitates the replication of all subclauses from Standard 2 of SETZ-R2 for consistency.

231. In relation to the remainder of the submissions on SETZ-R6 the Panel agree that these be rejected based on the conclusions reached by Ms Easton.

SETZ-R7

232. In relation to SETZ-R7, the Panel accepts Ms Easton's recommendation to retain the rule as notified.

SETZ-R8

233. The Panel agrees with the amendments proposed by Ms Easton to partially address the submission of the New Zealand Heavy Haulage Association, which states that buildings intended for dwellings must have originally been used as dwellings. We agree that the other submission points sought by the New Zealand Heavy Haulage Association do not clarify or simplify the rule, however we have added reference to a new Appendix 11 which will set out the information that is required in the building pre-inspection report which is based on information provided by the Association at the hearing. This is a Plan-wide amendment.

234. The Panel has also consolidated rule 8 by deleting Clause 5 and adding to Clause 3. We consider the two clauses were overlapping and there were elements of uncertainty between them. We consider the amendments now make it clear the works to completed within 12-months of the building being delivered to the site. We consider the scope for these amendments stem from the submissions seeking deletion given the changes reduce and clarify the rule. We therefore recommend the amendments proposed and note that similar amendments are proposed in other recommendations.

235. In relation to other submissions on SETZ-R8 the Panel agree that these be rejected based on the conclusions reached by Ms Easton.

SETZ-R9

236. The Panel agrees that further regulation of home businesses through the provision of an additional standard, requiring that no more than one full-time equivalent person engaged in the home business can reside off-site, as sought by BDC, is warranted. We note that, at present, there is no limit in the Plan; therefore, there is a potential for adverse effects on amenity to occur due to the scale of the business. While we note that the definition of Home Business provides some level of control, there needs to be further control in our view to address the scale of activity of a Home Business. We also note that without controlling scale, there are also potential impacts on the use of existing commercial centres.

237. While the Panel notes Ms Easton's recommendation to amend Standard 6 in relation to traffic movement as a result of the Waka Kotahi submission, as a result of our recommendations in the Transport Chapter on trip generation, this standard is to be deleted to avoid the potential for uncertainty between provisions. We note that the inclusion of the no more than one full-time equivalent person should address the amenity issue associated with people and vehicle numbers.

238. In relation to the remainder of the submissions on SETZ-R9 the Panel agree that these be rejected based on the conclusions reached by Ms Easton.

SETZ-R10

239. The Panel agrees with Ms Easton's amendment to Standard 7 to include '*and Westland*' as requested by the WDC. We acknowledge that Westland faces similar challenges to Buller in terms of high tourist numbers and a shortage of housing accommodation.

240. The Panel agree with GDC that providing records of letting activity annually, rather than on request, will enable better monitoring of potential effects and ensure compliance with regulatory controls.

241. In relation to the remainder of the submissions on SETZ-R10 the Panel agree that these be rejected based on the conclusions reached by Ms Easton.

SETZ-R11

242. In relation to SETZ-R11, the Panel accepts Ms Easton's recommendation to retain the rule as notified and reject the submissions based on the conclusions reached by Ms Easton.

SETZ-R12

243. The Panel notes that, as a result of recommendations in the Transport Chapter regarding trip generation, clause 2, relating to traffic movement, has been amended to ensure compliance with Rule TRN – R6 is also achieved in this situation. While we acknowledge that this has not been the situation for Homes Businesses where the rule has been deleted in favour of TRN – R6, in the case of Community Facilities, Educational Facilities, Emergency Service Facilities and Retirement Homes (where they are not exempted) we consider a bespoke approach is necessary in order to address the potential scale of these activities, which is not otherwise addressed. We are of the view that this is best achieved by retaining the notified part of the rule. We consider this is particularly necessary where such activities might seek to locate on local roads.

244. In terms of the remainder of the rule the Panel accepts the recommendations to retain the rule as notified (aside from the inclusion of a Standard relation to the risk of Electromagnetic coupling) and rejects the submissions on the basis of the conclusions reached by Ms Easton.

SETZ-R13 and SETZ-R14

245. The Panel has considered the submissions from Westland Farm Services on SETZ-R13 and R14. The submission appears to seek the deletion of SETZ-R13 or that Standards 9 and 6, of the two rules respectively, relating to the generation of dust, odour, or smoke, be deleted. Firstly, we agree with Ms Easton that responsibility for air discharges sits with the West Coast Regional Council (WCRC) through the Regional Air Plan. We acknowledge, however, that the effects of air discharges can extend into District Council territory, where there may be potential impacts on amenity. However, this is usually addressed through other rules, such as setbacks, or considered during the consenting process. In this situation, we agree that the standards should be deleted as a non-compliance with these standards could only appropriately be addressed via a consent from the WCRC.

246. Secondly, while the Panel do not agree that SETZ-R13 should be delete, we do accept that the rule as currently drafted is problematic. In particular clause 2 effectively means that all activity subject to the rule has to be within the PREC2 - Settlement Centre Precinct. This means that clauses 3, 6 and 7 are redundant because they relate to activity outside PREC2 - Settlement Centre Precinct. We consider the inclusion of clause 2 is an error and recommend it be deleted.

247. The Panel note that as a consequence of its earlier recommendation stemming from the Foodstuffs submission it has deleted clause 4.

248. The Panel notes that, as a result of recommendations in the Transport Chapter regarding trip generation, clause 5 and 4 respectively, relating to traffic movement, have been amended to ensure compliance with Rule TRN – R6 is also achieved. While we acknowledge that this has not been the situation for Home Businesses where the rule has been deleted in favour of TRN – R6, in the case of Retail Activities and Commercial Activities other than Retail, Home Business or Visitor Accommodation we consider a bespoke approach is necessary in order to address the potential scale of these activities, which is not otherwise addressed. We are of the view that this is best achieved by retaining the notified part of the rule. We consider this is particularly necessary where such activities might seek to locate on local roads.

249. In relation to the remainder of the submissions on SETZ-R13 and SETZ-R14, the Panel agrees that these should be rejected based on the conclusions reached by Ms Easton.

Hearing Panel's Recommendation

250. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends that the relevant submission points identified in the footnotes below are accepted or accepted in part and recommends the following amendments are made to the rules **SETZ-R4** to **SETZ-R14:**

SETZ-R4 Papakāinga Developments

Activity Status Permitted

Where:

1. All standards for Rule SETZ - R2 are complied with;
2. Where developments are in the SETZ - PREC3 - Coastal Settlement Precinct all standards for Rule SETZ - R3 are complied with **however units are able to be clustered**;[53]
3. In areas not serviced by reticulated wastewater, stormwater and water supply:
   i. The average residential building density is no more than one unit per 1000m^2 net site area, ~~although units can be clustered~~; and
   ii. On-site wastewater, water supply and stormwater systems are developed to serve the entire papakāinga.
4. **In areas fully serviced by a network utility operator with wastewater, water supply and stormwater systems the average residential building density is no more than one unit per 500m^2 net site area; and**[54]
5. **Provision shall be made for sufficient water supply and access to water supplies for firefighting in accordance with the New Zealand Fire Service Firefighting Water Supplies Code of Practice (SNZ PAS:4509:2008)**[55]

Advice Notes:

1. Where a residential building or noise sensitive activity is located within:
   i. 80m of a State Highway with a speed limit of 70kph or greater; or
   ii. 40m of a State Highway with a speed limit of less than 70kph; or

[53] Ngai Tahu (S620.403)
[54] Ngai Tahu (S620.248)
[55] Fire and Emergency New Zealand (S573.049)

iii. 40m of a Railway Line; or

iv. The 50 dBA Noise Contour boundary of Franz Josef Heliport; or

v. The 55 dBA Noise Contour boundary of the Westport or Hokitika Airports or Greymouth or Karamea Aerodrome.

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

2. The New Zealand Fire Service Firefighting Water Supplies Code of Practice PAS:4509:2008 should be consulted when determining the most appropriate design for firefighting water supply. Fire and Emergency New Zealand is available to assist with this.[56]

Activity status where compliance not achieved: Discretionary

SETZ-R5 Agricultural, Horticultural and Pastoral Activities, Recreational Activities and Conservation Activities

Activity Status Permitted

Where:

1. All standards for Rule SETZ - R2 and in the SETZ - PREC3 - Coastal Settlement Precinct Rule SETZ - R3 are complied with;
2. The activity does not include:
   i. Intensive indoor primary production;
   ii. The storage and disposal of solid or liquid animal waste not generated on the site;
   iii. Woodlots;
   iv. Stock sale yards; or
   v. Farm quarries
3. Performance standards for poultry farming and pig keeping apply as follows:
   i. **Shelters and buildings used to house or feed poultry or more than 3 pigs must be setback at least 30m from any internal boundary** ~~For poultry setbacks of 10m from any residential building and 2m from the site boundary~~;
   ~~ii. For pig keeping setbacks of 50m from any residential building and 100m for any shelter holding 4 or more pigs; and~~[57]
4. Performance standards for beekeeping in the Westland District apply as follows:
   i. No bees may be kept on a property less than 600m^2 net site area;
   ii. Beehives must be placed with an obstruction in front of them or be elevated to ensure all bees are able to be 2.5m above ground level prior to crossing the site boundary; and
   iii. A water source for bees must be provided and maintained on the property.

Advice Note:

[56] Fire and Emergency New Zealand (S573.049)
[57] Buller District Council (S538.556)

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

Activity status where compliance not achieved: Discretionary

SETZ-R6 Minor Structures

Activity Status Permitted

Where:

1. ~~All standards for Rule SETZ - R2 are complied with;~~ **Structures are set back:**
    i. **5m from the road and any GRUZ - General Rural or INZ Industrial Zone boundary and 1m from internal boundaries; except**
    ii. **In the SETZ - PREC4 - Rural Residential Precinct all buildings are setback 10m from road boundaries, residential buildings are setback 10m from the internal boundaries and non-residential buildings and accessory buildings are setback 5m from internal boundaries;**
    iii. **In the SETZ - PREC2 - Settlement Centre Precinct no setback from the road boundary is required where there is a verandah provided over an adjacent footpath.**
2. Masts, poles, aerials and pou whenua must not exceed 7m in height;
3. Any antenna dish must be less than 1m in diameter;
4. Any ornamental or garden structure must not exceed 2.4 m in height;
5. Any other structure must not exceed $10m^2$ and 2m in height.

Activity status where compliance not achieved: Controlled

SETZ-R7 Fences, Walls and Retaining Walls

Activity Status Permitted

Where:

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

Activity status where compliance not achieved: **Restricted** Discretionary

SETZ-R8 Relocated Buildings

Activity Status Permitted

Where:

1. All standards for Rule SETZ - R1 and R2 and in the SETZ - PREC3 - Coastal Settlement Precinct Rule SETZ - R3 are complied with;

2. Any relocated building intended for use as a dwelling must have been designed**,** ~~and~~ built ~~to be~~ **and**[58] used as a dwelling;
3. A building pre-inspection report **in accordance with Appendix Eleven**[59] shall accompany the application for a building consent for the destination site. That report is to identify all reinstatement works that are to be completed to the exterior of the building. The report shall include a certification by the property owner that the **exterior** reinstatement works **including connections to infrastructure services and closing in and ventilation of the foundations** shall be completed within ~~a~~ 12-month**s of the building being delivered to the site** period; **and** [60]
4. The building shall be located on permanent foundations approved by building consent no later than 2 months of the building being moved to the site.~~; and~~

~~5. All other reinstatement work required by the building inspection report and the building consent to reinstate the exterior of any relocated dwelling shall be completed within 12 months of the building being delivered to the site. This reinstatement work is to include connections to all infrastructure services and closing in and ventilation of the foundations.~~[61]

Activity status where compliance not achieved: Controlled

SETZ-R9 Home Business

Activity Status Permitted

Where:

1. All standards for Rule SETZ - R1 and R2 and in the SETZ - PREC3 - Coastal Settlement Precinct Rule SETZ - R3 are complied with;
2. There is no limit to hours of operation in the SETZ - PREC2 - Settlement Centre Precinct;
3. Outside of the SETZ - PREC2 - Settlement Centre Precinct, hours of operation are limited to:
    i. 7am-10pm weekdays and 8am - 8pm weekends and public holidays;
    ii. Except where:
        a. The entire activity is located within a building;
        b. Each person engaged in the activity outside the above hours resides permanently on site; and
        c. There are no visitors, customers or deliveries to the activity outside of the above hours.
4. **Outside of the SETZ - PREC2 - Settlement Centre Precinct, there is no more than one full time equivalent person engaged in the home business that resides off site;** [62]
5. No external storage of products except those associated with residential use shall be visible from any SETZ - Settlement Zoned property or adjoining public place; **and**
6. No external generation of dust, odour or smoke occurs as part of the activity**.**~~; and~~

[58] New Zealand Heavy Haulage Inc (S616.009)
[59] New Zealand Heavy Haulage Inc (S616.009)
[60] Buller District Council (S538.558), Chris & Jan Coll (S558.175 S558.602), Chris J Coll Surveying Limited (S566.175 S566.602), William McLaughlin (S567.025 S567.638), Laura Coll McLaughlin (S574.175 S574.602)
[61] Buller District Council (S538.558), Chris & Jan Coll (S558.175 S558.602), Chris J Coll Surveying Limited (S566.175 S566.602), William McLaughlin (S567.025 S567.638), Laura Coll McLaughlin (S574.175 S574.602)
[62] Buller District Council (538.559)

~~7. A maximum of 10 heavy vehicle movements per day and whichever is the greater of 30 light vehicle movements per day or 210 light vehicle movements per week.~~[63]

Activity status where compliance not achieved: Discretionary

SETZ-R10 Residential Visitor Accommodation

Activity Status Permitted

Where:

1. This is ancillary to a residential or conservation activity;
2. All standards for Rule SETZ - R1 and R2 and in the SETZ - PREC3 - Coastal Settlement Precinct Rule SETZ - R3 are complied with;
3. There is a maximum of 6 paying guests at any one time;
4. Written notification to the District Council is required 10 working days prior to the activity commencing;
5. Records of letting activity must be kept and provided to the Council ~~on request~~ **annually**; [64]
6. No heavy vehicle movements are generated; and
7. In the Buller **and Westland**[65] District**s** the accommodation is homestay accommodation with a permanent resident living on site.

Advice Notes:

a. Compliance with the Building Code is required for any use of residential property for visitor accommodation. Written notice to the relevant Council Building Compliance Team must be provided and a Building Consent may also be required.

b. ~~In the Buller District, where~~ **Where** residential visitor accommodation has been lawfully established under the Buller**, Grey or Westland** District Plan provisions, then existing use rights **may** apply.[66]

c. This rule does not apply to Residential Visitor Accommodation in the Settlement Centre Precinct - refer to Rule SETZ - R11.

Activity status where compliance not achieved: Restricted Discretionary

SETZ-R11 Visitor Accommodation in the Settlement Centre Precinct

Activity Status Permitted

Where:

1. All performance standards for Rule SETZ -R2 are complied with.

Advice Note:

1. All types of visitor accommodation are Permitted in the SETZ - PREC2- Settlement Centre Precinct including homestay, hosted short-term residential accommodation, hotels, motels, boarding houses and backpackers.
2. Where visitor accommodation is located within:

[63] Consequential amendment stemming from amendments to the Transport Chapter, Buller District Council S538.083
[64] Grey District Council (S608.120)
[65] Westland District Council (S181.045)
[66] Consequential amendment stemming from amendments to the Residential Chapter

i. 80m of a State Highway with a speed limit of 70kph or greater; or

ii. 40m of a State Highway with a speed limit of less than 70kph; or

iii. 40m of a Railway Line; or

iv. The 50 dBA Noise Contour boundary of Franz Josef Heliport; or

v. The 55 dBA Noise Contour boundary of the Westport or Hokitika Airports or Greymouth or Karamea Aerodrome.

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

Activity status where compliance not achieved: Discretionary

SETZ-R12 Community Facilities, Educational Facilities, Emergency Service Facilities and Retirement Homes

Where:

1. All performance standards for Rule SETZ -R2 are complied with except that hose drying towers are exempt from height standards in all areas other than the Coastal Settlement Precinct;
2. A maximum of 10 heavy vehicle movements and the greater of 30 light vehicle movements per day or 210 light vehicle movements per week are generated **and compliance is achieved with TRN – R6**;[67] except:

   No vehicle movement limit applies to:

   a. Emergency Service Facilities;

   b. Community halls or Educational Facilities lawfully established at the time of notification of the Plan; or

   c. Activities within the SETZ - PREC2 Settlement Centre Precinct; and
3. No external storage of products except those associated with residential use shall be visible from any Settlement zoned property or adjoining public place**; and**
4. **Where the facility will be located within the Westport Radio Mast EM Overlay any hose drying or siren tower of a height of 18m or greater must be certified by Radio New Zealand that the risk of Electromagnetic coupling with this structure has been mitigated**[68]

Advice Note:

Where a noise sensitive activity is located within:

i. 80m of a State Highway with a speed limit of 70kph or greater; or

ii. 40m of a State Highway with a speed limit of less than 70kph; or

iii. 40m of a Railway Line; or

iv. The 50 dBA Noise Contour boundary of Franz Josef Heliport; or

v. The 55 dBA Noise Contour boundary of the Westport or Hokitika Airports or Greymouth or Karamea Aerodrome.

[67] Consequential amendment associated with amendments to the Transport Chapter, Buller District Council (S538.083)
[68] Radio New Zealand (S476.042)

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

Activity status where compliance not achieved: Restricted Discretionary

SETZ-R13 Retail Activities

Activity Status Permitted

Where:

1. Performance standards for Rule SETZ - R2 are complied with;

~~2. The activity is located within a SETZ - PREC2 - Settlement Centre Precinct;~~[69]

2. Where the activity is located outside of a SETZ - PREC2 - Settlement Centre Precinct, there is no SETZ - PREC2 - Settlement Centre Precinct or CMUZ Commercial or MUZ - Mixed Use Zone within 10km of the site;

~~4. The maximum combined floor and yard area for any retail activity is 250m^2~~;[70] and

3. The activity does not include:
    i. Service stations;
    ii. Car sales;
    iii. Yard-based retail; and
    iv. Drive through restaurants.
4. Outside of the SETZ - PREC2 - Settlement Centre Precinct, hours of operation are limited to 7am-10pm weekdays and 8am - 8pm weekends and public holidays.
5. Outside of the SETZ - PREC2 - Settlement Centre Precinct there are a maximum of 10 heavy vehicle movements per day, and whichever is the greater of 30 light vehicle movements per day or 210 light vehicle movements per week generated by the activity **and compliance is achieved with TRN – R6**; [71]
6. No external storage of products except those associated with residential use shall be visible from any Settlement zoned property or adjoining public place; **and**

~~9. No external generation of dust, odour or smoke occurs as part of the activity; and~~[72]

7. Vehicle crossings and access meet the design standards as set out in Appendix One Transport Performance Standards.

Activity status where compliance not achieved: Discretionary

SETZ-R14 Commercial Activities other than Retail, Home Business or Visitor Accommodation

Activity Status Permitted

Where:

1. The activity does not occur in the SETZ - PREC3 - Coastal Settlement Precinct or the SETZ - PREC4 - Rural Residential Precinct;
2. Performance standards for Rule SETZ - R2 are complied with;

[69] Westland Farm Services (S550.018)
[70] Foodstuffs (S464.004)
[71] Consequential amendment associated with amendments to the Transport Chapter, Buller District Council S538.083
[72] Westland Farm Services (S550.018)

3. Outside of the SETZ - PREC2 - Settlement Centre Precinct, hours of operation are limited to: 7am-10pm weekdays and 8am - 8pm weekends and public holidays;

4. Outside of the SETZ - PREC2 Settlement Centre Precinct, a maximum of 10 heavy vehicle movements per day and whichever is the greater of 30 light vehicle movements per day or 210 light vehicle movements per week **and compliance is achieved with TRN – R6**;-[73]

5. No external storage of products except those associated with residential use shall be visible from any Settlement zoned property or public place; **and**

~~5. No external generation of dust, odour or smoke occurs as part of the activity; and~~[74]

6. Vehicle crossings and access meet the design standards as set out in Appendix One Transport Performance Standards.

Advice Note:

Where a noise sensitive activity is located within:

i. 80m of a State Highway with a speed limit of 70kph or greater; or

ii. 40m of a State Highway with a speed limit of less than 70kph; or

iii. 40m of a Railway Line; or

iv. The 50 dBA Noise Contour boundary of Franz Josef Heliport; or

v. The 55 dBA Noise Contour boundary of the Westport or Hokitika Airports or Greymouth or Karamea Aerodrome.

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

Activity status where compliance not achieved: Restricted Discretionary

2.6. Rules SETZ-R17-R28 where resource consent is required

Submissions and Further Submissions

251. Seventy-nine submission points and one further submission point were received on rules SETZ-17-28 and are summarised in a table on pages 57-62 of the s42A report.

252. Ten submission points were received on rule SETZ-R17 and are summarised in a table on page 57 of the s42A report. Two were in support of the rule, four requested amendments, and four opposed the standard and sought its deletion.

253. Seven submission points and one further submission point were received for SETZ-R18. One submission point supported the rule, while five sought to delete the rule in its entirety. One further submission point sought to disallow an amendment.

254. Seven submission points were received on rule SETZ-R19 and are summarised in a table on pages 58-59 of the s42A report. Two were in support of the rule, and five requested amendments.

[73] Consequential amendment associated with amendments to the Transport Chapter, Buller District Council S538.083
[74] Westland Farm Services (S550.018.

255. Eleven submission points were received on the two rules numbered SETZ-21 and are summarised in a table on page 59 of the s42A report. Seven were in support of the rules, and four requested amendments.

256. Seven submission points were received on rules SETZ-22 and are summarised in a table on page 59- 60 of the s42A report. Two were in support, and five sought amendments.

257. Seven submission points were received on rules SETZ-24 and are summarised in a table on page 60 of the s42A report. Two were in support, and five sought amendments.

258. Fourteen submission points were received on rule SETZ-25 and are summarised in a table on pages 60-61 of the s42A report. Two were in support, and twelve sought amendments.

259. Seven submission points were received on rule SETZ-26 and are summarised in a table on pages 61-62 of the s42A report. Six were in support, and one sought an amendment.

260. Ten submission points were received on rule SETZ-27 and are summarised in a table on page 62 of the s42A report. Two were in support, four sought amendments, and four opposed the rule, seeking to delete it.

261. Six submission points were received on rule SETZ-28 and are summarised in a table on pages 62-63 of the s42A report. Two were in support, and four opposed the rule, seeking its deletion.

262. The Panel has considered the relevant submissions and further submissions received and adopts the summaries in the s42A Report and the addendum report.

Section 42A Report

263. Ms Easton acknowledged submissions in support of the rules.

SETZ-R17

264. Ms Easton did not support submission points[75] seeking to amend the rule so that existing non-compliance does not preclude its application. She considered that existing building activities have existing use rights therefore this rule does not prevent these activities from continuing to operate at their current scale. However, new or expanded activities should comply with these standards to ensure amenity and effects are adequately managed.

265. M Easton did not support several submission points[76] seeking that Standard 1 be deleted. She noted that the submitters provided no reasons for why this rule should apply in the Coastal Settlement Precinct, where the rules are carefully tailored to reflect the high natural values, and balance the natural over the built environment in those areas.

SETZ-R18

266. Ms Easton did not support several submission points[77] seeking that the rule be deleted, for the reasons she outlined concerning SETZ-R8.

[75] Chris & Jan Col, Chris J Coll Surveying Limited, Laura Coll McLaughlin and William McLaughlin
[76] Chris & Jan Col, Chris J Coll Surveying Limited, Laura Coll McLaughlin and William McLaughlin
[77] BDC, Chris & Jan Col, Chris J Coll Surveying Limited, Laura Coll McLaughlin and William McLaughlin

267. Ms Easton did not support a submission from David Ellerm seeking a new matter of control, stating that compliance with any Character Area standards for the locality was not required, as she noted that there are no character area standards.

SETZ-R19

268. Ms Easton supported a submission from BDC seeking three additional matters of discretion to be added, being (f) Shading and loss of sunlight to adjoining sites, (g) Loss of privacy to adjoining sites, and h) Character and amenity of the surrounding area. She considered these to be appropriate matters to consider when assessing and managing the effects of these activities.

269. Ms Easton did not support several submission points[78] seeking that the rule be amended so that existing non-compliance does not preclude the application of the rule. She considered that existing building activities have existing use rights; therefore, this rule does not prevent these activities from continuing to operate at their current scale. However, new or expanded activities should comply with these standards to ensure that amenity and effects are adequately managed.

SETZ-R21

270. Ms Easton noted that a numbering error had resulted in two SETZ-R21 rules in the notified plan and supported submissions seeking that this error be corrected.

271. Ms Easton supported submission points from BDC seeking reference to acoustic requirements in the visitor accommodation rule be deleted, that an additional matter of discretion around loss of privacy to adjoining sites be added, and that matter of discretion (g) be expanded to include all amenity and character effects.

SECOND SETZ-R21

272. Ms Easton supported a submission from BDC seeking that two additional matters of discretion be included in the community facilities rule, being: (j) Loss of privacy to adjoining sites; and (k) Character and amenity of the surrounding area.

273. Ms Easton did not support a submission from FENZ seeking a new activity status and permitted activity rule for Emergency Service Activities. She noted that existing activities would have existing use rights. She considered that new activities in largely residential locations should be subject to a resource consent process and management of adverse effects.

SETZ-R22

274. Ms Easton supported a submission from GDC seeking the rule numbering be fixed as referred to above.

275. Ms Easton did not support several submissions seeking to delete all of the performance standards. She considered that rural industry activities are likely to be inappropriate in some settlement zone areas, which are predominantly residential environments, particularly where there are high character and amenity values. She noted that the performance

[78] Chris & Jan Col, Chris J Coll Surveying Limited, Laura Coll McLaughlin and William McLaughlin

standards aim to focus the development of any rural industry on appropriate locations where its adverse effects on amenity and character can be remedied or mitigated.

NEW RULE

276. Ms Easton supported submission points from Frank and Jo Dooley and Frank O'Toole seeking a separate restricted discretionary activity rule for fences, walls and retaining walls, noting that she had supported these submitters' similar submissions on other zones.

SETZ-R24

277. Ms Easton did not support several submission points[79] seeking that the rule be deleted, for the reasons she outlined in relation to SETZ-R8.

278. Ms Easton did not support a submission from Ngai Tahu seeking the rule be redrafted and merged with SETZ-R25, as she considered the rules were drafted to focus on like-grouped activities. She did not consider it necessary or appropriate to group these rules.

SETZ-R25

279. Ms Easton supported submissions seeking to remove fences, walls and retaining structures as a consequence of the new rule. She noted that the submitters had made similar submissions in other zones, and, as elsewhere, she supported these submissions and the proposed change.

280. Ms Easton did not support several submission points seeking that this rule also applies to industrial activities and that such activities are not non-complying. She noted that no reasons were given, except that the rule was deemed 'too stringent.'

SETZ-R26

281. Ms Easton did not support a submission point from Foodstuffs seeking a restricted discretionary activity status. She noted the Settlement zone is primarily a residential environment with compatible other uses, and that submissions raised strong concerns about the adverse effects of non-residential activities. She considered that these needs, namely establishing a supermarket, needed to be carefully managed and located in these areas.

SETZ-R27

282. Ms Easton did not support several submission points[80] seeking that this rule apply in the Coastal Settlement Precinct and not escalate to a non-complying activity status. She considered that industrial activities do not align with the zone's purpose and are inappropriate in coastal settlements. She noted the Settlement zone is primarily a residential environment with compatible other uses, and that submissions raised strong concerns about the adverse effects of non-residential activities. She considered that these industrial activities need to be carefully managed and located in these areas.

SETZ-R28

[79] Chris & Jan Col, Chris J Coll Surveying Limited, Laura Coll McLaughlin and William McLaughlin
[80] Chris & Jan Col, Chris J Coll Surveying Limited, Laura Coll McLaughlin and William McLaughlin

283. Ms Easton did not support several submission points[81] seeking that this rule be deleted, noting that no reasons were given. She acknowledged that this type of 'catch-all' rule often has a Discretionary activity status in other Plans and invited the submitters to present more information at the hearing about whether they would support that as an alternative relief.

Hearing and Submitter Evidence

284. A letter to the Panel from KiwiRail requested an amendment to SETZ-R22 to include two additional matters of discretion relating to effects on the rail corridor.

Reporting Officer Right of Reply

285. Ms Easton's right of reply did not address these rules further.

Hearing Panel's Evaluation

SETZ-R17

286. The Panel agrees that SETZ-R17 should not be amended so that existing non-compliance does not preclude the application of the rule as sought by submitters. We agree that existing building activities would have existing use rights; therefore, the rule does not prevent these activities from continuing to operate at their current scale. We also agree that Standard 1 should remain and acknowledge Ms Easton's comment that the rules have been carefully tailored to reflect the high natural values of the SETZ-PREC 3 Coastal Settlement Precinct and reflect the balance of natural over built environment in those areas.

SETZ-R18

287. The Panel agrees with Ms Easton that the rule should be retained, and we note she covered this matter under SETZ-R8. We also accept that there is no necessity for a new matter of control, stating Compliance with any Character Area standards for the locality, as there are no Character Area standards.

SETZ-R19

288. As noted, and reasoned above, the Panel agrees with BDC and Ms Easton that the inclusion of three new matters of discretion relating to shading and loss of sunlight, loss of privacy, character and amenity is appropriate.

289. The Panel agrees that SETZ-R19 should not be amended so that existing non-compliance does not preclude the application of the rule as sought by submitters. We agree that existing building activities would have existing use rights; therefore, the rule does not prevent these activities from continuing to operate at their current scale.

SETZ-R21

290. The Panel agrees with the submitters that a correction to the numbering sequence is necessary to eliminate having two SETZ-R21s, and this has been undertaken within the recommendations below.

[81] Chris & Jan Col, Chris J Coll Surveying Limited, Laura Coll McLaughlin and William McLaughlin

291. The Panel agrees with BDC and Ms Easton to include an additional matter of discretion regarding loss of privacy, as this is an appropriate consideration in assessing and managing the effects of visitor accommodation.

292. The Panel notes that Ms Easton has included in her Appendix 1, supporting the BDC submission, a request to delete references to '*visual*' and '*rural*' in subclause (g); however, we note that there is no analysis of this. We have considered this proposed amendment, and we agree that the matter of discretion should refer solely to '*amenity*' and '*character*' to address relevant matters associated with visitor accommodation, such as noise and scale of activity. We consider visual amenity is unlikely to be a major issue and that rural character within a Settlement zone is of limited relevance. While we accept this broadens the scope of the discretion we consider this is appropriate and more relevant to the activity concerned.

SECOND SETZ-R21

293. The Panel notes that BDC has sought an amendment to remove acoustic requirements from matter of discretion (i) in the second SETZ-R21 as a consequence of their broader submissions to remove reference to acoustic insulation in SETZ-R11 and SETZ-R12, which relate to transport effects. It seems to us that Ms Easton has mistakenly considered this submission under the first SETZ-R21, and therefore, there is no analysis. We note that the acoustic insulation requirements in these two rules have been addressed in the Noise Chapter recommendation. In terms of matters of discretion (i), we do not consider this to be directly related to the acoustic issue in SETZ-R11 and SETZ-R12. Turning to the matter of discretion itself, we are unclear as to what leaving the wording as '*noise management'* would mean in terms of exercising discretion. In our view, this matter of discretion is seeking to address situations where noise is emanating from the activities listed under the rules heading. We therefore consider the wording as notified to be appropriate and recommend that this submission be rejected.

294. The Panel agrees that an additional matter of discretion regarding loss of privacy, character, and amenity is appropriate, as we have previously discussed above.

295. The Panel notes that, as a consequential amendment resulting from SETZ-R12 in relation to the RNZ submission, a further matter of discretion has been added to this rule to address situations where a breach in the height limits near the RNZ facility at Cape Foulwind occurs.

296. The Panel agrees with Ms Easton's reasoning regarding the exclusion of Emergency Service Activities as a permitted activity, as sought by FENZ.

SETZ-R22

297. The Panel agree with Ms Easton regarding the retention of the performance standards to be deleted. We acknowledge that rural industry activities may be inappropriate in some settlement zones, which are predominantly residential environments, particularly where there are high character and amenity values.

NEW RULE

298. The Panel agrees with Ms Easton that a separate restricted discretionary activity rule for fences, walls and retaining walls is appropriate. We consider that having the default position for fences, walls and retaining walls as a discretionary activity is too restrictive in the context of the activity. We note that as a consequential amendment, as sought by the submitters, fences, walls and retaining walls would need to be removed from SETZ-R24 and SETZ-R25.

We also note Ms Easton has supported similar submissions from these submitters in other zones.

SETZ-R24

299. The Panel agrees with Ms Easton that SETZ-R24 should be retained. We note that submissions on this stem from those on SETZ-R8 and that we have agreed with Ms Easton's reasoning outlined in relation to SETZ-R8.

300. The Panel acknowledge Ms Easton did not support a submission from Ngai Tahu seeking that the rule be redrafted and merged with SETZ-R25. We agree these rules were drafted to focus on like-grouped activities and do not consider it necessary to merge them.

SETZ-R25

301. The Panel notes Ms Easton did not support several submission points seeking that SETZ-R25 also applies to industrial activities and that such activities do not become non-compliant. We have considered these submissions and agree with Ms Easton that the rule should be retained as notified.

SETZ -R26

302. In relation to the Foodstuffs submission seeking a restricted discretionary activity status, the Panel agrees with Ms Easton that the Settlement zone is primarily a residential environment with compatible other uses. Further, we note that there is only one supermarket within the Settlement zone.

SETZ-R27

303. The Panel accept Ms Easton's recommendation that SETZ-R27 should continue to exclude the Coastal Settlement Precinct. We agree that industrial activities do not fit within the purpose of the zone and are inappropriate in the coastal settlements, and therefore, their status as a non-complying activity is appropriate. We also agree that the Settlement zone is primarily a residential environment with compatible other uses, and these need to be carefully managed.

SETZ-R28

304. The Panel notes that Ms Easton did not support submissions seeking the deletion of SETZ-R28, and no reasons were given. We agree with Ms Easton that this type of '*catch-all'* rule often has a Discretionary activity status in other Plans, and we noted that we have recommended such a status in other chapters, such as Energy. The Panel considers, for reasons of consistency, that the activity status of SETZ-R28 should be revised to Discretionary.

Hearing Panel's Recommendation

305. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends that the relevant submission points identified in the footnotes below are accepted or accepted in part and recommends the following amendments are made to Rules **SETZ -R17 – SETZ 28** and that these be accordingly renumbered.

SETZ-R17 Minor structures not meeting Permitted Activity Standards

Activity Status Controlled

Where:

1. This is not located in the SETZ - PREC3 - Coastal Settlement Precinct.
2. The minor structure does not exceed 10m in height; and
3. All performance standards other than height for Rule STEZ - R2 are complied with.

Matters of control are:

a. Design and location of structures; and
b. Landscape measures **Measures to mitigate landscape effects**.[82]

Activity status where compliance not achieved: Discretionary

SETZ-R18 Relocated Buildings not meeting Permitted Activity Standards

Activity Status Controlled

Where:

1. This is not located in the SETZ - PREC3 - Coastal Settlement Precinct; and
2. All performance standards Rule STEZ - R2 are complied with.

Matters of control are:

a. Design and location of structures;
b. Any requirement for financial contributions;
c. ~~Landscape measures~~ **Measures to mitigate landscape effects**; and[83]
d. Appearance of buildings.

Activity status where compliance not achieved: Discretionary

SETZ-R19 Residential Buildings not meeting Building and Sites - Design Standards in Rule SETZ - R2

[82] Consequential Plan wide amendment to Manawa Energy Limited S438.100
[83] Consequential Plan wide amendment to Manawa Energy Limited S438.100

Activity Status Restricted Discretionary

Where:

~~i.~~ **1.** The building projects into the 45 degree recession plane; or

~~ii.~~ **2.** The building is set back less than 1m from internal boundaries or 10m from internal boundaries in the Rural Residential Precinct; and

~~2.~~ **3.** All other performance standards for Rule SETZ - R2 are complied with.[84]

Discretion is restricted to:

a. Design and location of buildings;

b. Size and height of buildings;

c. Any requirement for financial contributions;

d. Design and location of parking and access; ~~and~~

e. ~~Landscape measures~~ **Measures to mitigate landscape effects;**[85]

f. Shading and loss of sunlight to adjoining sites;

g. Loss of privacy to adjoining sites; and

h. Character and amenity of the surrounding area[86]

SETZ – R21 Residential Visitor Accommodation not meeting Rule STEZ - R10

Activity Status Restricted Discretionary

Where:

1. All performance standards for Rule SETZ - R1 - and R2 are complied with.

Discretion is restricted to:

a. Number of visitors staying on site;

b. Number of days of use for the visitor accommodation;

c. Management of traffic and parking;

d. ~~Landscape measures~~ **Measures to mitigate landscape effects**;[87]

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

f. Any requirement for financial contributions;

g. Effects on ~~visual~~ amenity and ~~rural~~ character; ~~and~~ [88]

h. Methods of wastewater treatment and disposal; **and**

i. Loss of privacy to adjoining sites.[89]

Activity status where compliance not achieved: Discretionary

[84] Schedule 1 Clause 16(2) RMA
[85] Consequential Plan wide amendment to Manawa Energy Limited S438.100
[86] Buller District Council (S538.568)
[87] Consequential Plan wide amendment to Manawa Energy Limited S438.100
[88] Buller District Council (S538.570)
[89] Buller District Council (S538.570)

SETZ - R2~~1~~2 Community Facilities, Educational Facilities, Emergency Service Facilities and Retirement Homes not meeting Permitted Activity Standards [90]

Activity Status Restricted Discretionary

Discretion is restricted to:

a. Design and location of buildings;

b. Size and height of buildings;

c. Vehicle movements and access;

d. Design and location of parking and access;

e. ~~Landscape measures~~ **Measures to mitigate landscape effects**;[91]

f. Any requirement for financial contributions;

g. Methods of water supply, wastewater and stormwater treatment and disposal;

h. Hours of operation; ~~and~~

i. Acoustic and noise management requirements;

j. Loss of privacy to adjoining sites;

k. Character and amenity of the surrounding area; and[92]

l. Within the Westport Radio Mast EM Overlay, any requirements to mitigate the risk of electromagnetic coupling, including during the construction phase[93]

Notification:

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

Activity status where compliance not achieved: N/A

SETZ – R2~~2~~3 Rural Industry

Activity Status Restricted Discretionary

Where:

1. This is not in the SETZ - PREC3- Coastal Settlement Precinct;
2. There is no INZ - Industrial Zoned site of sufficient size to accommodate the activity within 10km of the proposed site; and
3. All performance standards for Rule SETZ - R2 are complied with.

Discretion is restricted to:

a. Design and location of buildings;

b. Design and location of parking and access;

c. ~~Landscape measures~~ **Measures to mitigate landscape effects**;[94]

[90] Grey District Council (S608.774) Buller District Council (S538.571)
[91] Consequential Plan wide amendment to Manawa Energy Limited S438.100
[92] Buller District Council (S538.571)
[93] Consequential amendment resulting from Radio New Zealand (S476.042)
[94] Consequential Plan wide amendment to Manawa Energy Limited S438.100

d. Hours of operation;

e. Vehicle movements;

f. Any requirement for financial contributions;

g. Methods of water supply, wastewater and stormwater treatment and disposal;

h. Management of odour, noise, light and dust; and

i. Acoustic and noise management requirements.

Activity status where compliance not achieved: Discretionary

SETZ-R25 Fences, Walls and Retaining Walls not meeting Permitted Activity standards

Activity Status Restricted Discretionary

Discretion is restricted to:

a. Design and location of structures;

b. Height of structures; and

c. Shading and dominance effects on adjoining sites

Activity status where compliance not achieved: N/A [95]

SETZ – R246 Residential Activities and Residential Buildings, Buildings and Sites - Design, Conservation, Recreational, Agricultural, Horticultural and Pastoral Activities, Papakāinga Developments, Minor Structures, ~~Fences, Walls and Retaining Walls~~, [96] **Relocated Buildings and Buildings not meeting Permitted or Restricted Discretionary Activity Rules in relation to Performance Standards in Rules SETZ - R1 or SETZ - R2 or SETZ - R4**

Activity Status Discretionary

Activity status where compliance not achieved: N/A

SETZ – R2~~5~~7 All Activities and Buildings, Papakāinga, Minor Structures~~, Fences, Walls and Retaining Walls~~ [97] **and Port Activities at Jackson Bay Port in the Coastal Settlement Precinct not meeting Permitted, Controlled or Restricted Discretionary Activity Rules**

Activity Status Discretionary

Where:

1. This is not Industrial Activity subject to Rule SETZ - R2~~7~~**8**.[98]

Activity status where compliance not achieved: Non-complying

SETZ – R2~~6~~8 Home Business, Retail Activities, Commercial Activities and Residential Visitor Accommodation not meeting Permitted, Controlled or Restricted Discretionary Activity Rules

[95] Frank and Jo Dooley (S478.042) and Frank O'Toole (S595.024)
[96] Frank and Jo Dooley (S478.036), (S478.042) and Frank O'Toole (S595.024)
[97] Frank and Jo Dooley (S478.036), (S478.042) and Frank O'Toole (S595.024)
[98] Consequential amendment from Grey District Council (S608.774) Buller District Council (S538.571)

Activity Status Discretionary

Activity status where compliance not achieved: N/A

SETZ – R2~~7~~9 Industrial Activities not meeting Rule SETZ - R2~~2~~3 [99]

Activity Status Discretionary

Where:

1. This is not located in the SETZ - PREC3 - Coastal Settlement Precinct;
2. There is no INZ - Industrial Zoned site of suitable size to accommodate the activity within 10km of the proposed site.

Activity status where compliance not achieved: Non-complying

SETZ – R30 Any activity not provided for by another Rule in the zone

Activity Status ~~Non-complying~~ **Discretionary**[100]

Activity status where compliance not achieved: N/A

SETZ – R31 Industrial Activities not meeting SETZ – R29.

Activity Status: Non-complying

Activity status where compliance not achieved: N/A[101]

2.7. Subdivision standards SUB-S1 in relation to the settlement zone

Submissions and Further Submissions

306. Three submission points and one further submission point were received on the minimum lot size standard and are summarised in a table on page 67 of the s42a report.

307. The Panel has considered the relevant submissions and further submissions received and adopts the summaries in the s42A Report.

Section 42A report

308. Ms Easton acknowledged submissions in support of the rule.

309. In relation to Davis Ogilvie's support of minimum lot sizes in sewered and unsewered areas, Ms Easton noted that the reference to sewered areas is an error and different to the approach taken in the residential density rule.

310. Ms Easton did not support a submission from David Ellerm seeking an increase in minimum lot sizes and noted that no reason was given for requesting this change. She noted that the

[99] Consequential amendment from Grey District Council (S608.774) Buller District Council (S538.571)
[100] Chris & Jan Coll (S558.632), Chris J Coll Surveying Limited (S566.632), William McLaughlin (S567.665) and Laura Coll McLaughlin (S574.632)
[101] Consequential amendment stemming from Chris & Jan Coll (S558.632), Chris J Coll Surveying Limited (S566.632), William McLaughlin (S567.665) and Laura Coll McLaughlin (S574.632)

settlement zone replaces several different zones across the three plans, and the proposed lot sizes represent a 'harmonisation' approach to density.

311. Ms Easton did not recommend any amendments to the rule.

Hearing and Submitter Evidence

312. No hearing or submitter evidence was presented in relation to this matter.

Reporting officers right of reply

313. The reporting officer's right of reply does not address this matter further.

Hearing Panel's Evaluation

314. The Panel notes Ms Easton, in response to a submission in support from Davis Ogilvie, referred to an error in SUB-S1(e) related to sewered areas, and she said this was a different approach than that taken in the residential density rule. We take from Ms Easton's response that the error concerned goes beyond a minor Schedule 1 Clause 16(2) RMA matter and therefore would require a specific amendment to the Plan.

315. The Panel agree with Ms Easton that there is no reason to increase the minimum lot sizes in the Settlement zone and no amendments to the subdivision standards are recommended.

Hearing Panel's Recommendation

316. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends that no amendments are made to the Subdivision **Standards-SUB-S1** in relation to Settlement Zone.

2.8. Planning maps and rezoning requests

Submissions and Further Submissions

317. Thirty-two submission points and four further submission points on the planning maps and zoning requests were received and are summarised in a table on pages 68-70 of the s42A report. Twenty submissions were in support, and twelve requested amendments.

318. The Panel has considered the relevant submissions and further submissions received and adopts the summaries in the s42A Report and the addendum report.

Section 42A Report

319. Ms Easton acknowledged the submissions received in support of the existing zoning.

Buller District

320. Ms Easton did not support a submission from Terra Firma Mining seeking that the Settlement Zone around the General Industrial zone, as proposed by Reefton Engineering, be reviewed. She noted that the new area of the Settlement Zone-Rural Residential Precinct, along Andersons Road, is separated from the General Industrial Zone and Reefton Engineering by the State Highway, which she considered a logical zone boundary.

321. Ms Easton noted that BDC carefully considered reverse sensitivity when considering where to provide further residential development at Reefton, where existing residential development adjoins the industrial zone at Elizabeth Road. Some of this land was downzoned to General Rural. Reefton is constrained by flood hazards and the land down Andersons Road represented the best available option for further low-density residential development as it is not subject to flooding and is contiguous with the remaining undeveloped General Residential zone.

322. Ms Easton did not support a submission from Scenic Hotel Group opposing the proposed zoning of several of their sites and seeking compensation for any restrictions. She noted that the operative Scenically Sensitive Residential Zone in the Buller District Plan was a very restrictive zone for development, and the provisions of this zone have been rolled over into the pTTPP. She considered existing businesses would have existing use rights, and the restrictions of the zone would only apply if further development were proposed. Ms Easton noted that the submission does not identify what alternative zoning would be preferred, and that s85 of the RMA prohibits compensation for restrictions arising from zoning.

323. Ms Easton did not support the submission from Frida Inta seeking additional residential properties to be included in the Settlement Zone. She considered that there is sufficient land available within the zone for further development to meet demand for many years.

Grey District

324. Ms Easton did not support a submission from David Ellerm seeking that Lot 1 DP 3316 be zoned as a Settlement Zone, noting that no reasons were given for requesting rezoning, and she was unable to confirm the property's location.

325. Ms Easton did not support a submission from Kevin Klempel seeking to rezone 11 Lake Brunner Road to a Settlement Zone, as it would not create the same infrastructure requirements as the proposed General Residential Zone. Ms Easton noted that this site was identified as being appropriate for residential zoning when the Grey District Plan was developed in the 1990s. She noted that there is no requirement for the landowner to undertake development, and the zoning has not been utilised over the past 20 years. Ms Easton did not support rezoning the site to get around infrastructure requirements.

326. Ms Easton did not support a submission point from Cynthia Robins seeking that commercial land in small towns such as Blackball be given commercial status. She noted that the Settlement Zone – Settlement Centre Precinct is the equivalent of a commercial zone in the rural settlement context and aims to support commercial activities in these locations. She noted that there is a Settlement Centre Precinct in Blackball.

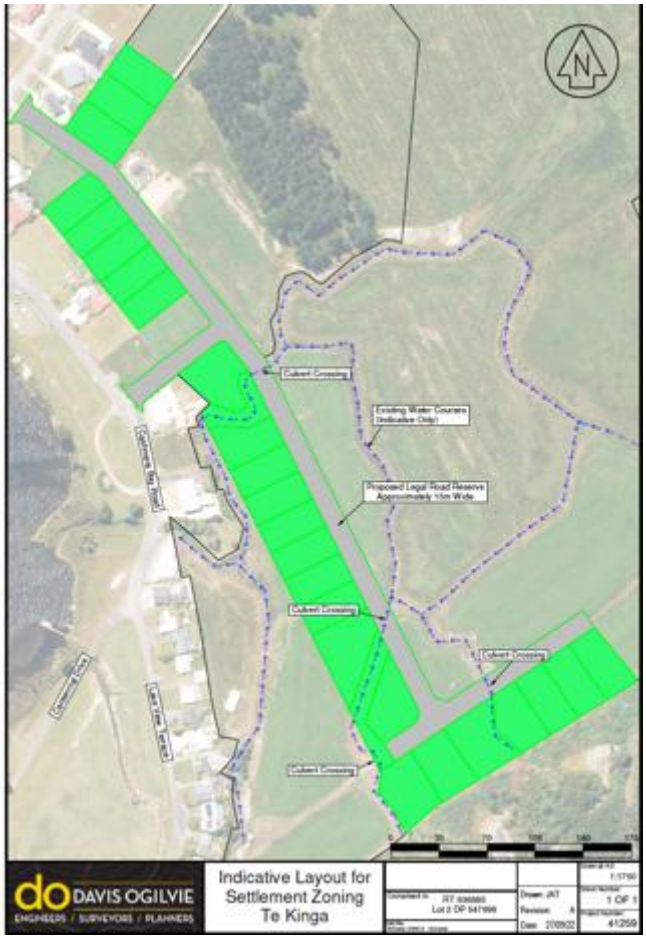
327. Ms Easton did not support a submission from Russel Robinson seeking to rezone Lot 1 DP2820 (14.0027ha) and Pt RS 3806 (12.7168ha) at Moana from Settlement Zone with a Rural Residential Precinct to a mix of residential and commercial development, because at the time of writing the s42A report she had not received feedback from GDC on the supporting technical information.

328. Ms Easton did not support a submission from Te Kinga Estates seeking that Lot 2 568525 on Arnold Valley Road be rezoned from General Industrial Zone to Settlement Zone- Rural Residential Precinct. She was unable to confirm which land the request related to.

329. Ms Easton did not support a submission from Greg Maitland seeking that the Settlement Zone – Rural Residential Zoning at Kumara be removed, and that land around Greenstone be zoned for this purpose instead. She noted that the Rural Residential Precinct is intended to be a lower-density 'halo' around the main settlements, allowing for alternative residential lifestyles on larger lots adjacent to the services provided in the settlement. She noted that the intent is not to create new settlements separate from existing communities, but to reinforce and support the existence and expansion of the current West Coast communities.

330. Te Kinga Investments Ltd sought to rezone 28ha of land at Lot 2, DP 547998, from the Settlement Zone - Rural Residential Precinct to the Settlement Zone (no precinct) to allow sites of up to 1000m² to be developed. Ms Easton noted that GDC supported the rezoning for locations identified in green in the image below.

331. She noted that this would result in a split zoning of the property, with a new road established to service the Settlement Zone properties, and the remainder of the site remaining in the Settlement Zone – Rural Residential Precinct. She recommended that the land be rezoned in line with the Council's advice.



Westland District

332. Ms Easton did not support a submission from Scenic Hotel Group opposing the zoning of the following properties and seeking compensation for any restrictions from the zoning:

- 31 Pekanga Drive, Fox Glacier
- 35 Pekanga Drive, Fox Glacier

- 24 Cowan Street, Franz Josef Glacier
- 26 Cron Street, Franz Josef Glacier
- 2 Condon Street, Franz Josef Glacier

333. Ms Easton made the following comments:

- The Fox Glacier property is understood to be staff accommodation on a residential street, and Settlement Zoning is appropriate as it is the same zone as the surrounding residential properties.
- All three Franz Josef properties are within a Settlement Zoned area.
- Significant planning work has been carried out by the Westland District Council and the Franz Josef community because of the multi-hazard situation. This has resulted in an overall approach to Franz Josef zoning which envisages the centre moving northwards – away from the Waiho River and the Alpine Fault. In particular, the focus is on ensuring that further sensitive activities are not developed on the Alpine Fault – which runs directly through 24 Cowan Street.

334. Ms Easton did not support a submission from David Ellerm seeking a new spatial layer to manage character area settlements, specifically for the Te Kinga Bay – Cashmere Road Character Area. She noted that no such framework has been developed that can be incorporated into the Plan. She agreed that the communities around Lake Brunner would benefit from development of a proactive planning framework or structure planning, but considered this to be a role of the Grey District Council and outside of TTPP to develop.

S.42a Addendum report

335. Ms Easton's addendum report, addressed the Russel Robinson submission further, noting that she had received technical feedback from GDC as follows:

- The Council confirmed there is capacity at the Moana wastewater treatment plant. There is currently no sewer pipe connection along Arnold Valley Road to the site, but the Council was satisfied that a solution could be put in place. Specific detailed investigation and design would be required at the time of the subdivision consent, which will include some pipework upgrades through the existing wastewater network.
- Moana currently has no water supply network, and the proposed large-scale development would require a reticulated network to be developed, including a firefighting water supply. The Council has funding in the 2024/25 year to commence investigations into a reticulated solution. The developer would need to fund the development; however, the Council would need to consider and consult with the existing community on the proposal, available options, and funding mechanisms. Specific detailed investigation and design for the development would be required at the time of the subdivision consent.
- The Council were satisfied that the proposed stormwater solution was technically feasible and noted that specific detailed investigation and design would be required at the time of the subdivision consent.

336. Based on the Council's comments, Ms Easton did not oppose the proposed rezoning but did not support providing for densities down to 300m², as she was concerned that the submitter was seeking urban densities without the degree of infrastructure and amenity typically associated with these densities (e.g., footpaths, streetlights, and parks). She noted that 300

m² is smaller than the permitted area for the General Residential zone. The TTPP is clear that the Settlement zone is a rural zone with rural infrastructure expectations, and densities of 500m^2 are only allowed where 3 waters reticulation is provided. She considered the lack of water supply at Moana to be problematic. She noted that the General Residential zone also requires 3 waters reticulation and connection to a community system, and that financial contribution requirements are included, recognising this.

337. Ms Easton was also concerned about the connection and cohesion of the development to the wider Moana Settlement and whether the proposal fits the policy framework, particularly RURZ-P2 and RURZ-P12. She noted that the site is located away from the Moana Valley township up Arnold Valley Road, and that the Plan recognised this by providing for Rural Residential Precinct zoning, with Rural Lifestyle Zone to the north. The current community is based around the school, community facilities, park and small commercial area alongside the lakefront area, which provides substantial amenities. The Plan anticipated that the residential area would continue along the area behind the lakefront, with a gradation of lower-density properties up Arnold Valley Road. She noted that the proposed 200 dwellings would nearly double the size of Moana, which currently has around 300 dwellings, and that the development plan contains no details on facilities such as footpaths, parks, or on-street car parking. She acknowledged there was some provision for a retail area but considered the detail about what was proposed to be low.

338. Ms Easton concluded that she supported the submission in part, in that she supported a rezoning to Settlement Zone, with provision for a Settlement Centre Precinct within the site, but not bespoke provisions for the site that would allow a higher level of residential density than provided for in the Settlement Zone.

339. Ms Easton recommended rezoning the site to Settlement Zone.

Submitter and hearing evidence

Te Kinga Investments

340. Pauline Hadfield presented planning evidence on behalf of Te Kinga Investments (TKI). She noted that TKI supported Ms Easton's recommendations and requested that the Panel accept the reporting officer's recommendation. Ms Hadfield also identified two apparent errors in the s.42A report. These included a plan caption that incorrectly identifies the recommended zoning, and an error in the accept/reject table.

Russel Robinson and Brunner Builders

341. Russel Robinson presented a statement in support of his submission. He considered that Moana had grown significantly and now faced a shortage of rental accommodation and land available for building. He noted that there is current demand for housing in the area and he expected this to increase in future.

342. Mr Robinson noted that the notified commercial zone within Moana included the existing school and hotel and considered that there was little land available in the township for commercial activity. He advised that GDC had suggested including a village centre within his development, intended to provide for activities suitable in a residential area, with a notified commercial area across the road accommodating larger activities.

343. Craig Barr presented planning evidence in support of the proposed rezoning. Mr Barr noted that the notified SETZ Precinct 4 zoning allows for 4,000m² lots and has the potential to

create 45-50 lots across the site. He considered that the site could absorb greater levels of residential development and supported a zoning framework providing for up to 200 residential units with allotment sizes of 300m^2 or more, provided that an average lot size of 1000m^2 is achieved across the site. Mr Barr considered that the ODP would ensure the appropriate management of roading, pedestrian connections, indigenous biodiversity, and the provision of local retail and services.

344. Mr Barr acknowledged that the site contains two regional council consents associated with the former landfill and considered that the proposed rezoning and subsequent development would still ensure that the conditions of these consents are fulfilled.

345. Helen Kellett provided further technical evidence to support the rezoning on contaminated land, Louise Bailey on landscape, Richard Nichol on ecology and Tony Penney on transport.

346. In further rebuttal evidence, Mr Barr responded to Ms Easton's concerns about the residential density and lack of detail in the development plan area. Mr Barr considered that the proposed lot sizes would provide for flexibility and variation in housing options, and considered the proposed rule limiting vegetation clearance in the Forest Residential Overlay area would limit the ability to develop 300m^2 lots to the eastern part of the site around the proposed SETZ PREC 2 local retail overlay. Mr Barr advised that, if the hearings panel had similar concerns about a proliferation of small lots, he would support limiting the number of lots under 500m² to a maximum of 20 and provided text amendments to illustrate how this could be achieved in SUB-S1.

347. Mr Barr considered that the ODP and location-specific rules proposed would ensure the pattern of development would become less intensive as the distance from Moana increased, and did not consider it would adversely impact the cohesion of Moana or wider landscape values. He also noted the presence of a relatively large undeveloped SETZ zoned site to the east, and including a commercial zone would provide for additional development, which he considered would double Moana's size and provide for further expansion of commercial activity. Mr Barr noted that with the lake to the south, the river and DOC land to the west and northwest, the only practicable opportunity for development is to the north and east of Moana. In this regard, he considered the site to be important from a spatial zoning perspective.

348. Following the hearing, further supplementary evidence was provided. In this, Mr Barr responded to questions from the Panel and provided an updated set of proposed provisions. Mr Barr proposed an amendment to the matter of discretion relating to no-build areas, to remove unnecessary wording regarding the avoidance of development in these areas.

349. The Panel queried the appropriateness of the Policy DA-P1(b) wording, which requires development to be in general accordance with the proposed ODP, in relation to protection of natural inland wetlands. Having further considered the ecological evidence of Mr Nichol, Mr Barr considered that the roading alignment affecting wetland 6 should be moved northward to avoid appearing to predetermine any resource consent process for works within the wetland setback. He considered there was a consent pathway available for the Regional Council to assess any proposed modification of the wetlands, under the NES-F and the policy framework of the National Policy Statement Freshwater, Regional Policy Statement and the West Coast Land and Water Plan. He did not consider a stronger policy direction appropriate, noting that the subdivision and development should be able to undertake appropriate wetland modification based on the wetland values and stormwater management for the site.

350. Mr Nichol provided supplementary evidence addressing wetland identification, significance and protection. He did not consider it necessary to identify the 3 natural inland wetlands on the DAP and did not oppose the modification of wetlands 1 and 2. He supported the retention of Wetland 6, which is a significant natural inland wetland.

351. In relation to a Panel query about the appropriateness of development being required to be in general accordance with the DAP, and whether stronger language was required, Mr Barr considered that sufficient flexibility should be accounted for as part of the detailed subdivision design. He considered the location-specific provisions to be sufficient guidance and direction on what constitutes general accordance and what the critical elements are.

352. Mr Barr did not consider amendments requiring building platforms to be necessary, as this is already required by SUB-S2(2) for lots less than 4ha. He noted that wider areas of vegetation clearance could be identified, with other areas required to have indigenous vegetation protected by a consent notice.

353. Mr Barr clarified that a reference in the Moana DAP to a 5m landscaping strip is an error and should show a 10m width.

354. Mr Barr considered that the proposed retail precinct would not undermine the existing commercial centre at Moana, noting that the built form would be limited by the zone rules and taking into account the land area required for roads and infrastructure.

355. Mr Barr considered the Settlement Zone to be more appropriate than the General Residential Zone. He noted that the proposed average density would result in development outcomes being significantly less than that anticipated by the GRZ. He also considered the Settlement zone retail framework better suited to Moana North than the neighbourhood retail zone accompanying the GRZ. He noted that the RMA Section 6 matters requiring intervention and management are not typically addressed through GRZ zoning. He considered that the proposed zoning provides a graduated pattern of density, and the SETZ framework, which is part of the rural area framework, is more appropriate to manage landscape and biodiversity values than the GRZ framework.

Reporting Officers Right of Reply

356. In relation to the Russel Robinson/Brunner Builders submission, Ms Easton did not support the amended zoning proposals presented at the hearing. She considered the proposed density approach, using a minimum and minimum average lot size, was not consistent with the Plan, would be complex to administer, and that there were no compelling reasons for this approach to be taken. She was concerned that the averaging approach could result in a very small number of very large sites and many sites smaller than 1000m² being developed.

357. Ms Easton did not support 300m^2 lots around the Settlement Centre Precinct. She considered lots of this size likely to result in large areas of impervious surfacing, leading to cumulative effects on stormwater generation. She reiterated that 300 m² is smaller than the minimum permitted lot size in the General Residential zone and out of kilter with anticipated densities in the Settlement zone.

358. Ms Easton considered that if the Panel deemed small lots appropriate, they should be specifically located and zoned as General Residential, with the normal minimum lot size of 350m², to provide for appropriate infrastructure and management. She also considered the

former landfill should be specifically identified as a no-build area, and supported the proposal for the Settlement Centre Precinct, noting that the location appeared appropriate.

359. With respect to the proposed objectives and policies, Ms Easton considered the wording to be vague and not clearly linked to the requirements in the proposed rules. She considered that stronger language and more specific requirements flowing through to the rules would be necessary if the submitter's proposal were to proceed.

360. Ms Easton raised further concerns about the ability to service the site. She noted that the wastewater treatment plant's resource consent would expire within five years, and there is a reasonable expectation that the plant would need to transition to a land-based disposal approach, which could incur significant unbudgeted costs for the Council. She advised that the stormwater system upgrade was not included in the Council's long-term plan or infrastructure strategy and remained concerned about the potential cumulative effects of stormwater discharge.

361. Ms Easton also highlighted the comments in a cultural impact assessment prepared in response to a lodged plan change application for the site, which is currently on hold. She noted that the rezoning proposal does not appear to address the matters raised in the cultural assessment, and she understood no further consultation had been undertaken with Ngati Waiwai.

362. Ms Easton concluded that she did not oppose rezoning the site to a Settlement Zone, allowing for 500m² sites where reticulation is provided. She also supported the provision of a Settlement Centre Precinct as proposed by the submitter. Her recommendation was not altered by the further evidence presented.

Hearing Panel's Evaluation

Buller District

363. The Panel agrees with Ms Easton's recommendation to decline the submission from Terra Firma Mining seeking a review of the Settlement zone along Andersons Road in Reefton. While we acknowledge the potential reverse sensitivity concerns, the proposed zoning is clearly separated from the Industrial zone by the State Highway, and we consider this provides a logical separation boundary. We also note that, at its closest point, the Industrial zone is part of railway land designated by KiwiRail, and that distances to Industrial zoned land where industrial activity is occurring, or might be anticipated to occur, exceed 70m at their closest point. We therefore recommend that the Settlement zoning on Andersons Road be retained, acknowledging that this area is considered the best option for further expansion in Reefton.

364. The Panel agrees with Ms Easton's recommendation not to accept the submission from Scenic Hotel Group opposing the proposed zoning of sites at Punakaiki. We note that the submitter provided no alternative zoning options, and we agree that no compensation is available to the submitters who may be affected by the proposed zoning.

365. The Panel agrees with Ms Easton's recommendation to reject the submission for more residential sections to be included in the Settlement Zone in Seddonville sought by Ms Inta. Having reviewed the location, we consider that adequate provision for development has already been provided in the Settlement zone as notified.

Grey District

366. The Panel agrees with Ms Easton's recommendation and reasoning to reject the request for rezoning sought by David Ellerm to rezone Lot 1 DP 3316 to Settlement Zone.

367. The Panel agrees with Ms Easton's recommendation not to provide for further residential development around the Barrytown Village in the form of an expanded Settlement zone, as sought by Riarnne Klempel. We accept that, with no evidence to the contrary, there is sufficient zoned land available in Barrytown to meet the community's needs.

368. The Panel agrees with Ms Easton's recommendation to reject Cynthia Robbins' submission to provide commercial land in small towns, such as Blackball, with commercial status. We note that, where appropriate within the Settlement Zone areas, a Settlement Centre Precinct has been applied, including in Blackball, which is referenced by Ms Robins. We agree that the Settlement Centre Precinct is equivalent to a commercial zone within the rural settlement context and supports the development of a level of commercial activities in these locations.

369. The Panel agrees with Ms Easton's recommendation and reasoning not to support the submission from Greg Maitland seeking to remove the Settlement Zone-Rural Residential Zoning at Kumara and rezone land around the Greenstone area for this purpose.

Moana

370. Following the hearing process the Panel sought further information in relation the potential for significant adverse effects to occur on a broader basis because of proposed rezonings at Moana and Cape Foulwind in terms of on-site wastewater disposal. West Coast Regional Council commissioned BTW Company Limited (BTW) to provide an assessment to investigate the cumulative effects of onsite wastewater disposal for rural properties in Moana and Cape Foulwind.

371. For Moana the findings concluded that:

- *The current method of primary septic treatment and disposal via soak pits at Moana is recommended to cease at for the level of development proposed. This is due to the very high permeability of the soils present, which could transmit perched groundwater to surface water receptors within days to weeks. Secondary treatment as a minimum is recommended, and disposal to land via other methods such as sub-surface irrigation (where possible) or beds/mounds. Where soak pits are deemed the only viable option, and/or minimum setback distances cannot be maintained for any installation, advanced secondary or tertiary treatment for nutrients and bacteria is highly recommended.*
- *Potential adverse effects to the environment are expected for any land use change scenario. The key effects at Moana likely being to the smaller tributaries to Molloy Bay of Lake Brunner from the development of Areas B and C. This assessment is currently unable to quantify the degree of adverse effects to these tributaries from the current undeveloped scenario. However, the effects between scenarios A and B are expected to be marginal. If the Hearing Panel remain uncertain about the proposed rezonings, stream flow measurements of the tributaries would be required to more accurately determine the actual or potential localised effects.*

372. The Panel have taken into account the findings of the BTW report in our considerations below.

11 Lake Brunner Road

373. The Panel agrees with Ms Easton's recommendation that the General Residential zone at 11 Lake Brunner Road should be retained rather than being rezoned to Settlement Zone as requested by Kevin Klempel. We note that this site has been identified for future residential activity in the operative Grey District Plan, and the Panel considers, given its location, this is appropriate to help meet future needs for Moana.

374. While the Panel acknowledge the submitter's concerns with servicing, we are also conscious of the findings of the BTW report above in terms of any future development of this site. We also note that there is no requirement for the landowner to undertake this development or to develop to the densities provided for by the General Residential zone.

Russel Robinson - Proposed Rezoning at Moana

375. The Panel has considered the zoning request from Russel Robinson at Moana. We accept that sufficient detailed evidence has been provided to enable the consideration of a higher density of development than the Rural Residential provided for in the notified Plan. We have also taken into consideration that GDC have confirmed that there is available capacity for connection to existing wastewater infrastructure and that a drinking water supply for Moana is needed. The difficulty we have encountered is reconciling the proposed method, which is a bespoke Settlement zone, with the intent and purpose of the Settlement zone framework.

Is a bespoke zone appropriate

376. The Panel has gone back to the relevant objectives and policies, as well as the Settlement Zone Overview, in our considerations. The relevant objectives and policies for a Settlement zone stem from the Rural zone provisions. They therefore include:

RURZ - O2 To provide for low-density rural lifestyle living on the outskirts of settlements where this will support settlement viability and not lead to conflicts with productive rural land use or rural character.

RURZ – P2 Provide for growth and change to settlements that:

a. Improves the long-term viability of the settlements and their communities;

b. Fits with the historic, cultural and environmental character of the existing settlement;

c. Provides new housing opportunities in locations that are away from significant risks to life, safety and property damage from natural hazards;

d. Integrates with the existing residential settlement and maintains a consolidated settlement form;

e. Supports rural community needs by providing for community facilities and educational facilities; and

f. Does not compromise the dominance of the natural and cultural landscape setting and minimises ribbon residential development along the coastline, on prominent spurs, ridges and skylines and avoids development on the ridgelines and peaks of ancestral mountains.

RURZ - P3 *Expansion of existing settlements beyond current boundaries should support the existing character and amenity of the settlement and avoid areas of high hazard risk, high natural or Poutini Ngāi Tahu cultural values, or significant agricultural production values.*

RURZ - P11 *Subdivision and development in GRUZ - General Rural and RLZ - Rural Lifestyle Zones, the SETZ - PREC3 - Coastal Settlement Precinct and the SETZ - PREC4 - Settlement Zone - Rural Residential Precinct should recognise the character and form of rural infrastructure including:*

a. Roads with roadside ditches rather than kerb and channel;

b. An absence of street lights and urban style footpaths; and

c. On site provision of water supply and on-site land treatment and disposal of stormwater and wastewater.

RURZ - P12 *Within the SETZ - Settlement Zone (outside of the SETZ - PREC3 Coastal Settlement Precinct and SETZ - PREC4 - Rural Residential Precinct) ensure that sufficient wastewater, water supply, refuse disposal, roading, footpath, open space and parking infrastructure servicing is provided as part of new development.*

377. While we acknowledge that the proposal aligns with some of the above provisions, we do not consider it particularly well-suited to the primary objective of providing for a low-density rural lifestyle on the outskirts of settlements.

378. We also note the following from the Overview:

- *Settlements differ from the main towns because of their small scale and low intensity of development.*
- *The character of settlements is influenced by the prevailing mixture of uses, large section sizes, low intensity of development and informal appearance.*
- *The extent of reticulated services is limited. While some settlements in Grey District have a reticulated water supply, most settlements have no reticulated servicing, and are reliant on the use of on-site wastewater systems and water supplies.*
- *The degree of road infrastructure developed is also variable. Older settlements may have a main street with footpaths, streetlights and kerb and channel, but many locations do not have this infrastructure and this more rural character should generally prevail in any new development.*

379. Again, we do not consider the proposal to be in keeping with the Settlement zone Overview. In our view, it is clear from the above that the zone's purpose is connected to small-scale development, and because it has been placed in the Rural section of the Plan, it has a more rural focus rather than an urban one. We note that the Settlement Zone description in the National Planning Standards is:

> *Areas used predominantly for a cluster of residential, commercial, light industrial and/or community activities that are located in <u>rural areas</u> or coastal environments.* [emphasis added]

380. While the Panel acknowledges the ingenuity shown by Mr Barr in terms of the bespoke provisions, in the end, we consider that what is being proposed effectively attempts to shoehorn, for the most part, an urban-style zoning into a Settlement zone framework. In our

view, what is being proposed does not fit with what is anticipated in the Settlement zone and, as such, does not pass the s32 test in terms of being the most appropriate to achieve the objectives. In this context, we consider that there are other reasonably practicable options for achieving the objectives, such as a General Residential Zone (GRZ), and that the proposal is not efficient or effective in achieving these objectives. We are also concerned that such zoning may impact the wider integrity of the Settlement zone moving forward, particularly with the proposed densities. We therefore disagree with Mr Barr that the SETZ framework is the most appropriate.

Alternative zoning

381. As mentioned above, the Panel generally accepts the proposition that the site in question is capable of being rezoned for residential purposes. We also agree that the provided details are sufficient for us to consider such a rezoning. This includes the provision of reticulated services, including wastewater, which would address the issues raised in the BTW report.

382. The Panel notes that Moana is the only location outside of the four main centres that has a GRZ, and that in Moana, the GRZ is located adjacent to the proposal site. While we acknowledge Mr Barr's comment that the Moana GRZ is not referenced in the Overview, the reality is it exists.

383. The Panel considers there is sufficient scope within the Russel Robinson submission to consider a General Residential (and a Neighbourhood Centre zone) zoning over at least part of the site, with low-density Settlement zoning (SETZ - PREC 4 - Rural Residential Precinct) with bespoke provisions similar to Kumara Junction Developments on the remainder, while still addressing the various environmental issues associated with the site. We consider this would better meet the s32 tests of appropriately achieving the objectives.

384. The Panel acknowledge that the level of density proposed in the submission is in places higher than that of the GRZ. Nevertheless, there remains a pathway to consent higher levels of density provided adverse effects are able to be addressed. In this regard, we note Ms Easton remained concerned about issues such as stormwater disposal, which she felt were not adequately addressed. We have also considered the commercial component of the proposal and consider that a Neighbourhood Centre zone can be included, which would still enable residential development should this not be pursued.

385. In terms of environmental issues (landfill, wetlands, and ecology), the Panel considers that these can be appropriately managed through an Outline Development Plan along the lines proposed by Mr Barr. This would include restricting development in these sensitive areas.

386. The Panel has undertaken an evaluation in accordance with s32AA of the RMA of recommended rezoning given this is a change from what was sought by the submitter and what was in the notified plan.

387. The Panel considers the amendment to a General Residential zone will create consistency and improve the effectiveness of the Plan by aiding in plan interpretation and administration. We consider the Plan will be easier for plan users to understand, resulting in it being more efficient and effective than that sought by the submitter and is a more appropriate means of achieving the objectives of the pTTPP. We acknowledge that some activity types may now require consent, which will be an additional cost for those activities in certain circumstances, as part of consenting processes. Conversely, some activities will now be permitted, and costs are avoided.

388. The Panel considers there is a risk of not acting in that there would be an inconsistency in the use of the Settlement Zone. We have not identified any risks from acting.

389. Overall, the Panel considers that a level of rezoning of the Russell Robinson site is appropriate; however, we consider that the initially chosen method was not appropriate, and we have therefore recommended an alternative approach as detailed in Appendix 1 below.

Te Kinga Investments

390. The Panel has considered and agrees with Ms Easton's recommendation to support the rezoning of 28ha at Te Kinga from Settlement Zone-Rural Residential precinct to Settlement Zone (no precinct). We acknowledge this was supported by the GDC, who had advised that they were satisfied with the level of technical information provided to support this request. We note that the rezoning would result in a split zoning for the property, with a new road established to service the Settlement Zone part of the property. The remainder of the property would be classified as Settlement Zone-Rural Residential Precinct.

Westland District.

391. The Panel agrees with Ms Easton's recommendation to reject the submission from Scenic Hotel Group opposing the Settlement Zoning of sites in Fox Glacier and Franz Josef. We consider the sites to be appropriately zoned as Settlement Zone.

Hearing Panel's Recommendation

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

Zoning	
1/ Rezone	Lot 1 DP2820 and Pt RS 3806 at Moana from SETZ (Rural Residential) to a mixture of General Residential, Neighbourhood Centre and SETZ-Rural Residential with associated Outline Development Plan and provisions as detailed in Appendix 1. [102]
2/ Rezone	Part of Lot 2 DP547998 Te Kinga (Iveagh Bay) from SETZ (Rural Residential) to SETZ as detailed in Appendix 1. [103]



Dean Chrystal

Hearings Panel Chair



Maria Bartlett

Hearings Panel Member

[102] Russell Robinson (S515.001)
[103] Te Kinga Investments Ltd (S598.001)





Paul Rogers
Hearings Panel Member

Anton Becker
Hearing Panel Member

Date: 5 September 2025

APPENDIX 1 – RECOMMENDATIONS ON PLAN PROVISIONS

Plan Text Amendments

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

Overview

The SETZ - Settlement Zone covers all the wide range of settlements that are outside of the four main towns throughout the West Coast/Te Tai o Poutini. Settlements differ from the main towns because of their small scale and low intensity of development. They comprise a mixture of residential, commercial, recreational, rural, community and other uses, often interspersed. The character of settlements is influenced by the prevailing mixture of uses, large section sizes, low intensity of development and informal appearance.

The extent of reticulated services is limited. While some settlements in Grey District have a reticulated water supply, most settlements have no reticulated servicing, and are reliant on the use of on-site wastewater systems and water supplies. The degree of road infrastructure developed is also variable. Older settlements may have a main street with footpaths, streetlights and kerb and channel, but many locations do not have this infrastructure and this more rural character should generally prevail in any new development.

The SETZ - Settlement Zone provides for residential activities as well as some commercial activities. Where industrial activities are proposed these need to be undertaken in an INZ - Industrial Zone.

There are three Precincts within the SETZ Settlement Zone - SETZ - PREC2 - Settlement Centre, SETZ - PREC3 - Coastal Settlement and SETZ - PREC4 - Rural Residential.

The RURZ - Rural Zones Objectives and Policies and SETZ - Settlement Zone Rules provide the framework for managing the effects of development in the SETZ - Settlement Zone. However, there are additional specific policies and rules for each of the three Precincts. Where there is a conflict between a SETZ - Settlement Zone provision and a Precinct provision, the Precinct provision applies.

SETZ - PREC2 - Settlement Centre Precinct is located in settlements where a focal community and commercial area is developing. It is anticipated that the Settlement Centre character will develop over time, with more commercial development in particular. This precinct anticipates the possibility that the settlement will grow and demand for retail and commercial services will increase, and that community facilities could be developed or expanded with this growth. Settlement Centre Precincts are identified in Karamea, Charleston, Blackball, Kumara, Ross, Harihari, Kaniere and Haast.

SETZ - PREC3 - Coastal Settlement Precinct is located over settlements which are located in coastal areas, generally within or near areas of high coastal natural character and coastal landscape values. The Coastal Settlement Precinct provides principally for residential activities, and a low-scale development and subdivision pattern which fits with the surrounding scenic landscape. Design of buildings, their size and location are all key matters which are controlled within the Coastal Settlement Precinct. Little Wanganui (subdivision area), Punakaiki (including within Grey District), Ōkarito, Okuru, Hannah's Clearing, Neil's Beach, Mahitahi/Bruce Bay and Okahu/Jackson Bay are included in the Coastal Settlement Precinct. These areas are also all subject to significant natural hazards and the provisions in the natural hazards chapter are very relevant for activities in this Precinct.

SETZ - PREC 4 - Rural Residential Precinct is located over areas on the edge of settlements and towns where larger lots - 4000m^2 are provided for a more rural residential lifestyle. These areas sit on an interface with the GRUZ - General Rural Zone or RLZ - Rural Lifestyle Zone and avoiding

reverse sensitivity for rural uses is often as important as managing the amenity for residents within the Precinct. Alongside residential uses, some sorts of rural activities such as small-scale horticulture or market gardening, or grazing of animals may occur in this Precinct, reflecting its more rural character. The Precinct is also characterised by more rural infrastructure with an absence of footpaths, streetlights and kerb and channel in these areas.

Other relevant Te Tai o Poutini Plan provisions

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

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

- **Sites and Areas of Significance to Māori, Historic Heritage and Notable Tree Chapters – there may be sites and areas of significance to Māori, historic heritage or notable trees identified on individual sites within the Settlement Zone. Specific information on the provisions that apply to these can be found in the Sites and Areas of Significance to Māori, Historic Heritage, and Notable Trees Chapters.**
- **Natural Hazards - natural hazards are widespread on the coast and in some locations natural hazard overlays may affect areas in the Settlement Zone. Information on natural hazard overlays and provisions can be found in the Natural Hazards chapter.**
- **Natural Character and Margins of Waterbodies -in some locations areas of Settlement Zone may extend into the riparian margins of waterbodies. The Natural Character and Margins of Waterbodies Chapter contains provisions on how these areas must be managed.**
- **Ecosystems and Biodiversity – Where indigenous vegetation clearance is proposed within a Settlement Zone, the provisions of the Ecosystems and Biodiversity chapter apply**

General District Wide Matters - provisions in relation to earthworks may be relevant to many activities.

Subdivision - The Subdivision chapter sets out the requirements for subdivision activities the SETZ - Settlement Rural Zone.

Financial Contributions - The Financial Contributions chapter sets out the requirements for contributions of costs for activities which impact on the local network utility operators.

Relationship with Other Plans

Many activities that occur in rural areas are also regulated by the West Coast Regional Council through Regional Plans, including the Regional Land and Water Plan, Regional Air Plan and Regional Coastal Plan. When planning to undertake an activity, the status under the relevant Regional Plans should also be confirmed and any necessary resource consents applied for under both Plans.

Note with Regard to ~~Plantation~~ Commercial Forestry

There are no specific provisions as relate to ~~plantation~~ **commercial** forestry within the RURZ - Rural Zone Chapters. This is because ~~plantation~~ **commercial** forestry is principally regulated by the Resource Management (National Environmental Standard**s** for ~~Plantation~~ **Commercial** Forestry) Regulations 2017. Exceptions to this occur in the Overlay Chapters and where forestry activities are proposed**,** these chapters must be considered.

Settlement Zone Policies

SETZ-PREC-P2	Subdivision, use and development within the SETZ - PREC2 - Settlement Centre Precinct should: a. Maintain or enhance the character and built form of the settlement; b. Adaptively reuse existing heritage and character buildings where practicable; and c. Provide for commercial activities and community facilities which serve the settlement, rural community and visitors
SETZ-PREC3_P3	Subdivision, use and development within the SETZ - PREC3 - Coastal Settlement Precinct should: a. ~~Take into account~~ **Recognise and provide for** the coastal natural character and **protect the** scenic landscape values of the area; b. Have appropriate controls on design and height to protect the landscape and coastal natural character values ~~and be undertaken in accordance with the coastal development guidelines~~; c. Recognise and provide for access to mahinga kai and Sites and Areas of Significance to Māori for Poutini Ngāi Tahu; ~~and~~ d. **Development of the port area at Jackson Bay is:** **i. discouraged other than on legal road reserve at Jackson Bay, Sections 208 and 209 TN of Arawata and Sections 8, 9 and 10 TN of Arawata; and** **ii. of a scale and extent appropriate to the location** **e.** Be located **and designed to mitigate or** avoid **increasing** the significant risks of natural hazards. **f. Support the development of visitor accommodation, worker accommodation and tourism support facilities in Punakaiki.**
SETZ-PREC-P4	Subdivision, use and development within the SETZ - PREC4 - Rural Residential Precinct should maintain the predominant rural character and amenity values, which include: a. Low-density residential living and small-scale rural activities; b. Open space and privacy around buildings; ~~and~~ c. On-site servicing and a general absence of urban infrastructure; **d. Industrial or commercial activities which have a functional relationship with rural areas; and** **e. Presence of rural activities and established infrastructure which should be protected from reverse sensitivity effects.**

Settlement Zone Rules

SETZ-R1 Residential Activities and Residential Buildings - Density

Activity Status Permitted

Where:

1. Residential unit density is no more than:
   - **i. <u>1 unit per site where these were lawfully established under the previous District Plans; otherwise</u>**
   - ii. 1 unit per 500m^2 net site area in areas fully serviced by a network utility operator with wastewater, water supply and stormwater systems**<u>;</u>** ~~except that:~~
     - ~~b. where smaller sites were lawfully established under the previous Buller, Grey or Westland District Plan then the residential unit density is one residential unit per site;~~ or
   - iii. 1 unit per 1000m^2 net site area in areas where there is on site servicing of wastewater, water supply and stormwater systems; except
   - iv. In the SETZ - PREC4 - Rural Residential Precinct residential unit density is 1 unit per 4000m^2 net site area;
4. Where the settlement is serviced by a network utility operator for wastewater, water supply or stormwater**<u>, and provided there is capacity,</u>** all residential units and buildings used for a residential activity must be connected to the community wastewater, water supply and stormwater infrastructure;
5. Where the settlement is not serviced by a network utility operator for wastewater, water supply or stormwater on site collection, treatment and disposal must be undertaken in accordance with NZS4404:2010 Land Development and Subdivision Infrastructure or the relevant Council Engineering Technical Standards.

Activity status where compliance not achieved: Discretionary

SETZ-R2 Buildings and Sites - Design

Activity Status Permitted

Where:

1. The maximum height above ground level for buildings is:
   - i. 10m for residential buildings and Emergency Service Facilities and 7m for accessory buildings; except
   - ii. No building, structure or tree shall protrude into the Airport Approach Path of any airport or aerodrome identified on the planning maps and as described in Appendix Nine;
   - iii. 7m for buildings in the SETZ - PREC3 - Coastal Settlement Precinct; and
   - iv. 12m for buildings in the SETZ - PREC2 - Settlement Centre Precinct **<u>in the Grey,</u>** ~~and~~ **<u>Westland Districts</u>** ~~**and 10m in the Buller District**~~;
2. The maximum site coverage is:
   - i. 40%; except
   - ii. Maximum site coverage is 60% in the SETZ - PREC2 - Settlement Centre Precinct
3. The maximum gross ground floor area of any one building
   - i. Is 350m^2; except

ii. In the SETZ - PREC3 - Coastal Settlement Precinct the gross ground floor area is a maximum of 200m^2 total for all buildings on the site.

4. Buildings are setback from boundaries as follows:
   i. 5m from the road and any GRUZ - General Rural or INZ Industrial Zone boundary, **1.5m from the rail designation,** and 1m from internal boundaries; except
   ii. In the SETZ - PREC4 - Rural Residential Precinct all buildings are setback 10m from road boundaries, residential buildings are setback 10m from the internal boundaries and non-residential buildings **and accessory buildings** are setback 5m from internal boundaries;
   iii. In the SETZ - PREC2 - Settlement Centre Precinct no setback from the road boundary is required where there is a verandah provided over an adjacent footpath; **and**
   iv. **No building housing sensitive activities shall be located within 150m of a designated community wastewater treatment facility site boundary or a designated landfill site boundary.**

5. In the Kumara Junction Developments area **and Moana North Development area**:
   i. A minimum 5m wide buffer strip of indigenous vegetation is to be retained on all boundaries. Native species will be retained or planted to ensure that, at maturity, buildings will be screened from the road and neighbouring allotments;
   ii. A maximum of 2000m^2 indigenous vegetation in total is allowed to be cleared from each site; and
   iii. Development will be in accordance with the Outline Plan**s** set out in the Development Areas section of the Plan;
   iv. In the Moana North Development area:
      a. Where indigenous tree species with a diameter of greater than 20cm at breast height are removed, these are replaced in accordance with a Landscape Plan to be developed for the area;
      b. No residential or ancillary buildings are to occur within the "No-Build" areas identified in the Moana North Development Area Outline Plan in the Development Areas section of the Plan.

6. No building shall project beyond a building envelope defined by a recession plane as defined in Appendix Two to commence 2.5m above any site boundary ~~except where neighbouring property owner's written approval is provided to the Council at least 10 working days prior to the works commencing.~~ This standard does not apply to:
   i. Road boundaries;
   ii. Buildings on adjoining sites that have a common wall along the boundary;
   iii. Boundaries abutting an access lot or right of way in which case the furthest boundary of the access lot or right of way may be used for assessing compliance with this standard;
   iv. Boundaries adjoining any site in a CMUZ - Commercial and Mixed Use, INZ - Industrial or GRUZ General Rural Zone;
   v. Antennas, aerials, satellite dishes (less than 1m in diameter), chimneys, flues and architectural features (e.g. finials, spires) provided these do not exceed the recession plane by more than 3m vertically; or
   vi. Solar panels and solar water heaters provided these do not exceed the height in relation to boundary plane by more than 0.25m vertically**;**

7. Vehicle crossing standards in Rule TRN – R1 are met; and

8. **Provision shall be made for sufficient water supply and access to water supplies for firefighting in accordance with the New Zealand Fire Service Firefighting Water Supplies Code of Practice (SNZ PAS:4509:2008)**

Advice Notes:

1. In relation to indigenous vegetation clearance in Kumara Junction developments and Standard 5. it should be noted that indigenous vegetation clearance provisions in the Ecosystems and Biodiversity Chapter also apply;
2. Where a residential building or noise sensitive activity is located within:

i. 80m of a State Highway with a speed limit of 70kph or greater; or

ii. 40m of a State Highway with a speed limit of less than 70kph; or

iii. 40m of a Railway Line; or

iv. The 50 dBA Noise Contour boundary of Franz Josef Heliport; or

v. The 55 dBA Noise Contour boundary of the Westport or Hokitika Airports or Greymouth or Karamea Aerodrome.

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

3. **Where boundary setbacks are infringed, the Deemed Permitted Activity Boundaries process will apply where the neighbouring property owner's written approval is provided to the relevant district council.**
4. **The New Zealand Fire Service Firefighting Water Supplies Code of Practice PAS:4509:2008 should be consulted when determining the most appropriate design for firefighting water supply. Fire and Emergency New Zealand is available to assist with this.**

Activity status where compliance not achieved: Discretionary where standards 1-4 are not complied with. Restricted Discretionary where standards 5-~~6~~**8** are not complied with.

SETZ-R3 Building Design in the Coastal Settlement Precinct

Activity Status Permitted

Where:

(a) All standards for Rule SETZ - R1 and R2 are complied with;

(b) New buildings are no more than 1~~0~~**5**0m^2 in ground floor area and additions to existing buildings add up to no more than 50m^2 ground floor area.

Activity status where compliance not achieved: Restricted Discretionary

SETZ-R4 Papakāinga Developments

Activity Status Permitted

Where:

1. All standards for Rule SETZ - R2 are complied with;
2. Where developments are in the SETZ - PREC3 - Coastal Settlement Precinct all standards for Rule SETZ - R3 are complied with **however units are able to be clustered**;
3. In areas not serviced by reticulated wastewater, stormwater and water supply:

i. The average residential building density is no more than one unit per 1000m^2 net site area, ~~although units can be clustered~~; and

ii. On-site wastewater, water supply and stormwater systems are developed to serve the entire papakāinga.

iii. In areas fully serviced by a network utility operator with wastewater, water supply and stormwater systems the average residential building density is no more than one unit per 500m^2 net site area; and

iv. Provision shall be made for sufficient water supply and access to water supplies for firefighting in accordance with the New Zealand Fire Service Firefighting Water Supplies Code of Practice (SNZ PAS:4509:2008)

Advice Notes:

1. Where a residential building or noise sensitive activity is located within:
   i. 80m of a State Highway with a speed limit of 70kph or greater; or
   ii. 40m of a State Highway with a speed limit of less than 70kph; or
   iii. 40m of a Railway Line; or
   iv. The 50 dBA Noise Contour boundary of Franz Josef Heliport; or
   v. The 55 dBA Noise Contour boundary of the Westport or Hokitika Airports or Greymouth or Karamea Aerodrome.

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

2. The New Zealand Fire Service Firefighting Water Supplies Code of Practice PAS:4509:2008 should be consulted when determining the most appropriate design for firefighting water supply. Fire and Emergency New Zealand is available to assist with this.

Activity status where compliance not achieved: Discretionary

SETZ-R5 Agricultural, Horticultural and Pastoral Activities, Recreational Activities and Conservation Activities

Activity Status Permitted

Where:

1. All standards for Rule SETZ - R2 and in the SETZ - PREC3 - Coastal Settlement Precinct Rule SETZ - R3 are complied with;
2. The activity does not include:
   i. Intensive indoor primary production;
   ii. The storage and disposal of solid or liquid animal waste not generated on the site;
   iii. Woodlots;
   iv. Stock sale yards; or
   v. Farm quarries
3. Performance standards for poultry farming and pig keeping apply as follows:
   i. **Shelters and buildings used to house or feed poultry or more than 3 pigs must be setback at least 30m from any internal boundary** ~~For poultry setbacks of 10m from any residential building and 2m from the site boundary~~;

~~ii. For pig keeping setbacks of 50m from any residential building and 100m for any shelter holding 4 or more pigs; and~~

4. Performance standards for beekeeping in the Westland District apply as follows:

   i. No bees may be kept on a property less than 600m^2 net site area;

   ii. Beehives must be placed with an obstruction in front of them or be elevated to ensure all bees are able to be 2.5m above ground level prior to crossing the site boundary; and

   iii. A water source for bees must be provided and maintained on the property.

Advice Note:

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

Activity status where compliance not achieved: Discretionary

SETZ-R6 Minor Structures

Activity Status Permitted

Where:

1. ~~All standards for Rule SETZ - R2 are complied with;~~ **Structures are set back:**

   i. 5m from the road and any GRUZ - General Rural or INZ Industrial Zone boundary and 1m from internal boundaries; except

   ii. In the SETZ - PREC4 - Rural Residential Precinct all buildings are setback 10m from road boundaries, residential buildings are setback 10m from the internal boundaries and non-residential buildings and accessory buildings are setback 5m from internal boundaries;

   iii. In the SETZ - PREC2 - Settlement Centre Precinct no setback from the road boundary is required where there is a verandah provided over an adjacent footpath.

2. Masts, poles, aerials and pou whenua must not exceed 7m in height;
3. Any antenna dish must be less than 1m in diameter;
4. Any ornamental or garden structure must not exceed 2.4 m in height;
5. Any other structure must not exceed 10m^2 and 2m in height.

Activity status where compliance not achieved: Controlled

SETZ-R7 Fences, Walls and Retaining Walls

Activity Status Permitted

Where:

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

Activity status where compliance not achieved: **Restricted** Discretionary

SETZ-R8 Relocated Buildings

Activity Status Permitted

Where:

1. All standards for Rule SETZ - R1 and R2 and in the SETZ - PREC3 - Coastal Settlement Precinct Rule SETZ - R3 are complied with;
2. Any relocated building intended for use as a dwelling must have been designed**,** ~~and~~ built ~~to be~~ **and** used as a dwelling;
3. A building pre-inspection report **in accordance with Appendix Eleven** shall accompany the application for a building consent for the destination site. That report is to identify all reinstatement works that are to be completed to the exterior of the building. The report shall include a certification by the property owner that the **exterior** reinstatement works **including connections to infrastructure services and closing in and ventilation of the foundations** shall be completed within ~~a~~ 12-month**s of the building being delivered to the site** ~~period~~; **and**
4. The building shall be located on permanent foundations approved by building consent no later than 2 months of the building being moved to the site.~~; and~~
5. ~~All other reinstatement work required by the building inspection report and the building consent to reinstate the exterior of any relocated dwelling shall be completed within 12 months of the building being delivered to the site. This reinstatement work is to include connections to all infrastructure services and closing in and ventilation of the foundations.~~

Activity status where compliance not achieved: Controlled

SETZ-R9 Home Business

Activity Status Permitted

Where:

1. All standards for Rule SETZ - R1 and R2 and in the SETZ - PREC3 - Coastal Settlement Precinct Rule SETZ - R3 are complied with;
2. There is no limit to hours of operation in the SETZ - PREC2 - Settlement Centre Precinct;
3. Outside of the SETZ - PREC2 - Settlement Centre Precinct, hours of operation are limited to:
   i. 7am-10pm weekdays and 8am - 8pm weekends and public holidays;
   ii. Except where:
      a. The entire activity is located within a building;
      b. Each person engaged in the activity outside the above hours resides permanently on site; and
      c. There are no visitors, customers or deliveries to the activity outside of the above hours.
4. **Outside of the SETZ - PREC2 - Settlement Centre Precinct, there is no more than one full time equivalent person engaged in the home business that resides off site;**
5. No external storage of products except those associated with residential use shall be visible from any SETZ - Settlement Zoned property or adjoining public place; **and**
6. No external generation of dust, odour or smoke occurs as part of the activity**.**~~.; and~~
7. ~~A maximum of 10 heavy vehicle movements per day and whichever is the greater of 30 light vehicle movements per day or 210 light vehicle movements per week.~~

Activity status where compliance not achieved: Discretionary

SETZ-R10 Residential Visitor Accommodation

Activity Status Permitted

Where:

1. This is ancillary to a residential or conservation activity;
2. All standards for Rule SETZ - R1 and R2 and in the SETZ - PREC3 - Coastal Settlement Precinct Rule SETZ - R3 are complied with;
3. There is a maximum of 6 paying guests at any one time;
4. Written notification to the District Council is required 10 working days prior to the activity commencing;
5. Records of letting activity must be kept and provided to the Council ~~on request~~ **annually**;
6. No heavy vehicle movements are generated; and
7. In the Buller **and Westland** District**s** the accommodation is homestay accommodation with a permanent resident living on site.

Advice Notes:

a. Compliance with the Building Code is required for any use of residential property for visitor accommodation. Written notice to the relevant Council Building Compliance Team must be provided and a Building Consent may also be required.

b. ~~In the Buller District, where~~ **Where** residential visitor accommodation has been lawfully established under the Buller**, Grey or Westland** District Plan provisions, then existing use rights **may** apply.

c. This rule does not apply to Residential Visitor Accommodation in the Settlement Centre Precinct - refer to Rule SETZ - R11.

Activity status where compliance not achieved: Restricted Discretionary

SETZ-R11 Visitor Accommodation in the Settlement Centre Precinct

Activity Status Permitted

Where:

1. All performance standards for Rule SETZ -R2 are complied with.

Advice Note:

1. All types of visitor accommodation are Permitted in the SETZ - PREC2- Settlement Centre Precinct including homestay, hosted short-term residential accommodation, hotels, motels, boarding houses and backpackers.
2. Where visitor accommodation is located within:
    i. 80m of a State Highway with a speed limit of 70kph or greater; or
    ii. 40m of a State Highway with a speed limit of less than 70kph; or
    iii. 40m of a Railway Line; or
    iv. The 50 dBA Noise Contour boundary of Franz Josef Heliport; or
    v. The 55 dBA Noise Contour boundary of the Westport or Hokitika Airports or Greymouth or Karamea Aerodrome.

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

Activity status where compliance not achieved: Discretionary

SETZ-R12 Community Facilities, Educational Facilities, Emergency Service Facilities and Retirement Homes

Where:

1. All performance standards for Rule SETZ -R2 are complied with except that hose drying towers are exempt from height standards in all areas other than the Coastal Settlement Precinct;
2. A maximum of 10 heavy vehicle movements and the greater of 30 light vehicle movements per day or 210 light vehicle movements per week are generated **and compliance is achieved with TRN – R6**; except:

   No vehicle movement limit applies to:

   a. Emergency Service Facilities;
   b. Community halls or Educational Facilities lawfully established at the time of notification of the Plan; or
   c. Activities within the SETZ - PREC2 Settlement Centre Precinct; and
3. No external storage of products except those associated with residential use shall be visible from any Settlement zoned property or adjoining public place**; and**
4. **Where the facility will be located within the Westport Radio Mast EM Overlay any hose drying or siren tower of a height of 18m or greater must be certified by Radio New Zealand that the risk of Electromagnetic coupling with this structure has been mitigated**

Advice Note:

Where a noise sensitive activity is located within:

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

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

Activity status where compliance not achieved: Restricted Discretionary

SETZ-R13 Retail Activities

Activity Status Permitted

Where:

1. Performance standards for Rule SETZ - R2 are complied with;

~~2. The activity is located within a SETZ - PREC2 - Settlement Centre Precinct;~~

2. Where the activity is located outside of a SETZ - PREC2 - Settlement Centre Precinct, there is no SETZ - PREC2 - Settlement Centre Precinct or CMUZ Commercial or MUZ - Mixed Use Zone within 10km of the site;

~~4. The maximum combined floor and yard area for any retail activity is 250m^2~~; and

3. The activity does not include:
    i. Service stations;
    ii. Car sales;
    iii. Yard-based retail; and
    iv. Drive through restaurants.
4. Outside of the SETZ - PREC2 - Settlement Centre Precinct, hours of operation are limited to 7am-10pm weekdays and 8am - 8pm weekends and public holidays.
5. Outside of the SETZ - PREC2 - Settlement Centre Precinct there are a maximum of 10 heavy vehicle movements per day, and whichever is the greater of 30 light vehicle movements per day or 210 light vehicle movements per week generated by the activity **and compliance is achieved with TRN – R6**;
6. No external storage of products except those associated with residential use shall be visible from any Settlement zoned property or adjoining public place; **and**

~~9. No external generation of dust, odour or smoke occurs as part of the activity; and~~

7. Vehicle crossings and access meet the design standards as set out in Appendix One Transport Performance Standards.

Activity status where compliance not achieved: Discretionary

SETZ-R14 Commercial Activities other than Retail, Home Business or Visitor Accommodation

Activity Status Permitted

Where:

1. The activity does not occur in the SETZ - PREC3 - Coastal Settlement Precinct or the SETZ - PREC4 - Rural Residential Precinct;
2. Performance standards for Rule SETZ - R2 are complied with;
3. Outside of the SETZ - PREC2 - Settlement Centre Precinct, hours of operation are limited to: 7am-10pm weekdays and 8am - 8pm weekends and public holidays;
4. Outside of the SETZ - PREC2 Settlement Centre Precinct, a maximum of 10 heavy vehicle movements per day and whichever is the greater of 30 light vehicle movements per day or 210 light vehicle movements per week **and compliance is achieved with TRN – R6**;
5. No external storage of products except those associated with residential use shall be visible from any Settlement zoned property or public place; **and**

~~5. No external generation of dust, odour or smoke occurs as part of the activity; and~~

6. Vehicle crossings and access meet the design standards as set out in Appendix One Transport Performance Standards.

Advice Note:

Where a noise sensitive activity is located within:

i. 80m of a State Highway with a speed limit of 70kph or greater; or
ii. 40m of a State Highway with a speed limit of less than 70kph; or

iii. 40m of a Railway Line; or

iv. The 50 dBA Noise Contour boundary of Franz Josef Heliport; or

v. The 55 dBA Noise Contour boundary of the Westport or Hokitika Airports or Greymouth or Karamea Aerodrome.

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

Activity status where compliance not achieved: Restricted Discretionary

SETZ-R16 Port Activities at Jackson Bay Port

Activity Status Permitted

Where:

1. These are undertaken on lots fronting The Esplanade as follows:
    i. On legal road reserve between Mean High-Water Springs and the edge of the road carriageway;
    ii. On the following lots:
        a. Sections 208 and 209 TN OF Arawata; and
        b. Sections 8, 9 and 10 TN of Arawata;
2. Permitted Port Activities are limited to the following:
    i. Cargo handling, including the loading, unloading, storage, processing and transit of cargo (including fish);
    ii. Passenger handling, including the loading, unloading and transit of passengers including passenger or cruise ship terminals;
    iii. Port administration.
    iv. Facilities for recreational boating.
    v. Activities associated with maritime navigation; and
    vi. Ancillary buildings, structures, utilities, signs, parking, landscaping, offices and other facilities.
3. Maximum building size is 200m^2;
4. Maximum building height is 5m;
5. Buildings must be setback 1m from the road and internal boundaries; and
6. No building shall project beyond a building envelope defined by a recession plane as defined in Appendix Two to commence 2.5m above any site boundary except where the neighbouring property owner's written approval is provided to the Council at least 10 working days prior to the works commencing. This standard does not apply to:
    i. Road boundaries;
    ii. Buildings on adjoining sites that have a common wall along the boundary;
    iii. Boundaries abutting an access lot or right of way in which case the furthest boundary of the access lot or right of way may be used for assessing compliance with this standard;
    iv. Boundaries adjoining any site in a CMUZ - Commercial and Mixed Use, INZ - Industrial or GRUZ - General Rural Zone;

v. Antennas, aerials, satellite dishes (less than 1m in diameter), chimneys, flues and architectural features (e.g. finials, spires) provided these do not exceed the recession plane by more than 3m vertically; or

vi. Solar panels and solar water heaters provided these do not exceed the height in relation to boundary plane by more than 0.25m vertically.

Activity status where compliance not achieved: Discretionary

SETZ-R17 Minor structures not meeting Permitted Activity Standards

Activity Status Controlled

Where:

1. This is not located in the SETZ - PREC3 - Coastal Settlement Precinct.
2. The minor structure does not exceed 10m in height; and
3. All performance standards other than height for Rule STEZ - R2 are complied with.

Matters of control are:

a. Design and location of structures; and

b. ~~Landscape measures~~ **Measures to mitigate landscape effects**.

Activity status where compliance not achieved: Discretionary

SETZ-R18 Relocated Buildings not meeting Permitted Activity Standards

Activity Status Controlled

Where:

1. This is not located in the SETZ - PREC3 - Coastal Settlement Precinct; and
2. All performance standards Rule STEZ - R2 are complied with.

Matters of control are:

a. Design and location of structures;

b. Any requirement for financial contributions;

c. ~~Landscape measures~~ **Measures to mitigate landscape effects**; and

d. Appearance of buildings.

Activity status where compliance not achieved: Discretionary

SETZ-R19 Residential Buildings not meeting Building and Sites - Design Standards in Rule SETZ - R2

Activity Status Restricted Discretionary

Where:

~~i.~~ **1.** The building projects into the 45 degree recession plane; or

~~ii.~~ **2.** The building is set back less than 1m from internal boundaries or 10m from internal boundaries in the Rural Residential Precinct; and

~~3.~~ **3.** All other performance standards for Rule SETZ - R2 are complied with.

Discretion is restricted to:

a. Design and location of buildings;

b. Size and height of buildings;

c. Any requirement for financial contributions;

d. Design and location of parking and access; ~~and~~

e. ~~Landscape measures~~ **Measures to mitigate landscape effects;**

f. Shading and loss of sunlight to adjoining sites;

g. Loss of privacy to adjoining sites; and

h. Character and amenity of the surrounding area.

SETZ-R20 Buildings in the SETZ - PREC2 - Coastal Settlement Precinct not meeting Building Design Requirements in SETZ - R3

Activity Status Restricted Discretionary

Where:

1. All performance standards for Rule SETZ - R1 - and R2 are complied with.

Discretion is restricted to:

a. Design, size, height and location of buildings;

b. Design, size and location of parking and access;

c. Any requirement for financial contributions;

d. Retention of existing vegetation;

~~e.~~ Volume and location of earthworks; ~~and~~

f. ~~Landscape measures~~ **Measures to mitigate landscape effects;**

g. Shading and loss of sunlight to adjoining sites;

h. Loss of privacy to adjoining sites; and

i. Character and amenity of the surrounding area.

Activity status where compliance not achieved: Discretionary

SETZ – R21 Residential Visitor Accommodation not meeting Rule STEZ - R10

Activity Status Restricted Discretionary

Where:

1. All performance standards for Rule SETZ - R1 - and R2 are complied with.

Discretion is restricted to:

a. Number of visitors staying on site;

b. Number of days of use for the visitor accommodation;

c. Management of traffic and parking;

d. ~~Landscape measures~~ **Measures to mitigate landscape effects**;

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

f. Any requirement for financial contributions;

g. Effects on ~~visual~~ amenity and ~~rural~~ character; ~~and~~

h. Methods of wastewater treatment and disposal; **and**

I. Loss of privacy to adjoining sites.

Activity status where compliance not achieved: Discretionary

SETZ - R2~~1~~2 Community Facilities, Educational Facilities, Emergency Service Facilities and Retirement Homes not meeting Permitted Activity Standards

Activity Status Restricted Discretionary

Discretion is restricted to:

a. Design and location of buildings;

b. Size and height of buildings;

c. Vehicle movements and access;

d. Design and location of parking and access;

e. ~~Landscape measures~~ **Measures to mitigate landscape effects**;

f. Any requirement for financial contributions;

g. Methods of water supply, wastewater and stormwater treatment and disposal;

h. Hours of operation; ~~and~~

i. Acoustic and noise management requirements;

j. Loss of privacy to adjoining sites;

k. Character and amenity of the surrounding area; and

l. Within the Westport Radio Mast EM Overlay, any requirements to mitigate the risk of electromagnetic coupling, including during the construction phase

Notification:

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

Activity status where compliance not achieved: N/A

SETZ – R2~~2~~3 Rural Industry

Activity Status Restricted Discretionary

Where:

1. This is not in the SETZ - PREC3- Coastal Settlement Precinct;
2. There is no INZ - Industrial Zoned site of sufficient size to accommodate the activity within 10km of the proposed site; and

3. All performance standards for Rule SETZ - R2 are complied with.

Discretion is restricted to:

a. Design and location of buildings;

b. Design and location of parking and access;

c. ~~Landscape measures~~ **Measures to mitigate landscape effects**;

d. Hours of operation;

e. Vehicle movements;

f. Any requirement for financial contributions;

g. Methods of water supply, wastewater and stormwater treatment and disposal;

h. Management of odour, noise, light and dust; and

i. Acoustic and noise management requirements.

Activity status where compliance not achieved: Discretionary

SETZ-R25 Fences, Walls and Retaining Walls not meeting Permitted Activity standards

Activity Status Restricted Discretionary

Discretion is restricted to:

a. Design and location of structures;

b. Height of structures; and

c. Shading and dominance effects on adjoining sites

Activity status where compliance not achieved: N/A

SETZ – R24~~5~~6 Residential Activities and Residential Buildings, Buildings and Sites - Design, Conservation, Recreational, Agricultural, Horticultural and Pastoral Activities, Papakāinga Developments, Minor Structures, ~~Fences, Walls and Retaining Walls~~, Relocated Buildings and Buildings not meeting Permitted or Restricted Discretionary Activity Rules in relation to Performance Standards in Rules SETZ - R1 or SETZ - R2 or SETZ - R4

Activity Status Discretionary

Activity status where compliance not achieved: N/A

SETZ – R25~~6~~7 All Activities and Buildings, Papakāinga, Minor Structures~~, Fences, Walls and Retaining Walls~~ and Port Activities at Jackson Bay Port in the Coastal Settlement Precinct not meeting Permitted, Controlled or Restricted Discretionary Activity Rules

Activity Status Discretionary

Where:

1. This is not Industrial Activity subject to Rule SETZ - R2~~7~~**8**.

Activity status where compliance not achieved: Non-complying

SETZ – R26~~7~~8 Home Business, Retail Activities, Commercial Activities and Residential Visitor Accommodation not meeting Permitted, Controlled or Restricted Discretionary Activity Rules

Activity Status Discretionary

Activity status where compliance not achieved: N/A

SETZ – R2~~7~~9 Industrial Activities not meeting Rule SETZ - R2~~2~~3

Activity Status Discretionary

Where:

1. This is not located in the SETZ - PREC3 - Coastal Settlement Precinct;
2. There is no INZ - Industrial Zoned site of suitable size to accommodate the activity within 10km of the proposed site.

Activity status where compliance not achieved: Non-complying

SETZ – R30 Any activity not provided for by another Rule in the zone

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

Activity status where compliance not achieved: N/A

SETZ – R31 Industrial Activities not meeting SETZ – R29.

Activity Status: Non-complying

Activity status where compliance not achieved: N/A

Change to General Residential Zone Rule GRZ – R1

GRZ – R1 Residential Activities and Residential Units a

Activity Status Permitted

Where:

…

11. **In the Moana North Development area:**
    a. **Development (including vehicle access) will be in accordance with the Outline Plan set out in the Development Plans section of the Plan;**
    b. **No residential or ancillary buildings are to occur within the "No – Build" areas identified in the Moana North Development Area Outline Plan in the Development Areas section of the Plan; and**
    c. **Landscaping comprising indigenous vegetation is provided within the 10m landscape treatment buffer along the Arnold Road boundary (except for vehicle accesses onto Arnold Valley Road).**

…

Activity status where compliance not achieved:

Discretionary where standards 1 to 8 **and 11** are not complied with.

Restricted Discretionary where standards 9 and 10 are not complied with.

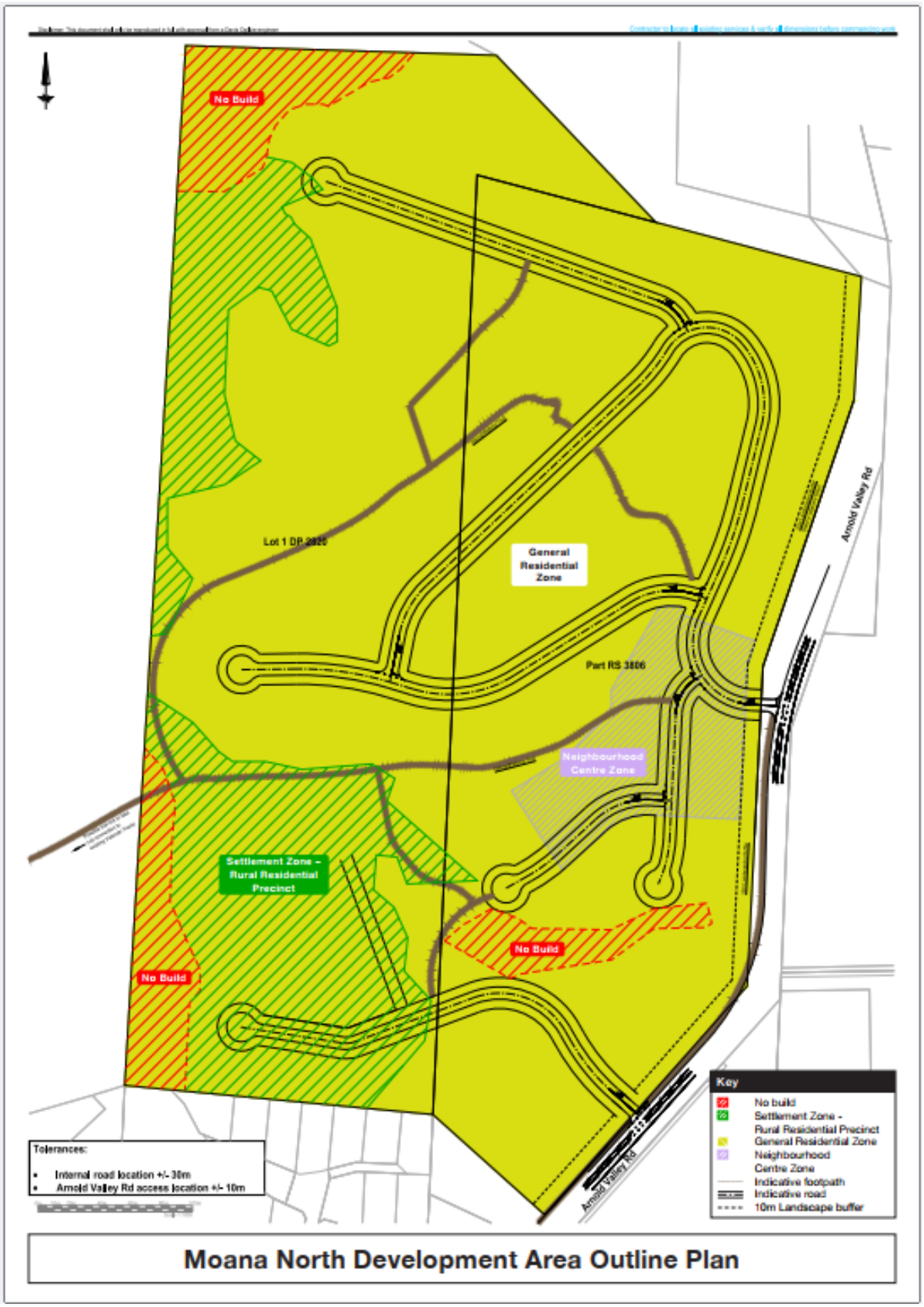
Changes to Subdivision Chapter Rules SUB – R5 and SUB – R6

SUB – R5 Subdivision to create allotments in all RESZ – Residential Zones, CMUZ – Commercial and Mixed Use Zones, INZ – Industrial Zones, SVZ – Scenic Visitor Zone or PORTZ – Port Zones
Activity Status Controlled Where: … 8. the subdivision is in general accordance with any development plan in place for the site **and in the case of the Moana North Development Area is in accordance with the Moana North Development Area Outline Plan in the Development Areas section of the Plan.** **...** **Matters of Control are:** **q. Within the Moana North Development Area:** **a. Future ownership and management of the former landfill;** **b. Management of adverse effects on the significant values of natural wetlands.** … **Activity status where compliance not achieved**: Discretionary where 2, 6, 7 or 8 is not complied with.

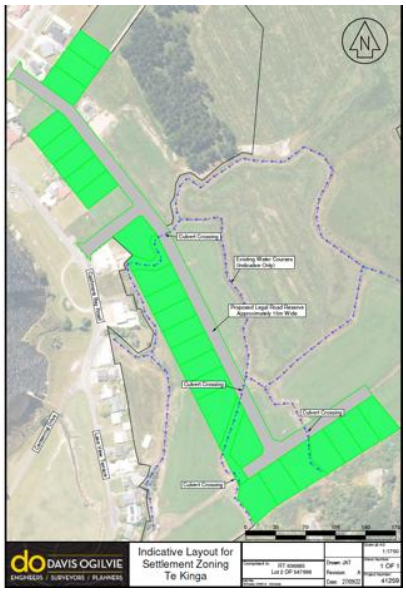
SUB – R6 Subdivision to create allotment(s) in any RURZ – Rural Zone or MPZ – Māori Purpose Zone
Activity Status Controlled Where: … **7. Any subdivision in the Moana North Development Area is in accordance with the Moana North Development Area Outline Plan in the Development Areas section of the Plan.** ... **Matters of Control are:** **...** **n. Within the Moana North Development Area:** **i. Future ownership and management of "no build areas" adjacent to Moana Scenic Reserve; and** **ii. Development and implementation of an ecological management plan.** … **Activity status where compliance not achieved**: Discretionary where 2, or 5-7 is not complied with.

Changes to the Development Areas Section of the Plan

Moana North Development Area Outline Plan.


No Build
Lot 1 DP 2826
General Residential Zone
Arnold Valley Rd
Part RS 3806
Neighbourhood Centre Zone
Settlement Zone – Rural Residential Precinct
No Build
No Build
Arnold Valley Rd
Tolerances:
Internal road location +/- 30m
Arnold Valley Rd access location +/- 10m
Key
No build
Settlement Zone - Rural Residential Precinct
General Residential Zone
Neighbourhood Centre Zone
Indicative footpath
Indicative road
10m Landscape buffer
Moana North Development Area Outline Plan

Changes to the Zoning Maps

Zoning	
1/ Rezone	Lot 1 DP2820 and Pt RS 3806 at Moana from SETZ (Rural Residential) to a mixture of General Residential, Neighbourhood Centre and SETZ-Rural Residential with associated Outline Development Plan and provisions as shown below.
2/ Rezone	Part of Lot 2 DP547998 Te Kinga (Iveagh Bay) from SETZ (Rural Residential) to SETZ as shown below. Green Area to be rezoned to SETZ 

TAI POUTINI PLAN COMMITTEE

Hearing of Submissions on the Proposed Te Tai O Poutini Plan

Recommendation Report of Hearing Panel

Recommendation Report

Commercial and Industrial Zones

Ngā Takiwā Pakihi me ngā Takiwā Hanumi

Ngā Takiwā Ahumahi

Hearing Dates: 1 & 2 July 2024

HEARING PANEL

Dean Chrystal (Chair)

Paul Rogers

Anton Becker

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APPENDICES

Appendix 1 – Recommendations

PART A – INTRODUCTORY MATTERS

1. PRELIMINARY MATTERS

1.1. Introduction

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

2. This Recommendation Report relates to the Commercial and Industrial Zones - Ngā Takiwā Pakihi me ngā Takiwā Hanumi and Ngā Takiwā Ahumahi sections of the pTTPP; and contains the Hearing Panel's evaluations and recommendations to the TTPP Committee on the submissions and further submissions received on these sections in Part 1 (Definitions) Part 3, Appendix 3 and the planning maps.

3. The Section 32 Reports[1] provided an evaluation of the Commercial and Mixed Use Zones (CMUZ) and Industrial Zones (INZ) and how they were managed through the combined Plan, including the regulatory framework, resource management issues, the evidence base, consultation, information and analysis undertaken and evaluation of the options.

4. The Section 42A Officer's Report[2] ('s42A Report'), authored by Ms Briar Belgrave, a planner with Barker & Associates Consultancy acting as the Reporting Officer, was circulated prior to the hearing. The s42A Report provided an analysis of submissions and further submissions received; and made recommendations on changes to the notified plan provisions (the changes were included in Appendices 1A–1N and Appendix 3 (planning maps) and the recommendation on all submissions as to either accepted, accepted in part or rejected in Appendix 2. It also contained urban design advice from Ms Alicia Lawrie, an Urban Designer with Barker & Associates Consultancy

5. Ms Belgrave subsequently provided an Addendum s42A Report[3] prepared to address key matters raised by submitters in evidence filed before the hearing. The Addendum Report included five attachments relating to further recommendations on provisions and submissions.

6. The s42A Report assessed a total of 735 submission points and 71 further submission points on the CMUZ and INZ Chapters, Appendix Three: Design Guidelines, and relevant definitions and the planning maps. It provided summaries of all the submissions and further submissions received and the relief sought; an analysis of the proposed changes to provisions; and recommendations on changes to the plan provisions.

7. The matters raised by submitters were generally grouped in the s42A Report in relation to each of the following key issues for each of the two chapters:

    - Definitions (for both Chapters)
    - General Submissions;
    - Overview;

[1] Te Tai o Poutini Plan – Section 32 Evaluation Reports Eight and Nine

[2] Te Tai o Poutini Plan Section 42A Officer's Report Commercial and Industrial Zones - Ngā Takiwā Pakihi me ngā Takiwā Hanumi and Ngā Takiwā Ahumahi

[3] Addendum to Section 42A Report on Commercial and Industrial Zones

- Objectives;
- Policies;
- Rules;
- Rezonings
- Associated Planning Maps; and
- Town Centre Design Guidelines

8. A s32AA Evaluation for the changes was provided at the end of the s42A Report.

9. This Recommendation Report follows the same structure as the s42A Report. It provides a summary of the issues raised in submissions and further submissions, the s42A Report analysis and recommendations, submitter evidence and the Reporting Officer's reply evidence, before providing our evaluation and recommendation.

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

11. This Recommendation Report contains the reasons for the Panel's recommendations. These comprise either adoption of the reasoning and recommendations of the original section 42A Reports or the Reporting Officer's reply evidence (Councils' right of reply post hearing adjournment), or a specific reasoning by the Panel.

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

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

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

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

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

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

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

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

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

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

15. If there are circumstances where the Panel consider that alternative relief is more appropriate than that requested in submissions and further submission to give effect to the RMA, NZCPS, national policy statements and/or RPS, but are still within the scope of the relief sought, the relevant recommendation clearly sets out the nature of the change and the reason for the change. This is recorded in this Recommendation Report.

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

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

1.2. Terminology in this Report

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

Department of Corrections	Ara Poutama Aotearoa, Department of Corrections
BDC	Buller District Council
Councils	Buller District Council, Grey District Council, and Westland District Council
COMZ	Commercial Zone
CMUZ	Commercial and Mixed-Use Zones
FENZ	Fire and Emergency New Zealand
Foodstuffs	Foodstuffs (South Island) Properties Limited and Foodstuffs South Island Limited
Forest & Bird	Royal Forest & Bird Protection Society of NZ Inc
GDC	Grey District Council
GIZ	General Industrial Zone

INZ	Industrial Zones
KiwiRail	KiwiRail Holdings Limited
LIZ	Light Industrial Zone
MOE	Ministry of Education
MUZ	Mixed Use Zone
NCZ	Neighbourhood Centre Zone
Ngāi Tahu	Te Rūnanga o Ngāi Tahu, Te Runanga o Ngāti Waewae, Te Rūnanga o Makaawhio
NPSFM	National Policy Statement for Freshwater Management 2020
NPSUD	National Policy Statement on Urban Development 2020
pTTPP	Proposed Te Tai Poutini Plan
RMA or the Act	Resource Management Act 1991
RPS	West Coast Regional Policy Statement
SASM	Sites and Areas of Significance to Māori
SFF	Silver Fern Farms Limited
TCZ	Town Centre Zone
Waka Kotahi NZTA	NZ Transport Agency Waka Kotahi
WCRC	West Coast Regional Council
WDC	Westland District Council
WMP	Westland Milk Products

1.3. Hearing Arrangements

19. The hearing was held at the West Coast Regional Council Building on the 1st & 2nd of July 2024. Some submitters appeared by internet connection.

20. At the hearing, Ms Belgrave tabled a Planning Summary Statement to her s42A Report and an Addendum Report.

1.4. Appearances

21. The following submitters appeared at the hearing:

Mr Steve Tuck, Planner for Silver Fern Farms Limited

Mr Kevin Scanlon for Martin & Co Westport Ltd and Lumberland Building Market Westport

Mr Jonathan Bhana-Thomson for New Zealand Heavy Haulage Association Inc

Ms Frida Inta for Buller Conservation Group and herself

Mr Richard Black for Westland Milk Products

1.5. Overview of submitter evidence received

22. No legal submissions were received.

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

    (a) Mr Steve Tuck, planner for Silver Fern Farms Limited (dated 30 May 2024 and a summary statement dated 26 June 2024);

    (b) Mr Kevin Scanlon, for Martin & Co Westport Ltd and Lumberland Building Market Westport (received 1 July 2024);

    (c) Mr Jonathan Bhana-Thomson, Chief Executive of the New Zealand Heavy Haulage Association Inc (dated 14 June 2024);

    (d) Mr Martin Kennedy, planner for Westpower Limited (dated 12 February 2024);

    (e) Ms Frida Inta (received 1 July 2024) on behalf of Buller Conservation Group and herself; and

    (f) Mr Richard Black, Planner for Westland Milk Products (dated 29 July 2024 [sic]).

24. Following the receipt of the s42A Report and the Addendum to the s42A Report, the following were received:

    (a) Robert Kinney, Chief Executive Officer of Isaac Construction Limited, provided the statement of evidence dated 30 May 2024. In his evidence, he outlines the current and future activities on the Isaac Construction landholdings at Kaiata, which supports the submission to rezone part of their site from LIZ to GIZ.

    (b) Kim Seaton, Consultant Planner on behalf of Isaac Construction Limited, provided a statement of evidence dated 30 May 2024. Her evidence addressed the submission to rezone part of the Isaac Construction site at Kaiata from LIZ to GIZ.

    (c) Darran Humpheson, Acoustic Consultant on behalf of Silver Fern Farms, provided the statement of evidence dated 7 March 2024. His evidence addressed the potential for reverse sensitivity from noise in relation to the Silver Fern Farms site at Hokitika.

    (d) Fire and Emergency New Zealand (FENZ) advised[4] it did not intend to appear at the hearing and that it accepted the recommendations by the reporting officer on many of the submission points. The letter provided additional discussion on those submission points that the reporting officer rejected.

[4] Letter from George van Pelt, Consultants Planner dated 21 June 2024.

(e) The Ministry of Education confirmed[5] that they would not be attending the hearing. The letter indicated their support for various recommendations in the S42A report and reiterated their submission point regarding noise.

(f) KiwiRail provided a letter[6] confirming that they would not be attending the hearing. The letter indicated that KiwiRail continued to seek amendments to building setback requirements from the rail corridor.

(g) Terra Firma Mining Limited (Terra Firma) provided a letter[7] confirming it would not be filing evidence and did not wish to be heard at the hearing. The letter responded to the Reporting Officers' recommendations on Terra Firma's submission points, which were essentially in support of the changes proposed.

(h) Pauline Hadfield, Consultant Planner on behalf of Griffen & Smith Ltd provided a statement of evidence dated 14 June 2024. The evidence responded to a point of clarification requested by the Reporting Officer.

(i) A Memorandum of Counsel on behalf of Foodstuffs (South Island) Limited (Foodstuffs) was received on 30 May 2024. The memorandum provided Foodstuffs' response to the Officer's recommendations in the section 42A report. It indicated support for the Officer's recommendation to accept/accept in part many of the submission points. It provided additional discussion on those submission points that the reporting officer rejected.

1.6. Right of Reply

25. Ms Belgrave provided a written Right of Reply (dated 3 October 2024) that included updated appendices showing tracked changes (and a clean version) to the notified provisions. Other appendices included a wiring assessment of objectives, policies and rules for the Industrial Zones.

26. Joint rights of reply were also received in response to submissions from KiwiRail[8] and Silver Fern Farms[9].

1.7. Procedural Steps and Issues

27. No procedural issuing arose from this hearing.

1.8. Site Visits

28. As part of this hearing, we undertook site visits as follows:

(a) The Silver Ferns Farm site at Hokitika

(b) The Westland Dairy site at Hokitika

(c) Kaiata Industrial area

[5] Letter from Daly Williams, Consultants Planner dated 1 July 2024
[6] Letter from Michelle Grinlinton-Hancock dated 28 May 2024
[7] Letter from Lucy Smith, Managing Director dated 30 May 2024
[8] Dated 7 October 2024
[9] Dated 17 October 2024

PART B - STATUTORY REQUIREMENTS AND DOCUMENTS

29. Part 3 - Area-Specific Matters - Te Wāhanga 3 - Ngā Take a Ia Rohe of the pTTPP contains a Zones - Ngā Takiwā section. The Zones section contains the two subsections relevant to this decision. Commercial and Mixed Zones - Ngā Takiwā Pakihi me ngā Takiwā Hanumi and Industrial Zones - Ngā Takiwā Ahumahi. These subsections comprise eight chapters, including the CMUZ, COMZ, MUZ, NCZ, TCZ, INZ, GIZ, and LIZ chapters. The CMUZ chapter contains objectives and policies for the four commercial and mixed-use zones, i.e., COMZ, MUZ, NCZ and TCZ, while the INZ chapter does the same for the industrial zones, i.e. GIZ and LIZ. Whereas the COMZ, MUZ, NCZ, TCZ, GIZ and LIZ chapters each contain rules to manage activities within their respective zone, and activity-specific standards with the Permitted Activity rules.

30. The Section 32 Report outlined the relevant statutory considerations applicable to commercial, mixed-use and industrial land, and the relationships between the sections of the RMA and higher order documents.

31. The section 42A Report highlighted the relevant sections of the RMA, and higher order statutory documents and relevant documents. The Panel notes in particular the following:

    (a) New Zealand Coastal Policy Statement 2010 (**NZCPS**);

    (b) National Policy Statement for Freshwater Management 2020 (**NPSFM**);

    (c) National Policy Statement for Indigenous Biodiversity 2023 (**NPSIB**);

    (d) Iwi Management Plans, Mana Whakahono a Rohe; and

    (e) West Coast Regional Policy Statement 2020 (**RPS**).

32. It is also noted there are three iwi management plans on the West Coast – the Te Rūnanga o Makaawhio Pounamu Management Plan, the Ngāti Waewae Pounamu Management Plan and the Lake Māhinapua Management Plan.

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

34. The National Planning Standards set out the zones allowed for use in the Plan and provide the following information for the zones addressed in this decision:

    (a) Commercial Zone - Areas used predominantly for a range of commercial and community activities;

    (b) Mixed Use Zone - Areas used predominantly for a compatible mixture of residential, commercial, light industrial, recreational and/or community activities.

    (c) Neighbourhood Centre Zone - Areas used predominantly for small-scale commercial and community activities that service the needs of the immediate residential neighbourhood.

    (d) Town Centre Zone - Areas used predominantly for:

i. in smaller urban areas, a range of commercial, community, recreational and residential activities.

ii. in larger urban areas, a range of commercial, community, recreational and residential activities that service the needs of the immediate and neighbouring suburbs.

(e) General Industrial Zone - Areas used predominantly for a range of industrial activities. The zone may also be used for activities that are compatible with the adverse effects generated from industrial activities.

(f) Light Industrial Zone - Areas used predominantly for a range of industrial activities, and associated activities, with adverse effects (such as noise, odour, dust, fumes and smoke) that are reasonable to residential activities sensitive to these effects.

35. The Panel are satisfied that the proposed Commercial, Mixed Use and Industrial Zones are consistent with this national direction.

PART C – SUBMISSIONS, EVIDENCE, EVALUATION AND RECOMMENDATIONS

2. DEFINITIONS

Submissions and Further Submissions

36. Thirteen submission points and two further submission points relating to definitions were summarised in a Table on pages 15-16 of the s42A Report. Six submissions sought to retain the definition for '*industrial activity'*. Seven submissions sought amendments to other definitions.

37. The Panel has considered the relevant submissions and further submissions received and adopts the summaries in the s42A Report.

Section 42A Report

38. Ms Belgrave acknowledged the support from the six submission points[10] to retain the definition for '*industrial activity'*. She supports the relief sought as the definition is in accordance with the Planning Standards.

39. In response to the submission point made by BDC that sought to either delete all references to '*large format retail activities'* and '*retail activities'* from the pTTPP or define them, Ms Belgrave supported the relief in part. She recommends amending the definition for '*retail activity'* to include a detailed definition for the type of activities that are anticipated, which is in keeping with the definition for '*commercial activity*':

> *Retail activity:*
>
> ***means any commercial activity that uses land and/or buildings for displaying or offering of goods for sale or hire to the public.*** *Excludes service stations, trade retail and trade suppliers, car sales and drive-through restaurants.*

40. Ms Belgrave does not support the relief sought with respect to '*large format retail'*. This is because the term is only used in GRUZ-R30, and she sees an opportunity to consider the need for a definition in the Rural Zones hearing stream.

41. Ms Belgrave supports the submission point from Foodstuffs to include a definition for '*supermarket*'. She agrees that the wording sought in the submission is appropriate. It is:

> *'A retail activity that uses land and/or buildings for displaying or offering a comprehensive range of food, beverage and other disposable goods such as fresh meat and produce; chilled, frozen, packaged, canned and bottled foodstuffs and beverages; and housekeeping and other personal items for sale to the public.'*

42. In response to the submission point made by Birchfield Coal Mines Limited that sought the addition of *'firewood and coal supplies'* to the definition of '*trade retail and trade suppliers'*, Ms Belgrave does not support the relief sought. She considers that the sale of firewood and coal supplies would fall within the definition of '*commercial activity*' and the proposed definition of '*retail activity*'. On that basis, she does not consider it necessary for inclusion in the '*trade retail and trade suppliers'* definition.

[10] Silver Fern Farms (S441.003), Birchfield Coal Mines Ltd (S601.007), BRM Developments Limited (S603.007), Birchfield Ross Mining Limited (S604.007), Phoenix Minerals Limited (S606.007), and Whyte Gold Limited (S607.007)

43. In response to two submission points made by GDC that sought the addition of a definition for '*waste management area'* and '*indoor storage space'*, Ms Belgrave does not support the relief sought as the submitter has not provided preferred wording for either term. Additionally, she considers that the ordinary meaning of the terms provides sufficient clarity.

44. In response to another submission point made by GDC that sought to add a definition for '*outdoor service space'*, Ms Belgrave advises that, as it is her recommendation to delete the requirements for an outdoor storage space in the CMUZ, she does not support including a definition for the term.

45. In response to a further submission point made by GDC that sought to add a definition for '*outlook space'*, Ms Belgrave recommends that, in the absence of preferred wording from the submitter, she does not support including a definition. She notes that '*outlook space'* is a requirement for residential units in the COMZ, and subject to the amendments recommended for COMZ-R5, the rule will provide sufficient clarity. Ms Belgrave also comments that this term is not defined in other second-generation plans or in the Medium Density Residential Standards.

46. The S42A report recommends that the Definitions be amended as follows:

> *Retail Activity:*
>
> ***means any commercial activity that uses land and/or buildings for displaying or offering of goods for sale or hire to the public.*** *Excludes service stations, trade retail and trade suppliers, car sales and drive-through restaurants.*
>
> ***Supermarket***
>
> ***A retail activity that uses land and/or buildings for displaying or offering a comprehensive range of food, beverage and other disposable goods such as fresh meat and produce; chilled, frozen, packaged, canned and bottled foodstuffs and beverages; and housekeeping and other personal items for sale to the public.***

Hearing and Submitter Evidence

47. The legal submissions made by Ms Alex Booker on behalf of Foodstuffs accept the S42A report recommendation relating to the definition of '*supermarket*'.

48. Despite not making any submissions on the definitions, Ms Frida Inta presented a statement at the hearing offering views on the S42A recommendation. She does not support the inclusion of a definition for '*supermarket*'.

49. No other evidence was presented at the hearing in relation to the submission points about the definitions.

Reporting Officer Reply Evidence

50. In response to questions from the Panel, Ms Belgrave considered the need for the inclusion of definitions for '*offices*' and '*services*'.

51. In response to these questions, she considers that the definition for '*commercial activity'* is sufficiently clear that an additional definition for '*services*' is not necessary.

52. Notwithstanding matters related to scope, she does consider that a definition for '*offices*' will provide helpful clarification to plan users, noting that the term is used in NCZ-R1 and NCZ-R11. It will also align with the definition for '*commercial activity'*.

53. Ms Belgrave recommends that the following definition be included for '*offices*':

Offices

"means a commercial activity where administrative, clerical, professional, management, or government activities are conducted"

54. In response to Ms Frida Inta's comments in her statement that question the need for '*supermarket*' to be defined, Ms Belgrave considers that the inclusion of the definition will provide a helpful clarification.

55. In response to questions from the Panel as to whether a definition of *'contaminated'* is required, Ms Belgrave advises that, due to other recommended amendments in the GIZ and LIZ, the word '*contaminated*' has been deleted. As such, the need for the word to be defined is no longer relevant.

Hearing Panel's Evaluation

56. The Panel agree with Ms Belgrave's recommendation and her justification not to include new definitions for *'waste management area', 'indoor storage space', 'outdoor service space'* or '*outlook space'*. We also agree with her recommendation not to amend the definition of '*trade retail and trade suppliers'*.

57. The Panel accept Ms Belgrave's recommendation to amend the definitions of '*Retail activity'* and to add a definition for *'Supermarket'* based on the submissions from BDC and Foodstuffs, respectively. We consider these to be appropriate amendments.

58. The Panel accept Ms Belgrave's justification in her right of reply not to include a definition for '*services'*.

59. The Panel accepts that adding a definition of '*offices*' would be helpful, but since we have not been able to find a submission to provide support and scope for that addition, we cannot accept Ms Belgrave's recommendation to include that definition. This addition could be the subject of a future plan change.

Hearing Panel's Recommendation

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

Definitions - Ngā Tautuhinga	
Term	**Definition**

RETAIL ACTIVITY	**means any commercial activity that uses land and/or buildings for displaying or offering of goods for sale or hire to the public.**[11] Excludes service stations, trade retail and trade suppliers, car sales and drive through restaurants.
SUPERMARKET	**means a retail activity that uses land and/or buildings for displaying or offering a comprehensive range of food, beverage and other disposable goods such as fresh meat and produce; chilled, frozen, packaged, canned and bottled foodstuffs and beverages; and housekeeping and other personal items for sale to the public.**[12]

3. COMMERCIAL AND MIXED USE ZONE

3.1. Whole Chapter

Submissions and Further Submissions

61. Four submissions points and two further submission points relating to general matters or the Commercial and Mixed-Use Zones collectively were summarised in a Table on page 8 of the s42A Report. The Panel has considered the relevant submissions and further submissions received and adopts the summaries in the s42A Report.

Section 42A Report

62. In response to the submission points made by Foodstuffs to make amendments throughout the CMUZ provisions to provide for supermarkets, Ms Belgrave supports this submission in part. While she does not recommend specific provisions (particularly rules), she considers that amendments to definitions and other submission points made by Foodstuffs provide some relief to these general submission points.

63. In response to the submission points made by Ngāi Tahu that sought amendments to include Poutini Ngāi Tahu values as a matter for consideration for controlled and restricted discretionary activities and as a new objective, Ms Belgrave notes that this is a common submission point across multiple hearing streams. It has particularly been addressed in the Strategic Directions hearing stream, with the recommended amendment to UFD-O1. As to whether a new matter for control or discretion should be included in the provisions, Ms Belgrave assesses this issue when considering the relevant Plan provisions.

64. Ms Belgrave also acknowledges that sites and areas of significance to Māori are mapped, and that there are some within the urban environment. She also notes that existing objectives and policies refer to maintaining and enhancing amenity values (noting that this includes cultural attributes). On this basis, she does not recommend an additional objective.

65. Ms Belgrave did not make any recommendations to amend the provisions in response to these submission points.

Hearing and Submitter Evidence

66. The legal submissions made by Ms Alex Booker on behalf of Foodstuffs reiterate submission point S464.011 that express provisions are needed for supermarkets due to the restrictive

[11] Buller District Council (S538.013)
[12] Foodstuffs (South Island) Properties Limited and Foodstuffs South Island (S464.006)

permitted activity standard, which does not consider supermarket activity. These provisions, he submitted, should recognise the functional and operational needs of supermarkets and allow for design mitigation, rather than operation minimisation.

Reporting Officer Reply Evidence

67. There was no specific consideration of these general matters in the reply evidence.

Hearing Panel's Evaluation

68. The Panel agrees with Ms Belgrave's recommendations regarding submissions received on the Chapter as a Whole. We accept that an amendment relating to Poutini Ngāi Tahu values is relevant and that this has been appropriately addressed across multiple Hearing Streams. We also accept that no additional objective relating to cultural attributes is necessary in this part of the Plan.

69. The Panel agrees with Ms Belgrave's recommendation that the addition of a definition (discussed above) for '*supermarket*' partly but in our view sufficiently addresses the submission point made by Foodstuffs.

Recommendation

70. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends no changes in relation to the general matters raised in submissions and further submissions across the CMUZ.

3.2. Commercial and Mixed-Use Overview

Submissions and Further Submissions

71. No submissions or further submissions were received with respect to the CMUZ Overview.

3.3. Commercial and Mixed-Use Objectives

Submissions and Further Submissions

72. Eight submission points relating to the Commercial and Mixed-Use Zone Objectives (as a whole) were summarised in a Table on pages 19-20 of the s42A Report. Seven submission points sought to retain the objectives as notified. The eighth submission sought to add a new objective.

73. Six submission points and two further submission points relating to **CMUZ-O1** were summarised in a Table on page 21 of the s42A Report. Three submissions supported the retention of the objective as notified, and the other three sought amendments.

74. Two submission points and two further submission points relating to **CMUZ-O2** were summarised in a Table on page 22 of the s42A Report. One submission supported the retention of the objective as notified, and the other one sought an amendment, which was opposed by the two further submissions.

75. Two submission points relating to **CMUZ-O3** were summarised in a Table on page 23 of the s42A Report. One submission supported the retention of the objective as notified, and the other sought an amendment.

76. The Panel adopts these summaries and has considered all the relevant submissions and further submissions.

Section 42A Report

Objectives (General)

77. In relation to the objectives (as a group), Ms Belgrave acknowledged the support from the submitters that seek to retain the objectives as notified. The acknowledgement is subject to recommended amendments that arise from other submissions on specific objectives.

78. In response to the submission point made by the TTPP Committee that sought to add a new objective to the CMUZ, Ms Belgrave supports the relief sought to include an objective that outlines the role of each zone and the overall approach to the zoning framework. Because of the recommended objective, consequential amendments to CMUZ-O2 are also proposed to avoid repetition and to consolidate the two objectives.

79. The S42A report recommends that a new objective be added to the CMUZ chapter and that consequential amendments be made to CMUZ-O2 as follows:

> ***CMUZ – OX***
>
> ***The region's commercial needs are provided for via a suite of commercial zones that:***
>
> ***(a) recognise the importance of the West Coast/Te Tai o Poutini town centres;***
>
> ***(b) serve the immediate need of the local community;***
>
> ***(c) provide for mixed use and redevelopment opportunities at Greymouth; and***
>
> ***(d) provide for larger scale commercial activities in appropriate locations.***
>
> *CMUZ - O2*
>
> *To* ***~~recognise the importance of the West Coast/Te Tai o Poutini town centres and~~*** *maintain* ***~~their~~ the*** *integrity* ***of the West Coast/Te Tai o Poutini town centres*** *as a place of high-quality built environment character, community and visitor focus and identity.*

Objective 1

80. In relation to CMUZ-O1, Ms Belgrave acknowledged the support from the submitters that seek to retain the objective as notified. The acknowledgement is subject to recommended amendments that arise from other submissions.

81. Ms Belgrave does not support the relief sought by Foodstuffs to make amendments to refer to managing amenity effects on adjoining sensitive activities in place of minimising adverse effects on amenity within and adjoining commercial areas. She does not support an amendment to only refer to adjoining sensitive activities. However, she does acknowledge the concerns raised by Foodstuffs as to the restrictive nature of the objective. Therefore, she recommends rewording CMUZ-O1 into two separate objectives as follows:

> *To maintain and enhance the character and amenity values of commercial areas and town centres* ***while enabling ~~in a way that enables~~*** *commercial and other activities to support the local community and visitors*. ***~~while minimising adverse effects on amenity within and adjoining the commercial areas.~~***
>
> ***Avoid, remedy, and mitigate adverse effects of commercial and other activities within and adjoining the commercial areas.***

82. In response to the two submission points made by Buller Conservation Group and Frida Inta that sought amendments to recognise historical heritage, Ms Belgrave does not support the relief sought. This is because these values are managed in the Historic Heritage chapter and in Schedule One. The duplication sought by the submission is considered unnecessary.

83. The S42A report recommends that CMUZ-O1 be amended as follows:

> ***CMUZ-O1***
>
> *To maintain and enhance the character and amenity values of commercial areas and town centres* ***while enabling*** ~~***in a way that enables***~~ *commercial and other activities to support the local community and visitors.* ~~***while minimising adverse effects on amenity within and adjoining the commercial areas.***~~
>
> ***CMUZ-O2A***
>
> ***Avoid, remedy, and mitigate adverse effects of commercial and other activities within and adjoining the commercial areas****.*

Objective 2

84. In relation to CMUZ-O2, Ms Belgrave acknowledged the support from Te Mana Ora that sought to retain the objective as notified. The acknowledgement is subject to recommended amendments that arise from other submissions.

85. Ms Belgrave does not support the relief sought by Forest and Bird to amend the objective to ensure that a '*high quality urban environment'* is one where natural values and biodiversity are maintained. She considers that these values are appropriately provided for elsewhere in the Plan and duplication is not necessary.

86. In response to the submission point made by the TTPP Committee and considered above as part of the objectives more generally, Ms Belgrave recommends consequential amendments to CMUZ-O2.

87. The S42A report recommends that CMUZ-O2 be amended as follows:

> *CMUZ - O2*
>
> *To* ~~***recognise the importance of the West Coast/Te Tai o Poutini town centres and***~~ *maintain* ~~***their***~~ ***the*** *integrity* ***of the West Coast/Te Tai o Poutini town centres*** *as a place of high-quality built environment character, community and visitor focus and identity.*

Objective 3

88. In relation to CMUZ-O3, Ms Belgrave acknowledged the support from Te Mana Ora that sought to retain the objective as notified.

89. In response to the submission point made by Forest and Bird (that is the same as that made regarding CMUZ-O2), Ms Belgrave reiterates that she does not support the relief sought.

90. The S42A report recommends retaining CMUZ-O3 as notified.

Hearing and Submitter Evidence

91. The joint statement presented by Frida Inta and Buller Conservation Group raised questions regarding what type of adverse effect the recommended new objective (CMUZ-O2A) is seeking to manage. The recommended new objective is a result of a submission point by Foodstuffs on CMUZ-O1, and both Ms Inta and the BCG submitted CMUZ-O1. The joint statement considers that the wording sought by Foodstuffs to '*manage amenity effects on adjoining sensitive activities'* is more appropriate.

92. The legal submissions made by Ms Alex Booker on behalf of Foodstuffs accept the S42A report recommendation relating to CMUZ-O1 and CMUZ-O2A.

93. No other evidence was presented at the hearing in relation to the submission points on the CMUZ objectives.

Reporting Officer Reply Evidence

94. In response to the statement presented by Ms Inta at the hearing regarding CMUZ-O2A, Ms Belgrave clarified that the types of potential effects that might occur in the CMUZ could include amenity effects, particularly as the zones provide for residential units as a permitted activity, or visual and dominance effects associated with buildings that exceed the permitted building envelope. She also reiterated that she does not support the amendment to only refer to sensitive activities for the reasons set out in the S42A report.

Hearing Panel's Evaluation

95. The Panel agree with Ms Belgrave's recommendation to add a new objective to the CMUZ that sets out the purpose of each zone in the Chapter. We agree with the wording in the S42A report and the consequential amendments to CMUZ-O2.

96. The Panel agree with Ms Belgrave's recommended wording for CMUZ-O1 and the recommendation to separate it into two separate objectives. We acknowledge that Foodstuffs have confirmed their agreement with the wording in their legal submissions.

97. The Panel agree with Ms Belgrave's recommendation to retain CMUZ-O3 as notified.

98. We note that the addition of the new objectives results in a renumbering of these provisions, and we have revised them accordingly.

99. In relation to the remainder of the submissions on the Objectives, the Panel agree that these should be rejected based on the conclusions reached by Ms Belgrave.

Hearing Panel's Recommendation

100. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends that the relevant submission points identified in the footnotes below be accepted or accepted in part and recommends that the following amendments be made to the **Commercial and Mixed-Use Zone Objectives**:

Commercial and Mixed Use Zones Objectives	
CMUZ – O1	To maintain and enhance the character and amenity values of commercial areas and town centres **while enabling** ~~in a way that enables~~ commercial and other

	activities to support the local community and visitors ~~while minimising adverse effects on amenity within and adjoining the commercial areas~~.[13]
CMUZ – O2	**Avoid, remedy, or mitigate adverse effects of commercial and other activities within and adjoining the commercial areas.**[14]
CMUZ – O~~2~~3[15]	To ~~recognise the importance of the West Coast/Te Tai o Poutini town centres and~~ maintain ~~their~~ **the** integrity **of the West Coast/Te Tai o Poutini town centres**[16] as a place of high-quality built environment character, community and visitor focus and identity.
CMUZ – O~~3~~4[17]	To recognise that Greymouth/Māwhera is the principal commercial and urban centre on the West Coast/Te Tai o Poutini and support its redevelopment through providing for a range of commercial and mixed use zones and activities within a high-quality urban environment.
CMUZ – O5	**The region's commercial needs are provided for via a suite of commercial zones that:** **(a) recognise the importance of the West Coast/Te Tai o Poutini town centres;** **(b) serve the immediate need of the local community;** **(c) provide for mixed use and redevelopment opportunities at Greymouth; and** **(d) provide for larger scale commercial activities in appropriate locations.**[18]

3.4. Commercial and Mixed Use Policies

Submissions and Further Submissions

101. Four submission points relating to the Commercial and Mixed Use Zone Policies (as a whole) were summarised in a Table on pages 23-24 of the s42A Report. All submissions supported the policies. However, three sought a point of clarification.

102. Three submission points relating to **CMUZ-P1** were summarised in a Table on pages 24-25 of the s42A Report. One submission point supported the retention of the policy as notified. Two submission points sought amendments.

103. Ten submission points relating to **CMUZ-P2** were summarised in a Table on pages 25-26 of the s42A Report. All submission points supported the retention of the policy as notified.

104. Six submission points relating to **CMUZ-P3** were summarised in a Table on page 26 of the s42A Report. All submission points supported the retention of the policy as notified.

105. Seven submission points and four further submission points relating to **CMUZ-P4** were summarised in a Table on page 27 of the s42A Report. One submission point supported the retention of the policy as notified. Six submission points sought amendments.

[13] Foodstuffs (S464.012)
[14] Foodstuffs (S464.012)
[15] Consequential numbering amendment
[16] Consequential to Te Tai o Poutini Plan Committee (S171.007)
[17] Consequential numbering amendment
[18] Te Tai o Poutini Plan Committee (S171.007)

106. Three submission points relating to **CMUZ-P5** were summarised in a Table on page 27 of the s42A Report. All submission points supported the retention of the policy as notified.

107. Two submission points relating to **CMUZ-P6** were summarised in a Table on page 30 of the s42A Report. One submission point supported the retention of the policy as notified, and the other sought amendments.

108. Two submission points and one further submission relating to **CMUZ-P7** were summarised in a Table on page 31 of the s42A Report. One submission point supported the retention of the policy as notified, and the other (and further submission) sought amendments.

109. Two submission points relating to **CMUZ-P8** were summarised in a Table on pages 31 - 32 of the s42A Report. Both submission points supported the retention of the policy as notified.

110. Three submission points relating to **CMUZ-P9** were summarised in a Table on page 32 of the s42A Report. One submission point supported the retention of the policy as notified, and the others sought amendments.

111. One submission point relating to **CMUZ-P10** was summarised in a Table on page 33 of the s42A Report. The submission point supported the retention of the policy as notified.

112. Three submission points relating to **CMUZ-P11** were summarised in a Table on page 33 of the s42A Report. Two submission points supported the retention of the policy as notified, and the other sought amendments.

113. Three submission points relating to **CMUZ-P12** were summarised in a Table on page 34 of the s42A Report. All the submission points supported the retention of the policy as notified.

114. Nine submission points and one further submission relating to **CMUZ-P13** were summarised in a Table on pages 34-36 of the s42A Report. Three submission points supported the retention of the policy as notified, and the others, including the further submission, sought amendments.

115. One submission point relating to **CMUZ-P14** was summarised in a Table on page 37 of the s42A Report. The submission point supported the retention of the policy as notified.

116. Four submission points and one further submission relating to **CMUZ-P15** were summarised in a Table on pages 37-38 of the s42A Report. Two submission points supported the retention of the policy as notified, and the others, including the further submission, sought amendments.

117. Two submission points relating to **CMUZ-P16** were summarised in a Table on page 40 of the s42A Report. Both submission points supported the retention of the policy as notified.

118. One submission point relating to **CMUZ-P17** was summarised in a Table on page 40 of the s42A Report. The submission point supported the retention of the policy as notified.

119. One submission point relating to **CMUZ-P18** was summarised in a Table on page 40 of the s42A Report. The submission point supported the retention of the policy as notified.

120. One submission point relating to **CMUZ-P19** was summarised in a Table on page 41 of the s42A Report. The submission point supported the retention of the policy as notified.

121. One submission point relating to **CMUZ-PREC1-P1** was summarised in a Table on page 41 of the s42A Report. The submission point supported the retention of the policy as notified.

122. One submission point relating to **CMUZ-PREC1-P2** was summarised in a Table on page 41 of the s42A Report. The submission point supported the retention of the policy as notified.

123. One submission point relating to **CMUZ-PREC1-P3** was summarised in a Table on page 42 of the s42A Report. The submission point supported the retention of the policy as notified.

124. One submission point relating to **CMUZ-PREC1-P4** was summarised in a Table on page 42 of the s42A Report. The submission point supported the retention of the policy as notified.

125. Two submission points and one further submission point relating to **CMUZ-PREC1-P5** were summarised in a Table on pages 42-43 of the s42A Report. The submission points sought an amendment to the policy.

126. One submission point relating to **CMUZ-PREC1-P6** was summarised in a Table on page 44 of the s42A Report. The submission point sought an amendment to the policy.

127. One submission point relating to **CMUZ-PREC2-P7** was summarised in a Table on page 44 of the s42A Report. The submission point sought an amendment to the policy.

128. Two submission points relating to **CMUZ-PREC2-P8** were summarised in a Table on page 45 of the s42A Report. The submission points supported the retention of the policy as notified.

129. Two submission points and one further submission point relating to **CMUZ-PREC2-P9** were summarised in a Table on page 45 of the s42A Report. The submission points sought amendment to the policy.

130. One submission point relating to **CMUZ-PREC3-P10** was summarised in a Table on page 42 of the s42A Report. The submission point supported the retention of the policy as notified.

131. One submission point relating to **CMUZ-PREC3-P11** was summarised in a Table on page 46 of the s42A Report. The submission point sought an amendment to the policy.

132. Two submission points and one further submission point relating to **CMUZ-PREC3-P12** were summarised in a Table on page 47 of the s42A Report. The submission points sought amendment to the policy.

133. One submission point relating to **CMUZ-PREC4-P13** was summarised in a Table on page 47 of the s42A Report. The submission point supported the retention of the policy as notified.

134. One submission point relating to **CMUZ-PREC4-P14** was summarised in a Table on page 48 of the s42A Report. The submission point supported the retention of the policy as notified.

135. One submission point and one further submission point relating to **a new policy** were summarised in a Table on page 48 of the s42A Report. The submission points sought to add a new policy.

136. The Panel adopts these summaries and has considered all the relevant submissions and further submissions.

Section 42A Report

Policies (General)

137. Ms Belgrave acknowledged the support from the submitters who generally support the policies as notified. The acknowledgement is subject to recommended amendments that arise from other submissions on specific policies.

138. In response to the three submission points made by BDC that sought clarification with respect to the terms '*precincts*' and '*town centres',* Ms Belgrave advises that each of the Town Centres is also subject to a Precinct, with provisions specific to each town (Westport, Greymouth, Reefton and Hokitika). Unfortunately, there is an error in the mapping, and the Precinct Overlays have not been mapped. However, to clarify the provisions, the COMZ objectives and policies apply across all TCZ's and then the suite of specific policies applies for each of the four Precincts.

139. The S42A report recommends amending the planning maps to include the four precincts overlaid with each spatial extent of the TCZs for Westport, Greymouth, Reefton and Hokitika.

CMUZ - Policy 1

140. In relation to CMUZ-P1, Ms Belgrave acknowledged the support from Te Mana Ora that sought to retain the policy as notified. The acknowledgement is subject to recommended amendments that arise from other submission points.

141. Ms Belgrave supports the submission point made by Waka Kotahi that sought to amend the typo (CUMZ to CMUZ) in the heading above the CMUZ policies.

142. In response to the submission point made by Ngāi Tahu that sought to ensure Poutini Ngāi Tahu values are considered as part of the urban environment, Ms Belgrave considered that, as this policy relates to the protection of cultural landscapes, the relief sought by the submission point is already achieved. Additionally, the submitter offered no specific wording with respect to this policy.

143. The S42A report recommends the following amendments to CMUZ – P1.

> ***Activities and Development in ~~CUMZ~~ CMUZ – Commercial and Mixed Use Zones***
>
> ***CMUZ – P1***
>
> *Where cultural landscapes are identified in commercial areas or developments, ensure activities are managed in a way that provides for the cultural relationships of Poutini Ngāi Tahu including;*
>
> *a. Protection of wāhi tapu and taonga sites in Schedule Three of the Plan using Poutini Ngāi Tahu culturally appropriate methods;*
>
> *b. Identification and utilisation of opportunities to enhance sites, values and other taonga of cultural significance to Ngāi Tahu; and*
>
> *c. Protection of the relationship of Poutini Ngāi Tahu with freshwater, including cultural wellbeing and use opportunities.*

CMUZ - Policy 2

144. In relation to CMUZ-P2, Ms Belgrave acknowledged the support from all the submitters that sought to retain the policy as notified.

145. Ms Belgrave recommends that CMUZ-P2 be retained as notified.

CMUZ - Policy 3

146. In relation to CMUZ-P3, Ms Belgrave acknowledged the support from all the submitters that sought to retain the policy as notified.

147. Ms Belgrave recommends that CMUZ-P3 be retained as notified.

CMUZ - Policy 4

148. In relation to CMUZ-P4, Ms Belgrave acknowledged the support from Te Mana Ora that sought to retain the policy as notified. The acknowledgement is subject to recommended amendments that arise from other submissions on specific policies.

149. In response to the submission point made by Foodstuffs that sought various amendments to the policy, Ms Belgrave supports the relief sought in part. The submission sought three areas of relief:

a. Deleting the reference to managing the effects of carparking; and

b. Including a consideration for operational and functional requirements of activities; and

c. Deleting the words '*and is expected to'*.

150. Ms Belgrave does not support deleting the reference to managing the effects of carparking. However, she does recommend replacing '*minimised*' with *'mitigated'*.

151. Ms Belgrave supports including a matter that recognises the functional and operational requirements of activities, particularly as a broad range of activities are provided for and anticipated within the CMUZ. She also supports deleting '*and is expected to'* as it simplifies the wording of the policy.

152. In response to the five submission points[19] that sought to delete clauses a - d from the policy, Ms Belgrave does not support the relief sought. This is because the clauses are relevant considerations for new developments within the CMUZ, achieving the policy and CMUZ-O2.

153. The S42A report recommends the following amendments to CMUZ – P4.

> ***CMUZ – P4***
>
> *New development in CMUZ - Commercial and Mixed Use Zones should have quality design outcomes* ***which*** ~~***and is expected to***~~*:*
>
> *a. Acknowledge, and respond to, the context of the site and the surrounding environment;*
>
> *b. Ensure the bulk, form and siting of new buildings maintains and enhances the quality of the environment;*
>
> *c. Provide a quality street frontage with visual interest and connection with the street; and*
>
> *d. Ensure visual effects from car parking areas are* ***mitigated*** ~~***minimised;***~~ ***and***
>
> ***e. Recognises the functional or operational need of activities.***

CMUZ - Policy 5 to Policy 8

[19] Martin & Co Westport Ltd and Lumberland Building Market Westport (S543.011), Chris & Jan Coll (S558.346), Chris J Coll Surveying (S566.346), William McLaughlin (S567.405), and Laura Coll McLaughlin (S574.346)

154. Before considering the content of the submissions relating to these policies, Ms Belgrave sets out that CMUZ-P5, CMUZ-P6, CMUZ-P7 and CMUZ-P8 all relate to establishing new commercial zones rather than managing buildings and activities within the existing zones. She considers that these policies would be more appropriately located in the Strategic Direction chapter of the PTTPP. There is no specific submission seeking this relief. However, there are submission points by BDC seeking this relief for similar policies in the INZ. As such, Ms Belgrave considers there is consequential scope to delete these policies from the CMUZ chapter and relocate them (with any amendment resulting from relevant submissions) to the Strategic Direction chapter.

155. The S42A report recommends relocating CMUZ-P5, CMUZ-P6, CMUZ-P7 and CMUZ-P8 to the SD chapter.

CMUZ – Policy 5

156. In relation to CMUZ-P5, Ms Belgrave acknowledged the support from all the submitters that sought to retain the policy as notified.

157. Ms Belgrave recommends that CMUZ-P5 be retained as notified, although relocated to the Strategic Direction chapter under Urban Form and Development as an objective:

> ***UFD-O2***
>
> ***Support the redevelopment of brownfield sites for mixed use activities where:***
>
> ***a. A reduction in commercial or industrial land supply will not affect the ability to meet the anticipated needs of commercial and industrial activities including those with specific locational requirements;***
>
> ***b. The mixed use development would not hinder the establishment or ongoing operation of surrounding commercial activities;***
>
> ***c. There is sufficient capacity and a suitable connection to wastewater, water supply, stormwater and safe and efficient transport networks;***
>
> ***d. The anticipated amenity values of the adjoining commercial or industrial zone are not compromised;***
>
> ***e. If necessary, contaminated land is remediated in accordance with national and regional standards; and***
>
> ***f. The redevelopment does not impact on:***
>
> ***1. The vitality and strategic role of town centres as the focal points for commercial and other activities;***
>
> ***2. The efficient and effective use of land; and***
>
> ***3. Community and transport infrastructure investment in centres.***

CMUZ – Policy 6

158. In relation to CMUZ-P6, Ms Belgrave acknowledged the support from Te Mana Ora that sought to retain the policy as notified. The acknowledgement is subject to recommended amendments that arise from other submissions.

159. In response to the submission point made by Foodstuffs that sought to delete the words '*rather than pulling activity away from the centre'*, Ms Belgrave supports the relief sought as she considers the words to be superfluous, and deletion simplifies the policy.

160. The S42A report recommends deleting CMUZ-P6 from the CMUZ chapter and relocating an amended version in the SD chapter under Urban Form and Development as an objective.

> ***UFD – O3***
>
> ***Recognise the substantial investment by communities in town centres and their infrastructure by ensuring that any new CMUZ - Commercial and Mixed Use Zones are located where they support the function of town centres ~~rather than pulling activity away from the centre.~~***

CMUZ – Policy 7

161. In relation to CMUZ-P7, Ms Belgrave acknowledged the support from Te Mana Ora that sought to retain the policy as notified. The acknowledgement is subject to recommended amendments that arise from other submissions.

162. Ms Belgrave does not support the relief sought in the submission point made by Foodstuffs. The submission sought to amend the wording of the policy as follows:

> *New CMUZ - Commercial and Mixed Use Zones should ~~not~~ be **restricted** ~~located~~ in areas subject to significant risks from natural hazards, in wāhi tapu or significant natural areas.*

163. Ms Belgrave considers that the policy, as notified, does not prevent the rezoning of land in an urban zone when the relevant considerations are made.

164. The S42A report recommends deleting the CMUZ-P7 from the CMUZ and relocating it into the SD chapter under Urban Form and Development as an objective.

> ***UFD – O4***
>
> ***New CMUZ - Commercial and Mixed Use Zones should not be located in areas subject to significant risks from natural hazards, in wāhi tapu or significant natural areas.***

CMUZ – Policy 8

165. In relation to CMUZ-P8, Ms Belgrave acknowledged the support from all the submitters that sought to retain the policy as notified.

166. Ms Belgrave recommends that CMUZ-P8 be retained as notified, although relocated to the Strategic Direction chapter under Urban Form and Development as an objective:

> ***UFD – O5***
>
> ***Where new CMUZ - Commercial and Mixed Use Zones are developed these should fund and install infrastructure to the standards required by the Councils and the Plan. Where there is significant infrastructure serving multiple properties under different ownership this should be vested in the Council for ongoing maintenance and renewal.***

CMUZ – Policy 9

167. In relation to CMUZ-P9, Ms Belgrave acknowledged the support from Te Mana Ora that sought to retain the policy as notified. The acknowledgement is subject to recommended amendments that arise from other submissions.

168. In response to the submission points made by Waka Kotahi and GDC that sought to delete *'parking'* from the policy on the basis that it is not a mode of transport, Ms Belgrave supports

the relief sought in part. In the context of the policy, '*parking*' refers to cycle parking to encourage pedestrian-friendly streets. Therefore, Ms Belgrave recommends amendments to the policy to clarify the intention.

169. The S42A report recommends the following amendments to CMUZ – P9:

> *CMUZ – P9*
>
> *Provide a range of transport modes to and from the town centres including public transport, cycling routes and **associated cycle** parking and encouraging more pedestrian friendly streets.*

CMUZ – Policy 10

170. In relation to CMUZ-P10, Ms Belgrave acknowledged the support from Te Mana Ora that sought to retain the policy as notified.

171. Ms Belgrave recommends that CMUZ-P10 be retained as notified.

CMUZ – Policy 11

172. In relation to CMUZ-P11, Ms Belgrave acknowledged the support from Te Mana Ora and Grey District Council that sought to retain the policy as notified.

173. Ms Belgrave does not support the relief sought by FENZ, whose submission sought to have the words '*with sufficient capacity for firefighting purposes'* added after the reference to water supply. She does not consider that this level of detail is necessary in this policy, as the references to three waters infrastructure are only to identify the types of infrastructure that should be vested with the Council.

174. Ms Belgrave recommends that CMUZ-P11 be retained as notified.

CMUZ – Policy 12

175. In relation to CMUZ-P12, Ms Belgrave acknowledged the support from all the submitters that sought to retain the policy as notified.

176. Ms Belgrave recommends that CMUZ-P12 be retained as notified.

CMUZ - Policy 13

177. In relation to CMUZ-P13, Ms Belgrave acknowledged the support from the submitters that sought to retain the policy as notified. The acknowledgement is subject to recommended amendments that arise from other submission points.

178. In response to the five submission points[20] that sought to delete the reference to enhance the amenity of commercial areas, Ms Belgrave does not support the relief sought. She considers that while it is not always feasible or practical to enhance these values in a commercial setting, the policy also provides for their maintenance, and that it is relevant to include this in the policy.

[20] Martin & Co Westport Ltd and Lumberland Building Market Westport (S543.012) Chris & Jan Coll (S558.347), Chris J Coll Surveying (S566.347), William McLaughlin (S567.406), and Laura Coll Mclaughlin (S574.347)

179. In response to the submission point made by Foodstuffs to make various amendments, Ms Belgrave supports the relief sought in part. The submission sought to add *'significant'* to clause (a) of the policy in reference to adverse effects to relax the policy. Ms Belgrave does not consider that the wording will enable non-compliance with the performance standards to be appropriately managed. She has recommended deleting the reference to the performance standards.

180. Foodstuffs also sought to amend clause (c) to '*encourage compact urban form'* of town centres. Ms Belgrave supports the requested amendment as it provides a clearer direction on the use and development outcomes anticipated in the zones.

181. The S42A report recommends the following amendments to CMUZ – P13:

> *CMUZ – P13*
>
> *Activities in the COMZ – Commercial, MUZ – Mixed-Use and NCZ – Neighbourhood Centre Zones should:*
>
> a. ***~~Meet performance standards on development and land use that maintain~~*** ***Maintain*** *or enhance the amenity of the commercial areas and* ***avoid, remedy, or mitigate*** ***~~do not create~~*** *adverse effects beyond the boundaries of these areas, particularly in respect of residential areas;*
>
> b. *Provide safe urban design (including pedestrian and vehicle safety); and*
>
> c. ***Encourage compact urban form*** ***~~Avoid the fragmentation~~*** *of town centres.*

CMUZ - Policy 14

182. In relation to CMUZ-P14, Ms Belgrave acknowledged the support from Te Mana Ora that sought to retain the policy as notified.

183. Ms Belgrave recommends that CMUZ-P14 be retained as notified.

CMUZ - Policy 15

184. In relation to CMUZ-P15, Ms Belgrave acknowledged the support from the submitters that sought to retain the policy as notified. The acknowledgement is subject to recommended amendments that arise from other submission points.

185. In response to the submission point made by Foodstuffs that sought to amend clause (k) and delete clause (l), Ms Belgrave supports the submission in part. Foodstuffs sought to have the words *'standard up to the street frontage and predominantly with verandahs over the footpath'* deleted from clause (k). The S42A report acknowledges that this amendment will simplify the policy. It also acknowledges that requirements for verandahs are specified for three of the precinct areas, while design requirements are specified for all of them. Additionally, this clause relates to buildings, while the policy generally is about activities. For these reasons, Ms Belgrave recommends deleting clause (k) in its entirety.

186. Ms Belgrave also supports deleting clause (l) that requires activities to be reliant on pedestrian movement as sought by Foodstuffs. In the submission, Foodstuffs identifies that supermarket customers rely on vehicles to transport their groceries and that the TCZ provides for a range of commercial activities that are not solely reliant on pedestrian movement. While town centres can be accessed on foot, not all activities will be. Ms Belgrave considers the clause of

the policy to be onerous and, in some cases, impractical. Therefore, she recommends that it be deleted.

187. In response to the submission point made by Te Mana Ora to make additions to clause (g) of the policy, Ms Belgrave does not support the additions. She acknowledges that the submission wording sets out good examples of a high-quality pedestrian environment, but the relief sought is considered to be too prescriptive for the policy.

188. The S42A report recommends the following amendments to CMUZ – P15:

CMUZ – P15

Activities within the TCZ – Town Centre Zones should:

a. *Maintain or enhance natural and historic features and built form;*
b. *Adaptively reuse existing heritage buildings where practicable;*
c. *Recognise and implement good urban design;*
d. *Provide for low-speed vehicle movement;*
e. *Allow for noise associated with commercial activities including bars and restaurants;*
f. *Provide for commercial signs associated with on-site activities;*
g. *Provide a high-quality pedestrian environment, with pedestrian oriented street layout;*
h. *Have consolidated on-street parking;*
i. *Have efficient wastewater, water supply and stormwater infrastructure that maximises the use of existing services;*
j. *Allow for a range of transport options;*
k. ~~***Have new buildings built to a high standard up to the street frontage and predominantly with verandahs over the footpath; and***~~
l. ~~***Be activities reliant on pedestrian movement.***~~

CMUZ - Policy 16

189. In relation to CMUZ-P16, Ms Belgrave acknowledged the support from Te Mana Ora and the Ministry of Education that both sought to retain the policy as notified.

190. Ms Belgrave recommends that CMUZ-P16 be retained as notified.

CMUZ - Policy 17

191. In relation to CMUZ-P17, Ms Belgrave acknowledged the support from Te Mana Ora that sought to retain the policy as notified.

192. Ms Belgrave recommends that CMUZ-P17 be retained as notified.

CMUZ - Policy 18

193. In relation to CMUZ-P18, Ms Belgrave acknowledged the support from Te Mana Ora that sought to retain the policy as notified.

194. Ms Belgrave recommends that CMUZ-P18 be retained as notified.

CMUZ - Policy 19

195. In relation to CMUZ-P19, Ms Belgrave acknowledged the support from Te Mana Ora that sought to retain the policy as notified.

196. Ms Belgrave recommends that CMUZ-P19 be retained as notified.

CMUZ – PREC 1 - Policy 1

197. In relation to CMUZ-PREC1-P1, Ms Belgrave acknowledged the support from Te Mana Ora that sought to retain the policy as notified.

198. Ms Belgrave recommends that CMUZ-PREC1-P1 be retained as notified.

CMUZ – PREC 1 - Policy 2

199. In relation to CMUZ-PREC1-P2, Ms Belgrave acknowledged the support from Te Mana Ora that sought to retain the policy as notified.

200. Ms Belgrave recommends that CMUZ-PREC1-P2 be retained as notified.

CMUZ – PREC 1 - Policy 3

201. In relation to CMUZ-PREC1-P3, Ms Belgrave acknowledged the support from Te Mana Ora that sought to retain the policy as notified.

202. Ms Belgrave recommends that CMUZ-PREC1-P3 be retained as notified.

CMUZ – PREC 1 - Policy 4

203. In relation to CMUZ-PREC1-P4, Ms Belgrave acknowledged the support from Te Mana Ora that sought to retain the policy as notified.

204. Ms Belgrave recommends that CMUZ-PREC1-P4 be retained as notified.

CMUZ – PREC 1 - Policy 5

205. In response to the submission point made by Te Mana Ora to make additions to clause (d) of the policy, Ms Belgrave does not support the additions. The submission is similar to that relating to CMUZ-P15 and Ms Belgrave acknowledges that the submission wording sets out good examples of a high-quality pedestrian environment, but the relief sought is considered to be too prescriptive for the policy.

206. In response to the submission point made by Foodstuffs that sought additions to take into account operational and functional need, Ms Belgrave does not support the addition. This is because it is recommended to add a reference to operational and functional need in CMUZ-P4[21] which applies to all CUMZ's, including the Town Centre Precincts.

207. Ms Belgrave recommends that CMUZ-PREC1-P5 is retained as notified.

CMUZ – PREC 1 - Policy 6

[21] The Panel notes that this policy was referred to as COMZ-P4 in the S42A report and record that this is a typo.

208. In response to the submission point made by Te Mana Ora to make additions to the policy to specify that access refers to walking and cycling, Ms Belgrave supports the addition as it is a helpful clarification.

209. The S42A report recommends the following amendments to CMUZ – PREC1 – P6:

> *CMUZ – PREC1 – P6*
>
> *Encourage **walking and cycling** access to and along the Grey/Māwhera River to the adjacent MUZ-Mixed Use Zone, the West Coast Wilderness Trail and Māwheranui Walkway.*

CMUZ – PREC 2 - Policy 7

210. In response to the submission point made by Te Mana Ora to make additions to the policy, Ms Belgrave does not support the additions. The submission is similar to that relating to CMUZ-P15, and Ms Belgrave acknowledges that the submission wording sets out good examples of a high-quality pedestrian environment, but the relief sought is considered to be too prescriptive for the policy.

211. Ms Belgrave recommends that CMUZ-PREC2-P7 be retained as notified.

CMUZ – PREC 2 - Policy 8

212. In relation to CMUZ-PREC2-P8, Ms Belgrave acknowledged the support from Ngāi Tahu and Te Mana Ora that both sought to retain the policy as notified.

213. Ms Belgrave recommends that CMUZ-PREC2-P8 be retained as notified.

CMUZ – PREC 2 - Policy 9

214. In response to the submission point made by Te Mana Ora to make additions to the policy referring to cycling, Ms Belgrave supports the addition.

215. In response to the submission point made by Foodstuffs that sought the addition of a new policy to take into account operational and functional need, Ms Belgrave does not support the addition. This is because it is recommended to add a reference to operational and functional needs in CMUZ-P4, which applies to all CUMZs, including the Town Centre Precincts.

216. The S42A report recommends the following amendments to CMUZ – PREC2 – P9:

> *CMUZ – PREC2 – P9*
>
> *Promote pedestrian **and cycling** links and pedestrian **and cycling** focused activity to link the Hokitika town centre to the Gibson Quay/Hokitika River and to the Hokitika beachfront.*

CMUZ – PREC 3 - Policy 10

217. In relation to CMUZ-PREC3-P10, Ms Belgrave acknowledged the support from Te Mana Ora that sought to retain the policy as notified.

218. Ms Belgrave recommends that CMUZ-PREC3-P10 be retained as notified.

CMUZ – PREC 3 - Policy 11

219. In response to the submission point made by Te Mana Ora to make additions to the policy, Ms Belgrave does not support the additions. The submission is like that relating to CMUZ-P15 and Ms Belgrave acknowledges that the submission wording sets out good examples of a high-quality pedestrian environment, but the relief sought is considered to be too prescriptive for the policy.

220. Ms Belgrave recommends that CMUZ-PREC3-P11 be retained as notified.

CMUZ – PREC 3 - Policy 12

221. In response to the submission point made by Te Mana Ora to make additions to the policy referring to cycling, Ms Belgrave supports the addition.

222. In response to the submission point made by Foodstuffs that sought the addition of a new policy to take into account operational and functional need, Ms Belgrave does not support the addition. This is because it is recommended to add a reference to operational and functional needs in CMUZ-P4, which applies to all CUMZs, including the Town Centre Precincts.

223. The S42A report recommends the following amendments to CMUZ – PREC3 – P12:

> *CMUZ – PREC3 – P12*
>
> *Promote pedestrian **and cycling** links and pedestrian **and cycling** focused activity to link Victoria Square to the Buller/Kaiwatiri Riverfront.*

CMUZ – PREC 4 - Policy 13

224. In relation to CMUZ-PREC4-P13, Ms Belgrave acknowledged the support from Te Mana Ora that sought to retain the policy as notified.

225. Ms Belgrave recommends that CMUZ-PREC4-P13 be retained as notified.

CMUZ – PREC 4 - Policy 14

226. In relation to CMUZ-PREC4-P14, Ms Belgrave acknowledged the support from Te Mana Ora that sought to retain the policy as notified.

227. Ms Belgrave recommends that CMUZ-PREC4-P14 be retained as notified.

CMUZ – PREC 4 - Policy 15 (New Policy)

228. In response to the submission point made by Foodstuffs that sought the addition of a new policy to take into account operational and functional need, Ms Belgrave does not support the addition. This is because it is recommended to add a reference to operational and functional needs in CMUZ-P4, which applies to all CUMZs, including the Town Centre Precincts.

229. Ms Belgrave does not recommend the addition of the new policy.

Hearing and Submitter Evidence

230. The legal submissions made by Ms Alex Booker on behalf of Foodstuffs accept the S42A report recommendation relating to CMUZ-P4 (with respect to operational and functional need), CMUZ-P13 (with respect to clause (c) and the addition of avoid, remedy and mitigate) and CMUZ-P15.

231. The legal submissions also accept the recommendation to relocate CMUZ-P6 to UFD-O3 and to amend the wording to delete '*rather than pulling away from the centre'*.

232. Ms Booker reiterates that for all other submission points made by Foodstuffs relating to the CMUZ policies, the position set out in the original submission is maintained.

233. The joint statement presented by Frida Inta and Buller Conservation Group requests that the words '*three waters'* be removed from CMUZ-P11 on the basis that it is an obsolete term.

234. Mr George van Pelt tabled a letter at the hearing on behalf of FENZ. The letter accepts the S42A recommendation not to make any changes to CMUZ-P11 as initially sought in the submission.

235. No evidence was presented at the hearing by any submitter relating to the policies of the CMUZ.

Reporting Officer Reply Evidence

236. In response to questions from the Panel regarding whether the precincts (PREC1-PREC4) were identified and mapped during notification, Ms Belgrave advised that they were not identified on the planning maps. However, there is reference to them in the text of the pTTPP in the rule headings. She confirmed that the spatial extent of each Precinct is the same as the land covered by the Town Centre zoning, noting that including the Precincts on the planning maps will not introduce any new information. The Panel note that the Overview in the CMUZ provides;

"*The TCZ - Town Centre Zone is found in the four main town centres of Reefton, Greymouth/Māwhera, Westport/Kawatiri and Hokitika. There are common policies and rules across the TCZ -Town Centre Zone; however, each town centre has a Precinct where specific additional policies and rules apply."*

We consider this to be of some assistance in clarifying that each Precinct covers the same area as the Town Centre zoning.

237. It is Ms Belgrave's recommendation to include the Precincts on the planning maps in response to submission point S538.395 by Buller District Council. It will also correct an error in the plan to cross-reference the rules to the maps.

238. Ms Belgrave provided a further assessment responding to discussions during the hearing and questions from the Panel regarding the recommendation in the S42A report to relocate several policies from the CMUZ (and INZ) chapters to the SD chapter. She reiterates the opinion set out in the S42A report that CMUZ-P5 to CMUZ-P8 are relevant to a plan change process and not for the direction of activities in the existing commercial zones. Additionally, she notes that the rules in these zones do not give effect to these policies.

239. Ms Belgrave's further assessment has resulted in the consolidation of the provisions proposed for relocation to the SD chapter. Ms Belgrave recommends that the following new objectives be added to the UFD part of the SD chapter:

UFD-OX:

Enable rezoning of brownfield sites for mixed use activities where:

d. The rezoning supports the effective and efficient use of land;

e. A reduction in commercial or industrial land supply will not affect the ability to meet the anticipated needs of commercial and industrial activities including those with specific locational requirements;

f. The mixed use development would not hinder the establishment or ongoing operation of surrounding commercial activities;

g. There is sufficient capacity and a suitable connection to wastewater, water supply, stormwater and safe and efficient transport networks; and

h. The anticipated amenity values of the adjoining commercial or industrial zone are not compromised.

UFD-OX2:

Require new CMUZ – Commercial and Mixed Use Zones and INZ – Industrial Zones to demonstrate the following:

a. Recognise the substantial investment by communities in town centres and their infrastructure by ensuring that any new CMUZ - Commercial and Mixed Use Zones are located where they support the function of town centres.

b. Locate outside of areas subject to significant risks from natural hazards, in wāhi tapu and sites and areas of significance to Māori, or significant natural areas.

c. Development maximises the efficient use of existing infrastructure where this is available.

d. All necessary infrastructure is funded and installed to the standards required by the Councils and the Plan. Where there is significant infrastructure serving multiple properties under different ownership this should be vested in the Council for ongoing maintenance and renewal.

UFD-OX3:

The vitality and strategic role of town centres is reinforced as the focal points for commercial and social activities.

240. Ms Belgrave's further assessment also considers the scope for making the recommended changes, noting that there is no specific submission that sought relocating the CMUZ policies to the SD chapter. Nevertheless, Ms Belgrave points to submissions[22] that sought to simplify and condense the pTTPP, and she considers the recommended changes to be in accordance with this relief.

241. Ms Belgrave has specifically considered the statement presented by Ms Inta at the hearing and comments that while she does not consider '*three waters*' to be an obsolete term, she does agree that deleting this phrase will simplify the policy. If the Panel agrees, she identifies that a consequential amendment to RESZ-P10 would also be appropriate to achieve consistency.

Hearing Panel's Evaluation

[22] Gina Hogart (S304.003), Suzanne Hills (S443.001), Shaun and Carissa du Plessis (S402.001).

242. The Panel has considered the submissions, further submissions and the various amendments proposed to the Commercial and Mixed Use policies.

243. In the first instance, the Panel agree with Ms Belgrave that no amendments are required to policies CMUZ-P1, CMUZ-P2, CMUZ-P3, CMUZ-P10, CMUZ-P11, CMUZ-P14, CMUZ-P16, CMUZ-17, CMUZ-P18, CMUZ-P19, CMUZ-PREC1-P1, CMUZ-PREC1-P2, CMUZ-PREC1-P3, CMUZ-PREC1-P4, CMUZ-PREC1-P5, CMUZ-PREC2-P7, CMUZ-PREC2-P8, CMUZ-PREC3-P10, CMUZ-PREC3-P11, CMUZ-PREC4-P13 and CMUZ-PREC4-P14.

244. With respect to CMUZ-P11, the Panel acknowledges Ms Inta's statement presented at the hearing that suggested removing the words '*three waters'* from the policy, and Ms Belgrave's right of reply evidence on the matter. However, as neither Mr Inta nor the Buller Conservation Group submitted on this policy, we have no scope to make any amendment. In any event, we do not consider the removal of the words is necessary.

245. The Panel accepts the evidence from Ms Belgrave that there is a mapping error insofar as the Precincts in each Town Centre have not been mapped. We also accept that the spatial extent of the four Precincts is the same as the TCZ for each location, based on Ms Belgrave's right of reply evidence which includes a further assessment that explains that each Precinct is referred to in each TCZ rule heading. Lastly, we observe that the last paragraph of the Overview in the CMUZ chapter provides the following guidance:

"The TCZ - Town Centre Zone is found in the four main town centres of Reefton, Greymouth/Māwhera, Westport/Kawatiri and Hokitika. There are common policies and rules across the TCZ - Town Centre Zone, however each town centre has a Precinct where specific additional policies and rules apply."

246. The Panel agree with Ms Belgrave to correct the typo in the Zone abbreviation at the start of the policies.

247. The Panel agree with Ms Belgrave's reasoning to amend CMUZ-P4 based on the submission from Foodstuffs, and we acknowledge that Foodstuffs has confirmed their agreement with the wording related to functional and operational needs in their legal submissions. We accept that there are situations where the actual functional and operation needs of a commercial development should be taken into account. We also agree to delete the words '*and is expected to'* and to replace *'minimised'* with *'mitigated'* in relation to visual effects from car parking areas.

248. The Panel has considered Ms Belgrave's recommendation to relocate CMUZ-P5 to CMUZ-P8 to the Strategic Directions Chapter. We disagree with this recommendation, as in our view the policies are too specific to be relocated to that part of the Plan. Regardless of this, we have recommended amendments to the Urban Form and Development section of the Strategic Directions Chapter, which will broadly provide context for the Commercial and Industrial provisions.

249. The Panel also acknowledges that no submissions were made to seek changes to CMUZ-P5 or CMUZ-P8, and that the submissions received in relation to CMUZ-P6 and CMUZ-P7 sought minor wording amendments by Foodstuffs. The Panel agrees with the amendment sought regarding CMUZ-P6. However, like Ms Belgrave, we do not consider the requested amendment to CMUZ-P7 to be necessary.

250. Notwithstanding that the Panel does not agree to relocate these policies, we have considered Ms Belgrave's right of reply evidence to simplify and consolidate these policies, relying on generalised submissions that sought to simplify and condense the pTTPP. In our view, the recommended redrafted policies remain lengthy and are no simpler than what was notified. We also consider that the scope to make these changes is tenuous. As such our recommendation is only to make the minor change sought by Foodstuffs to CMUZ-R6.

251. The Panel agree with Ms Belgrave's recommendation to clarify that the reference to *'parking'* in the context of CMUZ-P9 relates to cycle parking.

252. The Panel agree with Ms Belgrave's recommendation to remove the reference to the performance standards in clause (a) of CMUZ-P13 and to add the words *'avoid, remedy or mitigate'*. We also agree with the recommended amendment to clause (c) of the same policy. We acknowledge that the legal submissions for Foodstuffs accept the changes regarding the second and third matters. With respect to the reference to performance standards, we agree with Ms Belgrave that the notified wording will not enable non-compliances with the performance standards to be appropriately managed and so support the recommended wording.

253. The Panel agree with Ms Belgrave's recommendations to delete clauses (k) and (l) from CMUZ-R15. We acknowledge that the legal submissions for Foodstuffs accept these changes.

254. The Panel agree with Ms Belgrave that the additional wording of '*walking and cycling'* suggested by Te Mana Ora in CMUZ–PREC1–P6 is a helpful clarification, as is the addition of '*cycling*' in CMUZ–PREC2–P9 and CMUZ–PREC3–P12.

255. In relation the CMUZ-P12 the Panel note we have made and amendment to refer to regionally significant infrastructure which represents a Plan wide amendment.

256. In relation to the remainder of the submissions on the Policies, the Panel agree that these should be rejected based on the conclusions reached by Ms Belgrave.

Hearing Panel's Recommendation

257. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends accepting in part the submission point made by Buller District Council (S538.395) to amend the Planning Maps as follows:

    (a) Include a Westport Town Centre Precinct mapping overlay over the TCZ at Westport/Kawatiri;

    (b) Include a Greymouth Town Centre Precinct mapping overlay over the TCZ at Greymouth/Māwhera;

    (c) Include a Reefton Town Centre Precinct mapping overlay over the TCZ at Reefton; and

    (d) Include a Hokitika Town Centre Precinct mapping overlay over the TCZ at Hokitika.

258. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends that the relevant submission points identified in the footnotes below be accepted or accepted in part and that the following amendments be made to the **Commercial and Mixed Use Zone Policies**:

Commercial and Mixed Use Zones Policies	
Activities and Development in ~~CUMZ~~ CMUZ[23] – Commercial and Mixed Zones	
CMUZ – P1	Where cultural landscapes are identified in commercial areas or developments, ensure activities are managed in a way that provides for the cultural relationships of Poutini Ngāi Tahu including; a. Protection of wāhi tapu and taonga sites in Schedule Three of the Plan using Poutini Ngāi Tahu culturally appropriate methods; b. Identification and utilisation of opportunities to enhance sites, values and other taonga of cultural significance to Ngāi Tahu; and c. Protection of the relationship of Poutini Ngāi Tahu with freshwater, including cultural wellbeing and use opportunities.
CMUZ – P2	A range of activities are anticipated within CMUZ - Commercial and Mixed Use Zones which meet the needs of the local community with convenient and safe access and opportunities for economic growth and social interaction.
CMUZ – P3	Residential activities and visitor accommodation may occur in the TCZ - Town Centre and MUZ - Mixed Use Zones particularly where this enables the redevelopment of important landmark and heritage buildings.
CMUZ – P4	New development in CMUZ - Commercial and Mixed Use Zones should have quality design outcomes ~~and is expected to~~ **which**[24]: a. Acknowledge, and respond to, the context of the site and the surrounding environment; b. Ensure the bulk, form and siting of new buildings maintains and enhances the quality of the environment; c. Provide a quality street frontage with visual interest and connection with the street; and d. Ensure visual effects from car parking areas are ~~minimised~~ **mitigated; and**[25] e. **Recognises the functional need or operational need of activities.**[26]
New Locations for CMUZ – Commercial and Mixed Use Zones	
CMUZ – P5	Support the redevelopment of brownfield sites for mixed use activities where: a. A reduction in commercial or industrial land supply will not affect the ability to meet the anticipated needs of commercial and industrial activities including those with specific locational requirements; b. The mixed use development would not hinder the establishment or ongoing operation of surrounding commercial activities; c. There is sufficient capacity and a suitable connection to wastewater, water supply, stormwater and safe and efficient transport networks;

[23] Waka Kotahi NZ Transport Agency (S450.207)
[24] Foodstuffs (S464.013)
[25] Foodstuffs (S464.013)
[26] Foodstuffs (S464.013)

	d. The anticipated amenity values of the adjoining commercial or industrial zone are not compromised; e. If necessary, contaminated land is remediated in accordance with national and regional standards; and f. The redevelopment does not impact on: 1. The vitality and strategic role of town centres as the focal points for commercial and other activities; 2. The efficient and effective use of land; and 3. Community and transport infrastructure investment in centres.
CMUZ – P6	Recognise the substantial investment by communities in town centres and their infrastructure by ensuring that any new CMUZ - Commercial and Mixed Use Zones are located where they support the function of town centres. ~~-rather than pulling activity away from the centre~~[27]
CMUZ – P7	New CMUZ - Commercial and Mixed Use Zones should not be located in areas subject to significant risks from natural hazards, in wāhi tapu or significant natural areas.
Infrastructure in Commercial and Mixed Use Zones	
CMUZ – P8	Where new CMUZ - Commercial and Mixed Use Zones are developed these should fund and install infrastructure to the standards required by the Councils and the Plan. Where there is significant infrastructure serving multiple properties under different ownership this should be vested in the Council for ongoing maintenance and renewal.
CMUZ – P9	Provide a range of transport modes to and from the town centres including public transport, cycling routes and **<u>associated cycle</u>**[28] parking and encouraging more pedestrian friendly streets.
CMUZ – P10	The use of energy efficient systems and products, low impact stormwater design and other environmentally sustainable elements in new building and development is encouraged.
CMUZ – P11	Ensure that developments are serviced with all required infrastructure in an effective and efficient manner. Where new infrastructure such as roads and three waters (wastewater, water supply, stormwater) is provided to service new commercial areas across multiple properties then this should be vested with the Council rather than be retained as private infrastructure.
CMUZ – P12	Avoid reverse sensitivity effects on **<u>regionally significant</u>** ~~strategic~~ infrastructure[29] including: a. Hokitika and Westport Airports and Greymouth Aerodrome; b. The rail network; c. The State Highway Network; d. The Ports of Westport and Greymouth;

[27] Foodstuffs (S464.014)
[28] Waka Kotahi NZ Transport Agency (S450.210), Grey District Council (S608.697)
[29] Consequential Plan wide amendment stemming from Energy, Infrastructure and Transport recommendation

	e. Community wastewater treatment and water supply plants; f. The National Grid.
Policies for Specific Commercial and Mixed Use Zones	
CMUZ – P13	Activities in the COMZ - Commercial, MUZ - Mixed-Use and NCZ - Neighbourhood Centre Zones should: a. ~~Meet performance standards on development and land use that maintain~~ **Maintain** or enhance the amenity of the commercial areas and ~~do not create~~ **avoid, remedy or mitigate**[30] adverse effects beyond the boundaries of these areas, particularly in respect of residential areas; a. Provide safe urban design (including pedestrian and vehicle safety); and b. ~~Avoid the fragmentation~~ **Encourage compact urban form**[31] of town centres.
CMUZ – P14	Trade retail and trade suppliers should locate in existing COMZ - Commercial Zone or MUZ - Mixed Use Zone but not within the TCZ - Town Centre Zone or in the NCZ - Neighbourhood Centre Zone.
CMUZ – P15	Activities within the TCZ - Town Centre Zones should: a. Maintain or enhance natural and historic features and built form; b. Adaptively reuse existing heritage buildings where practicable; c. Recognise and implement good urban design; d. Provide for low-speed vehicle movement; e. Allow for noise associated with commercial activities including bars and restaurants; f. Provide for commercial signs associated with on-site activities; g. Provide a high-quality pedestrian environment, with pedestrian oriented street layout; h. Have consolidated on-street parking; i. Have efficient wastewater, water supply and stormwater infrastructure that maximises the use of existing services; j. Allow for a range of transport options; ~~k. Have new buildings built to a high standard up to the street frontage and predominantly with verandahs over the footpath; and~~ ~~l. Be activities reliant on pedestrian movement.~~[32]
CMUZ – P16	The NCZ - Neighbourhood Centre Zone should provide for retail and community facilities which serve the immediate local community and should not undermine town centre function and identity.
CMUZ – P17	COMZ - Commercial Zoned areas within small settlements should primarily provide access to local shopping and community facilities to serve that settlement.

[30] Foodstuffs (S464.016)
[31] Foodstuffs (S464.016)
[32] Foodstuffs (S464.017)

CMUZ – P18	Encourage the redevelopment of sites within the MUZ - Mixed Use Zone.
CMUZ – P19	Over the long-term, promote the relocation of sporadic out-of-zone industrial activities in CMUZ - Commercial and Mixed Use Zones to INZ - Industrial Zoned areas
Additional Policies for Town Centre Precincts	
Town Centre Zone - Greymouth/Māwhera Town Centre Precinct Policies	
CMUZ – PREC1 – P1	Activities and development within the TCZ - PREC1 -Greymouth/Māwhera Town Centre Precinct should reflect the Greymouth/Māwhera CBD Redevelopment Plan and any subsequent plans for the town centre redevelopment and invigoration.
CMUZ – PREC1 – P2	Seek to intensify activity within the TCZ - PREC1 - Greymouth/Māwhera Town Centre Precinct by fully utilising the existing building stock – including allowing offices, cafes and restaurants, residential apartments and visitor accommodation in upper floors above street level.
CMUZ – PREC1 – P3	Celebrate Greymouth/Māwhera's unique historic and Poutini Ngāi Tahu heritage and identity by repurposing existing landmark and heritage buildings and the use of the Greymouth/Māwhera Town Centre Design Guidelines.
CMUZ – PREC1 – P4	Promote the development of green corridors connecting the Grey/Māwhera River to Victoria Park, Sawyers Creek Wetlands and the lagoon.
CMUZ – PREC1 – P5	Require high quality design outcomes in the TCZ - PREC1 - Greymouth/Māwhera Town Centre Precinct which adhere to the Greymouth/Māwhera Town Centre Design Guidelines. In particular, new development and additions and alterations to existing buildings are expected to: a. Acknowledge, and respond to, the context of the site and the surrounding environment; b. Create visual interest and be in keeping with streetscape values; c. Address Poutini Ngāi Tahu and historic heritage values and design elements; d. Create a vibrant, active pedestrian environment; e. Take into account sustainable building design and Crime Prevention through Environmental Design (CPTED) principles; f. Utilise the Greymouth Pounamu and Māori Heritage paint palette on building frontages; and g. Ensure continuous verandah coverage on the Main Street Frontage of the TCZ - PREC1 - Greymouth/Māwhera Town Centre Precinct.
CMUZ – PREC1 – P6	Encourage **walking and cycling**[33] access to and along the Grey/Māwhera River to the adjacent MUZ- Mixed Use Zone, the West Coast Wilderness Trail and Māwheranui Walkway.
Town Centre Zone - Hokitika Town Centre Precinct Policies	

[33] Te Mana Ora (S190.710)

CMUZ – PREC2 – P7	Reinforce the pedestrian priority in the TCZ - PREC2 - Hokitika Town Centre Precinct by requiring verandahs, active street frontage and a high quality pedestrian environment which reflects the Hokitika Town Centre Design Guidelines.
CMUZ – PREC2 – P8	Provide for and enable the inclusion of elements of Poutini Ngāi Tahu culture in the design of buildings and structures in the TCZ - PREC2 - Hokitika Town Centre Precinct.
CMUZ – PREC2 – P9	Promote pedestrian **and cycling** links and pedestrian **and cycling**[34] focused activity to link the Hokitika town centre to the Gibson Quay/Hokitika River and to the Hokitika beachfront.
Town Centre Zone – Westport/Kawatiri Town Centre Precinct Policies	
CMUZ – PREC3 – P10	Ensure that the design, scale and layout of commercial development and buildings in the TCZ - PREC3 - Westport/Kawatiri Town Centre Precinct is compatible with the character of the town.
CMUZ – PREC3 – P11	Reinforce Palmerston Street between Henley St and Rintoul St as the heart of Westport/Kawatiri by requiring verandahs, active street frontage and a high quality pedestrian environment.
CMUZ – PREC3 – P12	Promote pedestrian **and cycling** links and pedestrian **and cycling**[35] focused activity to link Victoria Square to the Buller/Kaiwatiri Riverfront.
Town Centre Zone – Reefton Town Centre Precinct Policies	
CMUZ – PREC4 – P13	Ensure that the design, scale, location and layout of development and buildings in the TCZ - PREC4 - Reefton Town Centre Precinct are compatible with the historic character of this area.
CMUZ – PREC4 – P14	Require new development and additions to exterior facades of buildings on the Main Street Frontage of the TCZ - PREC4- Reefton Town Centre Precinct to adhere to the Reefton Historic Town Centre Design Guidelines.

3.5. Commercial and Mixed Use Zones (Zoning and Rezoning)

Submissions and Further Submissions

259. Twenty-four submission points relating to the zoning of land in the Commercial and Mixed Use Zone were summarised in a Table on pages 48-50 of the s42A Report. Eleven submissions supported the zoning. Thirteen submissions sought an amendment to the zoning of land.

260. The Panel adopts these summaries and has considered all of the relevant submissions and further submissions.

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[34] Te Mana Ora (S190.713)
[35] Te Mana Ora (S190.716)

261. Ms Belgrave acknowledges that as no substantive technical evidence was provided to support any commercial zoning requests, any recommended rezonings reflect clear errors in the zoning maps or where there are clear reasons with respect to achieving the zone objectives and policies and other higher order directives.

262. In relation to the zoning of specific properties, Ms Belgrave acknowledged the support from numerous submission points[36] to retain the zoning as notified.

263. In response to the four submission points[37] that sought to retain the CMUZ zoning as notified other than for the amendment sought regarding Lot 1 DP 16517, Pt Sec 104 Town of Westport/Lot 2 A 444, and Lot 1 DP 475753, Ms Belgrave acknowledged the support.

264. In response to the submission points made by the Avery Brothers and Te Mana Ora, Ms Belgrave acknowledges the more general support for the CMUZ zoning as notified.

265. In response to the submission point made by Griffen & Smith Limited that has queried the COMZ zoning of land northeast of Raleigh Street and west of the railway line Ms Belgrave agrees that this land is unlikely to be developed due to its topography and the presence of the stop bank. She recommends that it be rezoned to Open Space zone.

266. In response to the submission point made by the TTPP Committee to rezone three properties[38] that are all occupied by corner dairies or takeaway shops to NCZ from GRZ, Ms Belgrave supports the relief sought. These sites were accidental omissions from the notified zoning and in terms of consistency across the pTTPP, rezoning to NCZ will align with the rest of the region.

267. In response to the submission point made by Lara Kelly that sought to rezone land from GRZ to COMZ on the eastern side of SH6 from Weld Street to Stafford Street, Hokitika, Ms Belgrave supports the relief sought in part. She supports rezoning the four properties[39] that front Fitzherbert Street (SH6) to COMZ as they are currently being used for commercial purposes (petrol station, mechanics, motel and Kiwi Camps). She does not support rezoning all properties in the block.

268. In response to the five submission points[40] that sought to rezone land[41] on the corner of Russell and Pakington Street in Westport from GRZ to COMZ, Ms Belgrave supports the relief sought in part. She supports rezoning the land that is currently occupied by Mitre 10 (Lot 1 DP 16517, Pt Sec 104 Town of Wesport/Lot 2 A 444) as there are inefficiencies in having a split zone for an existing land use. However, Ms Belgrave does not support the rezoning of Lot 1 DP 475753 on the southern side of Pakington Street. The land is currently being used for car parking, and without any technical evidence or aspirations for the future use of the site, Ms Belgrave considers the notified zoning should be retained.

269. In response to the submission made by Griffen & Smith Limited (S253.004) that sought to rezone the land within the road and rail corridors around the Mitre 10 site in Greymouth from

[36] Leonie Avery (S507.079), Jared Avery (S508.079), Kyle Avery (S509.079), Avery Bros (S510.079), Bradshaw Farms (S511.079), Paul Avery (S512.079), Brett Avery (S513.079), Griffen & Smith Ltd (S253.001), Griffen & Smith Ltd (S253.002)
[37] Chris and Jan Coll (S558.349), Chris J Coll Surveying Limited (S566.349), William McLaughlin (S567.408), Laura Coll McLaughlin (S574.349)
[38] 23 Marine Parade, Donaldos Store, Carter's Beach; Lot 7 DP 16517, 46 Derby Street, Luffy's Corner Dairy and Grumpy's Takeaways, Westport; Section 675 TN OF Westport, 21 Disraeli Street, Arkwrights Dairy and Takeaways, Westport
[39] Lot 1 DP 3569, Lot 2 DP 3710, Lot 1 DP 1188, Lot 1 DP 2480 & Lot 2 DP 2480)
[40] Martin & Co Westport Ltd and Lumberland Building Market Westport (S543.013), Chris & Jan Coll (S558.348), Chris J Coll Surveying Limited (S566.348), William McLaughlin (S567.407) and Laura Coll McLaughlin (S574.348)
[41] Lot 1 DP 16517, Pt Sec 104 Town of Wesport/Lot 2 A 444, Lot 1 DP 475753

GRZ to COMZ, Ms Belgrave does not support the relief sought. This is because, the submission is unclear as to what land is to be rezoned. She invited the submitter to clarify their position.

270. In Ms Belgrave's addendum to the S42A report, she acknowledged the planning evidence from Ms Pauline Hadfield in relation to the Griffen & Smith submission and advises that it has been reallocated to the Rural Zones hearing stream for consideration.

Hearing and Submitter Evidence

271. A statement presented by Mr Kevin Scanlon on behalf of Martin & Co Westport Ltd and Lumberland Building Market Westport acknowledged and supported the S42A report recommendation to rezone the land occupied by Mitre 10 (Lot 1 DP 16517, Pt Sec 104 Town of Wesport/Lot 2 A 444) to COMZ.

272. Mr Scanlon provided background to the use of the land on the southern side of Pakington Street (Lot 1 DP 475753). He confirmed that it is currently being used as a car park and that this is a condition of the resource consent that relates to the garden centre in the Mitre 10. On that basis, he reiterates that the land should also be rezoned to COMZ. Additionally, all the land is rated as one property.

273. Ms Hadfield evidence for Griffen & Smith Limited provided a map that identifies and clarifies the land in the vicinity of the Griffen & Smith Mitre 10 and the Blaketown Lagoon that she considers should be zoned to be in keeping with the adjoining zoning.

Reporting Officer Reply Evidence

274. In response to the information presented at the hearing by Mr Scanlon relating to the land on the southern side of Pakington Street (Lot 1 DP 475753), Ms Belgrave agrees that the clarification supports the rezoning of the land to COMZ and she supports the relief sought by the submitter.

Hearing Panel's Evaluation

275. The Panel agrees with the zoning amendments recommended by Ms Belgrave in her S42A report.

276. Additionally, following Mr Scanlon's statement to the Panel, we are satisfied that the land on the southern side of Pakington Street (Lot 1 DP 475753) is being used as a car park, which is a condition of the resource consent that relates to the garden centre in the Mitre 10. Therefore, we (and Ms Belgrave in her right of reply) recommend that this land should also be rezoned to COMZ.

277. In relation to the remainder of the submissions on rezoning, the Panel agrees that these should be rejected based on the conclusions reached by Ms Belgrave.

Hearing Panel's Recommendation

278. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends that the relevant submission points identified in the footnotes below are accepted or accepted in part and recommends the following changes in zoning on the **Planning Maps** to the properties detailed in the Table below:

Zoning	
Precincts	Greymouth/Māwhera (PREC1) Hokitika (PREC2) Reefton (PREC4) Westport/Kawatiri (PREC3)[42]
Open Space Zone	Raleigh Street[43]
Neighbourhood Centre Zone	23 Marine Parade 46 Derby Street 21 Disraeli Street[44]
Commercial Zone	Properties between Weld Street and Stafford Street on SH6, being Lot 1 DP 16517, Pt Sec 104 Town of Wesport/Lot 2 A 444, Lot 1 DP 475753[45] 7 Pakington Street and 34 Russell Street[46] 8 Pakington Street and 36 Russell Street[47]

4. COMMERCIAL ZONE

4.1. General/Whole Chapter

Submissions and Further Submissions

279. Four submission points relating to general matters concerning the Commercial Zone were summarised in a Table on page 55 of the S42A Report. The Panel has considered the relevant submissions received and adopts the summaries in the s42A Report.

280. The Panel adopts these summaries and has considered all the relevant submissions and further submissions.

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281. Ms Belgrave acknowledges the submission point made by Karen Lippiatt that sought to enable people to live in the COMZ. The submission sought no specific relief.

282. In response to the submission point made by the New Zealand Motor Caravan Association that sought to provide for camping and campgrounds as a permitted activity, Ms Belgrave does not support the relief sought. This is due to the potential for adverse amenity and character impacts within the COMZ and any surrounding residential areas.

283. In response to the submission point made by Martin & Co Westport Limited and Lumberland Building Market that sought to allow for building development as a permitted activity, such as

[42] Buller District Council (S538.395)
[43] Griffen & Smith Limited (S253.003)
[44] Te Tai o Poutini Plan Committee (S171.019)
[45] Lara Kelly (S421.003)
[46] Martin & Co Westport Ltd and Lumberland Building Market Westport (S543.013), Chris & Jan Coll (S558.348), Chris J Coll Surveying Limited (S566.348), William McLaughlin (S567.407) and Laura Coll McLaughlin (S574.348)
[47] Martin & Co Westport Ltd and Lumberland Building Market Westport (S543.013), Chris & Jan Coll (S558.348), Chris J Coll Surveying Limited (S566.348), William McLaughlin (S567.407) and Laura Coll McLaughlin (S574.348)

the buildings owned by the submitter in Westport, Ms Belgrave does not support the relief sought. This is mainly because the submitter has not identified specific activities for inclusion in the rules.

284. In response to the submission point made by Ngāi Tahu that sought to have Poutini Ngāi Tahu values as part of controlled and restricted discretionary activities, Ms Belgrave notes that this is a common submission point across multiple hearing streams. She also notes that the activities that fall into the controlled and restricted discretionary activity categories are varied, and without any specific drafting from the submitter, it is unclear what values may be impacted as a result of the non-compliances with the rules. Therefore, Ms Belgrave does not support the relief sought in the submission point.

285. Ms Belgrave did not make any recommendations to amend the provisions in response to these submission points.

Hearing and Submitter Evidence

286. No evidence was presented at the hearing in relation to these general submission points.

Reporting Officer Reply Evidence

287. There was no specific consideration of these general matters in the reply evidence.

Hearing Panel's Evaluation

288. The Panel agree with Ms Belgrave that no amendments to the COMZ are necessary in response to the general submission points and agrees that these should be rejected based on the conclusions reached by Ms Belgrave.

Hearing Panel's Recommendation

289. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends that no changes be made to the provisions in relation to the general matters raised in submissions across the COMZ and that the relevant submission points be rejected.

4.2. Commercial Zone Overview

Submissions and Further Submissions

290. One submission point and one further submission point relating to the Commercial Zone Overview were summarised in a Table on page 56 of the s42A Report. Both submission points sought to retain the overview as notified.

291. The Panel adopts this summary, having considered all relevant submissions and further submissions.

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292. In relation to the submission point made by Foodstuffs and the supporting further submission made by Martin & Co Westport Limited and Lumberland Building Market Westport, Ms Belgrave acknowledged the support from the submitters that seek to retain the overview as notified.

293. Ms Belgrave recommends that the Commercial Zone Overview is retained as notified.

Hearing and Submitter Evidence

294. The legal submissions made by Ms Alex Booker on behalf of Foodstuffs accepts the S42A report recommendation relating to the Overview.

295. No other evidence was presented at the hearing in relation to the Overview.

Reporting Officer Reply Evidence

296. There was no specific consideration of these general matters in the reply evidence.

Hearing Panel's Evaluation

297. The Panel agree with Ms Belgrave to accept the submission points that sought to retain the COMZ Overview as notified, and therefore no changes are necessary. We agree that the submission points be accepted based on the conclusions reached by Ms Belgrave.

Hearing Panel's Recommendation

298. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends accepting the submission from Foodstuffs (S464.002) and further submission from Martin & Co Westport Limited and Lumberland Building Market Westport (FS140.015) and that no changes be made to the **Commercial Zone Overview**.

4.3. Commercial Zone – Rules

Submissions and Further Submissions

299. Eighteen submission points and three further submission points relating to **COMZ-R1** were summarised in a Table on pages 57-62 of the S42A Report. Two submission points supported the retention of the rule as notified. Thirteen submission points sought amendments.

300. Eight submission points and one further submission point relating to **COMZ-R2** were summarised in a Table on page 65 of the S42A Report. Two submission points supported the retention of the rule as notified. Six submission points sought amendments.

301. Nine submission points and one further submission point relating to **COMZ-R3** were summarised in a Table on page 66 of the S42A Report. Eight submission points supported the retention of the rule as notified. One submission point sought amendments.

302. Fourteen submission points and one further submission point relating to **COMZ-R4** were summarised in a Table on pages 69-71 of the S42A Report. Three submission points supported the retention of the rule as notified. Ten submission points sought to delete the rule, and the remaining one submission point sought amendments.

303. Ten submission points and one further submission point relating to **COMZ-R5** were summarised in a Table on page 66 of the S42A Report. Three submission points supported the retention of the rule as notified. Seven submission point sought amendments.

304. Eight submission points and one further submission point relating to **COMZ-R6** were summarised in a Table on pages 73-75 of the S42A Report. Two submission points supported the retention of the rule as notified. Six submission points sought amendments.

305. Seven submission points relating to **COMZ-R7** were summarised in a Table on pages 77-78 of the S42A Report. One submission point supported the retention of the rule as notified. Six submission points sought to delete the rule.

306. Eighteen submission points relating to **COMZ-R8** were summarised in a Table on page 76 of the S42A Report. Two submission points supported the retention of the rule as notified. Ten submission points sought to delete the rule, while the remaining six submission points sought to amend the rule.

307. Seven submission points relating to **COMZ-R9** were summarised in a Table on pages 79-80 of the S42A Report. All the submission points supported the retention of the rule as notified.

308. Seven submission points relating to **COMZ-R10** were summarised in a Table on page 80 of the S42A Report. Two submission points supported the retention of the rule as notified and five submissions sought amendment to the rule.

309. Seven submission points relating to **COMZ-R11** were summarised in a Table on page 81 of the S42A Report. Two submission points supported the retention of the rule as notified and five submissions sought to delete the rule.

310. The Panel adopts these summaries and has considered all the relevant submissions and further submissions.

Section 42A Report

COMZ-R1: Commercial Activities, Community Facilities, Emergency Service Facilities, Community Corrections Activity, Educational Facilities and Visitor Accommodation Activities and Buildings

311. Ms Belgrave acknowledged the support from Te Mana Ora and the Department of Corrections that support the rule as notified. The acknowledgement is subject to recommended amendments that arise from other submission points.

312. Ms Belgrave supports the relief sought in the submission point made by Waka Kotahi. The submission sought clarification as to whether the requirements of the rule are to be considered as performance standards, and if so, the activities listed in the heading should be a separate rule. Ms Belgrave acknowledges the confusion regarding the terminology used throughout the rules in this chapter. She therefore recommends that the rule heading be amended so it applies to all new buildings, additions and alterations to existing buildings, landscaping, and external storage and the activities be moved to a new separate rule.

313. The two submission points from the Ministry of Education and Foodstuffs both sought to amend the activity status of an activity that does not comply with the permitted standards of the rule. MOE sought that non-compliance with COMZ-R1.1 – 6 all be restricted discretionary, while Foodstuffs sought a restricted discretionary activity status apply when there is non-compliance with COMZ-R1.3 – 6. Ms Belgrave supports the relief sought by these submissions in part. She recommends that a restricted discretionary activity status should apply to COMZ-R1.2 – 6. This is because the potential effects associated with these infringements can be readily identified and a restricted discretionary activity status will provide improved efficiency and certainty for applicants. She recommends retaining the discretionary activity status for

any height infringement due to a greater range of potential effects on character and amenity. This recommendation creates a consequential amendment to COMZ-R6 to add additional matters of discretion.

314. In response to the submission point made by BDC that sought amendments to simplify the landscaping requirements on the basis that the notified controls are not workable for smaller-scale commercial development, Ms Belgrave supports the relief sought in part. She supports deleting COMZ-R1.3(ii), which relates to landscaping along a Residential Zone boundary, as other rules manage the form and location of buildings at this interface. Additionally, she also supports the deletion of the minimum height requirement for landscaping in COMZ-R1.3(i). Ms Belgrave recommends retaining clauses (iii) and (iv) as these will only apply to larger-scale developments.

315. In response to the second part of the submission point made by BDC to make minor amendments to COMZ-R1.5 and COMZ-R1.6, Ms Belgrave does not support the relief sought to COMZ-R1.5 as she does not consider the specificity to be necessary. Regarding COMZ-R1.6 Ms Belgrave agrees that the reference to a written approval is more appropriately included as an advice note. However, she recommends that the word '*setbacks*' be replaced by *'rules'*.

316. In response to the submission point made by Griffen & Smith Ltd to delete COMZ-R1.4 Ms Belgrave does not support the relief sought. The rule restricts the building length when it adjoins a Residential Zone and Ms Belgrave considers that long uninterrupted building elevations have the potential to adversely affect residential character.

317. Ms Belgrave supports the relief sought by Davis Ogilvie & Partners in their submission to change the word *'encouraged*' to *'required'* in COMZ-R1.3(iii) as it provides greater certainty.

318. In response to the five submission points[48] that sought to make the landscaping rules less onerous, Ms Belgrave considers that the proposed provisions for landscaping within COMZ-R1.3 are generally in keeping with landscaping requirements within commercial zones and areas and therefore does not support the relief sought. Additionally, the submitters have not suggested alternative wording.

319. In response to the five submission points[49] that sought to increase the maximum building height from 12m to 15m, Ms Belgrave supports the relief sought as it is consistent with the commercial zones in the operative District Plans.

320. Ms Belgrave does not support the relief sought by FENZ in their submission point to request amendments to COMZ-R1.5 so that screening of external storage areas does not obscure or obstruct access of emergency signage or response facilities such as hydrants. This is because she considers that it adds unnecessary complexity to the rule and that any screening (that is controlled by COMZ-R3) would be required on privately owned land.

321. The S42A report recommends that COMZ-R1 be amended as follows:

COMZ-R1 <u>New Buildings, External Additions and Alterations to Existing Buildings, Landscaping, and External Storage</u> ~~Commercial Activities, Community Facilities, Emergency Service Facilities,~~

[48] Martin & Co Westport Ltd and Lumberland Building Market Westport (S543.014), Chris & Jan Coll (S558.350), Chris J Coll Surveying (S566.350), William McLaughlin (S567.409), and Laura Coll McLaughlin (S574.350)
[49] Martin & Co Westport Ltd and Lumberland Building Market Westport (S543.014), Chris & Jan Coll (S558.352), Chris J Coll Surveying (S566.352), William McLaughlin (S567.410), and Laura Coll McLaughlin (S574.352)

~~Community Corrections Activity, Educational Facilities and Visitor Accommodation Activities and Buildings~~

Activity Status Permitted

Activity status where compliance not achieved:

*Restricted Discretionary where **rules** ~~standards~~ **2-6** ~~5 and 6~~ are not complied with. Discretionary where **rule 1 is** ~~standards 1-4 are~~ not complied with.*

Where:

1. *The maximum height above ground level is ~~12~~ **15** metres except that this does not apply to hose drying towers at Emergency Service Facilities;*
2. *…*
3. *Landscaping shall be provided as follows:*
   i. *The area adjoining the road frontage of all sites shall contain a minimum 1.5m landscaping strip ~~that will, within two years of being planted, reach a minimum height of 1m~~;*
   ~~ii. On sites adjoining a RESZ - Residential Zone a 2m wide landscaping strip shall be provided adjacent to the RESZ - Residential Zone boundary and shall be planted with species, which at maturity, will screen the buildings from the adjoining sites; and~~
   iii. *…*
4. *…*
5. *…*
6. *No building projects beyond a building envelope defined by a recession plane as defined in Appendix Two to commence 2.5m above any site boundary ~~except where the neighbouring property owner's written approval is provided to the Council at least 10 working days prior to the works commencing~~. This standard does not apply to:*
   i. *Road boundaries;*
   ii. *Buildings on adjoining sites that have a common wall along the boundary;*
   iv. *Boundaries abutting an access lot or right of way in which case the furthest boundary of the access lot or right of way may be used for assessing compliance with this standard;*
   v. *Antennas, aerials, satellite dishes (less than 1m in diameter), chimneys, flues and architectural features (eg finials, spires) provided these do not exceed the recession plane by more than 3m vertically;*
   vi. *Solar panels and solar water heaters provided these do not exceed the height in relation to boundary plane by more than 0.25m vertically.*

Advice Notes

1. *Any landscaping required by this rule may be located in common areas, where the development comprises land and/or buildings in separate unit titles.*
2. ***Where boundary rules are infringed, the Deemed Permitted Activity Boundaries process will apply where the neighbouring property owner's written approval is provided to Council.***
3. ~~***The acoustic insulation requirements for noise sensitive activities as set out in Rule NOISE - R3 also apply***~~

322. The S42A report also recommends the addition of a new rule as follows:

COMZ-R2A Commercial Activities, Community Facilities, Emergency Service Facilities, Community Corrections Activity, Educational Facilities and Visitor Accommodation Activities

Activity status Permitted

Activity status when compliance not achieved: Restricted Discretionary

Where:

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

Advice Notes:

1. ***The acoustic insulation requirements for noise sensitive activities as set out in Rule NOISE - R3 also apply***

COMZ-R2: Minor Structures

323. Ms Belgrave acknowledged the support from Te Mana Ora and FENZ that support the rule as notified. The acknowledgement is subject to recommended amendments that arise from other submission points.

324. In response to the six submission points[50] that sought to delete COMZ-R2.1 Ms Belgrave supports the relief in part. She supports amendments to simplify the rule to only refer to COMZ-R1.2 which relates to setbacks. The remaining clauses of COMZ-R2 set out the height requirements for minor structures.

325. The S42A report recommends that COMZ-R2 be amended as follows:

COMZ-R2 Minor Structures

Activity Status Permitted

Activity status where compliance not achieved: Discretionary

Where:

1. ~~***All performance standards for***~~ *Rule COMZ - R1****.2 is*** ~~***are***~~ *complied with;*
2. *Masts, poles, aerials and pou whenua must not exceed 7m in height;*
3. *…*

COMZ-R3: Fences, Walls and Retaining Walls

326. Ms Belgrave acknowledged the support from the eight submitters that support the rule as notified.

327. Ms Belgrave does not support the relief sought by Griffen & Smith Ltd that to amend the rule so that fences (or parts of fences) greater than 2m and adjoin a residential zone or road are required to be visually permeable. This is because she considers it more appropriate to consider these matters as part of a resource consent process for any fencing over 2m.

328. The S42A report recommends that COMZ-R3 be retained as notified.

COMZ-R4: Relocated Buildings

[50] Buller District Council (S538.397), Martin & Co Westport Ltd and Lumberland Building Market Westport (S543.015), Chris & Jan Coll (S558.353), Chris J Coll Surveying Limited (S566.353), William McLaughlin (S567.411), and Laura Coll McLaughlin (S574.353)

329. In response to the ten submission points[51] that sought to delete COMZ-R4, Ms Belgrave supports the relief sought. She agrees with these submitters that the rule is unnecessary and creates duplication, as there is still a requirement to comply with COMZ-R1 and the Building Act.

330. Ms Belgrave notes that TCZ-R13 allows for relocated buildings as a restricted discretionary activity in the TCZ, which she considers an appropriate way to assess the amenity effects. Subject to scope, she suggests introducing a similar rule in the COMZ.

331. As a consequence of the recommendation to delete this rule, Ms Belgrave does not support the relief sought from the other four submission points to either amend or retain the rule.

332. The S42A report recommends that COMZ-R4 be deleted.

COMZ-R5: Residential Buildings and Activities

333. Ms Belgrave acknowledged the support from the three submitters that support the rule as notified. The acknowledgement is subject to recommended amendments that arise from other submission points.

334. In response to the six submission points[52] that sought amendments to the rule to make it less prescriptive, complex and onerous, Ms Belgrave considers that the intent of the rule is appropriate to achieve good quality amenity outcomes for residents, and able to co-locate with commercial activities in the COMZ. Nevertheless, she agrees that the rules can be simplified to reduce complexity, and she recommends the following amendments:

    a. Deleting the requirements to provide an outdoor service space as this creates duplication with the requirements for outdoor living space; and

    b. Amending the requirements for waste management space where it applies to a multi-unit developments; and

    c. Reducing the size requirements for outdoor living spaces for residential units with two or more bedrooms; and

    d. Amending the size requirements for outlook spaces to include a minimum depth in addition to a minimum width. (Ms Belgrave recommends the inclusion of a diagram to assist with interpretation).

335. Ms Belgrave supports the relief sought by GDC to correct the typo in COMZ-R5.4(v)(3) from *'species'* to *'spaces'*.

336. Ms Belgrave also recommends deleting 'buildings' from the rule heading as a consequential amendment to the Waka Kotahi submission point (S450.213).

337. The S42A report recommends that COMZ-R5 be amended as follows:

COMZ-R5 Residential ~~Buildings and~~ Activities

[51] Chris and Jan Coll (S558.003, S558.355), Chris J Coll Surveying Limited (S566.003, S566.355), William McLaughlin (S567.003, S567.413) and Laura Coll McLaughlin (S574.003, S574.355), Buller District Council (S538.399), Martin & Co Westport Ltd and Lumberland Building Market Westport (S543.017)

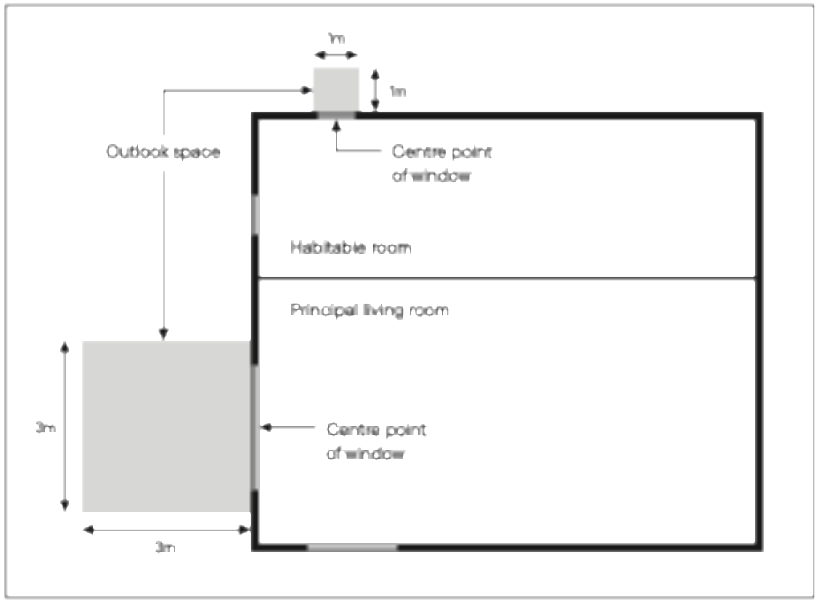
[52] Buller District Council (S538.400), Martin & Co Westport Ltd and Lumberland Building Market Westport (S543.018), Chris & Jan Coll (S558.356), Chris J Coll Surveying Limited (S566.356), William McLaughlin (S567.414), and Laura Coll McLaughlin (S574.356)

Activity Status Permitted

Activity status where compliance not achieved: Non-complying

Where:

1. ***~~All performance standards for Rule COMZ - R1 are complied with~~****;*
2. *…*
3. *…*
4. *Each residential unit shall be provided with:*
   i. ***~~An outdoor service space of 3m² and a~~*** *A waste management area of 2m² per unit, each with a minimum dimension of 1.5 metres in* ***~~either~~*** *a private* ***~~or communal~~*** *area* ***or 9m² with a minimum dimension of 2.8m in a communal area****;*
   ii. *A single, indoor storage space of 4m³ with a minimum dimension of 1 metre*
   iii. *Any space designated for waste management, whether private or communal, shall not be located between the road boundary and any building and shall be screened from adjoining sites, roads, and adjoining outdoor living spaces by screening of the waste management area to a height of 1.5 metres; and*
   iv. *Each residential unit shall be provided with an outdoor living space of:*
      1. ***~~6~~*** ***8****m² minimum area and* ***~~1.5~~*** ***2*** *metres minimum dimension* ***~~for a studio or 1 bedroom unit~~***
      ~~2. 10m² minimum area and 1.5 metres minimum dimension for a 2 or 3 bedroom unit;~~
      ~~3. 15m² minimum area and 1.5 metres minimum dimension for 3 or more bedrooms~~
   v. *Each residential unit shall be provided with outlook space from each habitable room from the largest window in the room as follows:*
      1. *A principal living room must have an outlook space with a minimum dimension of 3 metres in width* ***and depth****;*
      2. *All other habitable rooms must have an outlook space with a minimum dimension of 1m in width* ***and depth****;*
      3. *The width of the outlook species spaces is measured from the centre point of the largest window on the building face to which it applies;*
      4. *Outlook spaces may be within the same site or over a public street or other public open space;*
      5. *Outlook spaces required from different rooms within the same building may overlap;*
      6. *Outlook space must:*
         a. *Be clear and unobstructed by buildings; and*
         b. *Not extend over an outlook space or outdoor living space required by another dwelling.*



COMZ-R6: Commercial Activities, Community Facilities, Educational Facilities, Emergency Service Facilities, Community Corrections Activities, and Visitor Accommodation Activities and Buildings not meeting the External Storage, Building Length or Recession Plane performance standards of Rule COMZ-R1

338. Ms Belgrave acknowledged the support from Te Mana Ora and Griffen & Smith Ltd that support the rule as notified. The acknowledgement is subject to recommended amendments that arise from other submission points.

339. Ms Belgrave reiterates the consequential amendment to add extra matters of discretion to this rule that arises from the recommendation responding to the MOE submission in relation to COMZ-R1:

    a. *Bulk, location and design of storage, buildings and structures;*
    b. *Effects on the safety, amenity and attractiveness of the street or public places;*
    c. *Visual dominance, privacy and shading effects on neighbouring sites; and*
    d. *Materials being stored and the period of time for storage.*

340. In response to the submission point made by BDC, (and an opposing further submission from Martin & Co) that sought to add two matters of discretion relating to shading, loss of sunlight and character and amenity, Ms Belgrave supports the relief sought in the original submission. This is because it will assist with making a full assessment of character and amenity effects as part of the resource consent process.

341. In response to the five submission points[53] that sought to amend COMZ-R6.1 to enable activities that do not create any increase in existing non-compliance, Ms Belgrave does not support the relief sought. This is because she considers it more appropriate that any non-compliance be considered thoroughly either to determine existing use rights or as a resource consent.

[53] Martin & Co Westport Ltd and Lumberland Building Market Westport (S543.019), Chris & Jan Coll (S558.357), Chris J Coll Surveying (S566.357), William McLaughlin (S567.415), and Laura Coll McLaughlin (S574.357)

342. The S42A report appendix recommends that COMZ-R6 be amended as follows:

> ***COMZ-R6 ~~Commercial Activities, Community Facilities, Educational Facilities, Emergency Service Facilities, Community Corrections Activities, and Visitor Accommodation Activities and~~ New Buildings and External Additions and Alterations to Existing Buildings not meeting ~~the External Storage, Building Length or Recession Plane performance standards of~~ Rule COMZ-R1***
>
> *Activity Status Restricted Discretionary*
>
> *Activity status where compliance not achieved: Discretionary*
>
> *Where:*
>
> 1. *All performance standards for **Rule COMZ - R1.1 is ~~other than those that relate to External Storage and Recession Planes are~~** complied with.*
>
> *Discretion is restricted to:*
>
> ***~~a. Materials being stored;~~***
>
> ***~~b. Period of time for storage;~~***
>
> ***~~c. Distance from boundary; and~~***
>
> ***~~d. Bulk, location and design of storage, buildings and structures.~~***
>
> ***a. Bulk, location and design of storage, buildings and structures;***
>
> ***b. Effects on the safety, amenity and attractiveness of the street or public places;***
>
> ***c. Visual dominance, privacy and shading effects on neighbouring sites; and***
>
> ***d. Materials being stored and the period of time for storage.***

COMZ-R7: Relocated Buildings meeting Rule COMZ-R4 or Recession Plane performance standards of Rule COMZ-R1

343. In response to the six submission points[54] that sought to delete the rule, Ms Belgrave supports the relief sought as it is consequential to the recommendation to delete COMZ-R4.

344. Ms Belgrave rejects the relief sought to retain the rule by Te Mana Ora.

345. The S42A report recommends that COMZ-R7 be deleted.

COMZ-R8: Commercial Activities, Community Facilities, Educational Facilities, Emergency Service Facilities, Community Corrections Activities, Visitor Accommodation Activities and Buildings, Relocated Buildings, Minor Structures, Fences, Walls and Retaining Walls not meeting Permitted or Restricted Discretionary Activity Standards

346. In response to the ten submission points[55] that sought to delete the rule, Ms Belgrave supports the relief sought as it follows the recommendations to COMZ-R1 and COMZ-R6.

347. The recommendation to delete the rule also achieves the relief sought by the submission points[56] to delete provisions related to relocated buildings.

[54] Buller District Council (S538.402), Martin & Co Westport Ltd and Lumberland Building Market Westport (S543.020), Chris & Jan Coll (S558.004), Chris J Coll Surveying (S566.004), William McLaughlin (S567.004), and Laura Coll McLaughlin (S574.004)
[55] Ministry of Education (S456.034), Martin & Co Westport Ltd and Lumberland Building Market Westport (S543.021), Chris & Jan Coll (S558.358, S558.359), Chris J Coll Surveying Limited (S566.358, S566.359) William McLaughlin (S567.416, S567.417), and Laura Coll McLaughlin (S574.358, S574.359)
[56] Chris & Jan Coll (S558.005), Chris J Coll Surveying Limited (S566.005), William McLaughlin (S567.005), and Laura Coll McLaughlin (S574.005)

348. Given the recommendation to delete the rule, Ms Belgrave rejects the submission points to either retain the rule or make amendments to it.

349. The S42A report recommends that COMZ-R8 be deleted.

COMZ-R9: Residential Activities and Buildings not meeting the standards in Rule COMZ - R5

350. In response to the seven submission points[57] that sought to retain the rule, Ms Belgrave acknowledges the relief sought. However, as the non-complying activity status is already provided for in COMZ-R5, she recommends deleting COMZ-R9 to simplify the chapter.

351. The S42A report recommends that COMZ-R9 be deleted.

COMZ-R10: Industrial Activities

352. Ms Belgrave acknowledged the support from Te Mana Ora and Buller District Council that support the rule as notified.

353. In response to the five submission points[58] that sought to amend the non-complying activity status to discretionary, Ms Belgrave does not support the relief sought. This is because the location of industrial activities within the COMZ is not anticipated and has the potential to undermine the intended purpose to accommodate commercial and residential activities and may also generate a range of effects that adversely affect the higher level of amenity anticipated within the COMZ.

354. The S42A report recommends that COMZ-R10 be retained as notified.

COMZ-R11: Any activity not provided for by another Rule in the zone

355. Ms Belgrave acknowledged the support from Te Mana Ora and Buller District Council that support the rule as notified.

356. In response to the five submission points[59] that sought to delete the rule, Ms Belgrave does not support the relief sought. This is because she considers a catch all rule is the most efficient and effective way to manage activities that are not anticipated within the zone. Further, she considers a non-complying activity status to be appropriate given the activities are not anticipated and variable nature of potential effects.

357. The S42A report recommends that COMZ-R11 be retained as notified.

Hearing and Submitter Evidence

358. The legal submissions made by Ms Alex Booker on behalf of Foodstuffs accepts the S42A report recommendation relating to COMZ-R1 and COMZ-R8.

359. Ms Hadfield's evidence for Griffen & Smith Limited confirms that all recommendations in the S42A report relating to the rules in the COMZ are accepted by the submitter.

[57] S538.404; S190.728; S543.022; S558.360; S566.360; S567.418; S574.360
[58] Martin & Co Westport Ltd and Lumberland Building Market Westport (S543.023), Chris & Jan Coll (S558.361), Chris J Coll Surveying Limited (S566.361), William McLaughlin (S567.419) and Laura Coll McLaughlin (S574.361)
[59] Martin & Co Westport Ltd and Lumberland Building Market Westport (S543.024), Chris & Jan Coll (S558.363), Chris J Coll Surveying Limited (S566.363), William McLaughlin (S567.420) and Laura Coll McLaughlin (S574.363)

360. Mr George van Pelt tabled a letter at the hearing on behalf of FENZ. The letter accepts the S42A recommendation to not make any changes to COMZ-R1.5 as originally sought in the submission.

361. A letter from Ms Daly Williams on behalf of the Ministry of Education was tabled at the hearing. The letter accepts the separation of COMZ-R1 into two rules (one for buildings and one for activities). However, the Ministry sought to add an exemption for educational facilities in reference to the advice note and having to consider NOISE-R3.

362. A letter from Ms Michelle Grinlinton-Hancock on behalf of KiwiRail was tabled at the hearing. The letter draws the Panel's attention to the fact that none of KiwiRail's submission points were allocated to this hearing stream, and as a result the S42A report did not address any aspect of the submission made by KiwiRail. Despite this, KiwiRail sought relief relating to building setbacks from the rail corridor in all zones. In the COMZ a setback of 4.5m is sought[60].

363. Ms Grinlinton-Hancock explains in the letter that KiwiRail seeks setback controls to appropriately manage the health and safety of communities and ensure the ongoing operation of KiwiRail's network as nationally and regionally significant infrastructure. She sets out that a safety setback is critically important to enable landowners to safely access their properties, avoid significant safety risks, and protect the rail corridor from interference.

364. Despite not making any submissions on the rules of the COMZ, Ms Frida Inta presented a statement at the hearing offering views on the S42A recommendation. With respect to COMZ-R1, Ms Inta sought an addition to the end of COMZ-R1.3(i):

> *The area adjoining the road frontage of all sites shall contain a minimum 1.5m landscaping strip* ~~***that will, within two years of being planted, reach a minimum height of 1m***~~ ***to provide for shrubbery.***

365. Ms Inta does not agree with the S42A recommendation to delete COMZ-R1.3(ii). She considers that landscaping is necessary to soften the angular lines of buildings, create aesthetic appeal and ameliorate wind tunnelling. Her suggested amendment is as follows:

> *On sites adjoining a RESZ - Residential Zone a 2m wide landscaping strip shall be provided adjacent to the RESZ - Residential Zone boundary* ~~***and shall be planted with species, which at maturity, will screen the buildings from the adjoining sites.***~~ ***to provide for flora.***

366. Ms Inta's statement questions the permitted maximum 10m² area set in COMZ-R2.5 for minor structures, when she notes that the building code allows structures to be 30m² before a building consent is required.

367. The evidence presented by Mr Jonathan Bhana-Thomson on behalf of the NZ Heavy Haulage Association reiterated the relief sought in the original submission to provide for relocated buildings as a permitted activity. The statement sets out that the Association does not support the deletion of rules relating to relocated buildings.

368. Mr Bhana-Thomson's evidence sets out the process for relocating a building. It states that in his experience, the relocation of a building generally involves less construction disturbance than the on-site construction of a building. Other benefits include lower labour costs and the reuse of existing buildings. Additionally, he advises that there is no requirement in the

[60] As set out in evidence for Topic 1, to align with the road boundary setback rules.

Building Act to complete the relocation or reinstatement of a building within a particular timeframe.

369. Ms Inta's statement considers that if COMZ-R4 is to be deleted (as recommended by the reporting planner in the S42A report), then it would be necessary to include a reference to relocated buildings in COMZ-R1. She also considers that this would necessitate consequential changes to other rules throughout the CMUZs. Notwithstanding this, Ms Inta, considers that it is necessary to include rules for relocated buildings.

370. Ms Inta's statement does not agree with the S42A recommendation to delete '*buildings*' from the heading of COMZ-R5, as she considers that '*activities*' does not cover the spatial requirements in the rule.

Reporting Officer Reply Evidence

371. In relation to the recommended changes to COMZ-R1 and in response to questions from the Panel regarding the addition of a new rule, Ms Belgrave reconsidered the scope to enable this amendment. She explains that the new rule is consequential to the submission point made by Waka Kotahi. In order to respond to the relief sought to separate performance standards from specific activities, a new rule is necessary to provide for the activities listed in the notified version of the rule.

372. Consequential to the separation of COMZ-R1 into two rules (one for building controls and one for activities) and in response to Ms Inta's statement that was presented at the hearing, Ms Belgrave supports a number of amendments to restructure and relocate standards between the relevant rules. This has resulted in amendments to all the Commercial and Industrial chapters. However, the wording and intent of the provisions have not changed through this process, and no new additions have been made to the requirements of the standards.

373. In response to the letter tabled by KiwiRail at the hearing, a joint right of reply has been prepared as the issues traverse various hearing streams. The joint right of reply agrees that a building setback from the rail corridor is appropriate in certain circumstances. As part of the consideration the reporting planners have reviewed other plans, considered the variability of use (of the rail corridor) and the type of buildings/structures a setback should apply to. The planners also note that the railway designation is considerably wider than the railway line itself and so there is already an effective buffer between the railway activity and the adjacent private land. Additionally, the railway line is also generally parallel to the state highway.

374. With regard to the COMZ, the reporting planners do not support the relief sought by KiwiRail for a 4.5m building setback from the railway corridor. They consider that a 4.5m setback would have a significant impact on the land available for development, and that it is excessive in this zone (as well as the Mixed Use Zone). Notwithstanding that the reporting planners consider that it is more efficient to manage relevant effects through the designation process, they recommend a rule to require new buildings to be setback 1.5m from the railway corridor. The rule should exclude accessory buildings and structures. The recommended wording is as follows:

COMZ-R1

2. Any building or structure is set back:

iii. ***1.5m from the railway corridor boundary, excluding accessory buildings and structures***

375. In response to the evidence presented by Mr Bhana-Thomson on behalf of the NZ Heavy Haulage Association Ms Belgrave reconsidered the rules for relocated buildings in the COMZ, MUZ and NCZ. She also considered recommendations made for similar rules in the Residential Zones. Ms Belgrave understands that the purpose of the permitted activity standards for relocatable buildings is to manage potential amenity effects generally associated with achieving an acceptable exterior building quality within a specified timeframe.

376. On the understanding that the purpose of COMZ-R4 (and similar rules in MUZ and NCZ) is to address amenity effects and particularly through standards which require the timely finishing of building works, Ms Belgrave agrees that the standards can address the existing concerns for relocatable buildings and their visual appearance. Furthermore, she considers that a permitted activity status (and compliance with the relevant standards) will encourage redevelopment and revitalisation within the relevant Commercial and Mixed Use zones.

377. In regard to the restricted discretionary activity rule that applies to relocated buildings (COM-R7), Ms Belgrave considers it appropriate to include an additional matter of discretion that will relate to the timing of completing necessary building or reinstatement work. The recommended wording is:

> *Appearance of buildings* ***and the completion of any building reinstatement works identified in a building inspection report****.*

378. Subject to the addition of the above matter of discretion, Ms Belgrave recommends it appropriate to retain COMZ-R4 for relocated buildings (with minor amendments to Standard 2, consistent with the NZ Heavy Haulage Association submission). She notes that this is also consistent with the recommendations in the Residential Zone hearing stream.

379. The recommended wording is as follows:

> *COMZ-R4 Relocated Buildings*
>
> *Activity Status Permitted*
>
> *Where:*
>
> 1. *All performance standards for Rule COMZ - R1 are complied with;*
> 2. *Any relocated building intended for use as a dwelling must have been designed,* ~~***and***~~ *built****, and*** ~~***to be***~~ *used as a dwelling;*
> 3. *A building pre-inspection report shall accompany the application for a building consent for the destination site. That report is to identify all reinstatement works that are to be completed to the exterior of the building. The report shall include a certification by the property owner that the reinstatement works shall be completed within a 12 month period;*
> 4. *The building shall be located on permanent foundations approved by building consent no later than 2 months of the building being moved to the site; and*
> 5. *All other reinstatement work required by the building inspection report and the building consent to reinstate the exterior of any relocated dwelling shall be completed within 12 months of the building being delivered to the site. This reinstatement work is to include connections to all infrastructure services and closing in and ventilation of the foundations.*

380. The right of reply considers the question of whether there are provisions in the COMZ that will create opportunities for greater residential development. Ms Belgrave identifies rules COMZ-R1 and COMZ-R5 that provide for new buildings and residential activities as permitted activities. She comments that these permitted standards will encourage residential development by removing costs associated with a resource consent process.

381. The right of reply considers the letter tabled by Ms Williams on behalf of the Ministry of Education and specifically the relief sought to include an exclusion from the noise provisions for education facilities. Ms Belgrave maintains her view that such an exclusion is not necessary. She does not consider it efficient to reiterate the exclusions that apply to designations, and that if education facilities establish outside of a designated site, then the noise provisions should be relevant for consideration.

Hearing Panel's Evaluation

COMZ-R1

382. The Panel agree with Ms Belgrave regarding her recommendation to separate COMZ-R1 into two rules (one for building controls and one for activities). We agree that this addresses the concerns raised by Waka Kotahi in their submission point. Furthermore, we accept Ms Belgrave's right of reply, evidence that the addition of a new rule is consequential to the submission point, and that it is necessary to provide for the activities listed in the notified version of the rule.

383. The new rule reference is COMZ-R5, and the Panel notes that because of the addition, there is a change to the numbering sequence throughout the chapter.

384. We acknowledge Ms Inta's statement (presented at the hearing) that commented on the recommended changes to COMZ-R1, and the separation of the rule into two. We are also aware that neither Ms Inta nor the Buller Conservation Group submitted to this rule. Notwithstanding that, the Panel agree with Ms Belgrave's right of reply evidence that recommends restructuring and relocating standards between the rules, ensuring that building related standards are in COMZ-R1 and that activity related standards are in the new rule, being COMZ-R5. However, we disagree that Ms Inta's statement provides scope for these changes, and we consider it more appropriate that these changes are consequential to the Waka Kotahi submission.

385. The Panel agree with Ms Belgrave's recommended response to the submission points made by the Ministry of Education and Foodstuffs to make non-compliance with clauses COMZ-R1 (2) – (5) a restricted discretionary activity, while retaining a full discretionary activity status for non-compliance with the building height clause. We acknowledge that the legal submissions for Foodstuffs accept these changes.

386. The Panel agree with Ms Belgrave's recommendation to delete the second part of COMZ-R1(3)(i) that relates to ensuring landscaping planting reach 1m in height. We acknowledge Ms Belgrave's recommendation also to delete COMZ-R1(3)(ii), citing the submission from BDC. However, the submission did not seek deletion of this clause, and therefore, we consider we have no scope to agree with Ms Belgrave's recommendation on this particular amendment.

387. The Panel agree with Ms Belgrave and the BDC that the exception in COMZ-R1(6) relating to the written approval is better included as an advice note. We also agree with Ms Belgrave's recommendation to refer to boundary '*rules*' (rather than '*setbacks*') to ensure all rules that are subject to the deemed permitted boundary activity process are captured.

388. The Panel acknowledges that Ms Pauline Hadfield's evidence on behalf of Griffen & Smith Limited accepts the recommended amendments made to the COMZ rules, and so effectively resolves their submission points.

389. The Panel agree with Ms Belgrave and Davis Ogilvie & Partners that replacing '*encouraged*' with *'required'* in COMZ-R1.3(iii) provides greater certainty and clarity.

390. The Panel agree with Ms Belgrave's reasons and recommendation to accept the relief sought in the multiple submission points to increase the maximum building height in the COMZ to 15m.

391. The Panel acknowledge that KiwiRail's submission points were not recorded or reported on in the S42A report. We have considered the submission, the letter tabled at the hearing and the joint right of reply prepared on the matter by Ms Belgrave and Ms Easton. We agree with the right of reply evidence that a 5m setback from the rail corridor is excessive and would result in inefficiencies in terms of land use. While we acknowledge the safety issue raised by KiwiRail, we consider a 1.5m setback, as recommended in the right of reply, more appropriate and would, we consider, still address the safety concerns around building maintenance. We also consider that the rule should refer to the setback being from the '*rail designation*' rather than the '*rail corridor*' to provide a definitive point of measurement.

392. In relation to the remainder of the submissions on COMZ-R1, the Panel agrees that these should be rejected based on the conclusions reached by Ms Belgrave.

COMZ-R2

393. The Panel agree with Ms Belgrave's recommendation to amend the wording of COMZ-R2(1) to ensure that the setback standards of COMZ-R1 apply. We also agree with the right of reply wording, which reflects a standardised approach for referencing rules and has been applied throughout the Plan.

394. In relation to the remainder of the submissions on COMZ-R2, the Panel agrees that these should be rejected based on the conclusions reached by Ms Belgrave.

COMZ-R3

395. The Panel agree with Ms Belgrave's recommendation to make no changes to COMZ-R3. We acknowledge that the only submitter that sought any amendment was Griffen & Smith Limited and we refer to Ms Pauline Hadfield's evidence on behalf of this submitter that accepts the recommended amendments made to the COMZ rules, and so effectively resolves their submission point.

COMZ-R4

396. The Panel acknowledge Ms Belgrave's revised position concerning the NZ Heavy Haulage Association Inc submission and statement presented at the hearing, and we accept her right of reply recommendation to retain COMZ-R4 with minor amendments.

COMZ-R5

397. The Panel agrees with Ms Belgrave's recommendations to amend clause 4 of the rule to simplify and reduce complexity regarding the requirements for residential units in the COMZ. We also agree with the inclusion of a diagram to illustrate and help with the interpretation of the outlook space part of the rule. However, we recommend amending the diagram so that the larger outdoor space has dimensions of 3m x 3m to reflect the wording of the rule. We also recommend consolidating COMZ-R5.4(iv) into a single clause, as the deletion of the

alternative dimensions for different-sized residential units makes the list structure of the clause redundant.

398. The Panel also agrees to correct the typo in COMZ-R5.4(v)(3) and to delete '*buildings'* from the rule heading as a consequential amendment to the Waka Kotahi submission point (S450.213).

399. The Panel acknowledge Ms Inta's statement that was presented at the hearing, which made a comment about the recommended changes to this rule. However, as neither Ms Inta nor the Buller Conservation Group made a submission on this rule, there is no scope to consider Ms Inta's statement.

400. In relation to the remainder of the submissions on COMZ-R5, the Panel agrees that these should be rejected based on the conclusions reached by Ms Belgrave.

401. Due to the changes to the numbering sequence, this rule becomes COMZ-R6 in our recommendation.

COMZ-R6

402. The Panel agree with Ms Belgrave that there is a need for consequential changes to this rule given the recommended separation of COMZ-R1 in response to the submission point from Waka Kotahi. We also agree with the recommended amendments to the matters of discretion that arise from the MOE submission in relation to COMZ-R1.

403. We also agree with separating COMZ-R6 into two restricted discretionary activity rules (in the same vein as the separation of COMZ-R1), and we agree with the recommended wording of the rule as set out in Ms Belgrave's right of reply evidence.

404. In relation to the remainder of the submissions on COMZ-R6, the Panel agrees that these should be rejected based on the conclusions reached by Ms Belgrave.

405. Due to the changes to the numbering sequence, these two rules become COMZ-R7 and COMZ-R8 in our recommendation.

COMZ-R7

406. The Panel acknowledge Ms Belgrave's revised position concerning the NZ Heavy Haulage Association Inc submission and statement presented at the hearing, and we accept her right of reply recommendation to retain COMZ-R7 with minor amendments.

407. The Panel notes at this point that as part of a Plan wide amendment stemming from a submission by Manawa (S438.100) reference to '*landscape measures*' and '*landscape treatment*' have been removed from the matters of discretion and replaced with '*measures to mitigate landscape effects*' throughout the chapter.

408. In relation to the remainder of the submissions on COMZ-R7, the Panel agrees that these should be rejected based on the conclusions reached by Ms Belgrave.

409. Due to the changes to the numbering sequence, this rule becomes COMZ-R9 in our recommendation.

COMZ-R8

410. Having reviewed COMZ-R8 in an overall context the Panel disagree with Ms Belgrave that the rule should be deleted. This is a because of the fundamental structure of the rules in the Plan which requires there to be a corresponding rule when an activity status is escalated. Therefore, in this case we consider a discretionary activity rule is necessary to address the activities that would otherwise be a controlled or restricted discretionary activity where one or more of the performance standards are not complied with.

411. Subsequently, we have turned our minds to the performance standards of the rule and the appropriateness of retaining them, particularly as multiple submissions seek their deletion. With respect to standards 1 and 3, these are the same as the permitted standard and therefore there is nothing to be gained by retaining them in the discretionary activity rule. In terms of standard 2, as there is no policy that would direct or support the retention of the standard controlling the length of a building abutting a residential zone, and more particularly to support the escalation of any non-compliance with this to non-complying, we also recommend deleting this clause.

412. The Panel note that this aligns with our plan wide recommendation that the catch-all rule have an activity status of discretionary. We consider that the escalation of the construction of buildings, minor structures, fences, walls and retaining walls to a non-complying activity in the COMZ when activities that are not provided for is a discretionary activity to be inappropriate, especially in the context of the policy direction.

413. In relation to the remainder of the submissions on COMZ-R8, the Panel accepts the submission points that sought to delete the references to relocated buildings[61], as our previous recommendations on this matter mean that an activity status cannot escalate beyond restricted discretionary.

414. In relation to the remainder of the submissions on COMZ-R8, the Panel agrees that these should be rejected based on the conclusions reached by Ms Belgrave.

415. Due to the changes to the numbering sequence, this rule becomes COMZ-R10 in our recommendation.

COMZ-R9

416. For the same reasons that we do not support the recommendation to delete COMZ-R8, the Panel also disagrees with Ms Belgrave that COMZ-R9 should be deleted. This is a because the permitted rule for Residential Activities escalates non-compliance to a non-complying activity status and therefore to be consistent with the structure of the rules in the Plan, the rule should be retained. Therefore, we accept the submission points made regarding this rule.

417. However, the Panel recommends consequential changes to the wording of the rule heading to ensure co-ordination with the other rules in the table.

COMZ-R10

418. The Panel agree with Ms Belgrave's recommendation to retain this rule and agrees that the submission points that sought to change the activity status to discretionary should be rejected based on the conclusions reached by Ms Belgrave.

[61] Chris & Jan Coll (S558.005), Chris J Coll Surveying Limited (S566.005), William McLaughlin (S567.005), and Laura Coll McLaughlin (S574.005)

419. Notwithstanding our recommendation, the Panel notes that there is a gap in the policy direction to support this rule, and we are conscious that there is an absence of "avoid", or other suitably worded policy, that would indicate industrial activities should not be established in this zone. However, CMUZ-P19 does support the relocation of existing industrial activities already established in the zone to be moved in Industrial Zoned areas.

COMZ-R11

420. The Panel acknowledges that COMZ-R11 is a catch-all rule intended to manage activities not specifically provided for in the other rules. The Panel has considered this matter plan-wide and we agree with the submitters that such rules are better placed as discretionary; otherwise, they are unnecessarily limiting in our view and could have unforeseen consequences. Therefore, it is our recommendation to relocate this rule to the discretionary section of this chapter. We rely on the submissions of William McLaughlin (S567.395), Chris & Jan Coll (S558.335), Chris J Coll Surveying Limited (S566.335) and Vance and Carol Boyd (S447.003) to provide the scope.

Hearing Panel's Recommendation

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

Commercial Zone Rules		
Note: There may be a number of Plan provisions that apply to an activity, building, structure and site. In some cases, consent may be required under rules in this Chapter as well as rules in other Chapters in the Plan. In those cases, unless otherwise specifically stated in a rule, consent is required under each of those identified rules. Details of the steps Plan users should take to determine the status of an activity are provided in General Approach.		
Permitted Activities		
COMZ - R1	**New Buildings and External Additions or Alterations to Existing Buildings** ~~Commercial Activities, Community Facilities, Emergency Service Facilities, Community Corrections Activity, Educational Facilities and Visitor Accommodation Activities and Buildings~~[62]	
Activity Status Permitted Where: 1. The maximum height above ground level is ~~12~~ **15**[63] metres except that this standard does not apply to hose drying towers at Emergency Service Facilities; 2. Any building or structure is set back:		**Activity status where compliance not achieved:** Restricted Discretionary where standards ~~5 and~~ **2 – 5** ~~6~~ are not complied with.

[62] Waka Kotahi (S450.213)
[63] Martin & Co Westport Ltd and Lumberland Building Market Westport (S543.014), Chris & Jan Coll (S558.352), Chris J Coll Surveying (S566.352), William McLaughlin (S567.410), Laura Coll McLaughlin (S574.352)

i. 3m from any RESZ - Residential Zone or OSRZ - Open Space and Recreation Zone; and ii. 3m from the road boundary, except for; sites with frontage to two roads in the COMZ - Commercial Zone can have a 3m setback on one road boundary and 1.5m setback on the other road boundary; iii. **1.5m from the railway designation boundary, excluding accessory buildings and structures.**[64] 3. Landscaping shall be provided as follows: i. The area adjoining the road frontage of all sites shall contain a minimum 1.5m landscaping strip ~~that will, within two years of being planted, reach a minimum height of 1m~~[65]; ii. On sites adjoining a RESZ - Residential Zone a 2m wide landscaping strip shall be provided adjacent to the RESZ - Residential Zone boundary and shall be planted with species, which at maturity, will screen the buildings from the adjoining sites; and iii. The planting of 1 tree per 20 carparking spaces is ~~encouraged~~ **required**[66] within any carparking area. iv. Stormwater facilities that provide water quality treatment and landscape amenity, should be incorporated into landscaped areas, where practicable, to achieve effective stormwater management in an integrated manner. 4. The maximum building length is 20m where this abuts a RESZ - Residential Zone; **and** ~~5. External storage is screened by a 1.8m fence or landscaping so that it is not visible from any adjoining residential zone boundary or adjoining public place; and~~[67] 5. No building projects beyond a building envelope defined by a recession plane as defined in Appendix Two to commence 2.5m above any site boundary ~~except where the neighbouring property owner's written approval is provided to the Council at least 10 working days prior to the works commencing.~~[68] This standard does not apply to:	Discretionary where standard~~s~~ 1~~-4 are~~ **is**[71] not complied with.

[64] KiwiRail (S442.093)
[65] Buller District Council (S538.396)
[66] Davis Ogilvie & Partners (S465.035)
[67] Consequential to Waka Kotahi (S450.213)
[68] Buller District Council (S538.396)
[71] Ministry of Education (S456.033) and Foodstuffs (S464.023)

i. Road boundaries; ii. Buildings on adjoining sites that have a common wall along the boundary; iii. Boundaries abutting an access lot or right of way in which case the furthest boundary of the access lot or right of way may be used for assessing compliance with this standard; iv. Antennas, aerials, satellite dishes (less than 1m in diameter), chimneys, flues and architectural features (eg finials, spires) provided these do not exceed the recession plane by more than 3m vertically; v. Solar panels and solar water heaters provided these do not exceed the height in relation to boundary plane by more than 0.25m vertically. **Advice Notes:** 1. Any landscaping required by this rule may be located in common areas, where the development comprises land and/or buildings in separate unit titles. 2. **Where boundary rules are infringed, the Deemed Permitted Activity Boundaries process will apply where the neighbouring property owner's written approval is provided to Council.**[69] ~~3. The acoustic insulation requirements for noise sensitive activities as set out in Rule NOISE - R3 also apply.~~[70]	
COMZ – R2 **Minor Structures**	
Activity Status Permitted Where: 1. ~~All performance standards for~~ **Standard 2 for** Rule COMZ - R1 **is** ~~are~~[72] complied with; 2. Masts, poles, aerials and pou whenua must not exceed 7m in height; 3. Any antenna dish must be less than 1m in diameter;	**Activity status where compliance not achieved:** Discretionary

[69] Buller District Council (S538.396)
[70] Waka Kotahi (S450.213)
[72] Buller District Council (S538.397), Martin & Co Westport Ltd and Lumberland Building Market Westport (S543.015), Chris & Jan Coll (S558.353), Chris J Coll Surveying Limited (S566.353), William McLaughlin (S567.411), Laura Coll McLaughlin (S574.353)

4. Any ornamental or garden structure must not exceed 2.4 m in height; and 5. Any other structure must not exceed 10m² and 2m in height.	
COMZ – R3 **Fences, Walls and Retaining Walls**	
Activity Status Permitted Where: 1. Fences, walls and retaining walls are a maximum 2m height above ground level; and 2. The fence, wall or retaining wall is not used for advertising or any other purpose other than a fence, retaining wall or wall. **Advice Note:** Retaining walls greater than 1m in height should be subject to engineered design and meet the Building Code.	**Activity status where compliance not achieved:** Discretionary
COMZ – R4 **Relocated Buildings**	
Activity Status Permitted Where: 1. All performance standards for Rule COMZ - R1 are complied with; 2. Any relocated building intended for use as a dwelling must have been designed**,** ~~and~~ built**, and** ~~to be~~ used as a dwelling; [73] 3. A building pre-inspection report **in accordance with Appendix 11**[74] shall accompany the application for a building consent for the destination site. That report is to identify all reinstatement works that are to be completed to the exterior of the building. The report shall include a certification by the property owner that the **exterior** reinstatement works **including connections to infrastructure services and closing in and ventilation of the foundations** shall be completed within a 12-month period **of the building being delivered to the site; and**[75]; 4. The building shall be located on permanent foundations approved by building consent no later than 2 months of the building being moved to the site.~~; and~~ ~~5. All other reinstatement work required by the building inspection report and the building consent to reinstate the exterior of any~~	**Activity status where compliance not achieved:** **Refer to COMZ-R1 for where standard 1 is not complied with.** Restricted Discretionary **where standards 2 to 5 are not complied with.**[77]

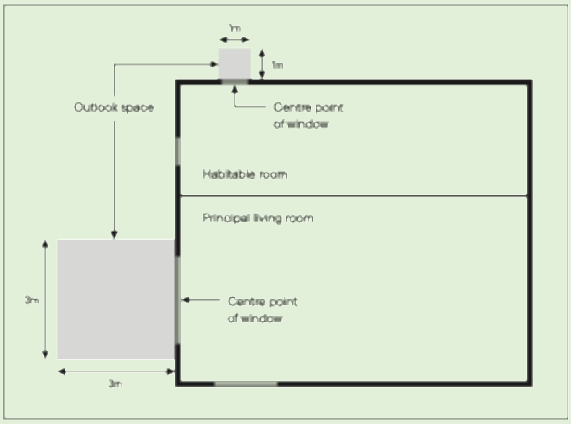
[73] New Zealand Heavy Haulage Association Inc (S616.001)
[74] New Zealand Heavy Haulage Association Inc (S616.002)
[75] Chris and Jan Coll (S558.003, S558.355), Chris J Coll Surveying Limited (S566.003, S566.355), William McLaughlin (S567.003, S567.413), Laura Coll McLaughlin (S574.003, S574.355), Buller District Council (S538.399), Martin & Co Westport Ltd and Lumberland Building Market Westport (S543.017)
[77] Consequential to Waka Kotahi (S450.213)

~~relocated dwelling shall be completed within 12 months of the building being delivered to the site. This reinstatement work is to include connections to all infrastructure services and closing in and ventilation of the foundations.~~[76]		
COMZ – R5	**Commercial Activities, Community Facilities, Emergency Service Facilities, Community Corrections Activity, Educational Facilities and Visitor Accommodation Activities**[78]	
Activity status Permitted **Where:** **1. External storage is screened by a 1.8m fence or landscaping so that it is not visible from any adjoining residential zone boundary or adjoining public place.** **Advice Note:** **1. The acoustic insulation requirements for noise sensitive activities as set out in Rule NOISE - R3 also apply.**		**Activity status when compliance not achieved: Restricted Discretionary**[79]
COMZ – R~~5~~6[80]	**Residential ~~Buildings and~~**[81] **Activities**	
Activity Status Permitted Where: ~~1. All performance standards for Rule COMZ – R1 are complied with;~~[82] 1. This is ancillary to a Commercial Activity; 2. It is not ancillary to a Commercial Activity, the activity is located above the ground floor level of a Commercial Activity; and 3. Each residential unit shall be provided with: i. ~~An outdoor service space of 3 m² and a~~ **A** waste management area of 2m² per unit, each with a minimum dimension of 1.5 metres in ~~either~~ a private ~~or communal~~ area **or 9m² with a minimum dimension of 2.8m in a communal area**;[83]		**Activity status where compliance not achieved:** Non-complying

[76] Chris and Jan Coll (S558.003, S558.355), Chris J Coll Surveying Limited (S566.003, S566.355), William McLaughlin (S567.003, S567.413), Laura Coll McLaughlin (S574.003, S574.355), Buller District Council (S538.399), Martin & Co Westport Ltd and Lumberland Building Market Westport (S543.017)
[78] Consequential to Waka Kotahi (S450.213)
[79] Waka Kotahi (S450.213)
[80] Consequential numbering amendment resulting from Waka Kotahi (S450.213)
[81] Consequential to Waka Kotahi (S450.213)
[82] Consequential to Waka Kotahi (S450.213)
[83] Buller District Council (S538.400), Martin & Co Westport Ltd and Lumberland Building Market Westport (S543.018), Chris & Jan Coll (S558.356), Chris J Coll Surveying Limited (S566.356), William McLaughlin (S567.414), Laura Coll McLaughlin (S574.356)

ii. A single, indoor storage space of 4m³ with a minimum dimension of 1 metre; iii. Any space designated for waste management, whether private or communal, shall not be located between the road boundary and any building and shall be screened from adjoining sites, roads, and adjoining outdoor living spaces by screening of the waste management area to a height of 1.5 metres; and iv. Each residential unit shall be provided with an outdoor living space of **8m² minimum area and 2 metres minimum dimension;** ~~1. 6m² minimum area and 1.5 metres minimum dimension for a studio or 1 bedroom unit~~; ~~2. 10m² minimum area and 1.5 metres minimum dimension for a 2 or 3 bedroom unit;~~ ~~3. 15m² minimum area and 1.5 metres minimum dimension for 3 or more bedrooms;~~[84] v. Each residential unit shall be provided with outlook space from each habitable room from the largest window in the room as follows: 1. A principal living room must have an outlook space with a minimum dimension of 3 metres in width **and depth**[85]; 2. All other habitable rooms must have an outlook space with a minimum dimension of 1m in width **and depth**[86]; 3. The width of the outlook ~~species~~ **spaces**[87] is measured from the centre point of the largest window on the building face to which it applies; 4. Outlook spaces may be within the same site or over a public street or other public open space; 5. Outlook spaces required from different rooms within the same building may overlap; 6. Outlook spaces must:	

[84] Martin & Co Westport Ltd and Lumberland Building Market Westport (S543.018), Chris & Jan Coll (S558.356), Chris J Coll Surveying Limited (S566.356), William McLaughlin (S567.414), Laura Coll McLaughlin (S574.356)
[85] Buller District Council (S538.400), Martin & Co Westport Ltd and Lumberland Building Market Westport (S543.018), Chris & Jan Coll (S558.356), Chris J Coll Surveying Limited (S566.356), William McLaughlin (S567.414), Laura Coll McLaughlin (S574.356)
[86] Buller District Council (S538.400), Martin & Co Westport Ltd and Lumberland Building Market Westport (S543.018), Chris & Jan Coll (S558.356), Chris J Coll Surveying Limited (S566.356), William McLaughlin (S567.414), Laura Coll McLaughlin (S574.356)
[87] Grey District Council (S608.098)

a. Be clear and unobstructed by buildings; and b. Not extend over an outlook space or outdoor living space required by another dwelling.  **Advice Note:** 1. In meeting the outdoor living space requirements, decks and balconies will be included within the calculation. 2. The acoustic insulation requirements for noise sensitive activities as set out in Rule NOISE - R3 also apply.	
Restricted Discretionary Activities	
COMZ – R~~6~~7[88]	~~Commercial Activities, Community Facilities, Educational Facilities, Emergency Service Facilities, Community Corrections Activities, and Visitor Accommodation Activities and~~ **New Buildings and External Additions and Alterations to Existing Buildings not meeting** ~~the External Storage, Building Length or Recession Plane performance standards of~~ **Rule COMZ - R1**[89]
Activity Status Restricted Discretionary Where: 1. ~~All performance standards for Rule COMZ - R1 other than those that relate to External Storage and Recession Planes are~~ **Performance standard 1 for Rule COMZ-R1 is**[90] complied with. **Discretion is restricted to:** ~~a. Materials being stored;~~ ~~b. Period of time for storage;~~	**Activity status where compliance not achieved:** Discretionary

[88] Consequential numbering amendment resulting from Waka Kotahi (S450.213)
[89] Consequential to Waka Kotahi (S450.213)
[90] Consequential to Waka Kotahi (S450.213)

~~c. Distance from boundary; and~~ a. Bulk, location and design of storage, buildings and structures. b. **Effects on the safety, amenity and attractiveness of the street or public places; and** **c. Visual dominance, privacy and shading effects on neighbouring sites**[91]	
COMZ – R8[92]	**Commercial Activities, Community Facilities, Emergency Service Facilities, Community Corrections Activity, Educational Facilities and Visitor Accommodation Activities not meeting Rule COMZ-R5**
Activity Status Restricted Discretionary **Discretion is restricted to:** **a. Effects on the safety, amenity and attractiveness of the street or public places; and** **b. Materials being stored and the period of time for storage.**	**Activity status where compliance not achieved: N/A**[93]
COMZ – R~~7~~9[94]	**Relocated Buildings not meeting Rule COMZ - R4** ~~or Recession Plane performance standards of Rule COMZ - R1~~[95]
Activity Status Restricted Discretionary ~~Where:~~ ~~1. All performance standards for Rule COMZ – R1 are complied with.~~[96] **Discretion is restricted to:** a. Design and location of structures; b. ~~Landscape measures~~ **Measures to mitigate landscape effects;**[97] and c. Appearance of buildings **and the completion of any building reinstatement works identified in a building inspection report**.[98]	**Activity status where compliance not achieved:** ~~Discretionary~~ **N/A**[99]
Discretionary Activities	

[91] Consequential to Ministry of Education Te Tāhuhu o Te Mātauranga
[92] Consequential numbering amendment resulting from Waka Kotahi (S450.213)
[93] Consequential to Waka Kotahi (S450.213)
[94] Consequential numbering amendment resulting from Waka Kotahi (S450.213)
[95] Consequential to Waka Kotahi (S450.213)
[96] Consequential to Waka Kotahi (S450.213)
[97] Consequential Plan-wide amendment stemming from Manawa (S438.100)
[98] Consequential to New Zealand Heavy Haulage Association Inc (S616.001)
[99] Consequential to Waka Kotahi (S450.213)

COMZ – R~~8~~10[100]	~~Commercial Activities, Community Facilities, Educational Facilities, Emergency Service Facilities, Community Corrections Activities, Visitor Accommodation Activities and~~ **New Buildings and External Additions and Alterations to Existing Buildings,** ~~Relocated Buildings,~~ **Minor Structures, Fences, Walls and Retaining Walls not meeting Permitted or Restricted Discretionary Activity Standards**
Activity Status Discretionary ~~Where:~~ ~~1. The maximum height is 15m;~~ ~~2. Maximum building length abutting a residential zone is 35m, and~~ 3. ~~Any building or structure is set back 3m from any Residential Zone or Open Space Zone.~~[101]	**Activity status where compliance not achieved:** ~~Non-complying~~ **N/A**[102]
COMZ – R11	**Any activity not provided for by another Rule in the zone**
Activity Status Discretionary	**Activity status where compliance not achieved: N/A**[103]
Non-complying Activities	
COMZ – R~~9~~12[104]	**Residential Activities** ~~and Buildings~~[105] **not meeting the standards in Rule COMZ - R~~5~~6**[106]
Activity Status Non-complying	**Activity status where compliance not achieved:** N/A
COMZ – R~~10~~13[107]	**Industrial Activities**
Activity Status Non-complying	**Activity status where compliance not achieved:** N/A
~~**COMZ – R11**~~	~~**Any activity not provided for by another Rule in the zone**~~

[100] Consequential numbering amendment resulting from Waka Kotahi (S450.213)
[101] Griffen & Smith (S253.010), Martin & Co Westport Ltd and Lumberland Building Market Westport (S543.021), Chris & Jan Coll (S558.358 & S558.359), Chris J Coll Surveying Limited (S566.358 & S566.359), William McLaughlin (S567.416 & S567.417), Laura Coll McLaughlin (S574.358 & S574.359)
[102] Martin & Co Westport Ltd and Lumberland Building Market Westport (S543.021), Chris & Jan Coll (S558.358 & S558.359), Chris J Coll Surveying Limited (S566.358 & S566.359), William McLaughlin (S567.416 & S567.417), Laura Coll McLaughlin (S574.358 & S574.359)
[103] William McLaughlin (S567.395), Chris & Jan Coll (S558.335), Chris J Coll Surveying Limited (S566.335) and Vance and Carol Boyd (S447.003)
[104] Consequential numbering amendment resulting from Waka Kotahi (S450.213)
[105] Consequential to Waka Kotahi (S450.213)
[106] Consequential numbering amendment resulting from Waka Kotahi (S450.213)
[107] Consequential numbering amendment resulting from Waka Kotahi (S450.213)

~~Activity Status Non-complying~~	~~Activity status where compliance not achieved: N/A~~[108]

5. MIXED USE ZONE

5.1. Mixed Use Zone Overview

Submissions and Further Submissions

422. One submission point relating to the Overview of the Mixed Use Zone was summarised in a Table on pages 80-81 of the S42A Report. The Panel has considered the relevant submissions received and adopts the summaries in the s42A Report.

Section 42A Report

423. In response to the submission point made by Ngāi Tahu that sought to have Poutini Ngāi Tahu values as part of controlled and restricted discretionary activities, Ms Belgrave notes that this is a common submission point across multiple hearing streams and has also been considered in relation to the CMUZ and COMZ. Ms Belgrave does not support the relief sought in the submission point.

424. Ms Belgrave did not make any recommendations to amend the provisions in response to this submission point.

Hearing and Submitter Evidence

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

Reporting Officer Reply Evidence

426. There was no specific consideration of this matter in the reply evidence.

Hearing Panel's Evaluation

427. The Panel agree with Ms Belgrave to retain the MUZ Overview as notified, and therefore no changes are necessary. We agree that the submission point received in relation to this part of the Plan be rejected based on the conclusions reached by Ms Belgrave.

Hearing Panel's Recommendation

428. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends rejecting the submission from Ngāi Tahu (S620.219) and that no changes be made to the **Mixed Use Zone Overview**.

5.2. Mixed Use Zone Rules

Submissions and Further Submissions

[108] William McLaughlin (S567.395), Chris & Jan Coll (S558.335), Chris J Coll Surveying Limited (S566.335) and Vance and Carol Boyd (S447.003)

429. One submission point relating generally to the **MUZ Rules** was summarised in a Table on page 82 of the S42A Report. The submission sought amendments to the rules.

430. Five submission points relating to **MUZ-R1** were summarised in a Table on pages 82-84 of the S42A Report. One submission point supported the retention of the rule as notified. Four submission points sought amendments.

431. Four submission points relating to **MUZ-R2** were summarised in a Table on page 86 of the S42A Report. All the submission points supported the retention of the rule as notified.

432. Four submission points relating to **MUZ-R3** were summarised in a Table on pages 86-87 of the S42A Report. Two of the submission points supported the retention of the rule as notified. Two submission points sought amendments.

433. Seven submission points relating to **MUZ-R4** were summarised in a Table on pages 87-88 of the S42A Report. Five of the submission points supported the retention of the rule as notified. Two submission points sought amendments.

434. Four submission points relating to **MUZ-R5** were summarised in a Table on pages 89-90 of the S42A Report. Three of the submission points supported the retention of the rule as notified. One submission point sought amendments.

435. Three submission points relating to **MUZ-R6** were summarised in a Table on page 91 of the S42A Report. Two of the submission points supported the retention of the rule as notified. One submission point sought amendments.

436. Two submission points relating to **MUZ-R7** were summarised in a Table on page 91 of the S42A Report. All the submission points supported the retention of the rule as notified.

437. Nine submission points and one further submission relating to **MUZ-R8** were summarised in a Table on page 94 of the S42A Report. Three of the submission points supported the retention of the rule as notified, five submission points sought its deletion, and one submission point sought amendments.

438. Two submission points relating to **MUZ-R9** were summarised in a Table on page 94 of the S42A Report. All the submission points supported the retention of the rule as notified.

439. Two submission points relating to **MUZ-R10** were summarised in a Table on page 95 of the S42A Report. All the submission points supported the retention of the rule as notified.

440. Two submission points relating to **MUZ-R11** were summarised in a Table on page 95 of the S42A Report. All the submission points supported the retention of the rule as notified.

441. Two submission points relating to **MUZ-R12** were summarised in a Table on page 96 of the S42A Report. All the submission points supported the retention of the rule as notified.

442. Two submission points relating to **MUZ-R13** were summarised in a Table on page 96 of the S42A Report. All the submission points supported the retention of the rule as notified.

443. Two submission points relating to **MUZ-R14** were summarised in a Table on page 96 of the S42A Report. All the submission points supported the retention of the rule as notified.

444. The Panel adopts these summaries and has considered all the relevant submissions and further submissions.

Section 42A Report

MUZ - General

445. In response to the submission point from the NZ Motor Caravan Association that sought to provide for campgrounds and camping as a permitted activity, Ms Belgrave reiterates her comments set out in relation to the COMZ that she does not support the relief sought. This is because the potential for adverse amenity and character effects within the MUZ are more appropriately considered through the resource consent process.

446. The S42A report recommends no changes in response to this submission.

MUZ – R1 New Buildings and External Additions or Alterations to Existing Buildings

447. Ms Belgrave acknowledged the support from Te Mana Ora that support the rule as notified. The acknowledgement is subject to recommended amendments that arise from other submission points.

448. In response to the submission point made by Waka Kotahi, which sought clarification as to whether the requirements of the rule are to be considered as performance standards, and if so, the activities listed in the heading should be a separate rule, Ms Belgrave generally supports the relief sought. That said, MUZ-R1 only sets out the rules that apply to all new buildings and external additions or alterations to existing buildings, and that specific activities are managed under other rules. It is this format that is consistent with other rules throughout the pTTPP, and as such Ms Belgrave recommends that the general rule structure be retained for MUZ-R1. However, she does recommend the inclusion of '*external storage'* in the rule title to be consistent with other amendments to the COMZ.

449. Ms Belgrave partially supports the relief sought by the Ministry of Education, which sought a restricted discretionary activity status where the rules are not complied with. Similar to the consideration of the COMZ rule, she considers that a restricted discretionary activity status can be appropriately applied to non-compliances with the relevant rules (except building height) as the associated effects can be readily identified. This recommendation requires consequential amendments to MUZ-R9 as well as the addition of a new rule.

450. In response to the submission point made by BDC to reduce the maximum ground floor area of a building from 500m² to 300m², Ms Belgrave does not support the relief sought. This is because no detail is provided to justify the reduction, and 500m² is considered to retain flexibility and encourage new development within the MUZ.

451. In response to the other submission points made by BDC, Ms Belgrave does not support the fencing amendment but agrees that an advice note relating to the deemed permitted activity process is appropriate.

452. In response to the submission point made by Fire and Emergency NZ that sought amendments to MUZ-R1.5 similar to those in the COMZ relating to the screening of external storage areas, Ms Belgrave does not support the relief sought. This is because she considers that it adds unnecessary complexity to the rule.

453. Ms Belgrave's recommendation also includes deleting MUZ-R1.6, as this is consequential to her recommendation for the equivalent rule in the COMZ.

454. The S42A report recommends that MUZ-R1 be amended as follows:

> ***MUZ-R1 New Buildings, ~~and~~ External Additions and Alterations to Existing Buildings and External Storage***
>
> *Activity Status Permitted*
>
> *Activity status where compliance not achieved:*
>
> ***Restricted Discretionary where rules 1 and 3-7 are not complied with.*** *Discretionary* ***where rule 2 is not complied with****.*
>
> *Where:*
>
> *…*
>
> ***~~6. On sites adjoining a RESZ - Residential Zone a 2m wide landscaping strip shall be provided adjacent to the RESZ - Residential Zone boundary and shall be planted with species, which at maturity, will screen the buildings from the adjoining sites; and~~***
>
> *7. No building shall protrude beyond a building envelope defined by a recession plane as identified in accordance with Appendix Two to commence 2.5m above any RESZ - Residential Zone boundary* ***~~except where the neighbouring property owner's written approval is provided to the Council 10 working days to the works commencing~~****. This standard does not apply to:*
>
> *…*
>
> ***Advice Notes:***
>
> ***1. Where boundary rules are infringed, the Deemed Permitted Activity Boundaries process will apply where the neighbouring property owner's written approval is provided to Council.***

455. The S42A report also recommends the addition of a new rule as follows:

> ***MUZ-R9A New Buildings and External Additions or Alterations to Existing Buildings not meeting Rule MUZ-R1***
>
> ***Activity Status Restricted Discretionary***
>
> ***Activity status where compliance not achieved: Discretionary***
>
> ***Where:***
>
> ***1. Rule MUZ-R1.2 is complied with.***
>
> ***Discretion is restricted to:***
>
> ***a. Bulk, location and design of storage, buildings and structures;***
>
> ***b. Effects on the safety, amenity and attractiveness of the street or public places;***
>
> ***c. Visual dominance, privacy and shading effects on neighbouring sites; and***
>
> ***d. Materials being stored and the period of time for storage***

MUZ – R2 Commercial Activity, Community Facilities, Community Corrections Activity, Educational Facilities and Emergency Service Facilities

456. Ms Belgrave acknowledged the support from the four submitters[109] that sought to retain the rule as notified.

457. The S42A report recommends that MUZ-R2 be retained as notified.

MUZ – R3 Carparking and Vehicle Service Access

458. Ms Belgrave acknowledged the support from Te Mana Ora and Waka Kotahi that supported the rule as notified. The acknowledgement is subject to recommended amendments that arise from other submission points.

459. Ms Belgrave does not support the submission point made by BDC to delete MUZ-R3 or to include the requirements in TRN-S12. This is because Ms Belgrave considers that MUZ-R3 is focused on design matters that are directly relevant to the effects of new development in the MUZ, while TRN-S12 is focused on the construction requirements of carparking.

460. In response to the submission point made by Fire and Emergency NZ that sought to exclude emergency service activities from the design requirements for parking and access, Ms Belgrave agrees that as emergency services have operational needs that limit the location of parking and access relative to their building and because there will be a limited number of emergency service facilities being established in the MUZ, it is appropriate to exclude them from the requirements of the rule.

461. The S42A report recommends that MUZ-R3 be amended as follows:

> ***MUZ-R3 Carparking and Vehicle Service Access***
>
> *…*
>
> ***6. <u>Emergency service facilities are excluded from Rules MUZ-R3.1 – MUZ-R3.5</u>***

MUZ – R4 Residential Activities and Papakāinga

462. Ms Belgrave acknowledged the support from the five submission points[110] that supported the rule as notified. The acknowledgement is subject to recommended amendments that arise from other submission points.

463. In response to the submission point from Davis Ogilvie and Partners Ltd that requested amendments to MUZ-R4.5 to enable side or rear access to residential accommodation, Ms Belgrave does not support the relief sought. This is because providing access from publicly accessible places will contribute to achieving positive built outcomes in relation to amenity and safety. Nevertheless, amendments to the rule are recommended that will enable secondary accesses to be provided from the rear or side of a building.

464. In response to the submission point from BDC that sought the following relief, Ms Belgrave supports the submission in part:

[109] Te Mana Ora (Community and Public Health) of the NPHS/Te Whatu Ora (S190.733), Buller District Council (S538.409), Fire and Emergency New Zealand (S573.085), Department of Corrections (S349.010)
[110] Ngāi Tahu (S620.220), Te Mana Ora (Community and Public Health) of the NPHS/Te Whatu Ora (S190.735), Waka Kotahi (S450.218), Fire and Emergency New Zealand (S573.087), and Grey District Council (S608.703)

a. A cross-reference to MUZ-R1; and

b. Delete the requirement for residential units to be above street level; and

c. Delete the waste management part of the rule; and

d. Amendments to enable access from public frontage (other than a street).

465. Ms Belgrave does not consider it necessary to cross-reference MUZ-R1, as the rule will be relevant to all new buildings, including residential buildings.

466. Ms Belgrave does not support deleting the requirement for residential units to be above street level, as she considers that ground-floor space is more efficiently used to accommodate commercial activities, and it is appropriate to protect the ground floor in the MUZ for commercial activities.

467. Ms Belgrave supports the simplification of the waste management rules. However, she does not support the complete deletion of the rule, as requested by BDC. Rather, she supports an amendment similar to the COMZ recommendation.

468. Ms Belgrave considers that the recommended amendments to MUZ-R4.5 that respond to the Davis Ogilvie submission point will also address the BDC submission.

469. The S42A report recommends that MUZ-R4 be amended as follows:

MUZ-R4 Residential Activities and Papakāinga

Where:

1. *…*
2. *Each residential unit shall be provided with a waste management area of 2m² per unit, each with a minimum dimension of 1.5 metres in* ~~***either***~~ *a private* ~~***or communal***~~ *area* ***or 9m² with a minimum dimension of 2.8 metres in a communal area****.*
3. *…*
4. *…*
5. ***The principal residential*** ~~***Residential***~~ *accommodation entrance*~~***s***~~ *shall be provided directly from* ***a*** ~~***the***~~ *public street* ***or open space****.*

MUZ – R5 Visitor Accommodation

470. Ms Belgrave acknowledged the support from Te Mana Ora, Waka Kotahi and Fire and Emergency that supported the rule as notified. The acknowledgement is subject to recommended amendments that arise from other submission points.

471. In response to the submission point made by BDC, which sought amendments similar to those for MUZ-R4, Ms Belgrave makes identical recommendations. She reiterates that living accommodation should not be on the ground level and that cross-reference to MUZ-R1 is not considered necessary. She also continues to support amendments to increase the flexibility for the location of entrances.

472. The S42A report recommends that MUZ-R5 be amended as follows:

MUZ-R5 Visitor Accommodation

Where:

4. ***The principal visitor*** ~~***Visitor***~~ *accommodation entrance*~~*s*~~ *shall be provided directly from* ***a*** ~~***the***~~ *public street* ***or open space****.*

MUZ – R6 Minor Structures

473. Ms Belgrave acknowledged the support from Te Mana Ora, and Fire and Emergency that supported the rule as notified. The acknowledgement is subject to recommended amendments that arise from other submission point.

474. In response to the submission made by BDC that sought to delete MUZ-R6.1 and add a new rule, Ms Belgrave supports the inclusion of additional setbacks for minor structures. She also recommends including the requirements from MUZ-R1.4 into MUZ-R6, which includes setback requirements for structures adjacent to other zones. It is her view that these setback requirements are also relevant to minor structures.

475. The S42A report recommends that MUZ-R6 be amended as follows:

MUZ-R6 Minor Structures

Where:

~~***1. All performance standards for Rule MUZ - R2 are complied with;***~~

…

x. Any structure is set back:

i. 3m from any RESZ - Residential Zone, OSRZ - Open Space and Recreation Zone, INZ - Industrial Zone or PORTZ - Port Zone boundary;

ii. 4.5m from the road boundary; and

iii. 1m from internal boundaries.

MUZ – R7 Fences, Walls and Retaining Walls

476. Ms Belgrave acknowledged the support from Te Mana Ora and BDC that sought to retain the rule as notified.

477. The S42A report recommends that MUZ-R7 be retained as notified.

MUZ – R8 Relocated Buildings

478. In response to the five submission points[111] that sought to delete MUZ-R8, Ms Belgrave supports the relief sought. She reiterates the reasons set out regarding COMZ-R4 and agrees with the submitters that the rule is unnecessary and creates duplication, as there is still a requirement to comply with MUZ-R1 and the Building Act.

479. Because of the recommendation to delete this rule, Ms Belgrave does not support the relief sought from the other four submission points to either amend or retain the rule.

[111] Chris & Jan Coll (S558.006), Chris J Coll Surveying (S566.006), William McLaughlin (S567.006), Laura Coll McLaughlin (S574.006) and Buller District Council (S538.415)

480. The S42A report recommends that MUZ-R8 be deleted.

MUZ – R9 Commercial Activities, Community Facility, Educational Facility, Community Corrections Activity, Visitor Accommodation, Emergency Service Facilities and Buildings not meeting Permitted Activity Standards

481. Ms Belgrave acknowledged the support from Te Mana Ora and BDC that sought to retain the rule as notified. However, Ms Belgrave recommends that the rule be deleted to simplify the MUZ chapter and as a consequential amendment to MUZ-R1 and the addition of the restricted discretionary activity rule (MUZR9A) in response to the Ministry of Education submission (S456.035).

482. The recommended amendments will result in a restricted discretionary and discretionary activity status to non-compliance with rules under MUZ-R1. The discretionary activity status for an infringement of building height will provide a broad scope to consider relevant effects. For these reasons, Ms Belgrave considers that a non-complying activity status is not necessary.

483. The S42A report recommends that MUZ-R9 be deleted.

MUZ – R10 Minor Structures, Fences, Walls and Retaining Walls not meeting Permitted Activity Standards

484. Ms Belgrave acknowledged the support from Te Mana Ora and BDC that sought to retain the rule as notified. However, Ms Belgrave recommends that the rule be deleted to simplify the MUZ chapter, as a discretionary activity status is already provided for non-compliance with the permitted standard in MUZ-R6 and MUZ-R7.

485. The Ministry of Education submission (S456.035) provides scope as a consequential amendment.

486. The S42A report recommends that MUZ-R10 be deleted.

MUZ–R11 New Buildings and External Additions to Buildings not meeting Rule MUZ-R1

487. Ms Belgrave acknowledged the support from Te Mana Ora and BDC that sought to retain the rule as notified. However, Ms Belgrave recommends that the rule be deleted to simplify the MUZ chapter as a consequential amendment to the amendments to MUZ-R1 and MUZ-R9A.

488. The S42A report recommends that MUZ-R11 be deleted.

MUZ – R12 Residential Activities not meeting Permitted Activity standards

489. Ms Belgrave acknowledged the support from Te Mana Ora and BDC that sought to retain the rule as notified. However, Ms Belgrave recommends that the rule be deleted to simplify the MUZ chapter, as a discretionary activity status is already provided for non-compliance with the permitted standard in MUZ-R4 and MUZ-R5.

490. The S42A report recommends that MUZ-R12 be deleted.

MUZ – R13 Industrial Activities

491. Ms Belgrave acknowledged the support from Te Mana Ora and BDC that sought to retain the rule as notified.

492. The S42A report recommends that MUZ-R13 be retained as notified.

MUZ – R14 Any activity not provided for by another Rule in the zone

493. Ms Belgrave acknowledged the support from Te Mana Ora and BDC that sought to retain the rule as notified.

494. The S42A report recommends that MUZ-R14 be retained as notified.

Hearing and Submitter Evidence

495. A letter from Ms Daly Williams on behalf of the Ministry of Education was tabled at the hearing. The letter appears to accept the wording of MUZ-R1 and the consequential amendments to add a restricted discretionary activity rule.

496. Mr George van Pelt tabled a letter at the hearing on behalf of FENZ. The letter accepts the S42A recommendation not to make any changes to MUZ-R1.5 as initially sought in the submission. The letter also confirms that FENZ accept the S42A recommendations regarding MUZ – R2, MUZ – R3, MUZ – R4, MUZ – R5 and MUZ – R6.

497. A letter from Ms Michelle Grinlinton-Hancock on behalf of KiwiRail was tabled at the hearing. The letter draws the Panel's attention to the fact that none of KiwiRail's submission points were allocated to this hearing stream. As a result, the S42A report did not address any aspect of the submission made by KiwiRail. Despite this, KiwiRail sought relief relating to building setbacks from the rail corridor in all zones. In the MUZ a setback of 5m is sought[112].

498. Ms Grinlinton-Hancock explains in the letter that KiwiRail seeks setback controls to appropriately manage the health and safety of communities and ensure the ongoing operation of KiwiRail's network as nationally and regionally significant infrastructure. She sets out that a safety setback is critically important to enable landowners to safely access their properties, avoid significant safety risks, and protect the rail corridor from interference.

499. The evidence presented by Mr Jonathan Bhana-Thomson on behalf of the NZ Heavy Haulage Association reiterated the relief sought in the original submission to provide for relocated buildings as a permitted activity. The statement sets out that the deletion of rules relating to relocated buildings is not supported by the Association.

500. Mr Bhana-Thomson's evidence sets out the process for relocating a building and states that in his experience the relocation of a building generally involves less construction disturbance than the on-site construction of a building. Other benefits include lower labour costs, and the reuse of existing buildings. Additionally, he advises that there is no requirement in the Building Act to complete the relocation or reinstatement of a building within a particular timeframe.

Reporting Officer Reply Evidence

501. In response to the letter tabled by KiwiRail at the hearing, a joint right of reply has been prepared as the issues traverse various hearing streams. The joint right of reply agrees that a building setback from the rail corridor is appropriate in certain circumstances. As part of the consideration, the reporting planners have reviewed other plans, considered the variability of use (of the rail corridor) and the type of buildings/structures a setback should apply to. The

[112] As set out in evidence for Topic 1, to align with the road boundary setback rules.

planners also note that the railway designation is considerably wider than the railway line itself. So there is already an effective buffer between the railway activity and the adjacent private land. Additionally, the railway line is also generally parallel to the state highway.

502. Concerning the MUZ, the reporting planners do not support the relief sought by KiwiRail for a 5m building setback from the railway corridor. They consider that a 5m setback would have a significant impact on the land available for development, and that it is excessive in this zone. Notwithstanding that the reporting planners consider that it is more efficient to manage relevant effects through the designation process, they recommend a rule to require new buildings to be setback 1.5m from the railway corridor. The rule should exclude accessory buildings and structures. The recommended wording is as follows:

MUZ-R1

4. Any building or structure is set back:

i. 3m from any RESZ – Residential Zone OSRZ – Open Space and Recreation Zone, INZ - Industrial Zone or PORTZ - Port Zone boundary; and boundary;

ii. ***1.5m from the railway corridor boundary, excluding accessory buildings and structures***

503. Consequential to the separation of MUZ-R1 into two rules (one for building controls and one for activities) and in response to Ms Inta's statement that was presented at the hearing, Ms Belgrave supports several amendments to restructure and relocate standards between the relevant rules. This has resulted in amendments to all the Commercial and Industrial chapters. However, the wording and intent of the provisions have not changed through this process, and no new additions have been made to the requirements of the standards.

504. In response to the evidence presented by Mr Bhana-Thomson on behalf of the NZ Heavy Haulage Association, Ms Belgrave reconsidered the rules for relocated buildings in the COMZ, MUZ and NCZ. She also considered recommendations made for similar rules in the Residential Zones. Ms Belgrave understands that the purpose of the permitted activity standards for relocatable buildings is to manage potential amenity effects generally associated with achieving an acceptable exterior building quality within a specified timeframe.

505. On the understanding that the purpose of MUZ-R8 (and similar rules in COMZ and NCZ) is to address amenity effects, particularly through standards that require the timely completion of building works, Ms Belgrave agrees that the standards can address the existing concerns regarding relocatable buildings and their visual appearance. Furthermore, she considers that a permitted activity status (and compliance with the relevant standards) will encourage redevelopment and revitalisation within the relevant Commercial and Mixed Use zones.

506. Ms Belgrave recommends it is appropriate to retain MUZ-R8 for relocated buildings (with minor amendments to Standard 2, consistent with the NZ Heavy Haulage Association submission). She notes that this is also consistent with the recommendations in the Residential Zone hearing stream.

507. The recommended wording is as follows:

MUZ-R8 Relocated Buildings

Activity Status Permitted

Where:

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

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

508. Attachment C of the right of reply sets out the tracked changes to the rules for the MUZ. In this, Ms Belgrave changes her S42A recommendation regarding MUZ-R9 and recommends retaining a version of the rule. This is because it applies a non-complying activity status to buildings exceeding 20m, and this requirement is not duplicated in MUZ-R1.

509. The recommended wording is as follows:

> ***MUZ-R9 ~~Commercial Activities, Community Facility, Educational Facility, Community Corrections Activity, Visitor Accommodation, Emergency Service Facilities and~~ Buildings not meeting Permitted Activity Standards***
>
> *Activity Status Discretionary*
>
> *Where:*
>
> 1. *The maximum height is 20m.*
>
> *Activity Status where compliance not achieved: Non-complying*

510. The right of reply considers the question of whether there are provisions in the MUZ that will create opportunities for greater residential development. Ms Belgrave identifies rules MUZ-R1 and MUZ-R4 that provide for new buildings and residential activities as permitted activities. She comments that these permitted standards will encourage residential development by removing costs associated with a resource consent process.

Hearing Panel's Evaluation

MUZ - General

511. The Panel agree with Ms Belgrave's recommendation to reject the submission point made by the New Zealand Motor Caravan Association and not provide for campgrounds and camping as a permitted activity in the MUZ.

MUZ – R1

512. The Panel agree with Ms Belgrave's recommended response to the submission point made by the Ministry of Education to make non-compliance with clauses MUZ-R1 (2) – (5) a restricted discretionary activity, while retaining a full discretionary activity status for non-compliance with the building height clause. This is consistent with the approach taken in the COMZ Chapter.

513. The Panel agree that due to the addition of the restricted discretionary activity status, the appropriate rule needs to be added to the rule table, and we agree with the wording in Ms Belgrave's right of reply evidence. This rule will be MUZ-R9.

514. We acknowledge the letter from Ms Daly Williams on behalf of the Ministry of Education that was tabled at the hearing that accepts the changes to MUZ-R1 and the addition of what will be MUZ-R9.

515. We acknowledge Ms Inta's statement (presented at the hearing) relating to the separation of activities and buildings within the rules. Her comments spanned the zones in this hearing stream. We are also aware that neither Ms Inta nor the Buller Conservation Group made a submission specifically on this rule. Notwithstanding that, the Panel agree with Ms Belgrave's right of reply evidence that recommends restructuring and relocating standards between the rules. In the case of this rule, that has amounted to transferring the performance standard relating to external storage to MUZ-R2. However, we do not agree that Ms Inta's statement provides scope for these changes, and we consider it more appropriate that these changes are consequential to the Waka Kotahi submission (S450.213).

516. The Panel agree with Ms Belgrave and the BDC that the exception in MUZ-R1(7) relating to the written approval is better included as an advice note. As set out in relation to the COMZ rule, we also agree to refer to boundary '*rules*' (rather than '*setbacks*') to ensure all rules that are subject to the deemed permitted boundary activity process are captured.

517. The Panel disagrees with Ms Belgrave regarding the consequential deletion of MUZ-R1(6), as we have not recommended deleting the equivalent rule in COMZ-R1 due to the lack of scope.

518. The Panel acknowledge that KiwiRail's submission points were not recorded or reported on in the S42A report. We have considered the submission, the letter tabled at the hearing and the joint right of reply prepared on the matter by Ms Belgrave and Ms Easton. We agree with the right of reply evidence that a 5m setback from the rail corridor is excessive and would result in inefficiencies in terms of land use. While we acknowledge the safety issue raised by KiwiRail, we consider a 1.5m setback, as recommended in the right of reply, more appropriate and would still address the safety concerns around building maintenance. We also consider that the rule should refer to the setback from the '*rail designation*' rather than the '*rail corridor*' to provide a definitive point of measurement.

519. In relation to the remainder of the submissions on MUZ-R1, the Panel agrees that these should be rejected based on the conclusions reached by Ms Belgrave.

MUZ-R2

520. The Panel acknowledges that all submissions made directly regarding this rule sought that it be retained as notified. However, we agree and acknowledge that the relocation of the performance standard from MUZ-R1 to MUZ-R2, which relates to external storage, generates consequential changes to the rule. Accordingly, we agree with the recommended wording in Ms Belgrave's right of reply and reject the submission points that all sought to retain the rule as notified.

521. We also agree that, due to the activity status escalating to a restricted discretionary activity if external storage is not appropriately screened, the addition of the restricted discretionary rule should be made to the rule table. We agree with the wording in Ms Belgrave's right of reply evidence. This rule will be MUZ-R10.

522. We record that these changes are all consequential to the Waka Kotahi submission (S450.213).

MUZ-R3

523. The Panel agree with Ms Belgrave's recommendation to reject the submission point made by Buller District Council to delete the rule. We agree that this rule is design-driven, rather than focused on the construction requirements, which TRA-S12 is centred on.

524. The Panel agree with Ms Belgrave's recommendation to accept the submission point from FENZ, and we agree with the wording as set out in her right of reply evidence.

525. In relation to the remainder of the submissions on MUZ-R3, the Panel agrees that these should be rejected based on the conclusions reached by Ms Belgrave.

MUZ-R4

526. The Panel agrees with Ms Belgrave's recommendation in response to the submission points made by BDC and Davis Ogilvie & Partners.

527. In relation to the remainder of the submissions on MUZ-R4, the Panel agrees that these should be rejected based on the conclusions reached by Ms Belgrave.

MUZ-R5

528. The Panel agree with Ms Belgrave's recommendation for MUZ-R5, except for MUZ-R5(4) where it appears that the word '*visitor*' has been transposed for '*residential*'. This is clearly a typographical error in the context of the rule. We acknowledge that the recommendation is consistent with the recommendation for MUZ-R4.

529. In relation to the remainder of the submissions on MUZ-R5, the Panel agrees that these should be rejected based on the conclusions reached by Ms Belgrave.

MUZ-R6

530. The Panel agree with Ms Belgrave's recommendation to include a performance standard related to setbacks which responds to the submission point from BDC. However, we disagree with the structure of how this is recommended to be incorporated into the rule. We instead prefer to be consistent with the equivalent COMZ rule and require that Standard 4 of MUZ-R1 be complied with.

531. We note that MUZ-R1 does not include a setback from the road boundary or internal boundaries, as recommended by Ms Belgrave in response to the BDC submission. However, we consider that these setbacks are not necessary for a minor structure in the MUZ, especially when they are not required for a building. Lastly, we also note that a reference to Standard 4 of MUZ-R1 will require a setback from a railway designation boundary, and we consider that to be appropriate.

MUZ-R7

532. The Panel agree that this rule should remain as notified, as there were no submissions that sought its amendment.

MUZ-R8

533. The Panel acknowledge Ms Belgrave's revised position concerning the NZ Heavy Haulage Association Inc submission and evidence presented at the hearing, and we accept her right of reply recommendation to retain MUZ-R8 with minor amendments.

MUZ-R9

534. The Panel agree with Ms Belgrave's right of reply recommendation to retain this rule, with the minor amendment to the title, which is consequential to the Ministry of Education submission on MUZ-R1.

535. The Panel also notes that due to the addition of the restricted discretionary activity rules, there is a change to the numbering sequence, and this rule becomes MUZ-R11 in our recommendation.

MUZ-R10 to MUZ-R12

536. Having reviewed these rules in an overall context, the Panel disagrees with Ms Belgrave that the rules should be deleted. This is because of the fundamental structure of the rules in the Plan, which requires a corresponding rule when an activity status is escalated. Therefore, in this case, we consider that a discretionary activity rule is necessary to address the activities where one or more of the performance standards in the corresponding permitted rule are not complied with. Therefore, we accept the submission points made regarding these rules which were all to retain them.

537. Due to the changes to the numbering sequence, these rules become MUZ-R12 to MUZ-R14 in our recommendation.

MUZ-R13

538. The Panel accept the submission points to retain this rule and agrees with Ms Belgrave's recommendation not to make any changes to this rule. However, we note that the rule number will change to MUZ-R16.

MUZ-R14

539. The Panel acknowledge that MUZ-R14 is a catch-all rule that is intended to manage activities that have not been specifically provided for in the other rules. The Panel has considered this matter plan wide and we agree with submitters that such rules are better placed as discretionary, otherwise they are unnecessarily limiting in our view and could have unforeseen consequences. Therefore, it is our recommendation to relocate this rule to the discretionary section of this chapter. We rely on the submissions of William McLaughlin (S567.395), Chris & Jan Coll (S558.335), Chris J Coll Surveying Limited (S566.335) and Vance and Carol Boyd (S447.003) to provide the scope.

Hearing Panel's Recommendation

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

Mixed Use Zone Rules

Note: There may be a number of Plan provisions that apply to an activity, building, structure and site. In some cases, consent may be required under rules in this Chapter as well as rules in other Chapters in the Plan. In those cases unless otherwise specifically stated in a rule, consent is required under each of those identified rules. Details of the steps Plan users should take to determine the status of an activity is provided in General Approach.

Permitted Activities

MUZ - R1	**New Buildings and External Additions or Alterations to Existing Buildings**

Activity Status Permitted	**Activity status where compliance not achieved:**
Where: 1. The maximum ground floor area of the building is 500m²; 2. The maximum height above ground level is 12m except that this standard does not apply to hose drying towers at Emergency Service Facilities; 3. Any building on a Facade Control Street must have: i. A cantilevered continuous verandah to cover the full width of the footpath except that this does not apply to Heritage Buildings identified in Schedule One; ii. 20% of the facade devoted to display windows or transparent glazing; and iii. The principal public entrance to the building must be located on the front boundary; 4. Any building or structure is setback a minimum of: i. 3m from any RESZ - Residential Zone, OSRZ - Open Space and Recreation Zone, INZ - Industrial Zone or PORTZ - Port Zone boundary; **and** ii. **1.5m from the railway designation boundary, excluding accessory buildings and structures.**[113] ~~5. All external storage is screened by a 1.8m fence or landscaping so it is not visible from any adjoining residential zone boundary or any adjoining public space;~~[114] 5. On sites adjoining a RESZ - Residential Zone a 2m wide landscaping strip shall be provided adjacent to the RESZ - Residential Zone boundary and shall be planted with species,	**Restricted Discretionary where standards 1 and 3 to 6 are not complied with** Discretionary **where standard 2 is not complied with.**[117]

[113] KiwiRail (S442.093)
[114] Consequential to Waka Kotahi (S450.213)
[117] Ministry of Education (S456.035)

which at maturity, will screen the buildings from the adjoining sites; and 6. No building shall protrude beyond a building envelope defined by a recession plane as identified in accordance with Appendix Two to commence 2.5m above any RESZ - Residential Zone boundary ~~except where the neighbouring property owner's written approval is provided to the Council 10 working days to the works commencing.~~[115] This standard does not apply to: i. Road boundaries; ii. Buildings on adjoining sites that have a common wall along the boundary; iii. Boundaries abutting an access lot or right of way in which case the furthest boundary of the access lot or right of way may be used for assessing compliance with this standard; iv. Antennas, aerials, satellite dishes (less than 1m in diameter), chimneys, flues and architectural features (e.g. finials, spires) provided these do not exceed the recession plane by more than 3m vertically; and v. Solar panels and solar water heaters, provided these do not exceed the height in relation to boundary plane by more than 0.25m vertically. **Advice Note:** **1. Where boundary rules are infringed, the Deemed Permitted Activity Boundaries process will apply where the neighbouring property owner's written approval is provided to Council.** [116]	
MUZ – R2	**Commercial Activity, Community Facilities, Community Corrections Activity, Educational Facilities and Emergency Service Facilities**
Activity Status Permitted Where: 1. This is not visitor accommodation subject to Rule MUZ-R5; ~~2. Performance standards for Rule MUZ - R1 are complied with; and~~	**Activity status where compliance not achieved:** Refer Rule MUZ – R5 for Visitor Accommodation **Restricted discretionary where standard 3 is not complied with**

[115] Buller District Council (S538.408)
[116] Buller District Council (S538.408) – maybe also Cl 16

2. This is not a commercial garage, service station or emergency service activity located on a Facade Control Street**; and** **3.** **All external storage is screened by a 1.8m fence or landscaping so it is not visible from any adjoining residential zone boundary or any adjoining public space.** [118]	~~Activities not complying with Standard 2 or 3 are~~ Discretionary **where standard 2 is not complied with.** [119]
MUZ – R3 **Carparking and Vehicle Service Areas**	
Activity Status Permitted Where: 1. Provision for carparking and vehicle service access is made at the side or rear of the building; 2. If available all vehicle access should be from service lanes or streets other than those subject to Facade Controls; 3. No parking areas are located between the frontage of buildings and the street; 4. No carpark is provided on a Facade Control Street; ~~and~~ 5. For all sites adjoining a RESZ - Residential Zone all parking areas must be screened so they are not visible from the adjoining residential site**; and;** 6. **Standards 1 to 5 of Rule MUZ-R3 do not apply to Emergency service facilities** [120] **Advice Note:** Carparking and Vehicle Service Access must comply with the standards outlined in the Transport Chapter.	**Activity status where compliance not achieved:** Non-complying
MUZ – R4 **Residential Activities and Papakāinga**	
Activity Status Permitted Where: 1. The residential activity or papākainga is: i. Located above street level; or ii. Located at street level but with no frontage to public open spaces or streets except for access; 2. Each residential unit shall be provided with a waste management area of 2m² per unit, each with a minimum dimension of 1.5 metres in ~~either~~ a private ~~or communal~~ area	**Activity status where compliance not achieved:** Discretionary

[118] Consequential to Waka Kotahi (S450.213)
[119] Consequential to Waka Kotahi (S450.213)
[120] Fire and Emergency New Zealand (S573.086)

or 9m² with a minimum dimension of 2.8 metres in a communal area;[121] 3. Any space designed for waste management, whether private or communal, shall not be located between the road boundary and any building, and shall be screened from adjoining sites, roads and adjoining outdoor living spaces by screening of the waste management area to a height of 1.5 metres; 4. Residential accommodation entrances shall be clearly separated and distinguished from commercial entrances; 5. **The principal residential** ~~Residential~~ accommodation entrance~~s~~ shall be provided directly from **a** ~~the~~ public street **or open space**.[122] **Advice Note:** The acoustic insulation requirements for noise sensitive activities as set out in Rule NOISE - R3 also apply.	
MUZ – R5 **Visitor Accommodation**	
Activity Status Permitted Where: 1. The visitor accommodation is located i. In a Heritage Building listed in Schedule One; or ii. Above street level; or iii. At street level but with no frontage to public open spaces or streets except for access 2. Any space designed for waste management, whether private or communal, shall not be located between the road boundary and any building, and shall be screened from adjoining sites, roads and adjoining outdoor living spaces by screening of the waste management area to a height of 1.5 metres; 3. Visitor accommodation entrances shall be clearly separated and distinguished from commercial entrances; and 4. **The principal visitor** ~~Visitor~~ accommodation entrance~~s~~ shall be provided directly from **a** ~~the~~ public street **or open space**.[123] **Advice Note:**	**Activity status where compliance not achieved:** Discretionary

[121] Buller District Council (S538.411)
[122] Davis Ogilvie & Partners Ltd (S465.034) and Buller District Council (S538.411)
[123] Consequential to Davis Ogilvie & Partners Ltd (S465.034) and Buller District Council (S538.411)

The acoustic insulation requirements for noise sensitive activities as set out in Rule NOISE - R3 also apply.	
MUZ – R6	**Minor Structures**
Activity Status Permitted **Where:** 1. ~~All performance standards for~~ **Standard 4 of** Rule MUZ - R~~2~~**1 is** ~~are~~ complied with;[124] 2. Masts, poles, aerials and pou whenua must not exceed 7m in height; 3. Any antenna dish must be less than 1m in diameter; 4. Any ornamental or garden structure must not exceed 2.4 m in height; and 5. Any other structure must not exceed 10m² and 2m in height.	**Activity status where compliance not achieved:** Discretionary
MUZ – R7	**Fences, Walls and Retaining Walls**
Activity Status Permitted Where: 1. Fences, walls and retaining walls are a maximum 2m height above ground level; and 2. The fence, wall or retaining wall is not used for advertising or any other purpose other than a fence, retaining wall or wall.	**Activity status where compliance not achieved:** Discretionary
MUZ – R8	**Relocated Buildings**
Activity Status Permitted Where: 1. All performance standards for Rule MUZ - R1 are complied with; 2. Any relocated building intended for use as a dwelling must have been designed, ~~and~~ built**, and** ~~to be~~ used as a dwelling;[125] 3. A building pre-inspection report **in accordance with Appendix 11**[126] shall accompany the application for a building consent for the destination site. That report is to identify all reinstatement	**Activity status where compliance not achieved:** **Refer Rule MUZ – R1 for where standard 1 is not complied with.** Discretionary **where standards 2 to 5 are not complied with.** [129]

[124] Buller District Council (S538.413)
[125] New Zealand Heavy Haulage Association Inc (S616.002)
[126] New Zealand Heavy Haulage Association Inc (S616.002)
[129] Consequential to Waka Kotahi (S450.213)

works that are to be completed to the exterior of the building. The report shall include a certification by the property owner that the **exterior** reinstatement works **including connections to infrastructure services and closing in and ventilation of the foundations** shall be completed within a 12-month period **of the building being delivered to the site; and**[127] 4. The building shall be located on permanent foundations approved by building consent no later than 2 months of the building being moved to the site.~~; and~~ ~~5. All other reinstatement work required by the building inspection report and the building consent to reinstate the exterior of any relocated dwelling shall be completed within 12 months of the building being delivered to the site. This reinstatement work is to include connections to all infrastructure services and closing in and ventilation of the foundations.~~[128]	
Restricted Discretionary Activities	
MUZ – R9	**New Buildings and External Additions or Alterations to Existing Buildings not meeting Rule MUZ-R1**[130]
Activity Status Restricted Discretionary **Where:** **1. Performance standard 2 for Rule MUZ-R1 is complied with.** **Discretion is restricted to:** **a. Bulk, location and design of storage, buildings and structures** **b. Effects on the safety, amenity and attractiveness of the street or public places; and;** **c. Visual dominance, privacy and shading effects on neighbouring sites.** [131]	**Activity status where compliance not achieved: Discretionary**
MUZ – R10	**Commercial Activity, Community Facilities, Community Corrections Activity, Educational Facilities and Emergency Service Facilities not meeting Rule MUZ-R2**[132]

[127] Chris & Jan Coll (S558.006), Chris J Coll Surveying (S566.006), William McLaughlin (S567.006), Laura Coll McLaughlin (S574.006), Buller District Council (S538.415)
[128] Chris & Jan Coll (S558.006), Chris J Coll Surveying (S566.006), William McLaughlin (S567.006), Laura Coll McLaughlin (S574.006), Buller District Council (S538.415)
[130] Consequential to Ministry of Education (S456.035)
[131] Consequential to Ministry of Education (S456.035)
[132] Consequential to Waka Kotahi (S450.213)

Activity Status Restricted Discretionary **Where:** **1. Performance standard 2 for Rule MUZ-R2 is complied with** **Discretion is restricted to:** **a. Effects on the safety, amenity and attractiveness of the street or public places; and;** **b. Materials being stored and the period of time for storage.** [133]	**Activity status where compliance not achieved: Discretionary**
Discretionary Activities	
MUZ – R9~~11~~	~~Commercial Activities, Community Facility, Educational Facility, Community Corrections Activity, Visitor Accommodation, Emergency Service Facilities and~~ **Buildings not meeting Permitted Activity Standards**[134]
Activity Status Discretionary Where: 1. The maximum height is 20m.	**Activity status where compliance not achieved:** Non-complying
MUZ – R~~1~~2	**Minor Structures, Fences, Walls and Retaining Walls not meeting Permitted Activity Standards**
Activity Status Discretionary	**Activity status where compliance not achieved:** N/A
MUZ – R1~~1~~3	**New Buildings and External Additions to Buildings not meeting Rule MUZ - R1**
Activity Status Discretionary	**Activity status where compliance not achieved: N/A**
MUZ – R1~~2~~4	**Residential Activities not meeting Permitted Activity standards**
Activity Status Discretionary	**Activity status where compliance not achieved: N/A**
MUZ-R15	**Any activity not provided for by another Rule in the zone**

[133] Consequential to Waka Kotahi (S450.213)
[134] Consequential to Ministry of Education (S456.035)

Activity Status Discretionary	**Activity status where compliance not achieved: N/A**[135]
Non-complying Activities	
MUZ – R1~~3~~6 Industrial Activities	
Activity Status Non-complying	**Activity status where compliance not achieved:** N/A
~~**MUZ – R14 Any activity not provided for by another Rule in the zone**~~	
~~**Activity Status Non-complying**~~	~~**Activity status where compliance not achieved:**~~ ~~N/A~~[136]

6. TOWN CENTRE ZONE

6.1. Town Centre Zone Overview

Submissions and Further Submissions

541. One submission point and one further submission point relating to the Overview of the Town Centre Zone was summarised in a Table in pages 97-98 of the S42A Report. The Panel has considered the relevant submissions received and adopts the summaries in the s42A Report.

Section 42A Report

542. In response to the submission point made by Foodstuffs that sought to make additions to the Overview text, Ms Belgrave supports the relief in part.

543. Ms Belgrave supports the addition of the word '*generally*' in reference to the heights of buildings in the TCZ.

544. Ms Belgrave does not support the requested additions to recognise existing supermarkets and existing
individual activities in the Overview, and the additional text referencing natural hazard risk does not change or add to the meaning of the Overview.

545. Ms Belgrave recommends that the TCZ Overview text is amended as follows:

> …
>
> *The four centres are **generally** characterised by 2-3 storey buildings located up to the street with verandahs and retail display windows. These town centres are pedestrian oriented and parking is*

[135] Consequential amendment stemming from William McLaughlin (S567.395), Chris & Jan Coll (S558.335), Chris J Coll Surveying Limited (S566.335) and Vance and Carol Boyd (S447.003)
[136] Consequential amendment stemming from William McLaughlin (S567.395), Chris & Jan Coll (S558.335), Chris J Coll Surveying Limited (S566.335) and Vance and Carol Boyd (S447.003)

available on the street. Residential living above ground floor and mixed use activities are provided for.

…

Hearing and Submitter Evidence

546. The legal submissions made by Ms Alex Booker on behalf of Foodstuffs reiterate the original submission, and she continues to seek the requested amendments to the Overview in the TCZ.

Reporting Officer Reply Evidence

547. There was no specific consideration of this matter in the reply evidence.

Hearing Panel's Evaluation

548. The Panel has considered the wording suggested by Foodstuffs for the Town Centre Zone Overview, and we agree with the reasoning and amendments proposed by Ms Belgrave, recommending that they be included.

Hearing Panel's Recommendation

549. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends that the relevant submission points identified in the footnotes below be accepted or accepted in part and recommends the following changes to the **Town Centre Zone Overview**.

TCZ	**Town Centre Zone – Te Takiwā o te Pokapū o te Tāone**
Overview The TCZ - Town Centre Zone is found in the four main town centres of Reefton, Greymouth/Māwhera, Westport/Kawatiri and Hokitika. There are common policies and rules across the TCZ - Town Centre Zone, however each town centre has a Precinct where specific additional policies and rules apply. The four centres are **generally**[137] characterised by 2-3 storey buildings located up to the street with verandahs and retail display windows. These town centres are pedestrian oriented and parking is available on the street. Residential living above ground floor and mixed use activities are provided for. The architectural quality of buildings and the quality of the public realm (public spaces and the interaction between individual buildings and the public pedestrian environment) will strongly influence the attractiveness of the TCZ - Town Centre Zone and MUZ - Mixed Use Zone as places to visit, undertake business and live. The objectives, policies and rules for both zones enable a broad range of activities, in order to provide the flexibility necessary to accommodate future growth and change. More importantly, they also focus on the quality of buildings and the impact of new buildings on the public realm and on the walkability and pedestrian access within the town centres. This focus is important to enhancing the attractiveness of the town centres and encouraging new businesses, visitors and inner city living.	

[137] Foodstuffs (S464.028)

As the largest centre on the West Coast/Te Tai o Poutini, Greymouth/Māwhera is expected to provide for a diverse range of commercial, retail, community and recreation activities and offer a variety of employment and living opportunities. In Greymouth/Māwhera higher density residential developments such as apartments above ground floor are anticipated that will contribute to providing wider housing choices for the community. The MUZ - Mixed Use Zone in Greymouth/Māwhera is adjacent to the TCZ - Town Centre Zone.

The Town Centre and Mixed Use Design Guidelines seek to ensure that new building development in the town centres is of a high standard and that it enhances the characteristics and qualities that contribute to each town centre's unique sense of place.

The location of the Hokitika, Greymouth/Māwhera and Westport/Kawatiri town centres on the coast and adjacent to large rivers, means parts of the town centres are subject to risk from existing and future flood and coastal inundation. Te Tai o Poutini Plan enables development within the TCZ - Town Centre Zone and MUZ - Mixed Use Zone that responds to and manages the risk. However, it is also acknowledged that over time a movement away from the most hazardous locations is desired, and this is reflected in other parts of the Te Tai o Poutini Plan through the NH - Natural Hazards provisions.

Other relevant Te Tai o Poutini Plan provisions

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

- **Transport** - the Transport Chapter contains provisions in relation to transport matters, including traffic generation TRN - R12.
- **Sites and Areas of Significance to Māori, Historic Heritage and Notable Tree Chapters** - there may be sites and areas of significance to Māori, historic heritage or notable trees identified on individual sites within the Town Centre Zone. Specific information on the provisions that apply to these can be found in the Sites and Areas of Significance to Māori, Historic Heritage, and Notable Trees Chapters.
- **Natural Hazards** - in Westport/Kawatiri, Reefton, Hokitika and Greymouth/Māwhera there are areas of natural hazards and in some locations these may affect areas in the Town Centre Zone. Information on natural hazard overlays and provisions can be found in the Natural Hazards Chapter.
- **Subdivision** - The Subdivision Chapter sets out the requirements for the development of new infrastructure and connections as part of subdivision activities.
- **Financial Contributions** - The Financial Contributions Chapter sets out the requirements for contributions of costs for activities which impact on infrastructure.
- **General District Wide Matters** - provisions in relation to Noise, Light, Signs, Temporary Activities and Earthworks in particular may be relevant to activities in the Town Centre Zone.

6.2. Town Centre Zone Rules and Design Guidelines

Submissions and Further Submissions

550. Two submission points relating generally to the **TCZ Rules** were summarised in a Table on page 99 of the S42A Report. Both submissions sought amendments to the rules.

551. Six submission points and one further submission point relating to **TCZ-R1** were summarised in a Table on pages 99-102 of the S42A Report. Two submission points supported the retention of the rule as notified. Four submission points sought amendments.

552. Three submission points relating to **TCZ-R2** were summarised in a Table on pages 104-105 of the S42A Report. Two submission points supported the retention of the rule as notified. One submission point sought amendments.

553. Four submission points relating to **TCZ-R3** were summarised in a Table on page 106 of the S42A Report. Two submission points supported the retention of the rule as notified. Two submission points sought amendments.

554. Four submission points relating to **TCZ-R4** were summarised in a Table on pages 107-108 of the S42A Report. Three submission points supported the retention of the rule as notified. One submission point sought amendments.

555. Three submission points relating to **TCZ-R5** were summarised in a Table on page 108 of the S42A Report. All submission points supported the retention of the rule as notified.

556. Five submission points relating to **TCZ-R6** were summarised in a Table on page 109 of the S42A Report. Three submission points supported the retention of the rule as notified. One submission point sought to delete it, and one sought amendment.

557. Three submission points relating to **TCZ-R7** were summarised in a Table on page 110 of the S42A Report. All submission points supported the retention of the rule as notified.

558. Four submission points relating to **TCZ-R8** were summarised in a Table on page 111 of the S42A Report. Three submission points supported the retention of the rule as notified. One submission point sought amendments.

559. Two submission points relating to **TCZ-R9** were summarised in a Table on page 112 of the S42A Report. One submission point supported the retention of the rule as notified, and one submission point sought amendments.

560. Three submission points and two further submissions relating to **TCZ-R10** were summarised in a Table on pages 112-113 of the S42A Report. Two submission points supported the retention of the rule as notified. One submission point and two further submissions sought amendments.

561. Two submission points relating to **TCZ-R11** were summarised in a Table on page 113 of the S42A Report. All submission points supported the retention of the rule as notified.

562. Two submission points relating to **TCZ-R12** were summarised in a Table on page 114 of the S42A Report. All submission points supported the retention of the rule as notified.

563. Six submission points relating to **TCZ-R13** were summarised in a Table on page 114 of the S42A Report. One submission point supported the retention of the rule as notified. Five submission points sought it be deleted.

564. Two submission points relating to **TCZ-R14** were summarised in a Table on page 115 of the S42A Report. All submission points supported the retention of the rule as notified.

565. Four submission points relating to **TCZ-R15** were summarised in a Table on pages 115-116 of the S42A Report. One submission point supported the retention of the rule as notified. Three submission points sought amendments.

566. Two submission points relating to **TCZ-R16** were summarised in a Table on pages 116-117 of the S42A Report. All submission points supported the retention of the rule as notified.

567. Two submission points relating to **TCZ-R17** were summarised in a Table on page 117 of the S42A Report. One submission point supported the retention of the rule as notified, and the other sought an amendment.

568. Four submission points relating to **TCZ-R18** were summarised in a Table on page 118 of the S42A Report. One submission point supported the retention of the rule as notified. Two submission points sought amendments, and one sought to delete the rule.

569. Two submission points relating to **TCZ-R19** were summarised in a Table on page 119 of the S42A Report. All submission points supported the retention of the rule as notified.

570. Two submission points relating to **TCZ-R20** were summarised in a Table on page 119 of the S42A Report. One submission point supported retaining the rule as notified, and the other sought to delete the rule.

571. Two submission points relating to **TCZ-R21** were summarised in a Table on page 120 of the S42A Report. All submission points supported the retention of the rule as notified.

572. Fifteen submission points and one further submission point relating to **Appendix 3 – Town Centre Design Guidelines** were summarised in a Table on pages 120-125 of the S42A Report. Three submission points supported the retention of the Appendix as notified. One submission point sought to delete the Appendix. Eleven submission points sought amendments.

573. The Panel adopts these summaries and has considered all the relevant submissions and further submissions.

Section 42A Report

TCZ - General

574. In response to the submission point from Foodstuffs that sought to make specific provision for supermarkets, Ms Belgrave does not consider this necessary, as supermarkets are provided for as commercial activities in the TCZ.

575. In response to the submission point made by Ngāi Tahu that sought to have Poutini Ngāi Tahu values as part of controlled and restricted discretionary activities, Ms Belgrave notes that this is a common submission point across multiple hearing streams and for other zones in this stream. She reiterates her opinion regarding CMUZ and COMZ and does not support the relief sought in the submission point.

576. The S42A report recommends that no amendments be made to the TCZ chapter in response to these submissions.

TCZ – R1 Commercial Activities and Buildings, Community Corrections Activities, Community Facilities and Emergency Service Facilities

577. Ms Belgrave acknowledged the support from Te Mana Ora and the Department of Corrections that supported the rule as notified. The acknowledgement is subject to recommended amendments that arise from other submission points.

578. Ms Belgrave generally supports the relief sought in the submission point made by Waka Kotahi. The submission point is similar to those made in relation to the COMZ and the MUZ. It sought clarification as to whether the requirements of the rule should be considered performance standards, and if so, whether the activities listed in the heading should be addressed in a separate rule. Ms Belgrave acknowledges the confusion regarding the terminology used throughout the rules in this chapter. She therefore recommends that the rule heading be amended to apply to all new buildings, additions and alterations to existing buildings, landscaping, and external storage, and that the activities be moved to a new, separate rule.

579. In response to the submission point made by Foodstuffs that sought amendments to exclude existing supermarkets from TCZ-R1.1, TCZ-R1.4, and TCZ-R1.5, Ms Belgrave does not support the relief sought. This is because existing use rights will apply to existing buildings and activities, and so the requested exemption is not necessary.

580. In response to the submission point made by BDC that sought amendments to the glazing part of the rule, Ms Belgrave agrees that the amendment will simplify the rule but also recommends the inclusion of '*at the frontage'* to ensure that glazing is not required at the side and rear of building facades. Additionally, Ms Belgrave supports deleting TCZ-R1.5 as TCZ-R1.4 will appropriately manage streetscape amenity outcomes.

581. In response to the other parts of the submission point made by BDC that sought amendments related to fencing and the exceptions related to when a written approval is obtained, Ms Belgrave reiterates the recommendations she made on the same matter for the COMZ. That is to include an advice note but not to change the wording of the rule.

582. In response to the submission point made by FENZ, which sought amendments to exclude emergency services facilities from the ground floor façade controls, Ms Belgrave did not support the relief sought, as no specific assessment was provided with the submission.

583. In response to the other parts of the submission point made by FENZ that requested the inclusion of a new rule relating to water supply servicing, Ms Belgrave did not support the relief sought. She noted that it is uncommon to include general servicing controls in the zone chapters; instead, these are usually part of subdivision provisions. Furthermore, water supply servicing arrangements for new buildings are more appropriately managed under the requirements of the Building Code.

584. Ms Belgrave recommends that TCZ-R1 be amended as follows:

> ***TCZ-R1 <u>New Buildings, External Additions or Alterations to Existing Buildings, and External Storage</u> ~~Commercial Activities and Buildings, Community Corrections Activities, Community Facilities and Emergency Service Facilities~~***
>
> *Activity Status Permitted*
>
> *Non-complying where **<u>rules</u>** **~~standards~~** 1-3 are not complied with*
>
> *Discretionary where **<u>rules</u>** **~~standards~~** 4 to 6 are not met*

…

4. The ground floor façade of all buildings with a Main Street Frontage must have:

a. ***A minimum of 50% of the building façade at ground level must comprise clear glazing*** ~~***50% of the facade devoted to display windows or 75% of its height for at least 50% of the ground floor building frontage***~~*; and*

~~***5. No building shall create a featureless facade or blank wall on a Main Street Frontage at ground floor level wider than 3m.***~~

6. No building shall project beyond a building envelope defined by a recession plane as identified in accordance with Appendix Two to commence 2.5m above any RESZ - Residential Zone boundary ~~***except where the neighbouring property owner's written approval is provided to the Council 10 working days to the works commencing.***~~ *This standard does not apply to:*

…

Advice Notes:

1. Where boundary rules are infringed, the Deemed Permitted Activity Boundaries process will apply where the neighbouring property owner's written approval is provided to Council.

TCZ – R2 Commercial Activities and Buildings, Community Facilities, Community Corrections Activities and Emergency Service Facilities in the TCZ - PREC2 Hokitika Town Centre Precinct

585. Ms Belgrave acknowledged the support from Te Mana Ora and FENZ, which supports the rule as notified. The acknowledgement is subject to recommended amendments that arise from the other submission point.

586. In response to the submission point made by Foodstuffs that sought amendments to exclude existing supermarkets from TCZ-R2.4 and TCZ-R2.5, Ms Belgrave did not support the relief sought. This is because existing use rights will apply to existing buildings and activities; therefore, the requested exemption is not necessary.

587. In response to submissions received relating to Appendix 3 – Town Centre Design Guidelines, Ms Belgrave recommends consequential amendments to TCZ-R2.

588. Ms Belgrave recommends that TCZ-R2 be amended as follows. The recommendations also take into account recommendations made in response to submissions received relating to the Hokitika Design Guidelines:

TCZ-R2 Commercial Activities and Buildings, Community Facilities, Community Corrections Activities and Emergency Service Facilities in the TCZ - PREC2 Hokitika Town Centre Precinct

...

4. ~~***Every***~~ ***New*** *building****s and additions and alterations to any building*** *with a Main Street Frontage must erect a cantilevered continuous verandah to cover the full width of the footpath except that this does not apply to Heritage Buildings identified in Schedule One; and*

~~***5. New buildings and additions and alterations to any Main Street Frontage façade must demonstrate that they meet the Hokitika Town Centre Urban Design Guidelines.***~~

Advice Note:

2. When designing new buildings in Hokitika Town Centre developers are encouraged to use the Hokitika Town Centre Urban Design Guidelines.

TCZ – R3 Commercial Activities and Buildings, Community Facilities, Community Corrections Activities and Emergency Service Facilities in the TCZ – PREC1 Greymouth/Māwhera Town Centre Precinct

589. Ms Belgrave acknowledged the support from Te Mana Ora and FENZ, which supports the rule as notified. The acknowledgement is subject to recommended amendments that arise from the other submission points.

590. In response to the submission point made by Ngāi Tahu that sought to include compliance with the design guidelines as a rule instead of an advice note, Ms Belgrave did not support the relief sought. This is because it would be difficult to demonstrate and enforce compliance with the guidelines; therefore, she recommended retaining it as an advice note.

591. In response to the submission point made by Foodstuffs that sought amendments to exclude existing supermarkets from TCZ-R3.3, Ms Belgrave did not fully support the relief sought. This is because existing use rights will apply to existing buildings and activities; therefore, the requested exemption is not necessary. Notwithstanding this, Ms Belgrave did support amendments to TCZ-R3.3 to clarify that the rule applies to new buildings, as well as any additions and alterations.

592. Ms Belgrave recommends that TCZ-R3 be amended as follows, noting that the recommendation includes consequential amendments following recommendations to TCZ-R1:

> ***TCZ-R3 Commercial Activities and Buildings, Community Facilities, Community Corrections Activities and Emergency Service Facilities in the CZ - PREC1 Greymouth/Māwhera Town Centre Precinct***
>
> *Activity Status Permitted*
>
> *Activity status where compliance not achieved:*
>
> *Discretionary where standard 2 is not complied with.*
>
> *Non-complying where standard 3 is not complied with.*
>
> ***~~Refer Rule TCZ - R1 where there is non- compliance with these standards~~***
>
> *…*
>
> *3. **~~Every~~** **New** buildings **and additions and alterations to any building** with a Main Street Frontage must erect a cantilevered continuous verandah (with no decorative poles) to extend from the shop frontage to be 400mm inside the kerbline. This requirement for a verandah does not apply to Historic Heritage buildings identified in Schedule One.*

TCZ – R4 Commercial Activities and Buildings, Community Facilities, Community Corrections Activities and Emergency Service Facilities in the TCZ – PREC3 Westport/Kawatiri Town Centre Precinct

593. Ms Belgrave acknowledged the support from Te Mana Ora, Buller District Council, and FENZ for the rule as notified. The acknowledgement is subject to recommended amendments that arise from the other submission points.

594. In response to the submission point made by Ngāi Tahu that sought to include compliance with the design guidelines as a rule instead of an advice note, Ms Belgrave does not support the relief sought. This is because it would be difficult to demonstrate and enforce compliance with the guidelines; therefore, she recommended retaining it as an advice note.

595. Ms Belgrave recommends that TCZ-R4 be amended to take account of consequential amendments following recommendations to TCZ-R1:

> ***TCZ-R4 Commercial Activities and Buildings, Community Facilities, Community Corrections Activities and Emergency Service Facilities in the CZ – PREC3 Westport/Kawatiri Town Centre Precinct***
>
> *Activity Status Permitted*
>
> *…*
>
> ~~***Refer Rule TCZ - R1 where there is non- compliance with these standards***~~

TCZ – R5 Commercial Activities and Buildings, Community Facilities, Community Corrections Activities and Emergency Service Facilities in the TCZ – PREC4 Reefton Town Centre Precinct

596. Ms Belgrave acknowledged the support from Te Mana Ora, BDC and FENZ that support the rule as notified. The acknowledgement is subject to recommended amendments that arise from the other submission points.

597. Ms Belgrave recommends that TCZ-R5 be amended to take account of recommendations made in response to submissions received relating to the Reefton Design Guidelines and consequential amendments following recommendations to TCZ-R1:

> ***TCZ-R5 Commercial Activities and Buildings, Community Facilities, Community Corrections Activities and Emergency Service Facilities in the CZ – PREC4 Reefton Town Centre Precinct***
>
> *Activity Status Permitted*
>
> *…*
>
> ~~***Refer Rule TCZ - R1 where there is non- compliance with these standards***~~
>
> *Where:*
>
> *…*
>
> ~~***5. New buildings and additions and alterations to the exterior facade with frontage to SH7 (Broadway) must demonstrate they meet the Reefton Heritage Town Design Guidelines.***~~
>
> ***Advice Note:***
>
> ***1. When designing new buildings in Reefton Town Centre developers are encouraged to use the Reefton Town Centre Urban Design Guidelines.***

TCZ – R6 Carparking and Vehicle Service Access

598. Ms Belgrave acknowledged the support from Te Mana Ora, Waka Kotahi, and GDC, which supports the rule as notified. The acknowledgement is subject to recommended amendments that arise from the other submission points.

599. Similar to the recommendation made in response to the submission point made by BDC regarding the MUZ carparking rule, Ms Belgrave did not support the submission point made by BDC to delete TCZ-R6 or to include the requirements in TRN-S12. This is because Ms

Belgrave considers that TCZ-R6 is focused on design matters that are directly relevant to the effects of new development in the TCZ, while TRN-S12 focuses on the construction requirements for car parking.

600. In response to the submission point made by Fire and Emergency NZ that sought to exclude emergency service activities from the design requirements for parking and access, Ms Belgrave agrees (as also set out with respect to the MUZ) that, as emergency services have operational needs that limit the location of parking and access relative to their building. Additionally, a limited number of emergency service facilities will be established in the TCZ; therefore, Ms Belgrave supported excluding emergency service facilities from the requirements of the rule.

601. The S42A report recommends that TCZ-R6 be amended as follows:

> ***TCZ-R6 Carparking and Vehicle Service Access***
>
> …
>
> ***7. Emergency service facilities are excluded from Rules TCZ-R6.1 – TCZ-R6.6***

TCZ – R7 Residential Activities in Existing Buildings

602. Ms Belgrave acknowledged the support from Te Mana Ora, Waka Kotahi and BDC that support the rule as notified. The acknowledgement is subject to recommended amendments that arise from consequential changes relating to other submission points.

603. Ms Belgrave recommends amendments that apply to waste management and residential accommodation entrances, which will achieve consistency with the recommendations to the equivalent rules in the COMZ and MUZ chapters.

604. The S42A report recommends that TCZ-R7 be amended as follows:

> ***TCZ-R7 Residential Activities in Existing Buildings***
>
> …
>
> 2. *Each residential unit shall be provided with a waste management area of 2m² per unit, each with a minimum dimension of 1.5 metres in* ***~~either~~*** *a private* ***~~or communal~~*** *area* ***or 9m² with a minimum dimension of 2.8 metres in a communal area.***
> 3. *…*
> 4. *…*
> 5. ***The principal residential ~~Residential~~*** *accommodation entrance****~~s are~~*** ***shall be*** *provided directly from* ***a ~~the~~*** *public street* ***or open space.***

TCZ – R8 Visitor Accommodation Activities and Buildings

605. Ms Belgrave acknowledged the support from Te Mana Ora, Waka Kotahi and FENZ that support the rule as notified. The acknowledgement is subject to recommended amendments that arise from the other submission points.

606. In response to the submission point made by BDC that sought to delete TCZ-R8.3 on the basis that it duplicates Standards in TCZ-R1, Ms Belgrave did not support the relief sought, as she considers that TCZ-R8 includes additional requirements specific to managing visual effects associated with the provision of waste management areas, separate from those in TCZ-R1.

Notwithstanding this, recommendations for amendments to the rules governing waste management and residential accommodation entrances are outlined below to ensure consistency with the proposed amendments to other CMUZ chapters.

607. The S42A report recommends that TCZ-R8 be amended as follows:

TCZ-R8 Visitor Accommodation Activities and Buildings

…

5. ***The principal visitor*** ~~***Visitor***~~ *accommodation entrance*~~***s***~~ ***shall be*** *provide****d*** ~~***pedestrian access***~~ *directly from* ***a*** ~~***the***~~ *public street* ***or open space****.*[138]

TCZ – R9 Demolition of Existing Buildings

608. Ms Belgrave acknowledged the support from Te Mana Ora that supports the rule as notified. The acknowledgement is subject to recommended amendments that arise from the other submission points.

609. In response to the submission point made by BDC that sought to make a minor grammatical amendment and remove the percentage reference, Ms Belgrave supported the relief sought. She agreed that the rule, as notified, will be confusing and create difficulties when determining compliance.

610. The S42A report recommends that TCZ-R9 be amended as follows:

TCZ-R9 Demolition of Existing Buildings

…

3. *If the building to be demolished is on a Main Street Frontage* ~~***that***~~ ***then*** *a pedestrian weather cover must be provided over the adjacent footpath* ~~***for 80% of the frontage***~~*. Where the site is to be redeveloped then a temporary structure can be provided for a maximum of 6 months in the TCZ - PREC1 - Greymouth/Māwhera and TCZ - PREC2 - Hokitika Town Centre Precincts and a maximum of 12 months in the TCZ - PREC3 - Westport and TCZ - PREC4 - Reefton Town Centre Precincts.*

TCZ – R10 Minor Structures

611. Ms Belgrave acknowledged the support from Te Mana Ora and BDC that supports the rule as notified. The acknowledgement is subject to recommended amendments that arise from the other submission points.

612. In response to the submission point made by FENZ that sought amendments to enable hose drying towers up to a maximum height of 15m, Ms Belgrave supported the relief sought. This is because the inclusion of a maximum height for hose drying towers under TCZ-R10 will provide helpful clarification. It is considered that a maximum height of 15m is appropriate, having regard to the maximum permitted building height within the Town Centre Precincts, and that the establishment of emergency service facilities in the Zone will be limited.

613. The S42A report recommends that TCZ-R10 be amended as follows:

TCZ-R10 Minor Structures

[138] The S42A report and tracked versions of the rule appears to use wording from TCZ-R7 – Residential Activities and so incorrectly referred to 'residential accommodation', and different phrasing. This is a typo. The recommended phrasing is the same as the S42A report, with 'visitor' replacing 'residential'.

…

4. Hose drying towers do not exceed 15m in height; and

…

TCZ – R11 Fences, Walls and Retaining Walls

614. Ms Belgrave acknowledged the support from Te Mana Ora and BDC, which supports the rule as notified.

615. The S42A report recommends retaining TCZ-R11 as notified.

TCZ – R12 Demolition of Buildings not meeting Permitted Activity Standards

616. Ms Belgrave acknowledged the support from Te Mana Ora and BDC, which supports the rule as notified.

617. The S42A report recommends retaining TCZ-R12 as notified.

TCZ – R13 Relocated Buildings

618. Ms Belgrave acknowledged the support from Te Mana Ora that support the rule as notified.

619. In response to the five submission points[139] that sought to delete the rule, Ms Belgrave did not support the relief sought. She considered that the matters of discretion under TCZ-R13 relate to the design, location, and appearance of buildings, as well as the extent to which the relevant Design Guidelines are met. It was her view that these matters are relevant to ensuring high-quality built form outcomes in the TCZ and are separate from considerations under the Building Act.

620. The S42A report recommends retaining TCZ-R13 as notified.

TCZ – R14 Visitor Accommodation Activities and Buildings and Residential Activities in Existing Buildings not meeting Permitted Activity Standards

621. Ms Belgrave acknowledged the support from Te Mana Ora and BDC, which supports the rule as notified.

622. Despite the support for this rule, Ms Belgrave recommended that the rule be deleted to simplify the TCZ chapter. Discretionary and non-complying activity status for non-compliance with the relevant rules is provided for under TCZ-R7 and TCZ-R8, and therefore, this rule is an unnecessary duplication.

623. The S42A report recommends deleting TCZ-R14.

TCZ – R15 Commercial Activities and Buildings Buildings, Community Facilities, Community Corrections Activities and Emergency Service Facilities not meeting the Permitted Activity Standards for Ground Floor Facade, Recession Plane or Height

624. Ms Belgrave acknowledged the support from Te Mana Ora that support the rule as notified.

[139] Chris and Jan Coll (S558.010), Chris J Coll Surveying Limited (S566.010), William McLaughlin (S567.010) and Laura Coll McLaughlin (S574.010) Buller District Council (S538.434)

625. In response to the submission points made by Foodstuffs and the BDC to delete the non-complying activity status, and in the case of the BDC submission, the deletion of TCZ-R15.1, Ms Belgrave recommended deleting the rule in its entirety to simplify the chapter. Discretionary and non-complying activity statuses are already provided for under TCZ-R1-TCZ-R5.

626. In response to the submission points made by BDC and GDC to correct the typo in the rule heading, given that Ms Belgrave recommended to delete the rule, these submission points are recommended to be rejected.

627. The S42A report recommends deleting TCZ-R15.

TCZ – R16 Minor Structures and Fences, Walls and Retaining Walls not meeting the Permitted Activity Standards

628. Ms Belgrave acknowledged the support from Te Mana Ora and BDC, which supports the rule as notified.

629. Despite the support for this rule, Ms Belgrave recommended that the rule be deleted to simplify the TCZ chapter. Discretionary and non-complying activity status for non-compliance with the relevant rules is provided for under TCZ-R10 and TCZ-R11, and therefore, this rule is an unnecessary duplication.

630. The S42A report recommends deleting TCZ-R16.

TCZ – R17 Residential Activities and Buildings in New Buildings

631. Ms Belgrave acknowledged the support from Te Mana Ora that supports the rule as notified.

632. In response to the submission point from BDC to insert a discretionary activity status, Ms Belgrave notes the submission and comments that no amendment is necessary as the notified rule includes a discretionary activity status.

633. Ms Belgrave did recommend amendments to the waste management and outdoor living space part of the rule to achieve consistency with recommended amendments to the equivalent provisions in the COMZ and MUZ chapters. She also recommended deleting *'and Buildings'* from the rule title, as this appears to be an error.

634. The S42A report recommends that TCZ-R17 be amended as follows:

> ***TCZ-R17 Residential Activities ~~and Buildings~~ in New Buildings***
>
> *Where:*
>
> 1. *The ground floor is used for Commercial or Community Activities* ***~~and complies with the Performance Standards for Rule TCZ - R1;~~***
>
> 2. *Each residential unit is provided with* ***~~an outdoor service space of 3m² and~~*** *a waste management area of 2m² per unit, each with a minimum dimension of 1.5 metres in* ***~~either~~*** *a private* ***~~or communal~~*** *area* ***or 9m² with a minimum dimension of 2.8 metres in a communal area****;*
>
> *3. …*
>
> *4. …*

5. Each residential unit shall be provided with an outdoor living space of

~~a. 6~~8m² minimum area and ~~1.5~~ 2 metres minimum dimension ~~for a studio or 1 bedroom unit;~~

~~b. 10m² minimum area and 1.5 metres minimum dimension for a 2 or 3 bedroom unit;~~

c. ~~15m² minimum area and 1.5 metres minimum dimension for 3 or more bedrooms~~.

TCZ – R18 Commercial Activities and Buildings, Community Facilities, Community Corrections Activities and Emergency Service Facilities not meeting the Permitted or Discretionary Activity Standards

635. In response to the submission point from BDC that sought to delete the rule, Ms Belgrave supported the relief sought as the rule is unnecessary following recommended amendments to TCZ-R1 and TCZ-R15.

636. Given the recommendation to delete the rule, Ms Belgrave did not support the relief sought by the other submitters.

637. The S42A report recommends deleting TCZ-R18.

TCZ – R19 Residential and Visitor Accommodation Activities not meeting the Permitted, Restricted Discretionary or Discretionary Activity Standards

638. Ms Belgrave acknowledged the support from Te Mana Ora and BDC, which supports the rule as notified.

639. The S42A report recommends retaining TCZ-R19 as notified.

TCZ – R20 Carparking and Vehicle Service Access not meeting the Permitted Activity Standards

640. Ms Belgrave acknowledged the support from Te Mana Ora that supports the rule as notified. The acknowledgement is subject to recommended amendments that arise from the other submission points.

641. Ms Belgrave supports the relief sought by BDC to delete this rule, which would simplify the TCZ Chapter. The non-complying activity status is already provided in relation to this activity under TCZ-R6.

642. The S42A report recommends deleting TCZ-R20.

TCZ – R21 Industrial Activities

643. Ms Belgrave acknowledged the support from Te Mana Ora that supports the rule as notified.

644. The S42A report recommends retaining TCZ-R21 as notified.

Appendix Three: Design Guidelines

645. The technical design evidence from Ms Alicia Lawrie has informed Ms Belgrave's recommendations regarding the Design Guidelines.

646. Ms Belgrave acknowledged the support from Ngāi Tahu that supports the Design Guidelines as notified, particularly those sections that relate to Poutini Ngāi Tahu Cultural Landscapes.

The acknowledgement is subject to recommended amendments that arise from the other submission points.

647. Ms Belgrave did not support the submission point made by the Proprietors of Mawhera Tiamana Mawhera Incorporation that opposed paragraphs in Sections 2.1 and 2.2 of the Design Guidelines. The submitter did not provide reasons for opposing the paragraphs; therefore, Ms Belgrave recommended rejecting the submission.

648. In response to the submission point made by Martin & Co Westport and Lumberland Building Market Westport, which sought to delete the reference to the Mitre 10 building and the supporting statement, Ms Belgrave supported the relief sought. This is because the building is located outside of the TCZ, and its inclusion in the Design Guideline could create confusion.

649. In response to the six submission points[140] that sought various relief in relation to the colour controls, Ms Lawrie considered this in her evidence, and Ms Belgrave has made recommendations based on that evidence.

650. Ms Belgrave agrees with Ms Laurie that the assessment of colour is subjective, and based on this, it creates inefficiencies and a lack of clarity, especially in the cases of Hokitika and Reefton, where the notified rules require compliance with the Design Guidelines to be a permitted activity. Notwithstanding this, implementing the colour controls will be difficult to enforce, regardless of whether the Guidelines are referenced as a permitted activity or an advisory note. Additionally, the colour guidelines would only apply if resource consent were required, so it would not capture a landowner simply painting their commercial building.

651. It is relevant to record that existing heritage buildings are subject to separate provisions in the Historic Heritage Chapter.

652. Ms Belgrave did not support the relief sought by Richard Arlidge to add a new indigenous colour palette specific to all Design Guidelines.

653. Based on the above, Ms Belgrave recommended deleting the colour controls from the Design Guidelines as they were notified. Her recommendation also includes amendments that identify and provide guidance to plan users on how colour may be used and applied to achieve high-quality built form and design outcomes. This includes referring to the existing photograph figures as examples of where colour has been used successfully to highlight specific design elements such as window details and entrances.

654. In response to the four submission points from Foodstuffs that sought to exempt supermarkets from the Design Guidelines, Ms Belgrave did not support the relief sought based on the evidence of Ms Lawrie. They both consider that the management of design outcomes is appropriate due to the scale of these activities and their potential to create effects on character and amenity. Ms Belgrave recommended amendments to the Design Guidelines for Hokitika and Westport/Kawatiri under GF6, and consequential amendments to Greymouth/Māwhera under GF7, to recognise a range of architectural design methods that may be utilised to achieve outcomes related to articulation and detail.

[140] Jan and Heward (S353.002), Grey District Council (S608.483), Kirsty Dittmer (S412.001), Joanne and Ken Dixon (S213.002), Robert Burdekin (S378.008) and Richard Alridge (S419.006)

655. Furthermore, recommending alternative design approaches as an advisory note rather than a rule for the Hokitika and Reefton Guidelines will achieve the desired outcomes, and this will partly address the matters raised by Foodstuffs.

656. In response to the submission point made by Kirsty Dittmer that sought multiple amendments to the Greymouth/Māwhera Guidelines, Ms Belgrave partially supported the relief sought. The specific considerations are set out below:

(a) Ms Belgrave did not support deleting the Existing Built Character from 2.1 Context as it provides relevant context to the Greymouth/Māwhera Town Centre.

(b) Ms Belgrave agreed that GC1 is unclear, and she supports the inclusion of referring to neighbouring properties, although she recommends alternative language.

(c) Ms Belgrave supported the amendment to delete the reference to 'other buildings'. However, she recommended retaining the examples of natural features.

(d) In response to IW6, Ms Belgrave agreed that the guideline is unclear. She recommended amendments to improve clarity in response to this submission point.

(e) Ms Belgrave did not support deleting the second sentence in BF1. However, she recommended minor amendments to refer to '*smaller vertical forms'* in place of '*smaller storefronts.*

(f) Ms Belgrave did not support the requested changes to remove the references to two-story buildings in BF4. She considered that taller buildings would create opportunities for visual interest and contribute to a defined street edge. It is also appropriate in the context of the rules that allow building heights of up to 20m.

(g) Ms Belgrave did not support deleting references to symmetrically located windows in GF1 as this is a design element that contributes to the character of the Town Centre as set out in "2.1 Context". Notwithstanding, minor amendments are recommended to provide greater flexibility to achieve the desired built form outcomes.

(h) In response to GF2, Ms Belgrave agreed that the reference to full glazed facades is unclear, and she supports deleting the reference to requiring vertical solid breaks at frequent intervals at fully glazed facades. However, she recommended retaining the reference to not obscuring glazing or the visual connection from the outside into the building, as this achieves visual permeability.

(i) Ms Belgrave did not support the addition of the words '*where feasible'* to the end of GF3. She considered that an active reception and waiting area should be located on the ground floor and along the main street frontage to be a relevant design consideration.

(j) Ms Belgrave did not support the addition of the words '*is preferred'* in reference to the upper area in GF5, as she noted that symmetry has been identified as a feature that contributes to the character of the Town Centre.

(k) Ms Belgrave supported the inclusion to allow for consideration of sufficient clearance for taller vehicles, and she considered this relevant to the design and location of verandahs within the Town Centre. However, she did not support deleting the bullet point to avoid obscuring windows or architectural details, as this could encourage structures and signage to be located above verandahs.

(l) Ms Belgrave did not support deleting GL1 in its entirety. This is because this guideline identifies location-specific requirements for Mackay Street and Māwhera Quay, which are subject to controls for main street frontage and façade control. Nevertheless, she did recommend some amendments to encourage buildings to achieve cohesiveness with the port warehouse character and to ensure that GL1 reads as a guideline rather than a rule.

657. Consequential to the recommended amendments to the Greymouth/Māwhera Design Guidelines, Ms Belgrave recommended several related amendments to the Hokitika, Reefton, and Westport/Kawatiri Design Guidelines to achieve consistency.

Hearing and Submitter Evidence

658. The legal submissions made by Ms Alex Booker on behalf of Foodstuffs reiterate the original submission, and she continued to seek the requested amendments to TCZ-R1. She commented that, for operational and functional reasons, it may not always be appropriate for a supermarket to be built up to the front boundary; in such cases, any new supermarket not complying with the setback would be considered a non-complying activity.

659. Ms Booker reiterated the above in relation to TCZ-R2 as well. She also made comments that it is unclear whether the Council will approve licences to occupy airspace for verandahs.

660. Ms Booker accepted the recommended amendments to TCZ-R3 and the deletion of TCZ-R15.

661. Ms Booker reiterates the original submission concerning TCZ-R18, and she continued to seek that the non-complying activity status where non-compliances exist for commercial activities (and in particular supermarkets) be changed to discretionary.

662. Ms Booker accepted the recommended amendments to the Town Centre Urban Design Guidelines.

663. Mr George van Pelt tabled a letter at the hearing on behalf of FENZ. The letter accepted the S42A recommendation not to make any changes to TCZ-R1. They accept the recommendation regarding TCZ-R1.4. While they acknowledged that they will not pursue the submission point relating to the provision of a water supply, it is noted that the Building Act 2004 alone does not adequately provide for the provision of a water supply (including firefighting water supply) to new developments.

664. Mr van Pelt's letter also accepts the recommended wording for TCZ-R10.

665. A letter from Ms Michelle Grinlinton-Hancock on behalf of KiwiRail was tabled at the hearing. The letter draws the Panel's attention to the fact that none of KiwiRail's submission points were allocated to this hearing stream. As a result, the S42A report did not address any aspect of the submission made by KiwiRail. Despite this, KiwiRail sought relief relating to building setbacks from the rail corridor in all zones. In the TCZ, a setback of 5m is sought.[141]

666. Ms Grinlinton-Hancock explains in the letter that KiwiRail seeks setback controls to appropriately manage the health and safety of communities and ensure the ongoing operation of KiwiRail's network, as it is nationally and regionally significant infrastructure. She sets out that a safety setback is critically important to enable landowners to safely access their properties, avoid significant safety risks, and protect the rail corridor from interference.

[141] As set out in evidence for Topic 1, to align with the road boundary setback rules.

667. Despite not making any submissions on the rules of the TCZ, Ms Frida Inta presented a statement at the hearing offering views on the S42A recommendation. With respect to TCZ-R13, Ms Inta raised questions regarding the activity status of restricted discretionary noting that in the other Mixed-Use Zones, there were permitted rules for relocated buildings.

668. Ms Inta also observes that the heading for TCZ-R17 should have the words '*and Buildings'* removed. Ms Belgrave identified this error in the S42A report.

669. Ms Inta disagrees with the S42A recommendation regarding the appropriateness of the green building in GF8 of the Westport/Kawatiri Design Guidelines.

Reporting Officer Reply Evidence

670. In relation to the recommended changes to TCZ-R1 and in response to questions from the Panel regarding the addition of a new rule, Ms Belgrave reconsidered the scope to enable this amendment. She explains that the new rule is consequential to the submission point made by Waka Kotahi. In order to respond to the relief sought to separate performance standards from specific activities a new rule is necessary to provide for the activities listed in the notified version of the rule.

671. Consequential to the separation of COMZ-R1 into two rules (one for building controls and one for activities) and in response to Ms Inta's statement that was presented at the hearing, Ms Belgrave supports several amendments to restructure and relocate standards between the relevant rules. This has resulted in amendments to all the Commercial and Industrial chapters. However, the wording and intent of the provisions have not changed through this process, and no new additions have been made to the requirements of the standards.

672. Following questions from the Panel in relation to the interpretation of the glazing requirements at TCZ-R1.4 Ms Belgrave made recommendations to amend the wording to improve the clarity of the rule. She recommended deleting the phrase *'of the building façade at ground level'* as the phase '*ground floor façade'* is in the first part of the rule:

> *4. The ground floor façade of all buildings with a Main Street Frontage must have:*
>
> *a.* ***A minimum of 50%*** ~~***of the building façade at ground level must comprise***~~ ***comprising of clear glazing*** ~~***50% of the facade devoted to display windows or 75% of its height for at least 50% of the ground floor building frontage***~~

673. In response to the letter tabled by KiwiRail at the hearing, a joint right of reply has been prepared as the issues traverse various hearing streams. The joint right of reply agrees that a building setback from the rail corridor is appropriate in certain circumstances. As part of the consideration, the reporting planners have reviewed other plans, considered the variability of use (of the rail corridor) and the type of buildings/structures a setback should apply to. The planners also note that the railway designation is considerably wider than the railway line itself. So, there is already an effective buffer between the railway activity and the adjacent private land. Additionally, the railway line is also generally parallel to the state highway.

674. Concerning the TCZ, the reporting planners do not support KiwiRail's request for a 5m building setback from the railway corridor. They consider that a 5m setback would have a significant impact on the land available for development and is excessive in this zone. Notwithstanding that the reporting planners consider it more efficient to manage relevant effects through the designation process, they recommend a rule to require new buildings to be set back 1.5m

from the railway corridor. The rule should exclude accessory buildings and structures. The recommended wording is as follows:

TCZ-R1

3. Any building or structure is set back:

b. 3m from any RESZ – Residential Zone boundary;

c. ***1.5m from the railway corridor boundary, excluding accessory buildings and structures***

675. Ms Belgrave has further considered the wording of TCZ-R9 in her Right of Reply with respect to clarifying where the pedestrian weather cover is to be provided. She recommends adding the word '*immediately*' to the rule that will ensure that there is no disruption to the continued provision of verandas for pedestrians.

676. The right of reply considers the question of whether there are provisions in the TCZ that will assist in achieving revitalisation (including in the Greymouth Town Centre) as identified in the section 32 report. Ms Belgrave identifies rules TCZ-R1, TCZ-R3 and TCZ-R9 that, in her opinion, will encourage revitalisation through providing for new development without the need for resource consent. She also considers that rules TCZ-R1 and TCZ-R7 will also encourage residential development in the TCZ.

Town Centre Urban Design Guidelines

677. Ms Belgrave's right of reply outlined some discussion regarding the Design Guidelines in response to questions from the Panel that were asked during the hearing. She confirmed that there are existing '*revitalisation plans'* that apply to both Greymouth and Westport, which act as a form of design guideline. Neither of these plans has any statutory weight. Ms Belgrave understands that a similar plan was being prepared for Hokitika, but that was paused given the progression of the pTTPP.

678. Ms Belgrave comments that the development outcomes achieved in Reefton are the result of voluntary commitments generally made by one landowner who was guided by Design Guidelines prepared by Heritage NZ for Reefton.

679. Ms Belgrave's right of reply addressed the question of whether, if the Design Guidelines are voluntary, an application in Reefton would be assessed, should it pull firmly against the heritage fabric of the town. She notes that there are no scheduled historic heritage areas within the Reefton Town Centre, and that all sites and areas identified in Schedule One are located in the adjoining Residential Zone. Ms Belgrave confirms that the Guidelines would be voluntary in the case of a new build or alteration in the Reefton Town Centre that complies with TCZ-R5. However, in the case of any application requiring resource consent, it will be necessary to consider the Design Guidelines.

680. Ms Belgrave reviewed other District Plans that include supporting Design Guidelines. There is a variety in the approach. Some of these documents are located outside the District Plan and are referenced through advice notes; others are appendices, over which discretion is reserved. Other methods to consider in urban design include requiring an Urban Design Assessment as part of a resource consent application.

681. In her consideration for the most appropriate method for the pTTPP, Ms Belgrave reiterates her support for the approach set out in the notified pTTPP. This includes references to the

Design Guidelines as advice notes for permitted activities, references to them in policies, and as a matter of discretion in relevant rules.

682. The Panel asked questions regarding the relationship between the heritage provisions and the Design Guidelines in Reefton. Ms Belgrave commented that when the desire is to protect historic heritage values, the Historic Heritage Chapter and Schedule One are the more appropriate methods for achieving this. Nevertheless, the Design Guidelines will still provide a helpful guide.

683. In response to questions as to whether guidelines help with assessing resource consent applications, Ms Belgrave advises that, in her experience, they can be a helpful inclusion in the District Plan. This is because they assist in making a quantitative, design-based assessment, and they can provide certainty to both applicants and decision-makers on the anticipated design outcomes.

684. The Panel asked questions regarding the scope for making the recommended changes set out in the S42A report. Ms Belgrave's right of reply advises that the amendments have been recommended in response to, and consequential to, submissions received that addressed the following themes:

(a) Colour controls[142]; and

(b) Not recognising alternative urban design methods[143]; and

(c) Matters of detail in the Greymouth/Māwhera Guidelines[144].

685. Ms Belgrave advises that each of the recommended amendments has been linked to a submission point, and these have been identified by footnote. To achieve consistency across all four Design Guidelines, Ms Belgrave has recommended consequential amendments based on the recommendations responding to Ms Dittmer's submission across the Design Guidelines for Hokitika, Reefton, and Westport/Kawatiri.

686. Ms Belgrave did not recommend any additional amendments to the Design Guidelines as part of her right of reply.

Hearing Panel's Evaluation

TCZ – R1

687. The Panel agree with Ms Belgrave and supports the submission point made by Waka Kotahi to redraft this rule to separate buildings from activities. We acknowledge that this follows our recommendations for the COMZ and the MUZ, and so is a consistent approach. We acknowledge that this involves relocating the maximum height controls from TCZ-R2 to TCZ-R5. We disagree with Ms Belgrave that the scope for enabling this comes from Ms Inta's hearing notes, as neither she nor Buller Conservation Group submitted these rules. Instead, we rely on the submission from Waka Kotahi (S450.221).

688. The Panel agree with Ms Belgrave's recommendation to accept parts of the submission point made by BDC related to glazing. We agree with the wording as set out in the right of reply

[142] Jan and Heward (S353.002), Grey District Council (S608.483), Kirsty Dittmer (S412.001), Joanne and Ken Dixon (S213.002), Robert Burdekin (S378.008)
[143] Foodstuffs (S464.003, S464.053, S464.054, S464.055)
[144] Kirsty Dittmer (S412.001)

evidence at paragraph 56 (as opposed to Attachment 1D). We agree that it is not necessary to repeat at *ground level'* in point (a) of the rule. We also agree to move the exceptions related to obtaining written approval to an advice note in the same manner as addressed in the COMZ and MUZ.

689. The Panel acknowledge that KiwiRail's submission points were not recorded or reported on in the S42A report. We have considered the submission, the letter tabled at the hearing and the joint right of reply prepared on the matter by Ms Belgrave and Ms Easton. We agree with the right of reply evidence that a 5m setback from the rail corridor is excessive and would result in inefficiencies in terms of land use. While we acknowledge the safety issue raised by KiwiRail, we consider a 1.5m setback, as recommended in the right of reply, more appropriate and would still address the safety concerns around building maintenance. We also consider that the rule should refer to the setback from the '*rail designation*' rather than the '*rail corridor*' to provide a definitive point of measurement.

690. In relation to the remainder of the submissions on TCZ-R1, the Panel agrees that these should be rejected based on the conclusions reached by Ms Belgrave.

TCZ – R2 to TCZ – R5

691. The Panel agree with the consequential changes to these rules as set out in Ms Belgrave's right of reply recommendation. Although we rely on the submission from Waka Kotahi (S450.221) to relocate the provisions to reflect the separation of buildings from activities.

692. In relation to the remainder of the submissions on rules TCZ-R2 to TCZ-R5, the Panel agree that these be rejected based on the conclusions reached by Ms Belgrave.

TCZ – R6

693. The Panel agree that it is appropriate to exclude emergency service facilities from the parking and access design requirements and recommends an addition to the rule to reflect this.

694. In relation to the remainder of the submissions on rule TCZ-R6, the Panel agree that these should be rejected based on the conclusions reached by Ms Belgrave.

TCZ – R7

695. The Panel agree with Ms Belgrave's recommendation to make consequential amendments to this rule arising from the BDC submission (S538.411) in relation to waste management. This is consistent with the recommendations made in the COMZ and MUZ chapters.

696. The Panel disagrees with Ms Belgrave's right of reply recommendation that a non-complying activity status should be added to the rule when standard 1 is not complied with. Ms Belgrave's recommendation for this rule is consequential to her recommendation to delete the corresponding discretionary and non-complying rules for the same activity. As outlined in the COMZ and MUZ, the fundamental structure of the rules in the Plan necessitates the inclusion of corresponding rules when an activity status is escalated, and we recommend incorporating these rules into the Plan. Therefore, in this case, any non-compliance with the standards of this rule will result in the activity status being escalated to discretionary. Then, from that rule, it will be determined if the activity becomes non-compliant.

697. In relation to the remainder of the submissions on MUZ-R7, the Panel agrees that these should be rejected based on the conclusions reached by Ms Belgrave.

TCZ – R8

698. The Panel agree with Ms Belgrave's recommendation to make consequential amendments for TCZ-R8, except for TUZ-R8(5), where it appears that the word '*visitor*' has been transposed for '*residential*'. This is clearly a typographical error in the context of the rule.

699. The Panel disagrees with Ms Belgrave's right of reply recommendation that a non-complying activity status should be added to the rule when standard 1 is not complied with. This is for the same reasons as set out above in relation to TCZ-R7.

700. In relation to the remainder of the submissions on MUZ-R8, the Panel agrees that these should be rejected based on the conclusions reached by Ms Belgrave.

TCZ – R9

701. The Panel agrees with the minor amendments recommended by Ms Belgrave to this rule in response to the BDC submission, including those set out in her right of reply. The amended wording simplifies the rule, and we also recommend these amendments.

TCZ – R10

702. The Panel agree with the recommendation to make an addition to the rule in response to the submission point from FENZ to provide for hose drying towers. We acknowledge that FENZ accept the wording in their letter presented at the hearing.

TCZ – R11

703. The Panel agree that the submission points to retain this rule should be accepted, and that no amendments be made to the rule based on the conclusions reached by Ms Belgrave.

TCZ – R12 and TCZ – R13

704. The Panel notes that as part of a Plan-wide amendment stemming from a submission by Manawa (S438.100) references to '*landscape measures*' and '*landscape treatment*' have been removed from the matters of control and discretion and replaced with '*measures to mitigate landscape effects*' throughout the chapter. We recommend that this amendment be made to both these rules.

TCZ – R14, TCZ – R15 and TCZ – R16

705. Having reviewed these rules in an overall context, the Panel disagrees with Ms Belgrave that the rules should be deleted. This is due to the fundamental structure of the rules in the Plan, which requires a corresponding rule when an activity status is escalated. Therefore, in this case, we consider that a discretionary activity rule is necessary to address activities where one or more of the performance standards in the corresponding permitted rule are not met. Therefore, we accept the submission points made regarding these rules to retain them.

706. As a consequence of retaining the rules, and due to the recommendations to amend the permitted activity rules separating buildings from activities, it is necessary to make similar amendments to TCZ-R15. We rely on the submission from Waka Kotahi to make these amendments.

TCZ – R17

707. The Panel agree with Ms Belgrave's recommendation to amend the waste management and outdoor living space part of the rule to achieve consistency with recommended amendments to the equivalent provisions in the COMZ and MUZ chapters.

708. We also agree with the recommendation to delete "*and Buildings*" from the title of the rule, as we agree it appears to be an error.

709. In the case of this rule, the Panel disagrees that the reference to TCZ-R1 should be deleted. We consider that 'new buildings' primarily associated with a residential activity would need to address the standards in Rule 1. We consider that if reference to Rule 1 is removed, a building, in this case, would be able to be undertaken without meeting the Rule 1 standards.

710. The Panel also notes that there appears to be an error in Clause 4, which references compliance TCZ-R8. We consider this should be TCZ-R7 and recommend this amendment be made using Clause 16(2) of the RMA.

TCZ - R18

711. The Panel notes that BDC sought to delete the rule, which Ms Belgrave supported, considering it unnecessary following recommended amendments to TCZ-R1 and TCZ-R15. Given the recommendation to delete the rule, Ms Belgrave did not support the relief sought by the other submitters.

712. Having reviewed these rules in an overall context, the Panel disagrees with Ms Belgrave that the rules should be deleted. This is because of the fundamental structure of the rules in the Plan, which requires a corresponding rule when an activity status is escalated. Therefore, in this case, we consider that a discretionary activity rule is necessary to address activities where one or more of the performance standards in the corresponding permitted rule are not met. Therefore, we accept the submission points made regarding these rules which were all to retain them.

713. The Panel agrees with BDC that relocated buildings should be included in this rule, as TCZ-R13 defaults to discretionary but then requires meeting TCZ-Rule 1 to maintain this status.

714. The Panel agrees that this rule should remain non-complying.

TCZ – R19

715. The Panel recommends TCZ-R19 be retained as notified.

TCZ – R20

716. As referred to above, the Panel disagrees with Ms Belgrave that the rules should be deleted. This is because of the fundamental structure of the rules in the Plan, which requires a corresponding rule when an activity status is escalated. Therefore, in this case, we consider that a discretionary activity rule is necessary to address activities where one or more of the performance standards in the corresponding permitted rule are not met. Therefore, we accept the submission points made regarding these rules, which were all to retain them.

TCZ – R21 Industrial Activities

717. The Panel notes that there are two TCZ-R21 rules which is clearly an error. In terms of the first rule relating to Industrial Activities, the Panel recommends it be retained as notified.

TCZ – R21 Any activity not provided for by another Rule in the zone

718. In terms of the second TCZ-R21 rule, the Panel acknowledges that it is a 'catch-all' rule intended to manage activities that have not been specifically provided for in the other rules. The Panel has considered this matter plan-wide and we agree with the submitters that such rules are better placed as discretionary; otherwise, they are unnecessarily limiting in our view and could have unforeseen consequences. Therefore, it is our recommendation to relocate this rule to the discretionary section of this chapter. We rely on the submissions of William McLaughlin (S567.395), Chris & Jan Coll (S558.335), Chris J Coll Surveying Limited (S566.335) and Vance and Carol Boyd (S447.003) to provide the scope.

Appendix Three: Design Guidelines

719. The Panel has considered the matter of the design guidelines. The fundamental problem we have identified is that a permitted activity rule cannot include a standard that requires subjective assessment. Other than relying on voluntary application, if the Plan were seeking to apply the design guidelines, this could only be achieved by changing the status of the current permitted activity rules to controlled activity or restricted discretionary. Those changed rules would include the design guidelines as a matter to be assessed via a resource consent process. We have reviewed all submissions on this matter and do not consider that any are seeking to elevate the status of the design guidelines beyond a permitted status. We do acknowledge that relocated buildings are subject to consideration of the design guidelines at a restricted discretionary status.

720. The Panel accept that the design guidelines have a place in the Plan and, in our opinion, that can only be as guidance via an advice note given the above. We acknowledge that they play an important role in ensuring retention of the heritage design themes of both Reefton and Hokitika, which supports tourism in those towns. We also accept that they address amenity aspects in all four main centres. Accordingly, we support their retention in the Plan, and we agree with Ms Belgrave that this can only be at the advice note level, given submissions and the Plan structure.

721. The Panel agrees that Mitre 10 building in Westport should be deleted from the guidelines because the building is located outside of the TCZ and its inclusion in the Design Guideline could create confusion.

722. Regarding the remainder of the guidelines, the Panel acknowledges the changes sought, in particular, by submitters K. Dittmers, Foodstuffs, and J. Heward. Many of the changes sought both refinements and limitations. We generally accept the recommendations of Ms Belgrave, which principally stem from, and reflect at least in part, the amendments sought by those submitters, and which were informed by Ms Laurie's expert input.

723. The Panel has made some further refinements to increase the clarity of the guidelines, and we recommend the changes as detailed below.

724. The Panel notes that there are some matters we are unable to amend. In this context, we note that there appear to be guidelines missing in relation to the Westport section, such as Building Signage and Building Entries. We also note that there appears to be a double-up in photos under BF 5 in the Greymouth section.

725. In relation to the remainder of the submissions on the Guidelines, the Panel agrees that these should be rejected based on the conclusions reached by Ms Belgrave.

Hearing Panel's Recommendation

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

Town Centre Zone Rules		
Note: There may be a number of Plan provisions that apply to an activity, building, structure and site. In some cases, consent may be required under rules in this Chapter as well as rules in other Chapters in the Plan. In those cases, unless otherwise specifically stated in a rule, consent is required under each of those identified rules. Details of the steps Plan users should take to determine the status of an activity are provided in General Approach.		
Permitted Activities		
TCZ - R1	**New Buildings, External Alterations or Alterations to Existing Buildings** ~~Commercial Activities and Buildings, Community Corrections Activities, Community Facilities and Emergency Service Facilities~~[145]	
Activity Status Permitted Where: **1. The maximum height above ground level is;** **a. 20 metres in TCZ – PREC1 - Greymouth/Māwhera Town Centre Precinct.** **b. 12 metres in TCZ – PREC2 – Hokitika Town Centre Precinct.** **c. 15 metres in TCZ – PREC3 – Westport/Kawatiri Town Centre Precinct.** **d. 12 metres in TCZ – PREC4 – Reefton Town Centre Precinct.** **Except that hose drying towers at Emergency Service Facilities are exempt from this standard;**[146] 2. Any building is located: a. On the front boundary of the site; b. With no setback from the street boundary, except that a recess of up to 0.5m within the facade of the building is permitted;		**Activity status where compliance not achieved:** Non-complying where standards ~~1~~ **2**-3 are not complied with. Discretionary where standards **1 and** 4 to **5** ~~6~~ are not ~~met~~ **complied with**.[154]

[145] Waka Kotahi (S450.221)
[146] Consequential to Waka Kotahi (S450.221)
[154] Ministry of Education (S456.036)

3. Any building is setback a minimum of a. 3m from any RESZ - Residential Zone boundary; b. **1.5m from the railway corridor designation, excluding accessory buildings and structures**[147] ~~3. All external storage is screened by a 1.8m fence or landscaping so it is not visible from any adjoining residential zone boundary or any adjoining public space;~~[148] 4. The ground floor facade of all buildings with a Main Street Frontage must have: a. ~~50% of the facade devoted to display windows or 75% of its height for at least 50% of the ground floor building frontage~~ **A minimum of 50% comprising of clear glazing**;[149] and b. One public entrance with glazing comprising at least 40% of the doors; except that Any Heritage Building in Schedule One is exempt from this requirement. ~~5. No building shall create a featureless facade or blank wall on a Main Street Frontage at ground floor level wider than 3m;~~[150] 5. No building shall project beyond a building envelope defined by a recession plane as identified in accordance with Appendix Two to commence 2.5m above any RESZ - Residential Zone boundary ~~except where the neighbouring property owner's written approval is provided to the Council 10 working days to the works commencing~~[151]. This standard does not apply to: a. Road boundaries; b. Buildings on adjoining sites that have a common wall along the boundary; c. Boundaries abutting an access lot or right of way in which case the furthest boundary of the access lot or right of way may be used for assessing compliance with this standard; d. Antennas, aerials, satellite dishes (less than 1m in diameter), chimneys, flues and architectural features (e.g. finials, spires) provided these do not exceed the recession plane by more than 3m vertically; and	

[147] KiwiRail (S442.093)
[148] Consequential to Waka Kotahi (S450.221)
[149] Buller District Council (S538.424)
[150] Buller District Council (S538.424)
[151] Buller District Council (S538.424)

e. Solar panels and solar water heaters, provided these do not exceed the height in relation to boundary plane by more than 0.25m vertically. **Advice Notes:** **1. Where boundary rules are infringed, the Deemed Permitted Activity Boundaries process will apply where the neighbouring property owner's written approval is provided to Council.**[152] **2. When designing new buildings or additions and alterations to existing buildings in the Town Centre Zone, developers are encouraged to use the relevant Design Guidelines:** **a. the Hokitika Town Centre Urban Design Guidelines; or** **b. Greymouth/Māwhera Town Centre and Mixed Use Urban Design Guidelines; or** **c. Westport/Kawatiri Town Centre and Mixed Use Zone Urban Design Guidelines; or** **d. Reefton Town Centre Urban Design Guidelines**.[153]	
TCZ – R2	**Commercial Activities ~~and Buildings~~[155], Community Facilities, Community Corrections Activities and Emergency Service Facilities in the TCZ - PREC2 Hokitika Town Centre Precinct**
Activity Status Permitted Where: ~~1. All performance standards from Rule TCZ - R1 are complied with;~~[156] 1. Any commercial activity on a Main Street Frontage does not include: a. Motor vehicle sales yards; b. Service stations; c. Yard based retail; d. Trade retail and trade suppliers;	**Activity status where compliance not achieved:** ~~Discretionary where standard 3 is not complied with.~~[161] Non-complying ~~where standards 2, 4 and 5 are not complied with.~~[162] ~~Refer Rule TCZ - R1 where there is non-compliance with these standards~~[163]

[152] Buller District Council (S538.424)
[153] Consequential to Waka Kotahi (S450.221)
[155] Waka Kotahi (S450.221)
[156] Waka Kotahi (S450.221)
[161] Consequential to Waka Kotahi (S450.221)
[162] Consequential to Foodstuffs (S464.053)
[163] Waka Kotahi (S450.221)

e. Drive through restaurants. ~~3. The maximum height above ground level is 12 metres except that hose drying towers at an Emergency Service Facility are exempt from this standard;~~ [157] 2. ~~Every~~ **New** buildings **and additions and alterations to any building**[158] with a Main Street Frontage must erect a cantilevered continuous verandah to cover the full width of the footpath except that this does not apply to Heritage Buildings identified in Schedule One; and **3. All external storage is screened by a 1.8m fence or landscaping so it is not visible from any adjoining residential zone boundary or any adjoining public space.** [159] ~~**5.** New buildings and additions and alterations to any Main Street Frontage facade must demonstrate that they meet the Hokitika Town Centre Urban Design Guidelines.~~[160]	
TCZ – R3	**Commercial Activities** ~~and Buildings~~[164]**, Community Facilities, Community Corrections Activities and Emergency Service Facilities in the TCZ - PREC1 Greymouth/Māwhera Town Centre Precinct**
Activity Status Permitted Where: ~~1. All performance standards from Rule TCZ - R1 are complied with;~~ [165] ~~2. The maximum height above ground level is 20 metres~~[166]; 1. ~~Every~~ **New** buildings **and additions and alterations to any building**[167] with a Main Street Frontage must erect a cantilevered continuous verandah (with no decorative poles) to extend from the shop frontage to be 400mm inside the kerbline. This requirement for a verandah does not apply to Historic Heritage buildings identified in Schedule One**; and**	**Activity status where compliance not achieved:** ~~Discretionary where standard 2 is not complied with.~~ [170] Non-complying ~~where standard 3 is not complied with.~~ **[171]** ~~Refer Rule TCZ - R1 where there is non-compliance with these standards.~~[172]

[157] Consequential to Waka Kotahi (S450.221)
[158] Consequential to Foodstuffs (S464.030)
[159] Consequential to Waka Kotahi (S450.221)
[160] Consequential to Foodstuffs (S464.053)
[164] Waka Kotahi (S450.221)
[165] Waka Kotahi (S450.221)
[166] Consequential to Waka Kotahi (S450.221)
[167] Consequential to Foodstuffs (S464.030)
[170] Consequential to Waka Kotahi (S450.221)
[171] Consequential to Foodstuffs (S464.053)
[172] Waka Kotahi (S450.221)

2. <u>All external storage is screened by a 1.8m fence or landscaping so it is not visible from any adjoining residential zone boundary or any adjoining public space.</u> [168] **Advice Note:** 1. The verandah shall extend from the shop frontage to be 400mm inside the kerbline. The verandah, if on a corner, shall be splayed so as to be 400mm back from the kerbline. ~~**2.** When designing new buildings in Greymouth/Māwhera Town Centre developers are encouraged to use the Greymouth/Māwhera Town Centre and Mixed Use Urban Design Guidelines.~~ [169]	
TCZ – R4	**Commercial Activities ~~and Buildings~~[173], Community Facilities and Emergency Service Facilities in the TCZ - PREC3 - Westport/Kawatiri Town Centre Precinct**
Activity Status Permitted Where: ~~1. All performance standards from Rule TCZ - R1 are complied with;~~ [174] 1. Any commercial activity on a Main Street Frontage does not include: a. Motor vehicle sales yards; b. Service stations; c. Yard based retail; d. Trade retail and trade suppliers; e. Drive through restaurants. ~~3. The maximum height above ground level is 15 metres~~[175]; 2. Every building with a Main Street Frontage must erect a cantilevered continuous verandah to cover the full width of the footpath. This requirement to provide a verandah does not apply to Heritage Buildings identified in Schedule One**<u>; and</u>**	**Activity status where compliance not achieved:** ~~Discretionary where standards 3 is not complied with~~[178] Non-complying ~~where standard 2 or 4 is not complied with~~**[179]** ~~Refer Rule TCZ - R1 where there is non-compliance with these standards~~[180]

[168] Consequential to Waka Kotahi (S450.221)
[169] Consequential to Waka Kotahi (S450.221)
[173] Waka Kotahi (S450.221)
[174] Waka Kotahi (S450.221)
[175] Consequential to Waka Kotahi (S450.221)
[178] Consequential to Waka Kotahi (S450.221)
[179] Consequential to Foodstuffs (S464.053)
[180] Waka Kotahi (S450.221)

3. <u>All external storage is screened by a 1.8m fence or landscaping so it is not visible from any adjoining residential zone boundary or any adjoining public space.</u>[176] **Advice Note:** 1. When erecting a cantilevered verandah, poles are encouraged for decorative purposes. 2. ~~When designing new buildings for the Westport/Kawatiri Town Centre developers are encouraged to use the Westport/Kawatiri Town Centre and Mixed Use Zone Urban Design Guidelines~~[177].	
TCZ – R5	**Commercial Activities ~~and Buildings~~[181], Community Facilities, Community Corrections Activities and Emergency Service Facilities in the TCZ - PREC4 - Reefton Town Centre Precinct**
Activity Status Permitted Where: ~~1. All performance standards from Rule TCZ - R1 are complied with;~~[182] ~~2. The maximum height above ground level is 12 metres except that hose drying towers at Emergency Service Facilities are exempt from this standard~~[183]; 1. Every building with a frontage to SH7 (Broadway) must erect a continuous verandah to cover the full width of the footpath with a timber frame and a roof supported on timber poles; 2. Any commercial activity does not include: a. Car sales yards; b. Service stations; c. Yard based retail; d. Trade retail and trade suppliers; e. Drive through restaurants; ~~and~~	**Activity status where compliance not achieved:** ~~Discretionary where standard 2 aisre not complied with.~~[185] Non-complying ~~where standards 3, 4 and 5 are not complied with.~~[186] ~~Refer Rule TCZ - R1 where there is non-compliance with these standards.~~[187]

[176] Consequential to Waka Kotahi (S450.221)
[177] Consequential to Waka Kotahi (S450.21)
[181] Waka Kotahi (S450.221)
[182] Waka Kotahi (S450.221)
[183] Consequential to Waka Kotahi (S450.221)
[185] Consequential to Waka Kotahi (S450.221)
[186] Consequential to Foodstuffs (S464.053)
[187] Waka Kotahi (S450.221)

~~5. New buildings and additions and alterations to the exterior facade with frontage to SH7 (Broadway) must demonstrate they meet the Reefton Heritage Town Design Guidelines.~~[184]	
TCZ – R6 **Carparking and Vehicle Service Access**	
Activity Status Permitted Where: 1. Provision for carparking and vehicle service access is made at the side or rear of the building; 2. If available all vehicle access should be from service lanes; 3. No parking areas are located between the frontage of buildings and the street; 4. No carpark is provided on a Main Street Frontage; 5. For all sites adjoining a RESZ - Residential Zone all parking areas must be screened so they are not visible from the adjoining residential site; and 6. Where the entire site is developed as a carpark, this must incorporate pedestrian wet weather cover for the footpath, planting and landscape measures which have been assessed as meeting the requirements of the relevant Town Centre Design Guidelines **7. <u>Emergency service facilities are excluded from Standards 1 to 6 of Rule TCZ-R6.</u>**[188] **Advice Note:** Carparking and Vehicle Service Access must comply with the standards outlined in the Transport Chapter.	**Activity status where compliance not achieved:** Non-complying
TCZ – R7 **Residential Activities in Existing Buildings**	
Activity Status Permitted Where: 1. The residential activity is located a. Above street level; except b. Where this is a Heritage Building listed in Schedule One, then the activity may occur at street level; 2. Each residential unit shall be provided with a waste management area of 2m² per unit, each with a minimum	**Activity status where compliance not achieved:** Discretionary

[184] Consequential to Foodstuffs (S464.053)
[188] Fire and Emergency New Zealand (S573.706)

dimension of 1.5 metres in ~~either~~ a private ~~or communal~~ area **or 9m² with a minimum dimension of 2.8m in a communal area**;[189] 3. Any space designed for waste management, whether private or communal, shall not be located between the road boundary and any building, and shall be screened from adjoining sites, roads and adjoining outdoor living spaces by screening of the waste management area to a height of 1.5 metres. 4. Residential accommodation entrances are clearly separated and distinguished from commercial entrances; and 5. **The principal residential** ~~Residential~~ accommodation entrance~~s are~~ **shall be** provided directly from **a** ~~the~~ public street **or open space**.[190] **Advice Note:** 1. The acoustic insulation requirements for noise sensitive activities as set out in Rule NOISE - R3 also apply.	
TCZ – R8	**Visitor Accommodation Activities** ~~and Buildings~~[191]
Activity Status Permitted Where: ~~1. All performance standards from Rule TCZ - R1 are complied with;~~[192] 1. The visitor accommodation activity is located; a. Above street level; except b. At street level and above street level in any Heritage Building listed in Schedule One; 2. Any space designed for waste management, whether private or communal, shall not be located between the road boundary and any building, and shall be screened from adjoining sites, roads and adjoining outdoor living spaces by screening of the waste management area to a height of 1.5 metres; 3. Visitor accommodation entrances are clearly separated and distinguished from commercial entrances; and	**Activity status where compliance not achieved:** Discretionary

[189] Consequential to Buller District Council submission (S538.411)
[190] Consequential to Davis Ogilvie & Partners Ltd (S465.034), Buller District Council (S538.411)
[191] Waka Kotahi (S450.221)
[192] Waka Kotahi (S450.221)

4. **The principal visitor** ~~Visitor~~ accommodation entrance~~s~~ **shall be** provide**d** ~~pedestrian access~~ directly from **a** ~~the~~ public street **or open space**.[193] **Advice Note:** 1. The acoustic insulation requirements for noise sensitive activities as set out in Rule NOISE - R3 also apply.	
TCZ – R9	**Demolition of Existing Buildings**
Activity Status Permitted Where: 1. These are not Heritage Buildings identified in Schedule One; 2. Where the building is not replaced within 12 months: a. Then the site is completely cleared of demolition materials and a level surface with cover sufficient to ensure no dust nuisance created within 3 months of demolition; and b. A landscaping strip of 1.5m width is provided; 3. If the building to be demolished is on a Main Street Frontage ~~that~~ **then** a pedestrian weather cover must be provided over the **immediately** adjacent footpath ~~for 80% of the frontage~~[194]. Where the site is to be redeveloped then a temporary structure can be provided for a maximum of 6 months in the TCZ - PREC1 - Greymouth/Māwhera and TCZ - PREC2 - Hokitika Town Centre Precincts and a maximum of 12 months in the TCZ - PREC3 - Westport and TCZ - PREC4 - Reefton Town Centre Precincts.	**Activity status where compliance not achieved:** Controlled where Standards 2 and 3 are not complied with. Refer to Rule HH - R9 for Demolition of Historic Heritage buildings listed in Schedule One.
TCZ – R10	**Minor Structures**
Activity Status Permitted **Where:** 1. Masts, poles, aerials and pou whenua does not exceed 7m in height; 2. Any antenna dish is less than 1m in diameter; 3. Any ornamental structure does not exceed 2.4m in height; ~~and~~ 4. **Hose drying towers do not exceed 15m in height; and**[195]	**Activity status where compliance not achieved:** Discretionary

[193] Consequential to Davis Ogilvie & Partners Ltd (S465.034), Buller District Council (S538.411)
[194] Buller District Council (S538.430)
[195] Fire and Emergency New Zealand (S573.101)

5. Any other structure does not exceed 10m² and 2m in height.	
TCZ – R11 Fences, Walls and Retaining Walls	
Activity Status Permitted Where: 1. Fences, walls and retaining walls are a maximum 2m height above ground level; and 2. The fence, wall or retaining wall is not used for advertising or any other purpose other than a fence, retaining wall.	**Activity status where compliance not achieved:** Discretionary
Controlled Activities	
TCZ – R12 Demolition of Buildings not meeting Permitted Activity Standards	
Activity Status Controlled Where: 1. These are not Heritage Buildings identified in Schedule One. **Matters of control are:** a. Site rehabilitation and ~~landscape measures~~ **measures to mitigate landscape effects**[196]; and b. Weather protection for pedestrians.	**Activity status where compliance not achieved:** Discretionary under Rule HH – R9.
Restricted Discretionary Activities	
TCZ – R13 Relocated Buildings	
Activity Status Restricted Discretionary Where: 1. Permitted Activity performance standards for TCZ - R1 are complied with; and 2. Relevant Permitted Activity performance standards for TCZ - R2, TCZ - R3, TCZ - R4 and TCZ - R5 are complied with. **Discretion is restricted to:** a. Design and location of buildings; b. Appearance of buildings;	**Activity status where compliance not achieved:** Discretionary

[196] Consequential Plan wide amendment to Manawa Energy Limited (S438.100)

c. The extent to which the building meets any relevant Town Centre Design Guidelines; and d. ~~Landscape Measures~~ **Measures to mitigate landscape effects**.[197]	
Discretionary Activities	
TCZ – R14	**Visitor Accommodation Activities ~~and Buildings~~[198] and Residential Activities in Existing Buildings not meeting Permitted Activity Standards**
Activity Status Discretionary Where: 1. Except where this is Heritage Building listed in Schedule One, the ground floor is used for Commercial or Community Activities. **Advice Note:** 1. The acoustic insulation requirements for noise sensitive activities as set out in Rule NOISE - R3 also apply.	**Activity status where compliance not achieved:** Non-complying
TCZ – R15	~~Commercial Activities and~~ **New Buildings, External Alterations or Alterations to Existing Buildings** ~~Buildings, Community Facilities, Community Corrections Activities and Emergency Service Facilities~~[199] **and Relocated Buildings**[200] **not meeting the Permitted Activity Standards for Ground Floor Facade, Recession Plane or Height**
Activity Status Discretionary Where: 1. All other performance standards for Rule TCZ - R1 ~~and where relevant for TCZ - R2, TCZ - R3, TCZ - R4 and TCZ - R5~~[201] are complied with.	**Activity status where compliance not achieved:** Non-complying
TCZ – R16	**Minor Structures and Fences, Walls and Retaining Walls not meeting the Permitted Activity Standards**
Activity Status Discretionary	**Activity status where compliance not achieved:** N/A
TCZ – R17	**Residential Activities ~~and Buildings~~[202] in New Buildings**

[197] Consequential Plan wide amendment to Manawa Energy Limited (S438.100)
[198] Waka Kotahi (S450.221)
[199] Waka Kotahi (S450.221)
[200] Grey District Council (S608.099)
[201] Waka Kotahi (S450.221)
[202] Clause 16(2) of the RMA

Activity Status Discretionary Where: 1. The ground floor is used for Commercial or Community Activities and complies with the Performance Standards for Rule TCZ - R1; 2. Each residential unit is provided with ~~an outdoor service space of 3m² and~~ a waste management area of 2m² per unit, each with a minimum dimension of 1.5 metres in ~~either~~ a private ~~or communal~~ area **or 9m² with a minimum dimension of 2.8 metres in a communal area**;[203] 3. Each residential unit is provided with a single indoor storage space of 4m² with a minimum dimension of 1 metre; 4. All performance standards for Rule TCZ - R~~8~~**7**[204] are complied with; and 5. Each residential unit shall be provided with an outdoor living space of **8m²minimum area and 2 metres minimum dimension;** a. ~~6m² minimum area and 1.5 metres minimum dimension for a studio or 1 bedroom unit;~~ b. ~~10m² minimum area and 1.5 metres minimum dimension for a 2 or 3 bedroom unit;~~ c. ~~15m² minimum area and 1.5 metres minimum dimension for 3 or more bedrooms.~~[205]	**Activity status where compliance not achieved:** Non-complying
TCZ – R18	**Any activity not provided for by another Rule in the zone**
Activity Status Discretionary	**Activity status where compliance not achieved:** N/A[206]
Non-complying Activities	
TCZ – R1~~8~~9	**Commercial Activities and Relocated[207] Buildings, Community Facilities, Community Corrections Activities and Emergency Service Facilities not meeting the Permitted or Discretionary Activity Standards**
Activity Status Non-complying **Activity status where compliance not achieved:** N/A	

[203] Buller District Council (S538.400), Martin & Co Westport Ltd and Lumberland Building Market Westport (S543.018), Chris & Jan Coll (S558.356), Chris J Coll Surveying Limited (S566.356), William McLaughlin (S567.414), Laura Coll McLaughlin (S574.356)
[204] Clause 16(2) of the RMA
[205] Martin & Co Westport Ltd and Lumberland Building Market Westport (S543.018), Chris & Jan Coll (S558.356), Chris J Coll Surveying Limited (S566.356), William McLaughlin (S567.414), Laura Coll McLaughlin (S574.356)
[206] Consequential amendment stemming from William McLaughlin (S567.395), Chris & Jan Coll (S558.335), Chris J Coll Surveying Limited (S566.335), Vance and Carol Boyd (S447.003)
[207] Grey District Council (S608.100)

TCZ – R~~19~~20	**Residential and Visitor Accommodation Activities not meeting the Permitted, Restricted Discretionary or Discretionary Activity Standards**
Activity Status Non-complying **Activity status where compliance not achieved:** N/A	
TCZ – R2~~0~~1	**Carparking and Vehicle Service Access not meeting the Permitted Activity Standards**
Activity Status Non-complying **Activity status where compliance not achieved: N/A**	
TCZ – R2~~1~~2	**Industrial Activities**
Activity Status Non-complying **Activity status where compliance not achieved:** N/A	
~~**TCZ –R21**~~	~~**Any activity not provided for by another Rule in the zone**~~
~~**Activity Status Non-complying**~~ ~~**Activity status where compliance not achieved:** N/A~~[208]	

727. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends that the relevant submission points identified in the footnotes below are accepted or accepted in part and recommends the following changes to **Appendix 3: Design Guidelines**:

Greymouth/Māwhera Town Centre and Mixed Use Zone Urban Design Guidelines
1.0 Introduction This document has been developed to provide direction to those planning, design and reviewing development proposals in the Greymouth/Māwhera town centre and new mixed use area. This guide seeks to achieve high quality building design that: • Responds to the context • Is visually interesting and in keeping with the streetscape values • Addresses cultural and built heritage values and design elements • Creates a vibrant, active pedestrian environment • Incorporates new and innovative design where appropriate • Takes into account Poutini Ngāi Tahu values. **1.1 When does the Design Guide apply?**

[208] Consequential amendment stemming from William McLaughlin (S567.395), Chris & Jan Coll (S558.335), Chris J Coll Surveying Limited (S566.335), Vance and Carol Boyd (S447.003)

Under Te Tai o Poutini Plan rules, all new buildings within the Greymouth/Māwhera Town Centre Zone and Mixed Use Zone are ~~required~~ **encouraged**[209] to be assessed against these design guidelines. Where resource consents are required the Councils will use this guide to help assess and make decisions on those consent applications.

2.0 Greymouth/Māwhera Design Guidelines

2.1 Context

Connection with the Natural Environment

The Grey/Māwhera River provides a natural edge to the town centre and a link to its cultural heritage. The vegetated hills behind Greymouth/Māwhera are an important backdrop to the town and an acknowledged outstanding natural landscape. Keeping access to the Grey/Māwhera River and a visual link between the town centre and the surrounding hills is essential.

Existing built character

The core of Greymouth/ Māwhera's town centre retains a coherent collection of nineteenth and early twentieth century buildings and architecture/building methods of this period. This represents an important part of the historic heritage resource of the West Coast/Te Tai o Poutini.

The following design elements that contribute positively to the character of the town are identified as:

- Building edge – buildings are often built to the street boundary.
- Continuous façade – buildings tend to abut one another creating a sense of enclosure
- Human scale – buildings give a sense of human scape at the publicly occupied edges. They contain proportions, textures and physical elements that fit with the size of people.
- Prominent corner buildings – corner buildings are often taller than the adjoining buildings. This additional height helps define the edge of a block and create a visual anchor point.
- Verandahs – this is a key feature in the main street frontage streets in the Town Centre Zone and Façade Control Streets in the Mixed-Use Zone which provide shelter for pedestrians.
- Main Street frontage streets in the Greymouth/Māwhera Town Centre Zone are: Māwhera Quay, Mackay Street, Tainui Street, Guiness Street, Albert Street, Werita Street, Custom Street and Tarapuhi Street
- Façade Control Streets in the Greymouth/Māwhera Mixed Use Zone are: Mackay Street,Boundary Street, Richmond Quay, Gresson Street, Herbert Street, Guiness Street and Tarapuhi Street.
- Four distinct parts of building – traditional buildings show four distinct parts – base, verandah, upper area and parapet
- Rhythm and repetition – windows are often at regular intervals, symmetry of façade features
- Visual interest – although commonalities exist between buildings, each building expresses an individual character
- Active frontage – windows exist on all floor levels of a building's façade

[209] Foodstuffs (S464.053)

Poutini Ngāi Tahu Cultural Landscapes

Many buildings within the town centre reflect Greymouth/Māwhera's colonial and settler history, however there is limited representation of a much longer Poutini Ngāi Tahu history. Greymouth/Māwhera is solely located within the takiwa of Te Rūnanga o Ngāti Waewae and they are the key Poutini Ngā Tahu contacts for designers of buildings in Greymouth/Māwhera.

Poutini Ngāi Tahu culture and identity highlight the West Coast's point of difference in the world and offer design opportunities for the future.

The guidelines in Section 2.2 are based on the Ngāi Tahu Subdivision and Development Guidelines, which are a set of urban design principles founded on core Maori cultural values and designed to provide practical guidance for enhancing outcomes for the design environment. These principles have arisen to enable greater iwi and hapū presence, visibility and participation in the design of the physical environment.

The use of Poutini Ngāi Tahu design guidelines is predicated on the development of high-quality durable relationships being developed between Te Rūnanga o Ngāti Waewae, Pokeka Environmental =their mandated design professionals, developers and the Council. Robust relationships between these groups provide opportunities for unlocking a rich store of design potential.

2.2 Guidelines

Context

GC1 Complement the ~~existing~~ **bulk and form of the existing** built context ~~with visual links through similarity of overall bulk and form. New development should attempt to complete, improve and enhance the setting of individual buildings or groups of buildings listed as scheduled historic heritage items in Te Tai o Poutini Plan.~~ New buildings/structures **which immediately adjoin scheduled heritage items** shall **aim to** complement and support, rather than dominate these scheduled buildings and structures.[210]

GC2 Take into account the wider surroundings, including natural features, such as views to ~~other buildings,~~ the mountains and the Māwhera/Grey River.[211]

Poutini Ngāi Tahu Cultural Landscapes

IW1 Mana/authority – The development of a high-level relationship with Te Rūnanga o Ngāti Waewae is essential prior to commencing design approaches which will maximise the opportunities for design outcomes. A cultural landscape approach is the most appropriate means to identify, assess and manage the potential effects of subdivision and development on cultural values and significant sites.

IW2 Te Reo, whakapapa/naming – Consultation with Te Rūnanga o Ngāti Waewae on the use of correct ancestral names, including macrons, and the recognition of traditional place names in keeping with the mita (pronunciation of language) of Poutini Ngāi Tahu through signage, wayfinding, street names in new subdivisions and names of public buildings, parks and places.

[210] Kirsty Dittmer (S412.001)
[211] Kirsty Dittmer (S412.001)

IW3 Tohu/landmarks – Significant wider cultural landmarks (including wāhi tapu, maunga, awa, puna, mahinga kai and ancestral kāinga) and associated narratives are acknowledged in the spatial orientation and layout of any new development, allowing visual connection to significant sites to be created, preserved and enhanced.

IW4 Taiao/environment – Landscape design includes a selection of indigenous plant and tree species where possible and reflects cultural perspectives, ideas and materials. Indigenous biodiversity objectives should be incorporated into development plans and indigenous species used for street trees, open space and reserves, native ground cover species for swales and stormwater management.

IW5 Mauri Tū/environmental health - Use of land - based treatment of wastewater, rainwater collection systems, grey-water recycling systems, stormwater treatment, passive solar design, and hard landscape and building materials which are locally sourced and of high cultural value to Poutini Ngāi Tahu are explored in the design process.

IW6 Mahi Toi/creative expression – **When** Poutini Ngāi Tahu narratives are ~~creatively~~ reinscribed through architectural ~~design~~ and building **design**, integrated artwork. ~~and~~ Te Rūnanga o Ngāti Waewae mandated design professionals and artists are appropriately engaged in ~~such~~ **this** process~~es~~[212].

IW7 Ki uta ki tai/from the mountains to the sea. Opportunities are explored through partnership engagement with Poutini Ngāi Tahu to reflect the Poutini Ngāi Tahu view of the environment and resource management. Ki uta ki tai is a traditional concept representing kaitiakitanga from the mountains and inland lakes, down the rivers to hapua/lagoons to the sea. Kaitiakitanga reflects the special relationship Ngāi Tahu has with its environmental heritage. It is fundamental to the tribe's culture and identity. Ki uta ki tai encapsulates the need to recognise and manage the interconnectedness of the whole environment.

Built Form

BF1 Mass/Scale - New buildings shall relate to the scale of adjacent buildings. Where very wide buildings are proposed, their bulk and width shall be reduced by dividing the façade up ~~by vertical divisions~~ into ~~several smaller "storefronts"~~ **visually smaller vertical forms** – something commonly used in the existing Greymouth/Māwhera building stock. Windows and doors and other architectural details shall be used to reduce the mass of structures. Where a building over three stories is proposed, the section above three stories shall be stepped back from the line of view from the street.[213]



This long low building shape should be avoided. Two storey rather than one storey buildings give better containment to the streetscape. This building also lacks windows and has limited design features and detail to add interest to the building. The buildings colours are also very out of

[212] Kirsty Dittmer (S412.001)
[213] Kirsty Dittmer (S412.001)

character with other buildings in the vicinity



An example of a wide building with vertical divisions and the use of colour and different materials to break up the facade.

BF2 Location to front – Buildings are to be positioned so their front walls abut the (footpath) boundary.

BF3 Continuity – on Main Street Frontage and Façade Control Streets buildings are to extend across the full width of the site frontage to ensure that the street's "built" edge is continuous. Exceptions to the continuous frontage are for walking access connections and outdoor dining areas/courtyards. The façade will be indicative of the bulk of the building behind (i.e., not just a façade). Beyond Main Street Frontage and Façade Control Streets, maintaining a continuous frontage is still encouraged to maintain a sense of enclosure, however it is not essential.

BF4 Height – New buildings should ideally be at least two storeys in height, but at a minimum, shall appear similar in height to the existing neighbouring buildings.

Any upper floor areas visible in the layout of the façade are to be potentially usable space rather than a false façade.

BF5 Corner buildings. Buildings on corners and main junctions are highly visible which means that building design is especially important. Buildings on corners are able to be visually emphasised with architectural elements such as taller forms, or parapets, cornice, pediment or similar features that wrap around the building.



This building expresses well to the corner with a specific corner facade.



This building does not include any corner features to emphasise its position.

Location Specific Guidance

BF6 Pedestrian Access Lanes – existing pedestrian access lanes shall be retained and enhanced. Lanes should be well lit, attractive and safe. Pedestrian routes shall be lit at a minimum of 10 lux. Buildings facing the lanes shall have ground level openings (windows or doors) to provide connection with the public space and allow natural surveillance of the walkway.

BF7 Roofs/Down pipes – Roofs are encouraged to sit below the height of the parapet and not be visible from the street. Drainpipes should be designed so they are a discrete part of the building and not visually intrusive.

Facades

GF1 Openings – Buildings are to have windows on all street facades with minimum glazing as specified in the relevant rules. ~~Symmetrically located windows~~ **Create visual interest and symmetry by positioning windows at regular intervals** ~~are required~~ above ground level, and main doors at ground level are to be oriented to the street (i.e., not at the side or the back). Entrances shall be wide enough to accommodate wheelchairs and pushchairs. Buildings that have more than one frontage (i.e., corner) are to include windows and doors on both facades if there is sufficient length of frontage. The design of side and back elevations that are visible from the street or any other public space should be consistent with the design of the main building frontage.[214]

GF2 Visual permeability – The ground floor window of buildings (including glazed doors) in Main Street Frontages must be no less than 50% of the frontage in the Town Centre Zone and on Façade Control Streets in the Mixed Use Zone must have a minimum 20% glazing. ~~On all facades, fully glazed facades will not be permitted unless there are vertical solid breaks at frequent intervals.~~ The glazing is not to be blocked out with opaque or reflective film, or other treatment that obscures the visual connection from the outside into the building.[215]

GF3 Office/Commercial Activity – where the ground floor is used for offices/commercial activity in Main Street Frontage Streets, the display area immediately behind the windows should be designed as reception and waiting areas.

GF4 Shop fronts and entries – Building entries and shop fronts in Main Street Frontage Streets should be glazed and entries recessed. This allows pedestrians to stop and view the display area and gives depth to the entrance.

GF5 Four elements – Building facades are to show the following distinct elements:

[214] Kirsty Dittmer (S412.001)
[215] Kirsty Dittmer (S412.001)

Base (Ground) – in Main Street Frontage streets this should predominantly be a shopfront with vertical division and a recessed entrance

Verandah/Canopy/Balcony – style of verandah/canopy/balcony to be consistent with the building (more detail provided in GF6)

Upper Area – symmetrical placement of windows.

Parapet/Top – top outline of the façade extended or modulated by elements reflecting the building structure and roof form, and generally masking the roof.

GF6 Verandah/canopy/balcony -Verandahs are a requirement in Main Street Frontage Streets and Façade Control Streets and are subject to performance standards in the rules. Verandahs should:

- Complement the building style of the building to which they are attached
- Extend over the footpath and full width of the building frontage. **Setback the verandah to allow clearance for taller vehicles.**[216]
- Take cues from neighbouring verandahs in terms of height, proportion and style, whilst allowing for variation in design features
- Be fully cantilevered with no decorative poles or obstructions of the footpath
- Not obscure windows or architectural details
- Verandahs on corner buildings should wrap around the building and extend the full width of both frontages (even if only one frontage is classed as a Main Street Frontage or Façade Control Street).

Balconies should be designed to be in keeping with the overall architectural detail of the building. Balustrades should allow for views and natural surveillance of the street.

GF7 Articulation and Detail – building facades should **achieve visual interest to support the pedestrian experience. This may** include articulation and detailing**, such as**~~. Façade articulation may include~~ setbacks, projected bays, balconies **and fencing and landscaping.** ~~etc.~~ Building facades should have detail and depth and not be on a flat plane.[217]

GF8 Material and Colour – **use materials, texture and colour to highlight the building's form and details** ~~building colours, whether a painted finish or natural materials should highlight features~~ such as joinery, decoration or repetition of the building form

- ~~Use colours that are consistent with the existing range of colours in the town centre and be consistent with the Pounamu and Māori Heritage colour palette developed as part of the CBD Redevelopment Plan.~~
- ~~Side and rear walls should be painted in the same colours as the building's main façade. Side and rear walls also provide an opportunity for murals to be painted. In these cases colours can deviate from the building's main façade.~~
- ~~Bright colours designed to call attention to the building are not acceptable~~

[216] Kirsty Dittmer (S412.001)
[217] Foodstuffs (464.055)

- ~~Painting the whole building one block colour as a "sign" to brand the building is not acceptable.~~[218]



Colour has been used successfully on this building to highlight window details, the entrance and detailed lines on the building. The colours are in keeping with a traditional colour palette suitable for other buildings in the town centre. ~~The colours used on this building on the left are very bold and not consistent with other building colours in the vicinity.~~[219]



~~Colour has been used successfully on this building to highlight window details, the entrance and detailed lines on the building. The colours are in keeping with a traditional heritage palette suitable for other buildings in the town centre.~~ **The colours used on this building on the left are very bold and not consistent with other building colours in the vicinity.**[220]

GF9 Building Signage - Signage should not project above the roofline or obscure architectural features.

GF10 Lighting – Buildings can have lighting to highlight building façade features and provide under verandah light to the footpath. Choose lighting fixtures in a style that is appropriate to the building and not susceptible to vandalism.

GF 11 Building entries (non-Main Street Frontage or Façade Control Streets) – Building entries are encouraged to have a canopy or verandah to provide protection from the weather and emphasise the entry point.

GF12 Outdoor dining areas. – These are encouraged on footpaths adjoining buildings within the town centre to give vitality and encourage occupation of the street. The location, size and layout need to take into account public access, pedestrian circulation and the safety of patrons and motorists.

GF13 Mechanical equipment – Try and maintain the integrity of the general form of the building by avoiding detracting secondary features such as air conditioning plants or other mechanical equipment above or in front of the façade, and visible from the street.

[218] Kirsty Dittmer (S412.001), J & R Heward (S353.002) Grey District Council (S608.483)
[219] Kirsty Dittmer (S412.001), J & R Heward (S353.002) Grey District Council (S608.483)
[220] Kirsty Dittmer (S412.001), J & R Heward (S353.002) Grey District Council (S608.483)

Strengthening and Restoration

GS1 External strengthening – if external strengthening has to be used, either avoid the street façade or design strengthening structures as a visible and explicit design feature of the elevation. Do not obscure features such as windows.

GS2 Façade retention – For heritage and landmark buildings, retaining a building's street façade is preferable to its demolition. Where only the façade is retained, fit the new structure behind the façade features – reusing window and door openings. Keep the new structure below the façade height and give the visual appearance of retained floors.

Location Specific Requirements

GL1 Mackay Street and Māwhera Quay ~~a~~ focus ~~is~~ on restoration and repurposing of existing buildings. **Any replacement** ~~Replacement~~ buildings should **consider** ~~have~~ a scale and style that reflects port warehouses in keeping with **Mackay Street and Mawhera Quay's** ~~the~~ riverfront position.[221]

Hokitika Town Centre Urban Design Guidelines

1.0 Introduction

This document has been developed to provide direction to those planning, designing and reviewing development proposals in the Hokitika town centre. This guide seeks to achieve high quality building design that:

- Responds to the context
- Is visually interesting and in keeping with the streetscape values
- Addresses cultural and built heritage values and design elements
- Creates a vibrant, active pedestrian environment
- Incorporates new and innovative design where appropirate
- Takes into account CPTED principles and the Poutini Ngāi Tahu values.

1.1 When does the Design Guide apply?

Under Te Tai o Poutini Plan rules, all new buildings within the Hokitika Town Centre Zone are ~~required~~ **encouraged** to be assessed against these design guidelines. Where resource consents are required the Councils will use this guide to help assess and make decisions on those consent applications.[222]

2.0 Hokitika Design Guidelines

2.1 Context

Hokitika means 'return directly' in Māori. The name embraces the story of a battle of control of the pounamu source. Invading Ngāi Tahu who wanted control of the pounamu source were devastatingly defeated at Lake Mahinapua by local tribe Ngāti Wairangi. The sole surviving chief Hikatutae turned back here and 'returned directly' to Kaiapoi. Several battles later Ngāi Tahu won,

[221] Kirsty Dittmer (S412.001)
[222] Foodstuffs (464.055)

but at a truly heavy price. Today Poutini Ngāi Tahu honour their role as rangatira, carvers and traders of this revered stone.

The town of Hokitika grew from the discovery of another precious resource - gold. The West Coast's gold rushes, many led by Maori, attracted thousands of gold-seekers. Between 1864 and 1867 ships brought 37,000 seekers into Hokitika Port through its treacherous river mouth resulting in countless shipwrecks. Carved out of the rainforest wilderness, Hokitika grew from the 'Crooked Mile' of Revell Street on the dunes to a wide-streeted goldfields capital,

Defined Centre

Hokitika is a well defined centre with a grid layout and natural edges from the Hokitika River and Hokitika Beach and a human edge created by the railway line. There is a strongly defined entrance into the town, with the town clock creating a core focal point.

Connection with the Natural Environment

The Hokitika River/Gibson Quay and Beachfront provide natural edges to the town centre and a link to its cultural and natural heritage. Alongside this Hokitika is notable for its views towards the Southern Alps. Maintaining visual connections and improving access to the beach and Gibson Quay are essential.

Existing built character

Hokitika Town Centre has an interesting mix of historic nineteenth and early twentieth century buildings as well as more modern, but largely sympathetic, buildings. The historic heritage represents an important part of the historic heritage resource of Westland and the West Coast and is centred around Revell Street.

The following design elements that contribute positively to the character of the town are identified as:

- Building edge – buildings are often built to the street boundary.
- Continuous façade – buildings tend to abut one another creating a sense of enclosure
- Human scale – buildings give a sense of human scape at the publicly occupied edges. They contain proportions, textures and physical elements that fit with the size of people.
- Prominent corner buildings – corner buildings are often taller than the adjoining buildings. This additional height helps define the edge of a block and create a visual anchor point.
- Verandahs – this is a key feature in the main street frontage streets in the Town Centre Zone which provide shelter for pedestrians.
    - Main Street frontage streets in the Hokitika Town Centre Zone are: Weld Street, Sewell Street, Hamilton Street, Revell Street, Tancred Street, Camp Street, Wharf Street, Gibson Quay
- Four distinct parts of building – traditional buildings show four distinct parts – base, verandah, upper area and parapet

- Visual interest – although commonalities exist between buildings, each building expresses an individual character

- Active frontage – windows exist on all floor levels of a building's façade

Revell Street Heritage Character Area

The Revell Street Heritage Area (From Ocean View/110 Revell Street to Camp Street) is characterised by having a large number of late nineteenth and early twentieth century buildings which recall the late Victorian era mining town character.



Revell Street Heritage Character Area Buildings

While only a handful of these are listed historic buildings, retaining the other character buildings from this era, and ensuring that new buildings are sympathetic to the area is very important.

In terms of character, buildings that contribute positively to the character of Revell Street

- Are built to the street boundary
- Are rectangular with elongated or tall proportions
- Are designed based on early West Coast heritage styles
- Have tall horizontal or stepped parapets hiding the roof behind
- Have verandahs (although some of the large hotels do not and historically many did not)
- Have similar alignment of parapets and shopfronts
- Are constructed of timber with timber shopfronts

The shop front design of buildings contributing to the character of Revell Street also has general level of consistency:

- A large display window which can be divided into large symmetrical panes particularly in the older shops
- Recessed or flat entries either to one side, or, for the older shops, centrally located

- A bulkhead, or base to the shopfront, which is panelled on the older shops

Poutini Ngāi Tahu Cultural Landscapes

Many buildings within the town centre reflect Hokitika's colonial and settler history, however there is limited representation of a much longer iwi history. Poutini Ngāi Tahu culture and identity highlight the West Coast's point of difference in the world and offer design opportunities for the future.

The guidelines in Section 2.2 are based on the Ngāi Tahu Subdivision and Development Guidelines, which are a set of urban design principles founded on core Maori cultural values and designed to provide practical guidance for enhancing outcomes for the design environment. These principles have arisen to enable greater iwi and hapū presence, visibility and participation in the design of the physical environment.

The use of Poutini Ngāi Tahu design guidelines is predicated on the development of high-quality durable relationships being developed between Ngāti Waewae and Ngāti Māhaki oMakaawhio, Pokeka Environmental - their mandated design professionals, developers and the Council. Robust relationships between these groups provide opportunities for unlocking a rich store of design potential.

2.2 Guidelines

Context

GC1 Complement the ~~existing~~ **bulk and form of the existing** buil**dings**~~.t context with visual links through similarity of overall bulk and form. New development should attempt to complete, improve and enhance the setting of individual buildings or groups of buildings listed as heritage items in Te Tai o Poutini Plan.~~ New buildings/structures **which immediately adjoin scheduled heritage items** shall **aim to** complement and support, rather than dominate these listed buildings.[223]

GC2 Take into account the wider surroundings, including natural features, such as views to Ngā Tiritiri-o-te-Moana/Southern Alps and links to the beach and the river.

Poutini Ngāi Tahu

IW1 Cultural Landscapes – A cultural landscape approach is the most appropriate means to identify, assess and manage the potential effects of subdivision and development on cultural values and significant sites.

IW2 Te Reo, whakapapa/naming – Consultation with the relevant Poutini Ngāi Tahu Papatipu Rūnanga on the use of appropriate ancestral names, including macrons, and the recognition of traditional place names in keeping with the mita (pronunciation of language) of Poutini Ngāi Tahu through signage, wayfinding, street names in new subdivisions and names of public buildings, parks and places.

IW3 Tohu/landmarks – Significant wider cultural landmarks (including wāhi tapu, maunga, awa, puna, mahinga kai and ancestral kāinga) and associated narratives approved by Poutini Ngāi Tahu

[223] Kirsty Dittmer (S412.001)

are acknowledged in the spatial orientation and layout of any new development, allowing visual connection to significant sites to be created, preserved and enhanced.

IW4 Taiao/environment – Landscape design includes a selection of indigenous plant and tree species where possible and reflects cultural perspectives, ideas and materials. Indigenous biodiversity objectives should be incorporated into development plans and indigenous species used for street trees, open space and reserves, native ground cover species for swales and stormwater management.

IW5 Mauri Tū/environmental health - Use of land - based treatment of wastewater, rainwater collection systems, grey-water recycling systems, stormwater treatment, passive solar design, and hard landscape and building materials which are locally sourced and of high cultural value to Poutini Ngāi Tahu are explored in the design process.

IW6 Mahi Toi/creative expression – **When iwi** ~~Iwi~~/hapū narratives are ~~creatively~~ reinscribed through architectural ~~design~~ and building **design**, integrated artwork**.** ~~**and**~~ Poutini Ngāi Tahu Papatipu Rūnanga mandated design professionals and artists are appropriately engaged in ~~such~~ **this** process~~es~~.[224]

IW7 Ki uta ki tai/from the mountains to the sea. Opportunities are explored through partnership engagement with Poutini Ngāi Tahu to reflect the Poutini Ngāi Tahu view of the environment and resource management. Ki uta ki tai is a traditional concept representing kaitiakitanga from the mountains and inland lakes, down the rivers to hapua/lagoons to the sea. Kaitiakitanga reflects the special relationship Ngāi Tahu has with its environmental heritage. It is fundamental to the tribe's culture and identity. Ki uta ki tai encapsulates the need to recognise and manage the interconnectedness of the whole environment.

Built Form

BF1 Mass/Scale -New buildings should relate to the scale of adjacent buildings. Where very wide buildings are proposed, their bulk and width shall be reduced by dividing the façade up ~~by vertical divisions~~ into ~~several smaller "storefronts"~~ **visually smaller vertical forms**. Windows and doors and other architectural details shall be used to reduce the mass of structures. Where a building over three stories is proposed, the section above three stories should be stepped back from the line of view from the street.[225]



This long low building shape should be avoided. This building also lacks windows and has limited design features and detail to add interest to the building. The buildings colours are also very out of character with other buildings in the vicinity

[224] Kirsty Dittmer (S412.001)
[225] Kirsty Dittmer (S412.001)



An example of a wide building with vertical divisions and the use of colour and different materials to break up the facade.

BF2 Location to front – Buildings are to be positioned so their front walls abut the (footpath) boundary

BF3 Continuity – on Main Street Frontage streets buildings are to extend across the full width of the site frontage to ensure that the street's "built" edge is continuous. Exceptions to the continuous frontage are for walking access connections and outdoor dining areas/courtyards. The façade will be indicative of the bulk of the building behind (i.e., not just a façade). Beyond Main Street Frontage Streets, maintaining a continuous frontage is still encouraged to maintain a sense of enclosure, however it is not essential.

BF4 Height – New buildings should ideally be at least two storeys in height, but at a minimum, should appear similar in height to the existing neighbouring buildings

Any upper floor areas visible in the layout of the façade should be potentially usable space rather than a false façade.

BF5 Corner buildings. Buildings on corners and main junctions are highly visible which means that building design is especially important. Buildings on corners are able to be visually emphasised with architectural elements such as taller forms, or parapets.



This building expresses well to the corner with the second story providing height, and the window facing into the corner.

BF6 Pedestrian Access Lanes – existing pedestrian access lanes shall be retained and enhanced. Lanes should be well lit, attractive and safe. Pedestrian routes shall be lit at a minimum of 10 lux. Buildings facing the lanes should have ground level openings (windows or doors) to provide connection with the public space and allow natural surveillance of the walkway.

BF7 Roofs– Roof form in Hokitika town centre is variable with some below the parapet and others pitched and visible from the street. Either is acceptable except there are some specific requirements for the Revell Street heritage area



Rooflines hidden behind a parapet



Mixed rooflines

GF1 Openings – Buildings are to have windows on all street facades with minimum glazing as specified in the relevant rules. Main doors at ground level are to be oriented to the street (i.e. not at the side or the back). Entrances shall be wide enough to accommodate wheelchairs and pushchairs. Buildings that have more than one frontage (i.e., corner) are to include windows and doors on both facades if there is sufficient length of frontage. The design of side and back elevations that are visible from the street or any other public space should be consistent with the design of the main building frontage.

GF2 Visual permeability – The ground floor window area of buildings (including glazed doors) in Main Street Frontage must be no less than 50% of the frontage in the Town Centre Zone. ~~On all facades, fully glazed facades will not be permitted unless there are vertical solid breaks at frequent intervals.~~ The glazing is not to be blocked out with opaque or reflective film, or other treatment that obscures the visual connection from the outside into the building.[226]

GF3 Shop fronts and entries – Building entries and shop fronts on Main Street Frontage Streets should be glazed and entries recessed. This allows pedestrians to stop and view the display area and gives depth to the entrance.

GF4 Four elements – Building facades are to show the following distinct elements:

Base (Ground) – in Main Street Frontage streets this should predominantly be a shopfront with vertical division and a recessed entrance

Verandah/Canopy/Balcony – style of verandah/canopy/balcony to be consistent with the building (more detail provided in GF5)

Upper Area –windows if building is more than 1 storey in height.

Parapet/Roof – Parapet with top outline of the façade extended or modulated by elements reflecting the building structure and roof form masking the roof, or roof form clearly evident.

GF5 Verandah/canopy/balcony -Verandahs are a requirement on Main Street Frontage streets and are subject to performance standards in the rules. Verandahs should:

[226] Kirsty Dittmer (S412.001)

- Complement the building style of the building to which they are attached
- Extend over the footpath and full width of the building frontage. **Setback the verandah to allow clearance for taller vehicles.**[227]
- Take cues from neighbouring verandahs in terms of height, proportion and style, whilst allowing for variation in design features
- Not obscure windows or architectural details
- Verandahs on corner buildings should wrap around the building and extend the full width of both frontages (even if only one frontage is classed as a Main Street Frontage).

Balconies should be designed to be in keeping with the overall architectural detail of the building. Balustrades should allow for views and natural surveillance of the street.

GF6 Articulation and Detail – building facades should **achieve visual interest to support the pedestrian experience. This may** include articulation and detailing~~. Façade articulation may include~~ setbacks, projected bays, balconies **and fencing and landscaping** ~~etc~~. Building facades should have detail and depth and not be on a flat plane.[228]

GF7 Material and Colour – **use materials, texture and colour to highlight the building's form and details** ~~building colours, whether a painted finish or natural materials should highlight features~~ such as joinery, decoration or repetition of the building form

- ~~Use colours that are consistent with the existing range of colours in the town centre.~~
- ~~Side and rear walls should be painted in the same colours as the building's main façade. Side and rear walls also provide an opportunity for murals to be painted. In these cases colours can deviate from the building's main façade.~~
- ~~Bright colours designed to call attention to the building are not acceptable~~
- ~~Painting the whole building one block colour as a "sign" to brand the building is not acceptable.~~ [229]



Before **After**

Colour and Signage are key to achieving a good design outcomes. This building has been transformed by the change to a sympathetic colour and incorporation of a well designed sign reflecting Poutini Ngāi Tahu values.

[227] Kirsty Dittmer (S412.001)
[228] Foodstuffs (464.055)
[229] J & R Heward (353.002)



Colour has been used successfully on this building to highlight window details, the entrance and detailed lines on the building. The colours are in keeping with a traditional heritage palette ***<u>suitable for other buildings in the town centre</u>***.[230]





~~Colour has been inappropriately used on these shops. They are not in keeping with the surrounding area, and also being used as a "sign" to advertise a product~~. **<u>The colours used on these buildings are very bold and not consistent with the other building colours in the vicinity.</u>**[231]

GF8 Building Signage -Signage should not project above the roofline or obscure architectural features.

GF9 Lighting – Buildings can have lighting to highlight building façade features and provide under verandah light to the footpath. Choose lighting fixtures in a style that is appropriate to the building and not susceptible to vandalism.

GF10 Building entries (non-Main Street Frontage Streets) – Building entries are encouraged to have a canopy or verandah to provide protection from the weather and emphasise the entry point.

GF11 Outdoor dining areas. – These are encouraged on footpaths adjoining buildings within the town centre to give vitality and encourage occupation of the street. The location, size and layout need to take into account public access, pedestrian circulation and the safety of patrons and motorists.

GF12 Mechanical equipment – Try and maintain the integrity of the general form of the building by avoiding detracting secondary features such as air conditioning plants or other mechanical equipment above or in front of the façade, and visible from the street.

Strengthening and Restoration

[230] J & R Heward (353.002)
[231] J & R Heward (353.002)

GS1 External strengthening – if external strengthening has to be used, either avoid the street façade or design strengthening structures as a visible and explicit design feature of the elevation. Do not obscure features such as windows.

GS2 Façade retention – For heritage and landmark buildings, retaining a building's street façade is preferable to its demolition. Where only the façade is retained, fit the new structure behind the façade features – reusing window and door openings. Keep the new structure below the façade height and give the visual appearance of retained floors.

Revell Street Heritage Character Area

GR1 Adapting existing historic buildings – when making additions, these should be on elevations not visible from the street and compatible with the architectural character of the building. Additions should not dominate the original building or contrast harshly with the original materials, building and roof form, proportions, colour or scale.

GR2 New Buildings - New buildings should be in sympathy with the historic building stock. Key aspects that will assist this are:

- Building to the street (footpath boundary)
- Above verandah having a horizontal parapet hiding the roof with a flat weatherboard cladding or similar flat fitting facing material facing the street
- The parapet should be simple with simplified or modern interpretation of existing detailing
- The verandah should extend the full width of the footpath
- Awnings are discouraged
- Shopfronts should be made of timber
- Entries should be recessed and angled
- The use of roller shutters, security grills or other forms of non-traditional additions to shopfronts should be avoided.

GR3 - New Two-storied buildings

- The first-floor design should have symmetrically located, discreet window openings matching the proportion of ground floor windows.
- Where there is no parapet, eaves should project beyond the face of the wall.
- The building can have a single or two-storied verandah.
- On the ground floor the building could have a shopfront matching the design guide or repeat the openings on the first floor.

Reefton Heritage Town Design Guidelines

1.0 Introduction

This document has been developed to provide guidance to those preparing and reviewing development proposals in the Reefton town centre. This guide seeks to achieve high quality building design that:

- Responds to the historical context
- Is visually interesting and in sympathy with the streetscape values
- Addresses cultural and built heritage values and design elements
- Creates a vibrant, active pedestrian environment

1.1 When does the Design Guide apply?

Under Te Tai o Poutini Plan rules within the Reefton Town Centre Zone, all new buildings and alterations to the exterior facade of existing buildings are ~~required~~ **encouraged**[232] to be assessed against these design guidelines. Where resource consents are required the Councils will use this guide to help assess and make decisions on those consent applications.

These guidelines however have been developed to support the wider heritage character of Reefton and developers of new buildings or those undertaking alterations of existing character buildings are encouraged to use them.

2.0 Reefton Heritage Town Design Guidelines

2.1 Context

The historic significance of Reefton and its heritage values is recognised by the registration of parts of Reefton as an historic area under the Historic Places – Pouhere Taonga Act. The main commercial street, Broadway, retains a number of mid to late nineteenth and early twentieth century buildings contributing to its late Victorian era mining town character.

Reefton has such high heritage and recreation values that retaining the existing heritage buildings is essential and any new buildings should be designed to be sympathetic with and enhance the existing character and values.

Within this design guide there are three main categories of building – each with a different approach to new building works.

- Historic buildings - these include listed historic heritage buildings [refer Schedule 1 of Te Tai o Poutini Plan] but also unscheduled historic buildings centred around Bridge St and Broadway such as the BNZ Bank, Broadway Supplies Building, Caples/Conlon Villa (Bellbird Motel), Homemakers Hardware Shop, Old National Bank, Wilson's Hotel and Hotel Reefton. These should be retained, with modifications kept to a minimum.
- Contributory buildings – these should be retained but can be modified to a greater degree in a sympathetic manner.
- Non-contributory – which are neutral or intrusive in the street and can be demolished or modified to be more in sympathy with the character of the street (a nod to the past).

Broadway Character

Broadway is a long wide, open street with single and two storied commercial buildings lining it. Generally the buildings that contribute positively to the character of Broadway

- Are built to the street boundary

[232] Foodstuffs (S464.053)

- Are rectangular with elongated or tall proportions
- Are designed based on early West Coast heritage styles
- Have tall horizontal or stepped parapets hiding the roof behind
- Have verandahs (although one or two do not and historically many did not)
- Are connected or are joined by fences on the street boundary
- Are long and narrow
- Are of different heights, with little or no alignment of parapets or shopfronts
- Are constructed of timber with timber shopfronts

Verandahs are of different designs:

- Unadorned or decorated posts
- With or without brackets
- With or without signage on the fascia
- With or without fascias
- With or without cheeks
- Skillion or bullnosed roofs

The shop front design of buildings contributing to the character of Broadway also has general level of consistency:

- A large display window which can be divided into large symmetrical panes particularly in the older shops
- Recessed or flat entries either to one side, or, for the older shops, centrally located
- A bulkhead, or base to the shopfront, which is panelled on the older shops

2.2 Design Guidelines

2.2.1 Historic buildings





1. **General Principles:** Generally visible external work should be limited to repairs, maintenance, restoration or reconstruction. Key principles are:

    - To maintain rather than repair

- To repair rather than replace
- If replacement is essential try and use materials that match the original as closely as possible (like for like)
- Use a date stamp so that replacements can be identifiable on close inspection.
- Restore original colour schemes where possible [Refer to Resene heritage colours for the period pre – 1920 and note this does not include blue].
- Painting the whole building one block colour as a "sign" to brand the building is not acceptable.

2. **Adaptation:** When adapting the exterior of a historic building:

- Retain, repair and maintain all significant external fabric
- Avoid removal or obscuring significant external fabric, elements and features
- Respect the style, form, planning, materials, craftsmanship, scale and patina of the building

3. **Additions:** When making additions, these should

- Be on elevations not visible from the street
- Avoid additions on significant elevations, including the roof
- Be compatible with the architectural character of the building
- Not dominate the original building
- Not contrast harshly with original materials, building and roof form, proportions, colour or scale
- Maintain the same orientation and proportions of building composition as the original
- If a large addition, be separate from the original building and follow the guidelines for new buildings

4. **New Elements:** Where removal or replacement of non-original elements is proposed try and restore or reconstrut the original elements.

5. **Strengthening** Strengthening work for earthquake protection should be installed on the interior or within the existing structure. Where this is not possible locate it away from the front elevation.

2.2.2 Contributory Buildings



1. **General Principles:** The general principles are similar to those of heritage buildings except that retention of original fabric on non-visible elevations is less important.

2. **Additions:** When additions are proposed, these should:

   - Be on elevations not visible from the street
   - Be compatible with the architectural character of the building
   - Not dominate the original building
   - Not contrast harshly with original materials, building and roof form, proportions, colour, or scale
   - Maintain the same orientation, proportions and rhythm of building composition as the original
   - If a large addition, be separate from the original building and follow the guidelines for new buildings
   - Not negatively affect the setting of or views to or from the building
   - Should be of a respectful new design based on a simplified modern interpretation of the original
   - Where the original verandah design is suspended or cantilevered from the wall, do not install “dummy” verandah posts.

2.2.3 Non-contributory buildings

Demolition is acceptable and encouraged when possible. The design guides for new buildings and for additions and alterations to existing buildings should be followed. Where additions and alterations are to be carried out, the intention is to design modifications to regain greater consistency with the existing significant and heritage buildings.



2.2.4 New single storied buildings

1. **Location**

- The building should be constructed up to the street (footpath) boundary
- Where the building does not extend the full width of the site there should be a fence from the building to the boundary.
- If there is an existing neighbouring building, it is acceptable to locate the new building against the existing building.

2. **Form**

- The building should be rectangular in plan and face the street
- The façade of the building should be rectangular with the proportion elongated or tall.

3. **Above verandah design**

- The building should have a horizontal parapet hiding the roof with a flat weatherboard cladding or similar flat fitting facing material facing the street,
- Where the building is to be constructed alongside an existing building, the parapet should be of a different height to the neighbouring building but no taller than existing Victorian or Edwardian buildings.
- The parapet for single story buildings should be between one-third to one half the total elevation height.
- The parapet should be simple with simplified or modern interpretation of existing detailing and not copy original detailing.

4. **Verandah**

- Buildings on Broadway are required to have a verandah (refer Plan rules) which should have a timber frame with a roof supported on timber posts

- The verandah should extend the full width of the footpath **Setback the verandah to allow clearance for taller vehicles**.[233]
- Awnings are discouraged.
- Cast iron filigree is discouraged.
- Non-alignment of verandahs with neighbouring buildings is encouraged.

5. Shopfront design.

- Shopfronts should be made of timber.
- Entries should be recessed and angled.
- In wide shops entries should be central, in narrow shops entries next to the side boundary wall is preferred.
- The stall board should be 300-600mm high,
- Windows should extend from the stall board to the underside of the verandah framing. The street pane should be divided vertically and horizontally with glazing bars.
- Recessed entry glazing should match the design of street glazing.
- The door should be glazed and panelled with a toplight.
- The use of roller shutters, security grills or other forms of non-traditional additions to shopfronts should be avoided.

6. Roofs

- The roof should be hidden behind a parapet. A pitch of between 30-45 degrees is ideal, with corrugated metal or timber shingles.

7. Materials

- Wall materials should be painted corrugated metal or timber weatherboard.
- Joinery should be timber

8. Corner buildings

- Corner buildings can be chamfered or square
- Parapets to corner buildings should return around the corner for the full length of the building.
- Entries to corner buildings should be at the corner.

9. Signage

- Signage on buildings should be symmetrical about the face of the element on which it is located and generally extend the full width.
- Signage in upper case lettering is encouraged.
- Signage should relate to the business or owner- not advertising products.
- Antique, Fat Clarendon, San serif lettering styles or similar are encouraged so as to give the impression of traditional hand sign writing.

[233] Kirsty Dittmer (S412.001)

- Other acceptable styles are Tuscan, Fat -faces, Fat Italics, Fat Gothic and Sans Serif compressed.

10.Fencing

- Fencing should be sympathetic to the era.

11.Colours

- Colours should be taken from the Resene or Aalto Heritage colour chart and be a three or four colour scheme. Note these should be the pre-1920s colours.

12.Lights

- Lighting should highlight the architectural character and lighting under the verandah is encouraged.

2.2.5 New two-storied buildings

- The first-floor design should have symmetrically located, discreet window openings matching the proportion of ground floor windows.
- Where there is no parapet, eaves should project beyond the face of the wall.
- The building can have a single or two-storied verandah.
- On the ground floor the building could have a shopfront matching the design guide or repeat the openings on the first floor. One of the openings should be a door and this can be wider than other openings.

Westport/Kawatiri Town Centre and Mixed Use Zone Urban Design Guidelines

1.0 Introduction

This document has been developed to provide direction to those planning, design and reviewing development proposals in the Westport/Kawatiri town centre and new mixed use area. This guide seeks to achieve high quality building design that:

- Responds to the context
- Is visually interesting and in keeping with the streetscape values
- Addresses cultural and built heritage values and design elements
- Creates a vibrant, active pedestrian environment
- Incorporates new and innovative design where appropirate
- Takes into account Poutini Ngāi Tahu values.

1.1 When does the Design Guide apply?

Under Te Tai o Poutini Plan rules, all new buildings within the Westport/Kawatiri Town Centre Zone and Mixed Use Zone are ~~required~~ **encouraged**[234] to be assessed against these design guidelines. Where resource consents are required the Councils will use this guide to help assess and make decisions on those consent applications.

[234] Foodstuffs (S464.055)

2.0 Westport/Kawatiri Design Guidelines

2.1 Context

Connection with the Natural Environment

The Buller/Kawatiri River provides a natural edge to the town centre and a link to its cultural heritage and the Kawatiri River Trail. Improving access to the Buller/Kawatiri River is important. Victoria Park lies directly behind the town centre - visual and access links through to Victoria Park should be improved.

Existing built character

Palmerston Street retains a mixed collection of nineteenth and early twentieth century buildings and architecture/building methods of this period. This represents an important part of the historic heritage resource of the Buller and West Coast.

The following design elements that contribute positively to the character of the town are identified as:

- Building edge – buildings are often built to the street boundary.
- Continuous façade – buildings tend to abut one another creating a sense of enclosure
- Human scale – buildings give a sense of human scape at the publicly occupied edges. They contain proportions, textures and physical elements that fit with the size of people.
- Prominent corner buildings – corner buildings are often taller than the adjoining buildings. This additional height helps define the edge of a block and create a visual anchor point.
- Verandahs of similar heights and shapes with decorative poles – this is a key feature in Palmerston Street which provides shelter for pedestrians.
- Visual interest – although commonalities exist between buildings, each building expresses an individual character
- Active frontage – windows exist on all floor levels of a building's façade

Poutini Ngāi Tahu Cultural Landscape

Many buildings within the town centre reflect Westport/Kawatiri's colonial and settler history, however there is limited representation of a much longer Poutini Ngāi Tahu history. Poutini Ngāi Tahu culture and identity highlight the West Coast's point of difference in the world and offer design opportunities for the future. Westport/Kawatiri is entirely within the takiwa of Te Rūnanga o Ngāti Waewae and they are the key Poutini Ngā Tahu contacts for designers of buildings in Westport/Kawatiri.

The guidelines in Section 2.2 are based on the Ngāi Tahu Subdivision and Development Guidelines, which are a set of urban design principles founded on core Maori cultural values and designed to provide practical guidance for enhancing outcomes for the design environment. These principles have arisen to enable greater iwi and hapū presence, visibility and participation in the design of the physical environment.

The use of Poutini Ngāi Tahu design guidelines is predicated on the development of high-quality durable relationships being developed between Te Rūnanga o Ngāti Waewae, their mandated

design professionals, developers and the Council. Robust relationships between these groups provide opportunities for unlocking a rich store of design potential.

2.2 Guidelines

Context

GC1 Complement the ~~existing~~ **bulk and form of the existing** built context ~~with visual links through similarity of overall bulk and form. New development should attempt to complement, improve and enhance the setting of individual buildings or groups of buildings listed as heritage items in Te Tai o Poutini Plan.~~ New buildings/structures **which immediately adjoin scheduled heritage items** shall **aim to** complement and support, rather than dominate these listed buildings.[235]

GC2 Take into account the wider surroundings, including natural features, such as views to ~~buildings,~~ the mountains and the river.[236]

Poutini Ngāi Tahu Cultural Landscapes

IW1 Mana/authority – The development of a high-level relationship with Te Rūnanga o Ngāti Waewae is essential prior to commencing design approaches which will maximise the opportunities for design outcomes. A cultural landscape approach is the most appropriate means to identify, assess and manage the potential effects of subdivision and development on cultural values and significant sites.

IW2 Te Reo, whakapapa/naming – Consultation with Te Rūnanga o Ngāti Waewae on the use of correct ancestral names, including macrons, and the recognition of traditional place names in keeping with the mita (pronunciation of language) of Poutini Ngāi Tahu through signage, wayfinding, street names in new subdivisions and names of public buildings, parks and places.

IW3 Tohu/landmarks – Significant wider cultural landmarks (including wāhi tapu, maunga, awa, puna, mahinga kai and ancestral kāinga) and associated narratives are acknowledged in the spatial orientation and layout of any new development, allowing visual connection to significant sites to be created, preserved and enhanced.

IW4 Taiao/environment – Landscape design includes a selection of indigenous plant and tree species where possible and reflects cultural perspectives, ideas and materials. Indigenous biodiversity objectives should be incorporated into development plans and indigenous species used for street trees, open space and reserves, native ground cover species for swales and stormwater management.

IW5 Mauri Tū/environmental health - Use of land - based treatment of wastewater, rainwater collection systems, grey-water recycling systems, stormwater treatment, passive solar design, and hard landscape and building materials which are locally sourced and of high cultural value to Poutini Ngāi Tahu are explored in the design process.

IW6 Mahi Toi/creative expression –**When** Poutini Ngāi Tahu narratives are ~~creatively~~ reinscribed through architectural ~~design~~ and building **design**, integrated artwork**.** ~~and~~ Te Runanga o Ngāti Waewae mandated design professionals and artists are appropriately engaged in **this** ~~such~~ process~~es~~.[237]

[235] Kirsty Dittmer (S412.001)
[236] Kirsty Dittmer (S412.001)
[237] Kirsty Dittmer (S412.001)

IW7 Ki uta ki tai/from the mountains to the sea. Opportunities are explored through partnership engagement with Poutini Ngāi Tahu to reflect the Poutini Ngāi Tahu view of the environment and resource management. Ki uta ki tai is a traditional concept representing kaitiakitanga from the mountains and inland lakes, down the rivers to hapua/lagoons to the sea. Kaitiakitanga reflects the special relationship Ngāi Tahu has with its environmental heritage. It is fundamental to the tribe's culture and identity. Ki uta ki tai encapsulates the need to recognise and manage the interconnectedness of the whole environment.

Built Form

BF1 Mass/Scale -New buildings shall relate to the scale of adjacent buildings. Where very wide buildings are proposed, their bulk and width shall be reduced by dividing the façade up ~~by vertical divisions into several smaller "storefronts"~~ **visually smaller vertical forms**. Windows and doors and other architectural details shall be used to reduce the mass of structures. Where a building over three stories is proposed, the section above three stories shall be stepped back from the line of view from the street.[238]



~~*This long low building shape should be avoided. This building also lacks windows and has limited design features and detail to add interest to the building. The buildings colours are also very out of character with other buildings in the vicinity and are part of a sign to brand the building.*~~[239]

BF2 Location to front – Buildings are to be positioned so their front walls abut the (footpath) boundary

BF3 Continuity – on Palmerston Street buildings are to extend across the full width of the site frontage to ensure that the street's "built" edge is continuous. Exceptions to the continuous frontage are for walking access connections and outdoor dining areas/courtyards. Beyond Palmerston Street, maintaining a continuous frontage is still encouraged to maintain a sense of enclosure, however it is not essential.

BF4 Height – New buildings should appear similar in height to the existing neighbouring buildings.

Any upper floor areas visible in the layout of the façade should be potentially usable space rather than a false façade.

BF5 Corner buildings. Buildings on corners and main junctions are highly visible which means that building design is especially important. Buildings on corners are encouraged to be visually emphasised with architectural elements such as taller forms, or parapets.

[238] Kirsty Dittmer (S412.001)
[239] Martin and Co Westport Ltd and Lumberland Building Market Westport (S543.002)



This building expresses well to the corner with the second story providing height, and the door facing into the corner.



This building was not built with any corner features to emphasise its position. The more recent sign and verandah modifications have tried to address its corner position.

BF6 Roofs– Westport/Kawatiri has a variable range of rooflines with some below the height of the parapet and others pitched and visible from the street. Either is acceptable.



Roofline hidden behind parapet



Mixed rooflines

GF1 Openings – Buildings are to have windows on all street facades with minimum 50% glazing as specified in the relevant rules. Main doors at ground level are to be oriented to the street (i.e., not at the side or the back). Entrances shall be wide enough to accommodate wheelchairs and pushchairs. Buildings that have more than one frontage (i.e., corner) are to include windows and doors on both facades if there is sufficient length of frontage. The design of side and back elevations

that are visible from the street or any other public space should be consistent with the design of the main building frontage.

GF2 Visual permeability – The ground floor window area of buildings (including glazed doors) in Palmerston Street must be no less than 50% of the frontage in the Town Centre Zone. ~~On all facades, fully glazed facades will not be permitted unless there are vertical solid breaks at frequent intervals.~~ The glazing is not to be blocked out with opaque or reflective film, or other treatment that obscures the visual connection from the outside into the building.[240]

GF3 Office/Commercial Activity – where the ground floor is used for offices/commercial activity on Palmerston Street, the display area immediately behind the windows should be designed as reception and waiting areas.

GF4 Shop fronts and entries – Building entries and shop fronts in Palmerston Street should be glazed and entries recessed. This allows pedestrians to stop and view the display area and gives depth to the entrance. Glazed areas should be partitioned with glazing bars rather than single sheet/plate glass display windows.

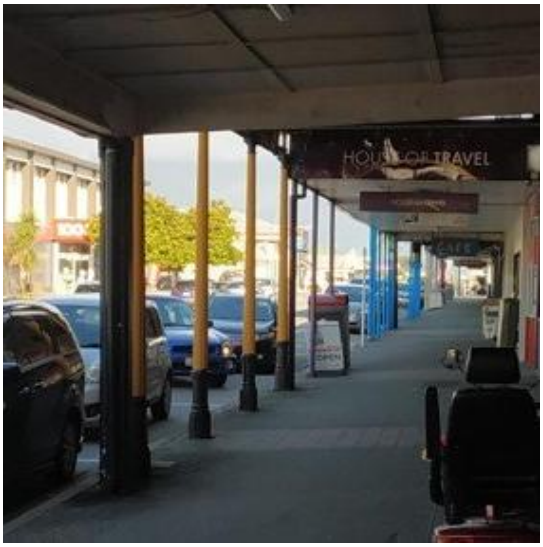


Window facades with glazing bars are a typical feature of the Westport shop frontages.

GF5 Verandah/canopy/balcony -Verandahs are a requirement on Palmerston Street and are subject to performance standards in the rules. Verandahs should:

- Complement the style of the building to which they are attached
- Extend over the footpath and full width of the building frontage. **Setback the verandah to allow clearance for taller vehicles.**[241]
- Include decorative poles where possible
- Take cues from neighbouring verandahs in terms of height, proportion and style, whilst allowing for variation in design features
- Not obscure windows or architectural details
- Verandahs on corner buildings should wrap around the building and extend the full width of both frontages.

[240] Kirsty Dittmer (S412.001)
[241] Kirsty Dittmer (S412.001)



Decorative Street Poles from the verandahs give a sense of safety and enclosure and are a particular character of Westport town centre

GF6 Articulation and Detail – building facades should **achieve visual interest to support the pedestrian experience. This may** include articulation and detailing~~. Façade articulation may include~~ setbacks, projected bays, balconies**, and fencing and landscaping** ~~etc~~. Building facades should have detail and depth and not be on a flat plane.[242]

GF8 Material and Colour – **use materials, texture and colour to highlight the building's form and details** ~~building colours, whether a painted finish or natural materials should highlight features~~ such as joinery, decoration or repetition of the building form

- ~~Use colours that are consistent with the existing range of colours in the town centre.~~
- ~~Side and rear walls should be painted in the same colours as the building's main façade. Side and rear walls also provide an opportunity for murals to be painted. In these cases colours can deviate from the building's main façade.~~
- ~~Bright colours designed to call attention to the building are not acceptable~~
- ~~Painting the whole building one block colour as a "sign" to brand the building is not acceptable.~~[243]



Colour has been used successfully on this building to highlight window details, the entrance and detailed lines on the building. The colours are in keeping with a traditional heritage palette ***suitable for other buildings in the town centre.***[244]

[242] Foodstuffs (464.005)
[243] J & K Dickson (S213.002), R Burdekin (378.008), J Heward (S535.002)
[244] J & K Dickson (S213.002), R Burdekin (378.008), J Heward (S535.002)



~~*Colour has been used inappropriately on this building. It does not fit with the character of the town and also is used to brand the building for sale of a particular product*~~. ***The colours on this building are very bold and not consistent with other building colours in the vicinity.***[245]

GF9 Lighting – Buildings can have lighting to highlight building façade features and provide under verandah light to the footpath. Choose lighting fixtures in a style that is appropriate to the building and not susceptible to vandalism.

GF10 Outdoor dining areas. – These are encouraged on footpaths adjoining buildings within the town centre to give vitality and encourage occupation of the street. The location, size and layout needs to take into account public access, pedestrian circulation and the safety of patrons and motorists.

GF13 Mechanical equipment – Maintain the integrity of the general form of the building by avoiding detracting secondary features such as air conditioning plants or other mechanical equipment above or in front of the façade, and visible from the street.

Strengthening and Restoration

GS1 External strengthening – if external strengthening has to be used, either avoid the street façade or design strengthening structures as a visible and explicit design feature of the elevation. Do not obscure features such as windows or modulation.

GS2 -Façade retention – For heritage and landmark buildings, retaining a building's street façade is preferable to its demolition. Where only the façade is retained, fit the new structure behind the façade features – reusing window and door openings where possible. Keep the new structure below the façade height and give the visual appearance of retained floors.

7. NEIGHBOURHOOD CENTRE ZONE

7.1. Neighbourhood Centre Zone Rules

Submissions and Further Submissions

728. One submission point relating generally to the **NCZ Rules** was summarised in a Table on page 129 of the S42A Report. The submission sought amendments to the rules.

729. Five submission points relating to **NCZ-R1** were summarised in a Table on pages 130-134 of the S42A Report. One submission point supported the retention of the rule as notified. Four submission points sought amendments.

[245] J & K Dickson (S213.002), R Burdekin (378.008), J Heward (S535.002)

730. Two submission points and one further submission relating to **NCZ-R2** were summarised in a Table on page 136 of the S42A Report. One submission point supported the retention of the rule as notified. One submission point sought amendments.

731. One submission point relating to **NCZ-R3** was summarised in a Table on page 137 of the S42A Report. The submission point supported the retention of the rule as notified.

732. Eight submission points and one further submission relating to **NCZ-R4** were summarised in a Table on pages 137-138 of the S42A Report. Three submission points supported the retention of the rule as notified. Four submission points sought to delete the rule, and one submission point sought amendments.

733. One submission point relating to **NCZ-R5** was summarised in a Table on page 139 of the S42A Report. The submission point supported the retention of the rule as notified.

734. One submission point relating to **NCZ-R6** was summarised in a Table on page 139 of the S42A Report. The submission point supported the retention of the rule as notified.

735. Five submission points relating to **NCZ-R7** were summarised in a Table on page 140 of the S42A Report. One submission point supported the retention of the rule as notified. Four submission points sought it be deleted.

736. One submission point relating to **NCZ-R8** was summarised in a Table on page 141 of the S42A Report. The submission point supported the retention of the rule as notified.

737. Two submission points relating to **NCZ-R9** were summarised in a Table on page 141 of the S42A Report. One submission point supported the retention of the rule as notified. One submission point sought amendments.

738. One submission point relating to **NCZ-R10** was summarised in a Table on page 142 of the S42A Report. The submission point supported the retention of the rule as notified.

739. Two submission points relating to **NCZ-R11** were summarised in a Table on page 143 of the S42A Report. One submission point supported the retention of the rule as notified. One submission point sought amendments.

740. Five submission points relating to **NCZ-R12** were summarised in a Table on page 144 of the S42A Report. One submission point supported the retention of the rule as notified. Four submission points sought it be deleted.

741. One submission point relating to **NCZ-R13** was summarised in a Table on page 144 of the S42A Report. The submission point supported the retention of the rule as notified.

742. One submission point relating to **NCZ-R14** was summarised in a Table on page 145 of the S42A Report. The submission point supported the retention of the rule as notified.

743. The Panel adopts these summaries and has considered all the relevant submissions and further submissions.

Section 42A Report

NCZ – General- Overview

744. In response to the submission point made by Ngāi Tahu that sought to have Poutini Ngāi Tahu values considered as part of the urban environment and as part of controlled and restricted discretionary activities, Ms Belgrave noted that this is a common submission point across multiple hearing streams and for other zones in this stream. She reiterated her opinion regarding the previous zones and did not support the relief sought in the submission point.

745. The S42A report recommends that no amendments be made to the NCZ chapter in response to this submission.

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

746. Ms Belgrave acknowledged the support from Te Mana Ora that supports the rule as notified. The acknowledgement is subject to recommended amendments that arise from the other submission points.

747. Ms Belgrave reiterated her recommendations from previous zones in response to the submission point made by Waka Kotahi. The submission sought clarification on whether the rule's requirements should be considered performance standards. They requested that the performance standards under NCZ-R1 are included in a separate rule or relocated as standards. Ms Belgrave supported amendments to NCZ-R1 so that the rule applies to all new buildings, additions and alterations to existing buildings, external and heavy vehicle storage, and hours of operation. She recommended that these be transferred to a new rule to improve clarity and differentiate between NCZ-R1 and the new rule NCZ-R5A

748. In response to the submission point made by the Ministry of Education that sought to include education facilities as a permitted activity and that a restricted discretionary activity status applies to all non-compliances with the rule, Ms Belgrave supported the relief sought in part. She recommended including education facilities as a permitted activity in a new rule (NCZ-R4A), provided the activity does not exceed 250m² GFA. Ms Belgrave reiterated previous recommendations to retain a discretionary activity status for non-compliances for those standards where there is a greater range of potential effects on character and amenity, particularly to adjacent residential zones.

749. In response to the submission point made by Foodstuffs that sought to increase the permitted GFA for supermarkets to 1,000m², Ms Belgrave did not support the relief sought. This is because larger-scale activities may have potential effects, such as those associated with building bulk and scale, and the character and amenity of adjacent residential areas, which can be assessed through the resource consent process, particularly given the spatial extent and purpose of the NCZ.

750. Ms Belgrave supported the relief sought by FENZ to exclude vehicles associated with emergency service activities from the restrictions placed on the number of heavy vehicles stored on a site, which she recommended be included in the new rule NCZ-R5A.

751. Ms Belgrave acknowledged and recommended consequential changes to notified NCZ-R1.11 in response to a submission point by BDC that sought amendments related to when a written approval is obtained. Ms Belgrave reiterated the recommendations she made on the same matter for the other zones. That is to move the detail to an advice note.

752. Ms Belgrave recommended that NCZ-R1 is amended as follows:

NCZ-R1 New Buildings, External Additions or Alterations to Existing Buildings, and External Storage ~~Commercial Activities and Buildings, Community Facilities and Emergency Service Facilities~~

Activity Status Permitted

Activity status where compliance not achieved:

*Restricted discretionary where **~~standards~~** **rules** **~~9 to 11~~** **3 to 11** are not complied with.*

*Discretionary where **~~standards~~** **rules** 1-**2** **~~to 8~~** are not complied with.*

Where:

1. ***Education Facilities**, Community Facilities, Emergency Service Facilities, retail and office activities are a maximum of 250m2 gross floor area per activity provided;*

~~2. The activity does not include:~~

~~i. Drive through restaurants;~~

~~ii. Service stations;~~

~~iii. Motor vehicle sales;~~

~~iv. Yard-based retail activities;~~

~~v. Trade retail and trade suppliers; or~~

~~vi. Bars/taverns~~

…

5. *No more than one heavy vehicle is stored on the site, **excluding heavy vehicles ancillary to emergency service facilities**;*

…

10. *No building shall protrude beyond a building envelope defined by a recession plane as outlined in Appendix Two to commence 2.5m above any residential site boundary **~~except where the neighbouring property owner's written approval is provided to the Council 10 working days to the works commencing~~**. This standard does not apply to:*

…

Advice Note:

1. ***Where boundary rules are infringed, the Deemed Permitted Activity Boundaries process will apply where the neighbouring property owner's written approval is provided to Council.***

~~2. The acoustic insulation requirements for noise sensitive activities set out in Rule NOISE – R3 also apply.~~

753. The S42A report also recommends the addition of a new rule as follows:

NCZ-R5A Commercial Activities and Buildings, Community Facilities, Education Facilities and Emergency Service Facilities

Activity status Permitted

Activity status when compliance not achieved:

Restricted Discretionary where standard 1 is not complied with

Non-complying where standard 2 is not complied with

Where:

1. ***All performance standards for Rule NCZ - R1 are complied with, and***
2. ***The activity does not include:***

i. Drive through restaurants;

ii. Service stations;

iii. Motor vehicle sales;

iv. Yard-based retail activities;

v. Trade retail and trade suppliers; or

vi. Bars/taverns

Advice Notes:

1. The acoustic insulation requirements for noise sensitive activities as set out in Rule NOISE - R3 also apply

NCZ – R2 Minor Structures

754. Ms Belgrave acknowledged the support from Te Mana Ora that supports the rule as notified. The acknowledgement is subject to recommended amendments that arise from the other submission points.

755. In response to the submission point made by FENZ that sought amendments to enable hose drying towers up to a maximum height of 15m, Ms Belgrave supported the relief sought in part. She agreed that the inclusion of a maximum height for hose drying towers under NCZ-R2 will provide helpful clarification. Ms Belgrave considered the requested maximum height of 15m to be inappropriate in this zone and instead recommends a height of 12m. She considered this appropriate, having regard to the maximum permitted building height of 10m within the NCZ, the spatial extent of the zone, the proximity of residential areas and that the establishment of emergency service facilities in the Zone will be limited.

756. Ms Belgrave acknowledged and recommended consequential changes to NCZ-R2.1 to refer to the relevant rule in NCZ-R1 that relates to the required setbacks for buildings and structures. She notes that this will achieve consistency with submission points made by BDC. The S42A report recommends that NCZ-R2 be amended as follows:

NCZ-R2 Minor Structures

~~All performance standards for~~ *Rule NCZ - R1****.9 is ~~are~~*** *complied with;*

…

5. Hose drying towers do not exceed 12m in height; and

…

However, we note that until the final form of NCZ-R1 is finalised, other rule numbers and cross-references will change.

NCZ – R3 Fences, Walls and Retaining Walls

757. Ms Belgrave acknowledged the support from Te Mana Ora that supports the rule as notified.

758. The S42A report recommends retaining NCZ-R3 as notified.

NCZ – R4 Relocated Buildings

759. In response to the four submission points[246] that sought to delete NCZ-R4, Ms Belgrave supported the relief sought. She reiterated the reasons set out regarding the Relocated Building rules for the previous zones. She agreed with the submitters that the rule is unnecessary and creates duplication, as there is still a requirement to comply with the Building Act.

760. As a consequence of the recommendation to delete this rule, Ms Belgrave did not support the relief sought from the other four submission points to either amend or retain the rule.

761. The S42A report recommends that NCZ-R4 be deleted.

NCZ – R5 Residential Activities and Residential Units

762. Ms Belgrave acknowledged the support from Te Mana Ora that supports the rule as notified.

763. Ms Belgrave recommended consequential changes to delete NCZ-R5.1, as the listed performance standards in NCZ-R5.1 are no longer relevant due to the recommended changes to NCZ-R1.

764. The S42A report recommends making consequential changes to NCZ-R5 as follows:

> ***NCZ-R5 Residential Activities and Residential Units***
>
> ***Activity status Permitted***
>
> *Where:*
>
> *1.* ~~***Performance standards 1, 3 and 6 of Rule NCZ - R1 are complied with***~~*;*
>
> *…*

NCZ – R6 Demolition of Buildings

765. Ms Belgrave acknowledged the support from Te Mana Ora that supports the rule as notified.

766. The S42A report recommended retaining NCZ-R6 as notified.

NCZ – R7 Relocated Buildings not meeting Permitted Activity Standards

767. In response to the four submission points[247] that sought to delete NCZ-R7, and consequential to the recommendation to delete NCZ-R4, Ms Belgrave supported the relief sought.

768. As a consequence of the recommendation to delete this rule, Ms Belgrave did not support the relief sought from the other submission point to retain the rule.

769. The S42A report recommends that NCZ-R7 be deleted.

NCZ – R8 Demolition of Buildings not meeting Permitted Activity Standards

[246] Chris and Jan Coll (S558.007), Chris J Coll Surveying Limited (S566.007), William McLaughlin (S567.007) and Laura Coll McLaughlin (S574.007)

[247] Chris and Jan Coll (S558.008), Chris J Coll Surveying Limited (S566.008), William McLaughlin (S567.008), and Laura Coll McLaughlin (S574.008)

770. Ms Belgrave acknowledged the support from Te Mana Ora that supports the rule as notified.

771. The S42A report recommends retaining NCZ-R8 as notified.

NCZ – R9 Commercial Activities and Buildings, Emergency Service Facilities and Community Facilities not meeting Permitted Activity Standards

772. Ms Belgrave acknowledged the support from Te Mana Ora of the rule as notified. The acknowledgement is subject to recommended amendments that arise from the other submission points.

773. In response to the submission point made by Foodstuffs that sought to increase the permitted GFA for supermarkets to 1,000m², Ms Belgrave did not support the relief sought for the same reasons as set out with respect to NCZ-R1.

774. Ms Belgrave recommended amendments to NCZ-R9 that are consequential to the amendments sought by the Ministry of Education to apply a restricted discretionary activity status to non-compliances under NCZ-R1. As such, Ms Belgrave recommended additions to the matters for discretion.

775. Ms Belgrave also recommended amending the title of the rule, which is consequential to the changes recommended to NCZ-R1.

776. The S42A report recommends making consequential changes to NCZ-R9 as follows:

> ***NCZ-R9 ~~Commercial Activities and Buildings, Emergency Service Facilities and Community Facilities~~ New Buildings and External Additions and Alterations to Existing Buildings not meeting NCZ-R1 ~~Permitted Activity Standards~~***
>
> ***Activity status Restricted Discretionary***
>
> *Where:*
>
> 1. ***~~The gross floor area is greater than 250m2 per activity but all other Performance Standards for 1- 8 for~~*** *Rule NCZ - R1**.1 and NCZ – R1.2** are complied with.*
>
> ***Discretion is restricted to:***
>
> ***~~a. Design and location of buildings;~~***
>
> ***~~b. Design and location of parking, loading and access areas; and~~***
>
> ***~~c. Landscape measures~~***
>
> ***a. Bulk, location and design of storage, buildings and structures;***
>
> ***b. Effects on the safety, amenity and attractiveness of the street or public places;***
>
> ***c. Visual dominance, privacy and shading, and nuisance effects on neighbouring sites; and***
>
> ***d. Materials being stored and the period of time for storage.***

NCZ – R10 Residential Activities and Residential Units not meeting Permitted Activity Standards

777. Ms Belgrave acknowledged the support from Te Mana Ora that supports the rule as notified.

778. The S42A report recommends retaining NCZ-R10 as notified.

NCZ – R11 Commercial Activities, Community Facilities, Emergency Service Activities and Visitor Accommodation Activities not meeting the Permitted or Restricted Discretionary Activity Standards

779. Ms Belgrave acknowledged the support from Te Mana Ora that support the rule as notified. However, the acknowledgement is subject to the recommendation to delete the rule.

780. Ms Belgrave sets out that the recommendation to separate the notified version of NCZ-R1 into two rules (one for activities, and one for buildings), in response to the submission by Waka Kotahi, will ensure that the activities identified in NCZ-R11.2 will be non-complying if compliance is not met.

781. In response to the submission point made by Foodstuffs that sought to exclude expansions or redevelopment of supermarkets from NCZ-R11.1, Ms Belgrave partially supported the relief sought. Foodstuffs considers that a non-complying activity status for a supermarket exceeding 250m² is inappropriate. They noted that this would effectively render all supermarkets a non-complying activity due to the gross floor area restrictions. Ms Belgrave noted that there is an inconsistency between the notified versions of rules NCZ-R1 and NCZ-R11, where non-compliance with the GFA would be a discretionary activity in NCZ-R1 and non-compliant under NCZ-R11. She considered that a discretionary activity status is appropriate to evaluate potential effects associated with building bulk and scale in the NCZ and potential effects on the character and amenity of adjacent residential areas. Therefore, she recommended deleting NCZ-R11 and retaining NCZ-R1.

782. The S42A report recommends deleting NCZ-R11 as notified.

NCZ – R12 Residential Activities, Residential Units, Minor Structures, Fences, Walls, Retaining Walls and Relocated Buildings not meeting the Permitted or Restricted Discretionary Standards

783. Ms Belgrave acknowledged the support from Te Mana Ora of the rule as notified. However, the acknowledgement is subject to the recommendation to delete the rule. Ms Belgrave noted that a discretionary activity status for non-compliance with the relevant rules is already provided for under NCZ-R2, NCZ-R3, and NCZ-R10

784. As a consequence of the recommendation to delete this rule, Ms Belgrave partially supported the relief sought from the four submission points[248] to delete part of the rule heading.

785. The S42A report recommends that NCZ-R12 be deleted.

NCZ – R13 Industrial Activities

786. Ms Belgrave acknowledged the support from Te Mana Ora that supports the rule as notified.

787. The S42A report recommends retaining NCZ-R13 as notified.

NCZ – R14 Any activity not provided for by another Rule in the zone

788. Ms Belgrave acknowledged the support from Te Mana Ora that supports the rule as notified.

789. The S42A report recommends retaining NCZ-R14 as notified.

Hearing and Submitter Evidence

790. The legal submissions made by Ms Alex Booker on behalf of Foodstuffs reiterate the original submission to allow a 1,000m² GFA for supermarkets, and she continues to seek the requested

[248] Chris and Jan Coll (S558.009), Chris J Coll Surveying Limited (S566.009), William McLaughlin (S567.009), and Laura Coll McLaughlin (S574.009)

amendments to NCZ-R1 and NCZ-R9. She commented that a supermarket cannot operate with a GFA of 250m² or less.

791. Ms Booker does accept the S42A recommendation to delete NCZ-R11.

792. Mr George van Pelt tabled a letter at the hearing on behalf of FENZ. The letter accepts the S42A recommendation to NCZ-R1 as initially sought in the submission.

793. A letter from Ms Daly Williams on behalf of the Ministry of Education was tabled at the hearing. The letter does not explicitly refer to the NCZ rules, but it does accept the separation of COMZ-R1 into two rules (one for buildings and one for activities). It also continues to seek an exemption for educational facilities in reference to the advice note and the need to consider NOISE-R3. It is assumed that the same applies to the NCZ.

794. A letter from Ms Michelle Grinlinton-Hancock on behalf of KiwiRail was tabled at the hearing. The letter draws the Panel's attention to the fact that none of KiwiRail's submission points were allocated to this hearing stream. As a result, the S42A report did not address any aspect of the submission made by KiwiRail. Despite this, KiwiRail sought relief relating to building setbacks from the rail corridor in all zones. In the NCZ a setback of 5m is sought[249].

795. Ms Grinlinton-Hancock explains in the letter that KiwiRail seeks setback controls to appropriately manage the health and safety of communities and ensure the ongoing operation of KiwiRail's network, as it is nationally and regionally significant infrastructure. She sets out that a safety setback is critically important to enable landowners to safely access their properties, avoid significant safety risks, and protect the rail corridor from interference.

796. Despite not making any submissions on the rules of the NCZ, Ms Frida Inta presented a statement at the hearing offering views on the S42A recommendation. With respect to NCZ-R1, Ms Inta observed that, despite the reporting officer recommending separating activities from performance standards (as sought by Waka Kotahi), the S42A recommendation for the rule continues to refer to both. In particular, she suggests that references to vehicle storage and hours of operation be relocated to the new rule.

797. The evidence presented by Mr Jonathan Bhana-Thomson on behalf of the NZ Heavy Haulage Association reiterated the relief sought in the original submission to provide for relocated buildings as a permitted activity. The evidence sets out that the Association does not support the deletion of rules relating to relocated buildings.

798. Mr Bhana-Thomson's evidence sets out the process for relocating a building. It states that, in his experience, relocating a building generally involves less construction disturbance than on-site construction. Other benefits include lower labour costs and the reuse of existing buildings. Additionally, he advises that there is no requirement in the Building Act to complete the relocation or reinstatement of a building within a particular timeframe.

Reporting Officer Reply Evidence

799. Consequent to the separation of NCZ-R1 into two rules (one for building controls and one for activities) and in response to Waka Kotahi's submission and to Ms Inta's statement that was presented at the hearing, which sought to simplify plan provisions, Ms Belgrave supports several amendments to restructure and relocate standards between the relevant rules. This has resulted in amendments to all the Commercial and Industrial chapters. However, the

[249] As set out in evidence for Topic 1, to align with the road boundary setback rules.

wording and intent of the provisions have not changed through this process, and no new additions have been made to the requirements of the standards.

800. In response to the letter tabled by KiwiRail at the hearing, a joint right of reply has been prepared as the issues traverse various hearing streams. The joint right of reply agrees that a building setback from the rail corridor is appropriate in certain circumstances. As part of the consideration, the reporting planners have reviewed other plans, considered the variability of use (of the rail corridor) and the type of buildings/structures a setback should apply to. The planners also note that the railway designation is considerably wider than the railway line itself. Therefore, an effective buffer already exists between the railway activity and the adjacent private land. Additionally, the railway line is also generally parallel to the state highway.

801. Concerning the NCZ, the reporting planners do not support the relief sought by KiwiRail for a 5m building setback from the railway corridor. They consider that a 5m setback would have a significant impact on the land available for development and is excessive in this zone. Notwithstanding that the reporting planners consider it more efficient to manage relevant effects through the designation process, they recommend a rule to require new buildings to be set back 1.5m from the railway corridor. The rule should exclude accessory buildings and structures. The recommended wording is as follows:

NCZ-R1

4. *Any building or structure, **excluding buildings for residential activities and residential units**, is set back:*

   *iv. **1.5m from the railway corridor boundary, excluding accessory buildings and structures***

5. *Buildings for residential activities and residential units, are set back:*

   *ii. **1.5m from the railway corridor boundary, excluding accessory buildings; and***

802. In response to the evidence presented by Mr Bhana-Thomson on behalf of the NZ Heavy Haulage Association, Ms Belgrave reconsidered the rules for relocated buildings in the COMZ, MUZ and NCZ. She also considered recommendations made for similar rules in the Residential Zones. Ms Belgrave understands that the purpose of the permitted activity standards for relocatable buildings is to manage potential amenity effects generally associated with achieving an acceptable exterior building quality within a specified timeframe.

803. On the understanding that the purpose of NCZ-R4 (and similar rules in COMZ and MUZ) is to address amenity effects, particularly through standards that require the timely completion of building works, Ms Belgrave agrees that the standards can address the existing concerns regarding relocatable buildings and their visual appearance. Furthermore, she considers that a permitted activity status (and compliance with the relevant standards) will encourage redevelopment and revitalisation within the relevant Commercial and Mixed Use zones.

804. Ms Belgrave recommends it is appropriate to retain NCZ-R4 for relocated buildings (with minor amendments to Standard 2, consistent with the NZ Heavy Haulage Association submission). She notes that this is also consistent with the recommendations in the Residential Zone hearing stream.

805. The recommended wording is as follows:

NCZ-R4 Relocated Buildings

Activity Status Permitted

Where:

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

806. Consequent to the above recommendation to retain NCZ-R4, Ms Belgrave also recommends retaining NCZ-R7. She recommends additions to the matters of control that respond to Mr Bhana-Thomson's letter.

807. The recommended wording is as follows:

NCZ-R7 Relocated Buildings not meeting Permitted Activity Standards

Activity Status Controlled

Where:

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

Matters of control are:

d. *Design and location of structures;*

e. *Landscape measures; and*

f. *Appearance of buildings **and the completion of any building reinstatement works identified in a building inspection report***

808. In response to the discussion during the hearing regarding Airbnb, Ms Belgrave reviewed the S32 report on the Commercial and Mixed Zones. She did not identify any specific issues relating to them. Notwithstanding, she did identify a need to reinforce a hierarchy of West Coast centres that are suitable for visitor accommodation.

809. Additionally, she identified an error in the NCZ chapter where, as notified, NCZ-R11 provides for visitor accommodation activities that do not meet the permitted standard. However, there is no permitted standard for visitor accommodation in the NCZ. Furthermore, it is recommended that NCZ-R11 be deleted to reduce duplication across the rules. At the time of the hearing, the rules did not provide for visitor accommodation in the NCZ, and so visitor accommodation would default to a non-complying activity under NCZ-R14.

810. Ms Belgrave considers it relevant to provide for visitor accommodation as a permitted activity in the NCZ, subject to performance standards, similar to those in the COMZ, MUZ and TCZ. She has therefore recommended a new rule to make provision for this. The recommended wording is as follows:

NCZ-R5A Visitor Accommodation

Activity Status Permitted

Where:

1. *The visitor accommodation is located*
    i. *In a Heritage Building listed in Schedule One; or*
    ii. *Above street level; or*
    iii. *At street level but with no frontage to public open spaces or streets except for access*
2. *Any space designed for waste management, whether private or communal, shall not be located between the road boundary and any building, and shall be screened from adjoining sites, roads and adjoining outdoor living spaces by screening of the waste management area to a height of 1.5 metres;*
3. *Visitor accommodation entrances shall be clearly separated and distinguished from commercial entrances; and*
4. *The principal residential accommodation entrance shall be provided directly from a public street or open space.*

Advice Note

1. *The acoustic insulation requirements for noise sensitive activities as set out in Rule NOISE - R3 also apply.*

Activity status where compliance not achieved: *Discretionary*

811. Overall, Ms Belgrave considers that the pTTPP includes several provisions that adequately manage the potential design and amenity effects of Airbnb and visitor accommodation.

812. The right of reply considers the question of whether there are provisions in the NCZ that will create opportunities for greater residential development. Ms Belgrave identifies rules NCZ-R1 and NCZ-R5 that provide for new buildings and residential activities in existing buildings as permitted activities. She comments that these permitted standards will encourage residential development by removing costs associated with the resource consent process.

813. The right of reply considers the letter tabled by Ms Williams on behalf of the Ministry of Education, and specifically the relief sought to include an exclusion from the noise provisions for education facilities. Ms Belgrave maintains her view that such an exclusion is not necessary. She does not consider it efficient to reiterate the exclusions that apply to designations, and that if education facilities are established outside of a designated site, then the noise provisions should be relevant for consideration.

Hearing Panel's Evaluation

Overview

814. In relation to the Overview, the Panel agrees, for the reasons provided by Ms Belgrave, that no amendments to the Overview are required and recommends that the Overview be retained as notified.

NCZ-R1

815. In relation to NCZ-R1, Ms Belgrave recommends many amendments to that rule, as well as creating a new rule and recommending additional changes to other rules. We have carefully

considered the scope available to support making those amendments. We consider the Waka Kotahi submission s450.220 to provide sufficient scope. We note the submission seeks to;

Amend the rule to clarify the intent of the rule as to whether these are considered as performance standards, and if so, a new separate rule should be created for the activities listed in the heading, or move the standards for the zone into a separate standards table, with all rules referring to those standards.

816. In particular, we consider that part of the Waka Kotahi submission, which addresses moving the standards for the zone into a separate table with all rules referring to those standards, provides significant flexibility in moving standards from the various rules. We agree with her that her reply recommendations do not alter the intent of the rules, nor does the shifting of multiple standards between the rules make complying with the rules more onerous.

817. In reaching our recommendations, we have given more weight to the Waka Kotahi submission than to the evidence provided by Ms Inta at the hearing. We do accept, though, that the evidence did reference the Waka Kotahi submission, and it was critical that the Officer had not recommended sufficient changes to give effect to that submission. Additionally, Ms Initas' own submission, albeit a general one, sought to simplify Plan provisions, and to a limited extent, we rely on that submission to support our recommendations set out below.

818. Taking into account the above and Ms Belgrave's reasons, particularly those in her reply, we recommend that NCZ-R1 be amended as set out below, including the removal of standards to other rules and the addition of standards from different rules, as well as including new rules.

819. Given the issue addressed in submissions from Foodstuffs, we record that we agree with Ms Belgrave that the maximum gross floor area for a supermarket should be 250 m², even though that standard ultimately resides in NCZ-R4A.

820. The Panel agrees with Ms Belgrave's recommendation and supporting reasons to reposition advice note 2 to another rule consequent upon the recommended changes to NCZ-R1 and the transfer of notified standards between rules, noting this repositioning of advice notes occurs in the equivalent rules in COMZ, MUZ, and TCZ chapters.

NCZ-R2

821. In relation to NCZ-R2, the Panel agrees with Ms Belgrave's recommendation, for the reasons she provides, to include a new standard 5. relating to hose drying towers as sought by Fire and Emergency. We agree with the consequential amendment to standard 1. arising from the recommended amendments to NCZ-R1 for the reasons Ms Belgrave provides.

NCZ-R3

822. In relation to NCZ-R3, the Panel agrees with Ms Belgrave's recommendation, for the reasons she provides, that this rule be retained as notified.

NCZ-R4

823. In relation to NCZ-R4, the Panel agrees with Ms Belgrave's recommendation, as outlined in her reply, paragraphs 100 to 115, to reverse her earlier recommendation to delete this rule and retain it, including other notified rules for this zone related to relocated buildings.

824. However, The Panel records that we have already addressed relocated buildings in other chapters in the Plan. Ms Easton, as reporting for those other chapters has already provided revised wording for the rules dealing with relocated buildings. We consider we should utilise her wording for Plan consistency while at the same time addressing the submission of New Zealand Heavy Haulage Association. The full discussion on this issue is covered in the Settlement chapter recommendation.

New Rule

825. In relation to NCZ-4A, the Panel agrees with Ms Belgrave's recommendations to amend this rule, which are consequential on the amendments to NCZ-R1. We agree with the recommendation to include Education facilities up to a maximum of 250m^2. In relation to the inclusion of education facilities, we note that the purpose of the NCZ is to serve surrounding residential areas by providing for the day-to-day needs of residents. In our view, the location of small-scale education facilities, such as childcare services, within the NCZ is appropriate and will have comparable effects to community facilities, which are provided for as a permitted activity. The remaining amendments to this rule result from the relocation of standards previously included in NCZ-R1 at the time of notification. We agree with Ms Belgrave's recommendations and her reasons to relocate them to this rule.

826. The Panel notes however that we have had to address the activity status cascade of as a result of these amendments which has resulted in the Commercial Activities, Community Facilities, Education Facilities and Emergency Service Facilities defaulting to discretionary and/or non-complying depending on which standards are not met. We have identified a particular concern with the non-complying status which is driven from the notified Plan – in short, the notified Plan contained a major error in that a list of activities in NCZ-R1 - Standard 2 defaulted to discretionary and then straight to non-complying. We consider this major error has had flow on effects in Ms Belgrave's assessment which has not been identified. We also note that there is very little within the policy framework which would support a non-complying status for these activities.

827. On the basis of the above, the Panel considers that the activities in notified NCZ-R1 - Standard 2 should default to discretionary status and we recommend this amendment.

*NCZ-R*5

828. In relation to NCZ-R5, the Panel agrees with Ms Belgrave's recommendations and the reasons for them, which result from recommended amendments to NCZ-R1 and relocation of standards between this rule and NCZ-R1.

New Rule

829. In relation to NCZ-R5A, the Panel agrees with Ms Belgrave's recommendation and her reasons to include a new rule addressing visitor accommodation. She noted that visitor accommodation is permitted in the COMZ R1 as notified and in COMZ-R5A as recommended, permitted in the MUZ at R5, and in the TCZ as per rule 8. She advised that it was an error to notify the NCZ chapter, as NCZ-R11 provided for visitor accommodation that did not meet permitted activity standards, but there were no notified rules providing for visitor accommodation as a permitted activity. She further informed us that the intention is to delete NCZ-R11 due to duplication, with the result that NCZ-R14 would apply to visitor accommodation with a status of non-compliant. Including a permitted activity status rule for

visitor accommodation would result in a consistent approach to that activity across NCZ, COMZ, MUZ, and TCZ, which would be appropriate.

NCZ-R6

830. In relation to NCZ-R6, the Panel agree with Ms Belgrave's recommendation and her reasons for recommending this rule be retained as notified.

NCZ-R7

831. In relation to NCZ-R7, the Panel agrees with Ms Belgrave's recommendation and her reasons detailed in her reply at paragraphs 110 to 115 that retaining this rule in the NCZ and in COMZ and MUZ, however we did not agree with the amended matters of control, in particular to ensure completion of building reinstatement works. We have amended the matters of control to include landscape mitigation and to refer to the reasons for non-compliance with Standards 3 and 4 of NCZ-R4 as a matter of control.

NCZ-R8

832. In relation to NCZ-R8, the Panel agrees with Ms Belgrave's recommendation and her reasons for it that this rule be retained as notified.

NCZ-R9

833. In relation to NCZ-R9, the Panel agrees with Ms Belgrave's recommendation and her reasons for it that this rule be amended consequent to the amendments sought by the Ministry of Education (S456.036) to apply a restricted discretionary activity status to non-compliances with NCZ-R1. Similar to the COMZ and MUZ, we consider that the following matters of discretion will ensure that the relevant effects of non-compliance with the rules under NCZ-R1, excluding infringements to maximum gross floor area and building height and the activities not provided for, can be addressed through the resource consent process:

- Bulk, location, and design of storage, building and structures;
- Effects on the safety, amenity and attractiveness of the street or public places;
- Visual dominance, privacy and shading, and nuisance effects on neighbouring sites; and
- Materials being stored and the period of time for storage.

834. We support the recommendation to delete the notified clauses a to c and replace them with the above assessment matters. Consequently, we also recommend that NCZ-R9 be applied to new buildings and external additions and alterations to existing buildings not meeting NCZ-R1. This recommendation results in an amendment to the rule heading.

New Rule

835. In regard to NCZ-R9A, the Panel agrees with Ms Belgrave's recommendation and her reasons for adding this new rule. Effectively, this new rule serves as the default rule when NCZ-R5A is not complied with, drawing on NCZ-R9 and NCZ-R4 for the relevant matters.

NCZ-R10

836. In regard to NCZ-R10, the Panel agrees with Ms Belgrave's recommendation, and her reasons for it, to retain this rule as notified, with the exception of adding the word '*building*' to clause 3. Immediately after the word maximum and before the word height so as to ensure rule clarity. We accept this recommendation as a clause 16 amendment.

NCZ-R11

837. In regard to NCZ-R11 (now NCZ-R14), the Panel notes Ms Belgrave's recommendation within her s42A is to delete this rule to simplify the NCZ chapter, as a discretionary activity status for non-compliance with the relevant rules is already provided for under NCZ-R2, NCZ-R3, and NCZ-R10. However, we disagree and recommend retaining this rule to ensure consistency across the Plan, where a default rule is provided.

838. The Panel also note that Education Facilities was missing from the original rule and we have added it in as a Clause 16(2) of the RMA recommendation.

839. The Panel has also deleted reference to the list of activities previously referred to and contained in new NCZ-R5. We consider the way the rules are now structured referencing these activities is unnecessary because the default activity status in Rule NCZ-R5 for these activities is discretionary.

NCZ-R12

840. In regard to NCZ-R12 (now NCZ-R15), the Panel again notes Ms Belgrave's recommendation within her s42A is to delete this rule to simplify the NCZ chapter, as a discretionary activity status for non-compliance with the relevant rules is already provided for under NCZ-R2, NCZ-R3, and NCZ-R10. However, we disagree and recommend retaining this rule to ensure consistency across the Plan, where a default rule is provided.

NCZ-R13

841. In regard to NCZ-R13 (now NCZ-R17), the Panel agrees with Ms Belgrave's recommendation, and her reasons for it, as detailed in her s42A, to retain this rule as notified.

NCZ-R14

842. The Panel acknowledges that NCZ-R14 (now NCZ-R16) is a 'catch-all' rule intended to manage activities not specifically provided for in the other rules. The Panel has considered this matter plan-wide and we agree with the submitters that such rules are better placed as discretionary; otherwise, they are unnecessarily limiting in our view and could have unforeseen consequences. Therefore, it is our recommendation to relocate this rule to the discretionary section of this chapter.

Hearing Panel's Recommendation

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

Neighbourhood Centre Zone

Overview

The NCZ - Neighbourhood Centre Zone provides for a range of small-scale commercial, retail and community activities that provide for day-to-day needs of the surrounding residential neighbourhood. Neighbourhood Centres provide a limited range of services, employment and living opportunities at a scale appropriate to the residential neighbourhood they are located in. In general, Neighbourhood Centres are of low to medium density.

Neighbourhood Centres are generally located near the street edge, sometimes with verandahs and retail display windows along the frontage. Typically, buildings are 1-2 storeys high. Parking is usually available on the street.

Other relevant Te Tai o Poutini Plan provisions

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

- **Transport** - the Transport Chapter contains provisions in relation to transport matters, including traffic generation TRN - R12.
- **Sites and Areas of Significance to Māori, Historic Heritage and Notable Tree Chapters** - there may be sites and areas of significance to Māori, historic heritage or notable trees identified on individual sites within the Neighbourhood Zone. Specific information on the provisions that apply to these can be found in the Sites and Areas of Significance to Māori, Historic Heritage, and Notable Trees Chapters.
- **Natural Hazards** - in Westport/Kawatiri, Reefton, Hokitika and Greymouth/Māwhera there are areas of natural hazards and in some locations these may affect areas in the Neighbourhood Centre Zone. Information on natural hazard overlays and provisions can be found in the Natural Hazards Chapter.
- **Subdivision** - The Subdivision Chapter sets out the requirements for the development of new infrastructure and connections as part of subdivision activities.
- **Financial Contributions** - The Financial Contributions Chapter sets out the requirements for contributions of costs for activities which impact on infrastructure.
- **General District Wide Matters** - provisions in relation to Noise, Light, Signs, Temporary Activities and Earthworks in particular may be relevant to activities in the Neighbourhood Centre Zone.

Neighbourhood Centre Zone Rules

Note: There may be a number of Plan provisions that apply to an activity, building, structure and site. In some cases, consent may be required under rules in this Chapter as well as rules in other Chapters in the Plan. In those cases unless otherwise specifically stated in a rule, consent is required under each of those identified rules. Details of the steps Plan users should take to determine the status of an activity is provided in General Approach.

Permitted Activities

NCZ - R1	**<u>New Buildings, External Additions and Alterations to Existing Buildings</u> ~~Commercial Activities and Buildings, Community Facilities and Emergency Service Facilities~~**[250]

Activity Status Permitted

Where:

~~1. Community Facilities, Emergency Service Facilities, retail and office activities are a maximum of 250m² gross floor area per activity provided;~~

2. ~~The activity does not include:~~

   ~~i. Drive through restaurants;~~

   ~~ii. Service stations;~~

   ~~iii. Motor vehicle sales;~~

   ~~iv. Yard-based retail activities;~~

   ~~v. Trade retail and trade suppliers; or~~

   ~~vi. Bars/taverns;~~

1. The maximum height above ground level is 10 metres except that this standard does not apply to hose drying towers at Emergency Service Facilities;

~~2. External storage is screened by a 1.8m fence or landscaping so that it is not visible from any adjoining residential zone boundary or adjoining public place;~~

2. Maximum site coverage is 60%;

~~3. No more than one heavy vehicle is stored on the site;~~

~~4. Activities other than Emergency Services shall be limited to the following hours of operation:~~

   ~~i. 6am – 11pm weekdays; and~~

   ~~ii. 7am – 10 pm weekends and public holidays; except where~~

      ~~a. The entire activity is located within a building; and~~

      ~~b. There are no visitors, customers or deliveries outside the above hours.~~[251]

3. The maximum building length is 20m where this abuts a RESZ - Residential Zone;

4. Any building or structure**<u>, excluding buildings for residential activities and residential units</u>** [252]is set back

   i. 2m from a RESZ - Residential Zone or OSRZ - Open Space and Recreation Zone boundary;

   ii. 3m from the road boundary; or

   iii. For sites with frontage to two roads in the NCZ - Neighbourhood Centre Zone:

[250] Waka Kotahi (S450.220)
[251] Waka Kotahi (S450.220)
[252] Waka Kotahi (S450.220) consequent on relocate of NCZ-R5

a. 3m on one road boundary; and

b. 1.5m on the other road boundary;

iv. 1.5m from the railway designation boundary, excluding accessory buildings and structures [253]

5. Buildings for residential activities and residential units are set back:

i. 5m from road boundaries, except that a roof overhang may encroach 750mm into the setback

ii. 1 m from all other site boundaries, except that Duplexes do not require a setback from the side boundary of the other duplex unit; and[254]

iii. 1.5m from the railway designation boundary, excluding accessory buildings; and[255]

6. A landscape buffer of 1m width must be provided along the frontage between the street and any car parking, loading or service areas which are visible from the street frontage. This rule excludes access points;

7. No building shall protrude beyond a building envelope defined by a recession plane as outlined in Appendix Two to commence 2.5m above any residential site boundary ~~except where the neighbouring property owner's written approval is provided to the Council 10 working days to the works commencing~~.[256] This standard does not apply to:

i. Road boundaries;

ii. Buildings on adjoining sites that have a common wall along the boundary;

iii. Boundaries abutting an access lot or right of way in which case the furthest boundary of the access lot or right of way may be used for assessing compliance with this standard;

iv. Antennas, aerials, satellite dishes (less than 1m in diameter), chimneys, flues and architectural features (e.g. finials, spires) provided these do not exceed the recession plane by more than 3m vertically; or

v. Solar panels and solar water heaters, provided these do not exceed the height in relation to boundary plane by more than 0.25m vertically.

Advice Note:

~~1. The acoustic insulation requirements for noise sensitive activities as set out in Rule NOISE - R3 also apply.~~[257]

1. Where boundary rules are infringed, the Deemed Permitted Activity Boundaries process will apply where the neighbouring property owner's written approval is provided to Council.[258]

Activity status where compliance not achieved:

[253] KiwiRail (S442.51)
[254] Waka Kotahi (S450.220) consequent relocation from NCZ-R5
[255] KiwiRail (S442.51)
[256] Buller District Council (S538.458)
[257] Waka Kotahi (S450.220)
[258] Buller District Council (S538.458)

Discretionary where standards 1 to **2** ~~8~~ are not complied with.

Restricted Discretionary where standards **3 to 7** ~~9-11~~ are not complied with.[259]

NCZ – R2	**Minor Structures**

Activity Status Permitted

Where:

1. All performance standards for Rule NCZ - R1**.6** ~~are~~ **is** [260]complied with;
2. Masts, poles, aerials and pou whenua must not exceed 7m in height;
3. Any antenna dish must be less than 1m in diameter;
4. Any ornamental or garden structure must not exceed 2.4 m in height; ~~and~~
5. Any other structure must not exceed 10m² and 2m in height**; and**
6. **Hose drying towers must not exceed 12m in height.**[261]

Activity status where compliance not achieved: Discretionary

NCZ – R3	**Fences, Walls and Retaining Walls**

Activity Status Permitted

Where:

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

Activity status where compliance not achieved: Discretionary

NCZ – R4	**Relocated Buildings**

Activity Status Permitted

Where:

1. All performance standards for Rule NCZ - R1 are complied with;
2. Any relocated building intended for use as a dwelling must have been designed, ~~and~~ built**, and** ~~to be~~ used as a dwelling; [262]

[259] Waka Kotahi (S450.220)
[260] Consequent stemming from Buller District Council (S538.413)
[261] Fire and Emergency New Zealand (S573.092)
[262] New Zealand Heavy Haulage Association Inc (S616.003)

3. A building pre-inspection report **in accordance with Appendix 11**[263] shall accompany the application for a building consent for the destination site. That report is to identify all reinstatement works that are to be completed to the exterior of the building. The report shall include a certification by the property owner that the **exterior** reinstatement works **including connections to infrastructure services and closing in and ventilation of the foundations** shall be completed within a 12-month period **of the building being delivered to the site; and** [264]

4. The building shall be located on permanent foundations approved by building consent no later than 2 months of the building being moved to the site.~~; and~~

~~5. All other reinstatement work required by the building inspection report and the building consent to reinstate the exterior of any relocated dwelling shall be completed within 12 months of the building being delivered to the site. This reinstatement work is to include connections to all infrastructure services and closing in and ventilation of the foundations.~~[265]

Activity status where compliance not achieved: Controlled

NCZ – R5	**Commercial Activities, Community Facilities, Education Facilities**[266] **and Emergency Service Facilities**[267]

Activity Status Permitted

Where:

1. **Education Facilities,**[268] **Community Facilities, Emergency Service Facilities, retail and office activities are a maximum of 250m² gross floor area per activity;**
2. **The activity does not include:**
   i. **Drive through restaurants;**
   ii. **Service stations;**
   iii. **Motor vehicle sales;**
   iv. **Yard-based retail activities;**
   v. **Trade retail and trade suppliers; or**
   vi. **Bars/taverns**
3. **External storage is screened by a 1.8m fence or landscaping so that it is not visible from any adjoining residential zone boundary or adjoining public place**
4. **No more than one heavy vehicle is stored on the site, excluding heavy vehicles ancillary to emergency service facilities**[269]
5. **Activities other than Emergency Services shall be limited to the following hours of operation:**

[263] New Zealand Heavy Haulage Association Inc (S616.003)
[264] Chris and Jan Coll (S558.007), Chris J Coll Surveying Limited (S566.007), William McLaughlin (S567.007), Laura Coll McLaughlin (S574.007)
[265] Chris and Jan Coll (S558.007), Chris J Coll Surveying Limited (S566.007), William McLaughlin (S567.007), Laura Coll McLaughlin (S574.007)
[266] Ministry of Education (S456.036)
[267] Consequential to Waka Kotahi (S450.220)
[268] Ministry of Education (S450.036)
[269] Fire and Emergency New Zealand (S573.091)

i. **6am – 11pm weekdays; and**

ii. **7am – 10 pm weekends and public holidays; except where**

a. **The entire activity is located within a building; and**

b. **There are no visitors, customers or deliveries outside the above hours.**

Advice Note:

1. **The acoustic insulation requirements for noise sensitive activities as set out in Rule NOISE - R3 also apply.**

Activity status where compliance not achieved:

Restricted Discretionary where standards 3 to 5 are not complied with.

Discretionary where standard 1 and 2 is not complied with[270]

NCZ – R6	**Visitor Accommodation**

Activity Status Permitted

Where:

1. **The visitor accommodation is located**

i. **In a Heritage Building listed in Schedule One; or**

ii. **Above street level; or**

iii. **At street level but with no frontage to public open spaces or streets except for access**

2. **Any space designed for waste management, whether private or communal, shall not be located between the road boundary and any building, and shall be screened from adjoining sites, roads and adjoining outdoor living spaces by screening of the waste management area to a height of 1.5 metres;**

3. **Visitor accommodation entrances shall be clearly separated and distinguished from commercial entrances; and**

4. **The principal residential accommodation entrance shall be provided directly from a public street or open space.**

Advice Note

1. **The acoustic insulation requirements for noise sensitive activities as set out in Rule NOISE - R3 also apply.**

Activity status where compliance not achieved: Discretionary[271]

NCZ – R~~5~~7	**Residential Activities and Residential Units**

[270] Consequential to Waka Kotahi (S450.220)
[271] Clause 16 Reporting Officer recommendation as Visitor Accommodation omitted in error

Activity Status Permitted

Where:

~~1. Performance standards 1, 3 and 6 of Rule NCZ - R1 are complied with;~~ [272]

1. Residential unit density is no more than

   a. 1 unit per 350m² net site area; or

   b. 1 unit per 300m² net site area where two or more adjoining sites are developed;

~~2. Maximum building height above ground level of 10m;~~

~~3. Maximum site coverage is 60%;~~

~~4. Buildings are setback a minimum 4.5m from road boundaries, except that a roof overhang may encroach 750mm into the setback;~~

~~5. Buildings are setback a minimum of 1m from all other site boundaries, except that:~~

   ~~a. Duplexes do not require a setback from the side boundary of the other duplex unit; and~~

   ~~b. Setbacks are not required from adjacent residential boundaries where the neighbouring property owner's written approval is provided to the Council 10 working days ahead of the work commencing;~~ [273]

2. There is no more than 1 minor residential unit with a maximum gross floor area of 65m² per 500m² net site area; ~~and~~

3. A minimum of 30m² of outdoor living space is provided per residential unit and 12m² per minor residential unit which is separate to the outdoor space for the principal dwelling and excluding any parking and manoeuvring areas; **and**

4. No more than one heavy vehicle is stored on the site. [274]

Activity status where compliance not achieved: Restricted Discretionary

NCZ – R~~6~~8 Demolition of Buildings

Activity Status Permitted

Where:

1. There is no redevelopment then the site is completely cleared of demolition materials and re-grassed within 12 months.

Activity status where compliance not achieved: Controlled

Controlled Activities

[272] Consequential to Waka Kotahi (S450.220)
[273] Consequential to Waka Kotahi (S450.220)
[274] Consequential to Waka Kotahi (S450.220)

NCZ – R~~7~~9	**Relocated Buildings not meeting Permitted Activity Standards**

Activity Status Controlled

Where:

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

Matters of control are:

a. Design and location of structures;

b. ~~Landscape measures;~~ **Measures to mitigate landscape effects**[275]

c. Appearance of buildings**; and**

d. Reasons for non-compliance with Standards 3 and 4 of NCZ-R4.[276]

Activity status where compliance not achieved: Discretionary

NCZ – R~~8~~10	**Demolition of Buildings not meeting Permitted Activity Standards**

Activity Status Controlled

Matters of control are:

a. Timing and scope of landscape and site reinstatement measures.

Activity status where compliance not achieved: N/A

Restricted Discretionary Activities

NCZ – R~~9~~11	~~**Commercial Activities and Buildings, Emergency Service Facilities and Community Facilities**~~ **New Buildings and External Additions and Alterations to Existing Buildings not meeting NCZ-R1 ~~Permitted Activity Standards~~**[277]

Activity Status Restricted Discretionary

Where:

1. ~~The gross floor area is greater than 250m² per activity but all other~~ Performance Standard~~s for~~ 1~~ - 8~~ for Rule NCZ - R1 ~~are~~ is complied with.[278]

Discretion is restricted to:

~~a. Design and location of buildings;~~

~~b. Design and location of parking, loading and access areas; and~~

[275] Consequential Plan-wide amendment stemming from Manawa (S438.100)
[276] NZ Heavy Haulage Association (S616.014)
[277] Consequential to Ministry of Education (S456.036)
[278] Ministry of Education (S456.036)

a. ~~Landscape measures.~~ **Measures to mitigate landscape effects**[279]

b. **Bulk, location and design of storage, buildings and structures;**

c. **Effects on the safety, amenity and attractiveness of the street or public places;**

d. **Visual dominance, and privacy and shading, effects on neighbouring sites;** [280]

Activity status where compliance not achieved: Discretionary

NCZ-R12	**Commercial Activities, Community Facilities, Education Facilities and Emergency Service Facilities not meeting Permitted Activity Standards 3-5 of NCZ-R5**

Activity Status Restricted Discretionary

Discretion is restricted to:

a. Effects on the safety, amenity and attractiveness of the street or public places;

b. Visual dominance and nuisance effects on neighbouring sites;

c. Design and location of parking, loading and access areas;

d. Location and design of storage; and

e. The materials being stored and the period of time for storage.

Activity status where compliance not achieved: N/A[281]

NCZ – R1~~0~~3	**Residential Activities and Residential Units not meeting Permitted Activity Standards**

Activity Status Restricted Discretionary

Where:

1. The minimum net site area is 200m²;
2. The maximum **building** [282]height is 10m;
3. Maximum building coverage is 50%; and
4. All Permitted Activity performance standards for Rules NOISE - R1, - R2, - R3 and - R6, LIGHT - R4 and SIGN - R17 are complied with.

Discretion is restricted to:

[279] Consequential Plan-wide amendment stemming from Manawa (S438.100)
[280] Consequential to Ministry of Education (S456.036)
[281] Consequential on Waka Kotahi (S450.220)
[282] Clause 16(2) of the RMA

a. The extent to which there is sufficient availability and capacity in the water supply, wastewater, stormwater and transport networks to service the development or the need for development of a suitable alternative;

b. Design and location of parking and access;

c. Design and location of buildings and compliance with the Medium Density Housing Design Guidelines in Appendix Three; and

d. ~~Landscape measures~~ **Measures to mitigate landscape effects** [283].

Activity status where compliance not achieved: Discretionary

Discretionary Activities

NCZ – R1~~1~~4	**Commercial Activities, Community Facilities, Education Facilities** [284] **Emergency Service Activities not meeting Standard 1 or 2 of NCZ-R5 or Visitor Accommodation ~~the Permitted or Restricted Discretionary Activity Standards~~** [285]

Activity Status Discretionary

~~1. Retail and office activities are a maximum of 250m^2 gross floor area per activity;~~

~~2. The activity does not include:~~

~~i. Drive through restaurants;~~

~~ii. Service stations;~~

~~iii. Yard-based retail activities;~~

~~iv. Motor vehicle sales; or~~

v. ~~Trade retail and trade suppliers~~**.** [286]

Activity status where compliance not achieved: N/A

NCZ – R1~~2~~5	**Residential Activities, Residential Units, Minor Structures, Fences, Walls, Retaining Walls and Relocated Buildings not meeting the Permitted or Restricted Discretionary Standards**

Activity Status Discretionary

Activity status where compliance not achieved: N/A

NCZ – R1~~4~~6	**Any activity not provided for by another Rule in the zone**

Activity Status Discretionary

[283] Consequential Plan-wide amendment stemming from Manawa (S438.100)
[284] Clause 16(2) of the RMA
[285] Consequential on Waka Kotahi (S450.220)
[286] Consequential on Waka Kotahi (S450.220)

Activity status where compliance not achieved: N/A[287]	
Non-complying Activities	
NCZ – R1~~3~~7	**Industrial Activities**
Activity Status Non-complying **Activity status where compliance not achieved:** N/A	
~~**NCZ – R14**~~	~~**Any activity not provided for by another Rule in the Zone**~~
~~**Activity Status Non-complying**~~ ~~**Activity status where compliance not achieved:** N/A~~[288]	

8. INDUSTRIAL ZONES

8.1. Industrial Overview

Submissions and Further Submissions

844. One submission point relating to the Overview was summarised in a Table on page 145 of the s42A Report. The Panel adopts these summaries and has considered all of the relevant submissions and further submissions.

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845. Ms Belgrave acknowledged the support from Silver Fern Farms that supports the Overview as notified.

846. The S42A report recommends retaining the Industrial Zone Overview as notified.

Hearing and Submitter Evidence

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

Reporting Officer Reply Evidence

848. There was no specific consideration of this matter in the reply evidence.

Hearing Panel's Evaluation

849. The Panel accept that no amendments as necessary as a result of the above submission.

Hearing Panel's Recommendation

850. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends no changes to the **Industrial Zone Overview**.

[287] Consequential amendment stemming from William McLaughlin (S567.449), Chris & Jan Coll (S558.394), Chris J Coll Surveying Limited (S566.394) Laura Coll McLaughlin (574.394)
[288] Consequential amendment stemming from William McLaughlin (S567.449), Chris & Jan Coll (S558.394), Chris J Coll Surveying Limited (S566.394) Laura Coll McLaughlin (574.394)

8.2. General/Whole Chapter

Submissions and Further Submissions

851. Five submissions points and one further submission point concerning the Industrial Zones were summarised in a Table on pages 145-146 of the s42A Report. The Panel adopts these summaries and has considered to all of the relevant submissions and further submissions.

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852. Ms Belgrave acknowledges the submission point made by Westland District Council that supported the objectives and policies as notified and sought their retention.

853. Ms Belgrave does not support the relief sought in the submission point made by Forest and Bird. The submission sought amendment to the zone provisions to be clear that the Natural Environment and District Wide chapters all apply, and that no lesser standard of effects management is applied, in particular on biodiversity values. Ms Belgrave does not consider amendments necessary as is common for these matters to be managed outside of the zone chapters. Notwithstanding, cross references are included in the Overview text in the GIZ and LIZ.

854. In response to the submission point made by GDC that sought to remove all references to 'Site or Area of Significance to Māori' Ms Belgrave does not support the relief sought as the submitter provides no justification for the request. Ngāi Tahu oppose the submission by way of further submission.

855. In response to the submission points made by Ngāi Tahu that sought to have Poutini Ngāi Tahu values as part of controlled and restricted discretionary activities, Ms Belgrave notes that this is a common submission point across multiple hearing streams and has also been considered in relation to the other zones. Ms Belgrave does not support the relief sought in the submission points.

856. Ms Belgrave did not make any recommendations to amend the INZ provisions in response to these submission points.

Hearing and Submitter Evidence

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

Reporting Officer Reply Evidence

858. There was no specific consideration of this matter in the reply evidence.

Hearing Panel's Evaluation

859. In relation to the Forest and Bird submission the Panel generally agrees with Ms Belgrave. We consider that the word '*including*' in the zone overviews ensures that consideration can be given to any other District wide chapters.

860. In relation to the remainder of the submissions on the General/Whole Chapter, the Panel agrees that these should be rejected based on the conclusions reached by Ms Belgrave.

Hearing Panel's Recommendation

861. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends no changes to the general matters raised in submissions and further submission across the **Industrial Zone**.

8.3. Industrial Objectives

Submissions and Further Submissions

862. Six submission points and three further submission points relating to **INZ-O1** were summarised in a Table on pages 147-148 of the s42A Report. Two submissions supported the retention of the objective as notified, three sought amendments and one sought to add a new policy.

863. Six submission points relating to **INZ-O2** were summarised in a Table on pages 149-150 of the s42A Report. Four submissions supported the retention of the objective as notified, one sought amendment and one sought its deletion.

864. The Panel adopts these summaries and has considered all the relevant submissions and further submissions.

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Objective 1

865. In relation to INZ-O1, Ms Belgrave acknowledged the support from the submitters that seek to retain the objective as notified. The acknowledgement is subject to recommended amendments that arise from other submissions.

866. In response to the submission point made by Silver Ferns Farms that sought to delete the words 'and does not compromise the amenity of adjoining areas' from the end of the objective, Ms Belgrave does not support the relief sought. Silver Fern Farms seeks an objective that enables and promotes the operation of industry in their designated zones by imposing amenity values which are compatible with the purpose of the zoning. Reverse sensitivity concerns are also raised. It is Ms Belgrave's view that the management of the interface with more sensitive zones is a relevant matter under INZ-O1 and the rules of the GIZ and LIZ provide context and certainty to plan users as to the appropriate level of amenity to be achieved. Notwithstanding, Ms Belgrave does recommend amending '*adjoining areas'* to '*adjoining zones'*.

867. In response to the similar submission points made by the Director General and Fire and Emergency NZ that sought additional wording to the objective to provide for compatible non-industrial activities, Ms Belgrave does not support the relief sought of either submitter. She does not consider it necessary for the objective to recognise all permitted activities as the primary purpose of the zone is to provide for industrial activities.

868. Ms Belgrave recommends partly accepting the submission made by Westland Milk Products that sought the addition of a new policy to recognise the economic and employment contributions industrial activities provide. Ms Belgrave acknowledges that the benefits of industrial activities is a relevant matter for consideration in the INZ chapter. However, she considers that the recognition of the benefits is more appropriately provided in INZ-O1 and she recommends the following:

INZ-O1

> ***~~To provide for the efficient and effective operation and development of industrial activities~~ Recognise that industrial activities contribute to economic and social wellbeing, and are enabled*** *in the INZ - Industrial Zones in a manner that maintains a standard of amenity appropriate to these areas and does not compromise the amenity of adjoining* ***~~areas~~ zones****.*

869. After having reviewed Mr Black's evidence for Westland Milk Products, Ms Belgrave acknowledged the relevance of providing for the efficient and effective operation of activities in the INZ. However, she does not consider a new objective is required. She recommends the following wording in response to Mr Black's evidence.

> ***INZ-O1***
>
> ***~~To provide for the efficient and effective operation and development of industrial activities~~ Recognise that industrial activities contribute to economic and social wellbeing, and provide for their efficient and effective operation and development ~~are enabled~~*** *in the INZ - Industrial Zones in a manner that maintains a standard of amenity appropriate to these areas and does not compromise the amenity of adjoining* ***zones ~~areas~~.***

Objective 2

870. In response to the submission point made by BDC that sought to delete this objective Ms Belgrave supports the relief sought. She agrees that the objective provides direction for new industrial zoned land, and in that respect is more appropriately located in the Strategic Directions Chapter.

871. In response to the clarification sought by BDC as to what activities constitute '*light*' and *'heavy'* industries, Ms Belgrave explains that the pTTPP does not include a Heavy Industry zone, and that the Planning Standards include a description for each industrial zone which is included in the pTTPP. As such, additional clarification is not necessary.

872. In response to the submission point made by Waka Kotahi that sought to change '*encourage*' to '*require'*, Ms Belgrave supports the relief sought subject to the objective being relocated to the SD Chapter. She agrees that '*require*' provides greater certainty.

873. As a consequence of the recommendation to relocate the objective, Ms Belgrave does not support the relief sought by the submissions to retain the objective as notified.

874. The S42A report recommends deleting INZ-O2 from the INZ Chapter and relocating an amended version in the Strategic Direction Chapter, under Urban Form and Development:

> ***UFD-O6 To require ~~encourage~~ new industrial development to locate within INZ - Industrial Zoned land, and where new land is proposed for industrial zoning or uses ensure that this development maximises the efficient use of existing infrastructure and where such infrastructure does not exist, the development of new infrastructure to the standards required by the Council and Te Tai o Poutini Plan.***

Hearing and Submitter Evidence

875. Ms Lucy Smith tabled a letter on behalf of Terra Firma Mining Limited. The letter set out that Terra Firma supported the notified version of INZ-O1 as it referred to the *'efficient and effective operation and development of industrial activities'*. The S42A recommendation deleted this phrase and replaced it with *'recognise that industrial activities contribute to economic and social wellbeing and are enabled'*. Ms Smith considers that both phrases are relevant and they should be included as separate objectives.

876. Mr Steve Tuck's evidence for Silver Fern Farms reiterates the submission point relating to INZ-O1 with reference to the existing meat processing facility in Hokitika. He identifies that the notified version of LIZ-O1 places obligation on industry to manage cross-zone effects. In the case of the Hokitika site where it is also proposed to re-zone adjoining land GRZ, Mr Tuck considers that this obligation overrides the strategic outcomes sought for industrial zones. He considers that the objective prioritises residential amenity considerations despite the existing well established industrial activity. He seeks amendment to the objective to ensure that existing industry is not obliged to adapt to incompatible encroachments. His suggested wording is as follows:

> ***INZ-O1*** *Recognise that industrial activities contribute to economic and social wellbeing, and are enabled in the INZ - Industrial Zones in a manner that maintains a standard of amenity appropriate to these areas and does not compromise the amenity of adjoining zones,* ***excepting amenity effects generated by the meat processing facility located at Lot 1 DP 545864 and Lot 2 DP 545864 on adjacent residential zones.***

877. Mr Tuck's evidence in relation to INZ-O2, he supports relocating the objective to the Strategic Directions chapter. However, he recommends additions to the wording to capture the outcome of the related policy (INZ-P2) regarding natural hazard risk and sites of significance to Māori. His suggested wording is as follows:

> ~~***INZ-O2***~~ ***UFD-O6*** *To* ***require*** ~~***encourage***~~ *new industrial development to locate within INZ - Industrial Zoned land, and where new land is proposed for industrial zoning or uses****,*** *ensure that this* ***land is free of significant constraints and that*** *development maximises the efficient use of existing infrastructure and where such infrastructure does not exist, the development of new infrastructure to the standards required by the Council and Te Tai o Poutini Plan.*

878. Mr George van Pelt tabled a letter at the hearing on behalf of FENZ. The letter accepts the S42A recommendation not to make any changes to INZ-O1, in accordance with what was originally sought in the submission.

879. Mr Richard Black's evidence for Westland Milk Products supports the S42A recognition of economic and social well-being within INZ-O1 (rather than a new policy as sought in the submission). However, he does not support deleting '*the efficient and effective operation and development of industrial activities*' as this is a critical outcome for industrial zones. It is his recommendation to include this wording as a separate objective:

> ***INZ-O3 The contribution of industrial activities to economic and social wellbeing is recognised.***

Reporting Officer Reply Evidence

880. As part of the right of reply, Ms Belgrave has completed a '*wiring assessment*' of the objectives, policies and rules in the INZ, GIZ and LIZ Chapters. She notes that given the recommendation to relocate INZ-O2 to the SD Chapter, the INZ Chapter includes a single objective:

> ***INZ-O1***
>
> ~~***To provide for the efficient and effective operation and development of industrial activities***~~ ***Recognise that industrial activities contribute to economic and social wellbeing, and provide for their efficient and effective operation and development*** ~~***are enabled***~~ *in the INZ - Industrial Zones in a manner that maintains a standard of amenity appropriate to these areas and does not compromise the amenity of adjoining* ***zones*** ~~***areas.***~~

881. Her wiring assessment confirms that the objective is well aligned to the policies and rules relating to the range of industrial activities and managing the effects of these activities, but it does not align with INZ-P5, INZ-P7 and INZ-P11 that are focused on managing sites of significance to Māori, avoiding incompatible activities or managing the effects of stormwater runoff. She also identifies that there is a gap in the policies in terms of managing amenity effects within the INZ.

882. To address the identified gaps, Ms Belgrave recommends the various amendments, (some of which relate to the policies of the INZ and will be addressed in the relevant section of this decision). In terms of the objectives, she recommends the following:

> ***INZ-O1****: Recognise that industrial activities contribute to the economic and social wellbeing, and provide for their efficient and effective operation and development in the INZ- Industrial Zones* ~~***in a manner that maintains a standard of amenity appropriate to these areas and does not compromise the amenity of adjoining zones areas.***~~
>
> ***INZ-OX: Require activities in the INZ – Industrial Zones to maintain a standard of amenity appropriate to these areas and which does not compromise the amenity of adjoining zones.***
>
> ***INZ-OX: Manage the effects generated by industrial activities on waterbodies and coastal water.***
>
> ***INZ-OX: The role and function of the INZ – Industrial Zones is not compromised through the establishment of incompatible activities.***

883. With respect to scope for the recommended changes, Ms Belgrave considers that the changes fall within the ambit of clause 16(2). Additionally, the amendments will simplify the wording which is within the scope of three submission points[289] that sought the general simplification of the whole Plan.

884. Ms Belgrave's right of reply also provides a response to questions from the Panel regarding the relocation of some objectives to the Strategic Direction Chapter (in this instance INZ-O2). She considers that INZ-O2 is applicable to areas where a new Industrial zoning is proposed through a plan change process and is less applicable to live zoned Industrial land managed by the GIZ and LIZ Chapters. Therefore, she reiterates that the SD Chapter is the appropriate location for the objective, and that the proposed new objective (UFD-OX2) as set out in the CMUZ part of this decision consolidates the intent of INZ-O2. Therefore, it is Ms Belgrave's recommendation that the S42A recommendation to insert UFD-O6 be deleted.

885. A joint right of reply has been prepared in response to the Silver Fern Farms evidence as the issues traverse various hearing streams. The joint right of reply acknowledges that the rationale for many of the submission points made by Silver Fern Farms relate to reverse sensitivity. Notwithstanding that, the reporting planners do not support the specific *'carve out'* provisions that look to provide exemptions for the Hokitika site. This is because it is not in accordance with best practice for plan drafting nor is it considered that it will resolve the issues Silver Fern Farms raise as the subdivision has been approved and the development of houses is already taking place.

886. The joint right of reply also considers the relocation of INZ-O2 to the SD chapter and the amended wording offered by Mr Tuck. It is Ms Belgrave's opinion that the additional words are unnecessary.

[289] Gina Hogart (S304.003), Suzanne Hills (S443.001), Shaun and Carissa du Plessis (S402.001).

Hearing Panel's Evaluation

887. As indicated in the Commercial zones, the Panel does not support moving objectives and/or Policies into the Strategic Directions chapter on the basis that the provisions are too specific to be relocated to that part of the Plan. Regardless of this, we have recommended amendments to the Urban Form and Development section of the Strategic Directions Chapter, which will broadly provide context for the Commercial and Industrial provisions.

888. In terms of INZ-O1, the Panel agree that recognising that benefits of industrial activities in appropriate in the policy framework as sought by Westland Milk Products. We therefore agree with the rewording of the objective as proposed by Ms Belgrave in the s42A report and recommend it be included.

889. The Panel agree with Waka Kotahi's submission to amend 'encourage' to 'require' in Objective 2 and recommend this amendment.

890. In term of Silver fern Farms submissions we note that reserve sensitivity in terms of industrial development has now been addressed in Strategic Direction policy UFD-P1.

Hearing Panel's Recommendation

891. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends the following changes to the **Industrial Zone Objectives**:

INZ – O1	~~To provide for the~~ **Recognise that industrial activities contribute to economic and social wellbeing and provide for their** efficient and effective operation and development ~~of industrial activities~~[290] in the INZ - Industrial Zones**.** in a manner that maintains a standard of amenity appropriate to these areas and does not compromise the amenity of adjoining **zones**~~areas.~~[291]
INZ – O2	To ~~encourage~~**require**[292] new industrial development to locate within INZ - Industrial Zoned land, and where new land is proposed for industrial zoning or uses ensure that this development maximises the efficient use of existing infrastructure and where such infrastructure does not exist, the development of new infrastructure to the standards required by the Council and Te Tai o Poutini Plan.

8.4. Industrial Policies

Submissions and Further Submissions

892. Six submission points relating to **INZ-P1** were summarised in a Table on pages 150-151 of the s42A Report. One submission point supported the retention of the policy as notified. Five submission points supported the retention of the policy as notified. One submission sought it be deleted.

893. Three submission points relating to **INZ-P2** were summarised in a Table on pages 151-152 of the s42A Report. Two submission points supported the retention of the policy as notified. One submission sought it be deleted.

[290] Westland Milk Products (S63.008)
[291] Silver Firm Farms (S441.043)
[292] Waka Kotahi (S450.225)

894. Five submission points relating to **INZ-P3** were summarised in a Table on page 152 of the s42A Report. Four submission points supported the retention of the policy as notified. One submission sought it be deleted.

895. Five submission points and one further submission points relating to **INZ-P4** were summarised in a Table on page 153 of the s42A Report. Three submission points supported the retention of the policy as notified. Two submission points sought it be deleted.

896. Three submission points relating to **INZ-P5** were summarised in a Table on page 154 of the s42A Report. All submission points supported the retention of the policy as notified.

897. Four submission points relating to **INZ-P6** were summarised in a Table on page 155 of the s42A Report. Three submission points supported the retention of the policy as notified and one submission point sought amendments.

898. Three submission points relating to **INZ-P7** were summarised in a Table on pages 155-156 of the s42A Report. Two submission points supported the retention of the policy as notified and one submission point sought amendments.

899. Three submission points relating to **INZ-P8** were summarised in a Table on page 157 of the s42A Report. One submission point supported the retention of the policy as notified and one submission point sought amendments.

900. Three submission points relating to **INZ-P9** were summarised in a Table on page 158 of the s42A Report. One submission point supported the retention of the policy as notified and two submission points sought amendments.

901. Three submission points relating to **INZ-P10** were summarised in a Table on page 159 of the s42A Report. Two submission points supported the retention of the policy as notified and one submission point sought to delete it.

902. Five submission points and one further submission relating to **INZ-P11** were summarised in a Table on page 160 of the s42A Report. Three submission points supported the retention of the policy as notified and two submission points sought amendment.

903. The Panel adopts these summaries and has considered all the relevant submissions and further submissions.

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INZ – Policy 1

904. In response to the submission point made by BDC that sought to delete this policy Ms Belgrave supports the relief sought. She agrees that similar to INZ-O2, INZ-P1 does not relate to the existing Industrial Zones but instead provides direction for new industrial zoned land. Therefore, she recommends it be relocated to the Strategic Directions Chapter.

905. As a consequence of the recommendation to relocate the policy, Ms Belgrave does not support the relief sought by the other submissions to retain the objective as notified.

906. The S42A report recommends deleting INZ-P1 from the INZ Chapter and relocating it to the Strategic Direction Chapter, under Urban Form and Development as UFD-O7.

INZ – Policy 2

907. In response to the submission point made by BDC that sought to delete this policy Ms Belgrave supports the relief sought. This is for similar reasons to those already set out and she recommends that it be relocated to the Strategic Directions Chapter.

908. As a consequence of the recommendation to relocate the policy, Ms Belgrave does not support the relief sought by the other submissions to retain the objective as notified.

909. The S42A report recommends deleting INZ-P2 from the INZ Chapter and relocating it to the Strategic Direction Chapter, under Urban Form and Development as UFD-O8.

INZ – Policy 3

910. In response to the submission point made by BDC that sought to delete this policy Ms Belgrave supports the relief sought. This is for similar reasons to those already set out and she recommends that it be relocated to the Strategic Directions Chapter.

911. As a consequence of the recommendation to relocate the policy, Ms Belgrave does not support the relief sought by the other submissions[293] to retain the objective as notified.

912. The S42A report recommends deleting INZ-P3 from the INZ Chapter and relocating it to the Strategic Direction Chapter, under Urban Form and Development as UFD-O9.

INZ – Policy 4

913. In response to the submission points made by BDC and Westland Farm Services that sought to delete this policy Ms Belgrave supports the relief sought. This is for similar reasons to those already set out as well as an acknowledgement that the availability of suitable Industrially zoned land is difficult to determine with certainty. In this case it is not recommended that the policy be relocated to the Strategic Directions Chapter.

914. As a consequence of the recommendation to delete the policy, Ms Belgrave does not support the relief sought by the other submissions[294] to retain the objective as notified.

915. The S42A report recommends deleting INZ-P4 from the INZ Chapter.

INZ – Policy 5

916. Ms Belgrave acknowledged the support from Te Mana Ora, Silver Fern Farms and Ngāi Tahu that supports the policy as notified.

917. The S42A report recommends retaining INZ-P5 as notified.

INZ – Policy 6

918. Ms Belgrave acknowledged the support from Te Mana Ora, the Department of Corrections and Terra Firma that supports the rule as notified. This is subject to the recommended amendments that are set out below.

[293] Te Mana Ora (S190.790), Silver Fern Farms (S441.047), Waka Kotahi (S450.227), Grey District Council (S608.709)
[294] Te Mana Ora (S190.791), Silver Fern Farms (S441.048), Waka Kotahi (S450.228)

919. In response to the submission point from Silver Fern Farms that sought to change the wording of the policy on the basis that the word '*acceptable*' is vague, Ms Belgrave does not support the proposed wording. However, she does agree that 'acceptable' does not provide sufficient certainty.

920. The S42A report recommends amending INZ-P6 as follows:

> *Provide for a wide range of industrial and compatible activities within the INZ – Industrial Zones, while* ***maintaining the amenity values of any adjacent RESZ – Residential Zone, OSRZ – Open Space and Recreation Zone, MUZ – Mixed Use Zone or SETZ – Settlement Zone*** ~~***ensuring an acceptable level of environmental quality and amenity within the zones.***~~

921. As a result of the statement from Terra Firma, Ms Belgrave reconsidered the wording of INZ-P6 in her addendum to the S42A report. She agrees that a duplication is created by INZ-P6 and INZ-P8, and as such supports the amended wording suggested by Ms Smith (and Silver Ferns Farms) for INZ-P6, which is:

> *Provide for a wide range of industrial and compatible activities* ***and corresponding environmental quality and amenity****, within the INZ – Industrial Zones,* ~~***while ensuring an acceptable level of environmental quality and amenity within the zones.***~~

INZ – Policy 7

922. Ms Belgrave acknowledged the support from Te Mana Ora, and Waka Kotahi that supports the policy as notified. This is subject to the recommended amendments that are set out below.

923. In response to the submission point made by Silver Fern Farms that sought amendments to delete '*other*' industrial activities and to recognise that ancillary residential activities are not to be excluded from the Industrial zones under INZ-P7(a), Ms Belgrave supports the relief sought. However, she recommends alternative wording to clarify the wording.

924. The S42A report recommends amending INZ-P7 as follows:

> *Avoid activities that may be incompatible with* ~~***other***~~ *industrial activities from establishing in the INZ - Industrial Zones, to ensure the safe and efficient operation of industrial activities. This includes:*
>
> *(a) Excluding activities (such as residential* ***activities*** *and visitor accommodation* ***that are not ancillary to an industrial activity***~~***,***~~*) that conflict with the intended purpose of the zone through the potential for reverse sensitivity effects; or by reducing the land available for industrial and service activities;*
>
> *(b) …*
>
> *(c) …*

INZ – Policy 8

925. Ms Belgrave acknowledged the support from Te Mana Ora that supports the rule as notified. This is subject to the recommended amendments that are set out below.

926. In response to the submission point from Silver Fern Farms that sought to replace INZ-P8 with a policy that seeks to manage the effects of the adverse effects within the zone to maintain the character and amenity of adjoining zones Ms Belgrave supports the relief in part. She considers that the word '*protects*' in the notified policy does not effectively recognise and

provide for the nature of industrial activities. She also does not consider that the notified wording will enable non-compliance with the performance standards to be appropriately managed. As such she has recommended deleting the reference to the performance standards, which aligns with her recommendation for CMUZ-P13.

927. In response to the submission point made by Westland Milk Products that sought to include the words '*where necessary'* to the policy, Ms Belgrave does not support the relief sought. She does not consider the addition appropriate as the requirement to avoid, remedy, or mitigate adverse effects is applicable to all development.

928. The S42A report recommends the following amendments to INZ-P8:

> *INZ-P8*
>
> ***~~Impose performance standards on~~ Avoid, remedy or mitigate adverse effects of*** *development and land use in the INZ - Industrial Zones* ***to maintain ~~that protects~~*** *the amenity values of the commercial, residential and rural areas surrounding the INZ - Industrial Zones.*

929. Consequential to the statement from Terra Firma relating to INZ-P6 and how it duplicates INZ-P8, Ms Belgrave reconsidered the wording of both INZ-P6 and INZ-P8 in her addendum to the S42A report. She recommends amendments to INZ-P8 that are consequential to the recommended changes to INZ-P6. The recommended wording in the addendum is:

> *INZ-P8*
>
> ***~~Impose performance standards on~~ Avoid, remedy or mitigate adverse effects of*** *development and land use in the INZ - Industrial Zones* ***to maintain ~~that protects~~*** *the amenity values of the commercial, residential* ***open space and recreation,*** *and rural areas surrounding the INZ - Industrial Zones.*

INZ – Policy 9

930. Ms Belgrave acknowledged the support from Te Mana Ora that supports the rule as notified. This is subject to the recommended amendments that are set out below.

931. In response to the submission point made by Silver Fern Farms that sought to clarify the subjectivity of the policy, Ms Belgrave agrees that the policy creates uncertainties for plan users and she recommends amendments to the policy to improve clarity.

932. In response to the submission point made by Waka Kotahi that sought an addition to maintain the safe function of the road, Ms Belgrave supports the relief sought.

933. The S42A report recommends the following amendments to INZ-P9:

> *INZ-P9*
>
> ***~~Industrial sites at the gateways to Hokitika (SH6), Reefton (SH7 and SH69), Greymouth/Māwhera (SH6) and Westport/Kawatiri (SH 67), and where in close proximity to residential areas, should not detract from the visual amenity of the road frontage, through the inclusion of landscaping and tree planting.~~***
>
> ***Manage effects on visual amenity along road frontages of the INZ – Industrial Zones that are adjacent to state highways and residential areas with landscaping and tree planting, while ensuring the safe function of the road.***

INZ – Policy 10

934. In response to the submission point made by Buller District Council that sought to delete this policy Ms Belgrave supports the relief sought. She agrees that similar to a number of other objectives and policies, INZ-P10 does not relate to the existing Industrial Zones but instead provides direction for new industrial zoned land. Therefore, she recommends it be relocated to the Strategic Directions Chapter.

935. As a consequence of the recommendation to relocate the policy, Ms Belgrave supports the relief in part sought by the other submissions to retain the objective as notified.

936. The S42A report recommends deleting INZ-P10 from the INZ Chapter and relocating it to the Strategic Direction Chapter, under Urban Form and Development as UFD-O10.

INZ – Policy 11

937. Ms Belgrave acknowledged the support from Te Mana Ora, GDC and Ngāi Tahu that supports the rule as notified. This is subject to the recommended amendments that are set out below.

938. In response to the submission point made by Silver Fern Farms that sought to narrow the focus of the policy so that it focuses on the stormwater network Ms Belgrave considers that INZ-P11 is appropriate and provides for the management of effects that are separate to regional council functions. Nevertheless, Ms Belgrave does recommend minor amendments to refer to the management of adverse effects on any waterbody or coastal water as this will achieve consistency with RMA terminology

939. The proposed additions sought by Westland Milk Products is not supported by Ms Belgrave, as she considers that they have the potential to change the intent of the policy.

940. The S42A report recommends the following amendments to INZ-P11:

> *INZ-P11*
>
> *Require the careful on-site management and treatment of stormwater from industrial buildings and sites* ***so that adverse effects on any waterbody or coastal water are avoided, remedied, or mitigated*** ~~***in order to safeguard the health and wellbeing of waterbodies, freshwater ecosystems and receiving environments***~~*.*

Hearing and Submitter Evidence

941. Mr Steve Tuck's evidence for Silver Fern Farms he supports relocating INZ-P1 to INZ-P3 to the Strategic Directions chapter. However, he recommends that they continue to be policies in which case they will implement UFD-O6.

942. Mr Tuck accepts and supports the deletion of INZ-P4 as he agrees that the policy is redundant given the combination of directions in non-industrial zones discouraging industry and the enabling of industry in GIZ and LIZ.

943. Mr Tuck's evidence regarding INZ-P6 and INZ-P8 makes the same points that he made in relation to INZ-O1. He identifies that the S42A (prior to the addendum) versions of the policies places obligation on industry to manage cross-zone effects. In the case of the Hokitika site where it is also proposed to re-zone adjoining land GRZ, Mr Tuck considers that this obligation overrides the strategic outcomes sought for industrial zones. He considers that the policies

prioritise residential amenity considerations despite the existing well established industrial activity. He seeks amendment to the policies to ensure that existing industry is not obliged to adapt to incompatible encroachments. His suggested wording is as follows:

> ***INZ-P6*** *Provide for a wide range of industrial and compatible activities within the INZ – Industrial Zones, while maintaining the amenity values of any adjacent RESZ – Residential Zone, OSRZ – Open Space and Recreation Zone, MUZ – Mixed Use Zone or SETZ – Settlement Zone****, excepting the residential zone located adjacent to the meat processing facility located at Lot 1 DP 545864 and Lot 2 DP 545864.***
>
> ***INZ-P8*** *Avoid, remedy or mitigate adverse effects of development and land use within the INZ – Industrial Zones to maintain the amenity values of the commercial, residential and rural areas adjoining the INZ- Industrial Zones****, excepting the residential zone located adjacent to the meat processing facility located at Lot 1 DP 545864 and Lot 2 DP 545864.***

944. Furthermore, Mr Tuck also proposes a new policy as he considers that there is an absence of management for cross-zone reverse sensitivity effects. The proposed policy will protect strategically important industry from the reverse sensitivity effects of incompatible zones encroaching nearby. He considers this necessary to prevent the erosion of industrial zones by incompatible zones and activities, which would in his view exacerbate the key issues identified in the section 32 report. He suggests the following:

> ***INZ-P(XX) Protect industrial zones and activities from the reverse sensitivity effects of incompatible zones and activities in adjacent locations.***

945. Mr Tuck's evidence generally supports the amendments recommended to INZ-P7. However, he also suggests that the word *'custodial'* be deleted from part (c) of the policy. He considers that this would better align sub-clause (c) with the direction in sub-clause (a). Sub-clause (a) contemplates residential activities ancillary to industry, whether or not they are "*custodial*" residential activities. So to avoid difficulties in applying the relevant rule to non-custodial activities with a residential component that are ancillary to industry, (such as seasonal worker accommodation), the policy would be improved if '*custodial*' is deleted.

946. Mr Tuck's evidence supports the amendments to INZ-P9.

947. In reference to INZ-P10, Mr Tuck supports the deletion of the policy but does not consider it necessary that it be relocated to the SD Chapter.

948. Mr Tuck's evidence accepts that INZ-P11 could be useful in the context of the District Council's role as the operator of the reticulated stormwater network, and at Appendix 1 of his evidence he considers that the policy should be retained as notified.

949. Ms Lucy Smith's statement on behalf of Terra Firma Mining Limited considers that the recommended amendments to INZ-P6 changes the focus of the policy from the environmental quality and amenity within the zones to the amenity of adjacent zones. Ms Smith notes that this duplicates the intent of recommended amendments to INZ-P8. As such, she supports the amended wording sought by Silver Fern Farms in their original submission.

950. Mr Richard Black's evidence for Westland Milk Products confirms that he generally supports the S42A wording for INZ-P11 despite it not being the same as sought in Westland Milk Products' submission.

Reporting Officer Reply Evidence

951. As set out regarding the INZ Objectives, Ms Belgrave's right of reply responds to questions from the Panel regarding the relocation of some policies to the Strategic Direction Chapter. She considers that INZ-P1, INZ-P2 and INZ-P3 apply to areas where a new Industrial zoning is proposed through a plan change process and are less applicable to live-zoned Industrial land managed by the GIZ and LIZ Chapters. Therefore, she reiterates that the SD Chapter is the appropriate location for these policies, and that the proposed new objective (UFD-OX2) as set out in the CMUZ part of this decision consolidates their intent. Therefore, Ms Belgrave recommends that the S42A recommendation to insert UFD-O7 to UFD-O9 be deleted.

952. As part of the wiring assessment, Ms Belgrave identified that INZ-P5 did not correlate to INZ-O1. As such, she considers it appropriate to delete this policy from the INZ Chapter. She considers that it is appropriate for SASM to be managed within the SASM Chapter, which is in accordance with Section 7 of the National Planning Standards. As both the GIZ and LIZ chapters include a cross-reference to the SASM Chapter, where the outcomes sought under INZ-P5 are provided for in accordance with SASM-P1 – SASM-P4, no other changes are recommended.

953. The wiring assessment also identified a gap in policies relating to the management of amenity effects within the INZ. As such, Ms Belgrave recommends amendments to INZ-P8 to ensure that amenity values within the INZ are managed and to improve the clarity of this policy

954. Like policies INZ-P1 to INZ-P3, Ms Belgrave recommends that INZ-P10 should be relocated to the Strategic Directions Chapter as it is more likely to apply to areas where a new Industrial zoning is proposed through a plan change process than locations where the zoning already exists. Ms Belgrave reconsidered this in her right of reply following questions from the Panel as to the necessity of the policy. She maintains that the policy is relevant, noting that it may apply to resource consent applications that seek to relocate existing activities, or to plan change applications that seek to establish new industrial zoning in appropriate locations to facilitate the relocation of existing activities.

955. A joint right of reply has been prepared in response to the Silver Fern Farms evidence as the issues traverse various hearing streams. The joint right of reply acknowledges that the rationale for many of the submission points made by Silver Fern Farms relate to reverse sensitivity. Notwithstanding that, the reporting planners do not support the specific 'carve out' provisions that look to provide exemptions for the Hokitika site.

956. The joint right of reply points out that including site specific detail in the objectives and policies is not in accordance with best practice plan drafting. Furthermore, as the subdivision of the land adjacent to the Hokitika site has been approved and the development of houses has already taken place, the suggested worded for the objectives and policies is not considered to resolve the issues Silver Fern Farms raised.

957. The joint right of reply supports deleting the word 'custodial' from INZ-P7(c).

958. Ms Belgrave considers in the joint right of reply that INZ-P10 provides high-level strategic direction on the location of industrial activities; therefore, in response to Mr Tuck's view that it is not relocated to the SD Chapter, she remains of the view that its relocation is appropriate. Furthermore, she also considers that the combination of INZ-O1, INZ-OX1, INZ-P6 and INZ-P7 will provide adequate direction to protect industrial zones from incompatible activities, and the additional policy proposed by Mr Tuck is unnecessary.

959. A legal memorandum prepared by Wynn Williams was provided as part of the right of reply to specifically consider and respond to questions from the Panel related to the lawfulness of the stormwater treatment provisions. The memo confirms that it is permissible for there to be overlaps between regional and district plans, provided that each is consistent with the respective council's functions.

Hearing Panel's Evaluation

960. The Panel disagrees with Ms Belgrave regarding the relocation of Policies 1-3 into the Strategic Directions Chapter, as already indicated. We further consider that it is appropriate to have *'rezoning'* type policies contained within the appropriate zone chapters, because a plan change will need to be considered in conjunction with other zone policies.

961. In terms of INZ-P4, the Panel acknowledges that the policy is a little unusual. As we understand it is seeking to encourage industrial activities to locate within industrial zones where suitable land is available. We accept that industrial zones are likely to better provide the necessary infrastructure and enable better management of effects. On this basis we consider the policy has some merit in considerations where activities are seeking to locate out-of-zone. On balance therefore we recommend it should be retained as sought by some submitters.

962. The Panel disagrees with Ms Belgrave in terms of deleting INZ-P5. We note that no submitter sought its deletion so therefore there is no scope for tis deletion. Further, there are a number industrially zoned areas within a SASM. We therefore recommend the policy be retained.

963. In terms of INZ-P6 (and INZ-P8), the Panel agrees with the statement from Terra Firma Mining Ltd that the focus of policy 6 should be environmental quality and amenity within the zones and that it is policy 8 that deals with amenity effects at the zone boundary as sought by Silver Fern Farms. We have therefore made amendments to ensure that this is the case in terms of both INZ-P6 and INZ-P8. We recommended these amendments be adopted.

964. The Panel agrees with the amendment to INZ-P7 proposed by Ms Belgrave in response to the Silver Ferns Farms submission. We accept ancillary residential units are anticipated in the Industrial zones to support industrial activities. We recommend the amendments are adopted.

965. The Panel agrees with the reworded INZ-P9 proposed by Ms Belgrave. We acknowledge that the notified wording is somewhat cumbersome and that the revised wording addresses the submissions of both Silver Fern Farms and Waka Kotahi. We recommend these amendment se included.

966. In terms of INZ-P10, the Panel do not agree with Ms Belgrave that this should be moved to Strategic Directions. We recommend this policy be retained as notified.

967. In relation to INZ-P11, the Panel has closely considered the issue of stormwater management. While we acknowledge the Wynn Williams legal opinion confirming that district plans can regulate stormwater quality prior to discharge district councils, we consider there would be a high level of duplication. We note that Silver Fern Farms has sought that the policy be narrowed so that it focuses on discharges of stormwater into the Council controlled stormwater network. However, in our view these are essentially subdivision and building consent matters.

968. The Panel has considered stormwater alongside the reality of how developments take place, we do not consider there is a need to regulate stormwater within these provisions. When

development such as a subdivision is consented conditions imposed by the Regional Council and District Council relating to stormwater and its quality before discharge will be considered and included. The Panel notes that BDC have sought to delete the rules stemming from this policy and we agree and note that our recommendations are to delete the provisions and related advice notes associated with stormwater.

969. Finally, the Panel does not support the carving out of the Silver Ferns site in terms of policy provisions. We agree with the planners JWS that there is no justification for this approach. We also note that reserve sensitivity in terms of industrial development has been addressed in Strategic Direction policy UFD-P1.

Hearing Panel's Recommendation

970. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends the following changes to the **Industrial Zone Policies**:

Industrial Zone Policies	
INZ – P1	Recognise the substantial investment in infrastructure by ensuring that any new industrial areas are located where they support the efficient use of infrastructure.
INZ – P2	New industrial areas should not be located in areas subject to significant risks from natural hazards, or in sites and areas of significance to Māori.
INZ – P3	Where new industrial areas are developed the developers of these areas shall fund and install infrastructure to the standards required by the Councils and the Plan. Where there is significant infrastructure serving multiple properties under different ownership this should be vested in the Council for ongoing maintenance and renewal.
INZ – P4	Where suitable land for industrial use is available within INZ - Industrial Zones, industrial activities should in the first instance be located in those zones, and not proliferate through the rural areas and settlements.
INZ – P5	Where sites or areas of significance to Māori are identified in industrial areas or developments, ensure activities are managed in a way that provides for the cultural relationships of Poutini Ngāi Tahu including: a. Protection of wāhi tapu and taonga sites identified in Schedule Three of the Plan using culturally appropriate methods; and b. Identification and utilisation of opportunities to enhance sites, values and other taonga of cultural significance to Poutini Ngāi Tahu; and c. Protection of the relationship of tangata whenua with freshwater, including cultural use opportunities.
INZ – P6	Provide for a wide range of industrial and compatible activities within the INZ – Industrial Zones, while **maintaining the amenity values.** ~~ensuring an acceptable level of environmental quality and amenity within the zones.~~[295]

[295] Terra Firma Mining Ltd (S537.023), Silver Fern Farms (S441.050)

INZ – P7	Avoid activities that may be incompatible with ~~other~~[296] industrial activities from establishing in the INZ - Industrial Zones, to ensure the safe and efficient operation of industrial activities. This includes: a. Excluding activities (such as residential **activities** and visitor accommodation **that are not ancillary to an industrial activity**)[297] that conflict with the intended purpose of the zone through the potential for reverse sensitivity effects; or by reducing the land available for industrial and service activities; b. Excluding retail and commercial activities from GIZ - General Industrial Zoned land that do not support or are not related to industrial and service activities, and to minimise the development of GIZ - General Industrial Zoned land for non-industrial purposes; and c. Restricting residential activities in the INZ - Industrial Zones to only ~~custodial~~[298] units for people whose duties require them to live on site.
INZ – P8	~~Impose performance standards on~~ **Avoid, remedy or mitigate adverse effects of** development and land use in the INZ - Industrial Zones **to maintain**~~that protects~~ the amenity values of ~~the~~ commercial, residential**, open space and recreation** and rural areas **located at zone boundaries** ~~surrounding the INZ - Industrial Zones~~.[299]
INZ – P9	~~Industrial sites at the gateways to Hokitika (SH6), Reefton (SH7 and SH69), Greymouth/Māwhera (SH6) and Westport/Kawatiri (SH 67), and where in close proximity to residential areas, should not detract from the visual amenity of the road frontage, through the inclusion of landscaping and tree planting.~~ **Manage effects on visual amenity along road frontages of the INZ – Industrial Zones that are adjacent to state highways and residential areas with landscaping and tree planting, while ensuring the safe function of the road.**[300]
INZ – P10	Over the long-term, promote the relocation of sporadic out-of-zone industrial activities in residential, commercial and rural areas to industrial zoned areas.
~~**INZ – P11**~~	~~Require the careful on-site management and treatment of stormwater from industrial buildings and sites in order to safeguard the health and wellbeing of waterbodies, freshwater ecosystems and receiving environments.~~[301]

8.5. Industrial Zones (General and Light) (Zoning and Rezoning)

Submissions and Further Submissions

971. Nineteen submission points relating to the zoning of land in the General Industrial Zone and Light Industrial Zone were summarised in a Table on pages 161-163 of the s42A Report. Twelve submissions supported the zoning. Seven submissions sought an amendment to the zoning of land.

[296] Silver Fern Farms (S441.051)
[297] Silver Fern Farms (S441.051)
[298] Silver Fern Farms (S441.051)
[299] Silver Fern Farms (S441.052)
[300] Waka Kotahi (S450.230), Silver Fern Farms (S441.053)
[301] Silver Fern Farms (S441.052) and Consequential stemming from Buller District Council (S538.458)

972. The Panel adopts these summaries and has considered all the relevant submissions and further submissions.

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973. Ms Belgrave's approach to the consideration of these submissions is the same as how she considered the commercial zoning requests. She acknowledges that, as no substantive technical evidence was provided to support any industrial zoning requests, any recommended rezonings reflect clear errors in the zoning maps or where there are clear reasons for achieving the zone objectives, policies, and other higher-order directives.

974. In relation to the zoning of specific properties, Ms Belgrave acknowledged the support from twelve submission points[302] to retain the zoning as notified.

975. Lara Kelly's submission point sought a review of the industrial zoned land in Hokitika to ensure that sufficient land is available to accommodate future growth, specifically querying the industrial zoning of land at Kaniere (Lot 3, DP 2887). She also made requests that alternative sites be considered for rezoning at Adair Road and north of Hokitika, between West Drive and along State Highway 6 to One Mile Line Road. In lieu of any technical evidence, Ms Belgrave recommends that the industrial zoning be retained in Kaniere. Regarding the request to consider alternative locations for industrial zoning at Adair Road, Ms Belgrave advises that the council has consented to rural lifestyle development in this area, which has resulted in land fragmentation and the potential for reverse sensitivity effects. Therefore, she considers that it is not a feasible alternative. Similarly, in the West Drive area, a residential plan change has occurred, which creates the potential for reverse sensitivity effects. Ms Belgrave does not support industrial zoning in this area.

976. In Ms Belgrave's S42A Addendum report, she advises that she has been made aware of a submission from Ngāi Tahu (S620.014) that relates to Lot 3 DP 2887 and which was not previously considered. The submission sought to change the zoning of the property to General Rural to reflect the existing use of the property, which is forestry. Ms Belgrave also identifies topographical constraints on the site, and as such, she agrees with Ngāi Tahu that the site is best zoned GRZ as it would be unlikely to support industrial activities. For clarity, Ms Belgrave continues to support the LIZ zoning along the road on Pt RS 4520.

977. In response to the submission point made by Isaac Construction that sought to split zone Lot 2 DP 508311 between GIZ and LIZ, in the absence of any technical evidence, Ms Belgrave does not support the relief sought.

978. However, in her addendum to the S42A report and after considering the statement and evidence presented in support of the submission made by Isaac Construction, Ms Belgrave agrees that retaining 50m of LIZ on Lot 2 DP 508311 as it adjoins the eastern and southeastern

[302] Isaac Construction (S258.001), Westland Milk Products (S63.001, S63.002, S63.006, S63.005 and S63.007), Peter Haddock (S417.001), Lara Kelly (S421.002), Durham Havill (S431.001), Terra Firma Mining Limited (S537.034), Cape Foulwind Stape 1 Ltd (S557.002), T Croft (S460.001)

boundary and rezoning the remainder of the property as GIZ would provide more flexibility and consistency with the application of industrial zones than is currently proposed.

979. In response to the submission point made by Neville Higgs that sought to rezone Pt Lot 116 DP 359532 on the western side of Marsden Road south of Pope Road and between Marsden Road and Sawyers Creek from GIZ to SPZ- FUZ, Ms Belgrave does not support the relief sought. This is because there is a lack of technical information to support the request, and the requested rezoning would create an unusual zoning pattern. Notwithstanding the recommendation, Ms Belgrave acknowledges that the shape of the property is unlikely to be used for industrial purposes; it could potentially create some reverse sensitivity issues with the surrounding residential uses, and the adjoining waterbody also creates potential concerns. Therefore, she acknowledges that the request to rezone the property to FUZ has potential merit and she suggests that the submitter provide technical evidence to allow further consideration.

980. In response to the submission points made by Terra Firma Mining Limited that sought to rezone the access lot adjacent to Reefton Engineering, being Sec 3 SO 12150 to GIZ, Ms Belgrave supports the relief sought. This is because the land is in the same ownership as the surrounding GIZ land, and the existing use means that it is more appropriate for the land to be GIZ than GRZ.

981. In response to the submission point made by Westland Milk Products that sought to rezone Lots 1 and 2 DP 1431 (66 Livingstone Street, Hokitika) from GRZ to LIZ, Ms Belgrave does not support the relief sought. Notwithstanding, she acknowledges that a dairy currently occupies the property, and while not owned by Westland Milk Products, is surrounded by the company's operations on two sides. Ms Belgrave considers that the NCZ would more appropriately align with the existing use of the site. However, she believes that there is currently insufficient information to recommend changing the zone of the property.

982. Ms Belgrave supports the submission point made by Westdrest Limited, which sought to rezone RT WS3A/2 from GIZ to LIZ, on the basis that activities associated with LIZ are likely to have a lesser effect on the adjoining residential land.

983. In response to the submission point made by Joan Blacktopp, which sought amendments to have Lots 2, 3, and 4 DP 459988 zoned either GIZ or LIZ, Ms Belgrave notes that the land is proposed to be zoned LIZ in the pTTPP and, as such, records that no amendment is necessary.

Hearing and Submitter Evidence

984. Isaac Construction Limited presented evidence at the hearing from Ms Kim Seaton and a statement from their Chief Executive Officer, Mr Robert Kinney, in support of their submission to rezone part of the site in Kaiata from LIZ to GIZ. The evidence reiterated the relief sought in the submission, namely that the majority of the site be rezoned to GIZ, while retaining a 50m wide strip on the eastern and southeastern boundaries as LIZ. Mr Kinney's statement set out the existing and anticipated future activities for the site, all of which best align with the GIZ. While Ms Seaton's evidence, which included a S32 evaluation, confirms that the change from LIZ to GIZ is an efficient and effective proposal, with the benefits of rezoning to GIZ outweighing the potential costs, and that GIZ is the more appropriate option for the majority of the site. Her evidence also considers that the retention of a 50m strip of land as LIZ on the eastern and southeastern boundaries will avoid the potential for GIZ activities to generate reverse sensitivity effects on the neighbouring more sensitive zones.

985. Mr Black's evidence for Westland Milk Products provides additional detail about the land at 66 Livingstone Street in Hokitika. The submission sought to rezone this land to LIZ (from GRZ), while Ms Belgrave's S42A report suggested that the NCZ may be more appropriate given the existing use of the property (a corner dairy). Mr Black has considered the S42A suggestion and agrees that NCZ is the most appropriate zone for the land at 66 Livingston Street.

Reporting Officer Reply Evidence

986. In response to Mr Black's evidence for Westland Milk Products relating to 66 Livingstone Street, Ms Belgrave's recommendation to retain the notified zoning of the property is unchanged. She advises that this is because there is no technical evidence to support rezoning or any advice (from the property owner) as to the aspirations for the site.

Hearing Panel's Evaluation

987. In relation to Lara Kelly's submission point that sought a review of the industrial zoned land in Hokitika to ensure that sufficient land is available to accommodate future growth, specifically querying the industrial zoning of land at Kaniere (Lot 3, DP 2887) and her requests that alternative sites be considered for rezoning at Adair Road and north of Hokitika, between West Drive and along State Highway 6 to One Mile Line Road, the Panel agrees with Ms Belgrave not to support the submission in particular we agree that the industrial zoning be retained in Kaniere. We accept Ms Belgrave's reasons for not rezoning the additional land the submitter sought to be rezoned.

988. In relation to the submission from Ngāi Tahu (S620.014) that relates to Lot 3 DP 2887 and sought to change the zoning of the property to General Rural to reflect the existing use of the property, which is forestry, the Panel agrees with Ms Belgrave's recommendation and the reasons for it that Lot 3 DP 2887 be rezoned to GRZ.

989. In relation to the submission point made by Isaac Construction that sought to split zone Lot 2 DP 508311 between GIZ and LIZ the Panel agrees with Ms Belgraves' recommendation and the reasons for it to rezone Lot 2 DP 508311, as detailed in Ms Seaton's evidence, to GIZ and LIZ with the retention of a 50m strip of land as LIZ on the eastern and southeastern boundaries, which will avoid the potential for GIZ activities to generate reverse sensitivity effects on the neighbouring more sensitive zones.

990. In relation to the submission point made by Neville Higgs that sought to rezone Pt Lot 116 DP 359532 on the western side of Marsden Road south of Pope Road and between Marsden Road and Sawyers Creek from GIZ to SPZ-FUZ, the Panel agrees with Ms Belgrave that there is merit for this site in considering rezoning to SPZ-FUZ. We appreciate Ms Belgrave expressed concern about the sufficiency of information available to support the request; however, taking the context of the site into account, we considered we had sufficient information to support the rezoning request and recommend it.

991. In relation to the submission points made by Terra Firma Mining Limited, which sought to rezone the access lot adjacent to Reefton Engineering, being Section 3, SO 12150, to GIZ, Ms Belgrave supports the relief sought. This is because the land is in the same ownership as the surrounding GIZ land, and the existing use makes it more suitable for the land to be used by GIZ than GRZ. The Panel agrees with that recommendation and reasoning.

992. In relation to the submission point made by Westland Milk Products that sought to rezone Lots 1 and 2 DP 1431 (66 Livingstone Street, Hokitika) from GRZ to LIZ, the Panel accepts Mr

Blacks evidence provides sufficient information to support rezoning the site to NCZ. We have therefore recommended the site be rezoned.

993. In relation to the submission point made by Westdrest Limited that sought to rezone RT WS3A/2 from GIZ to LIZ on the basis that activities associated with LIZ are likely to have a lesser effect on the adjoining residential land, the Panel agrees with Ms Belgrave's recommendation to rezone the site for the reasons she provides.

994. In relation to the submission point made by Joan Blacktopp, which sought amendments to have Lots 2, 3, and 4 DP 459988 zoned either GIZ or LIZ, Ms Belgrave notes that the land is proposed to be zoned LIZ in the pTTPP and, as such, records that no amendment is necessary. The Panel agrees with her recommendation for the reasons she provides.

Hearing Panel's Recommendation

995. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends that the relevant submission points identified in the footnotes below are accepted and recommends the following changes to the **Planning Maps**:

Zoning	
Kaniere (Lot 3 DP 2887)	Rezone to GRZ[303]
Fairhall Road, Kaiata, Greymouth	Rezone to GIZ retaining a 50m wide strip LIZ[304]
Marsden Road, Greymouth (Pt Lot 116 DP 359532)	Rezone from LIZ to FUZ[305]
Elizabeth Street, Reefton (Sec 3 SO 12150)	Rezone to GIZ from GRZ [306]
66 Livingstone Street, Hokitika	Rezone from GRZ to NCZ.[307]
West Drive, Arahura Valley, Hokitika (Pt RS 1151)	Rezone from GIZ to LIZ[308]

8.6. General Industrial Zone Overview

Submissions and Further Submissions

[303] Poutini Ngāi Tahu (S620.014)
[304] Isaac Construction (S258.002)
[305] Neville Higgs (S329.002)
[306] Terria Firma Ltd (S537.034)
[307] Westland Milk Products (63.003)
[308] Westdrest Ltd (S93.001)

996. Two submission points relating to the Overview of the General Industrial Zone were summarised in a Table on page 169 of the S42A Report. The Panel has considered the relevant submissions received and adopts the summaries in the s42A Report.

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997. In response to the submission points made by Silver Fern Farms and Ngāi Tahu that both sought to retain the Overview text as notified for the General Industrial Zone, Ms Belgrave acknowledges the support.

998. The S42A report recommends that the GIZ Overview text be retained as notified.

Hearing and Submitter Evidence

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

Reporting Officer Reply Evidence

1000. There was no specific consideration of this matter in the reply evidence.

Hearing Panel's Evaluation

1001. The Panel accepts Ms Belgrave's recommendation for the reasons she provides to retain the General Industrial Zone overview as notified.

Hearing Panel's Recommendation

1002. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends no changes to the **General Industrial Zone Overview**.

8.7. General Industrial Zone Rules

Submissions and Further Submissions

1003. Three submission points relating generally to the **GIZ Rules** were summarised in a Table on page 170 of the S42A Report. One submission sought amendments to the rules, and two submissions supported the discretionary activities.

1004. Twenty submission points and eleven further submission points relating to **GIZ – R1** were summarised in a Table on pages 170-174 of the s42A Report. Five submission points supported the retention of the rule as notified. Fifteen submissions sought amendments. Nine further submissions support the amendments sought by the submissions, and two further submissions oppose the amendments sought by the submissions.

1005. Eight submission points relating to **GIZ–R2** were summarised in a Table on page 177 of the s42A Report. Two submission points supported the retention of the rule as notified. Five submissions sought amendments. One submission sought the deletion of the rule.

1006. Seven submission points relating to **GIZ–R3** were summarised in a Table on page 178 of the s42A Report. All submission points supported the retention of the rule as notified.

1007. Eleven submission points relating to **GIZ–R4** were summarised in a Table on pages 179-180 of the s42A Report. Two submission points supported the retention of the rule as notified. Nine submissions sought amendments.

1008. Thirteen submission points relating to **GI - R5** were summarised in a Table on pages 181-182 of the s42A Report. Three submission points supported the retention of the rule as notified. Ten submissions sought amendments.

1009. Eight submission points and three further submissions relating to **GIZ – R6** were summarised in a Table on pages 183-184 of the s42A Report. Three submission points supported the retention of the rule as notified. Five submissions sought amendments.

1010. Six submission points relating to **GIZ – R7** were summarised in a Table on pages 184-185 of the s42A Report. One submission point supported the retention of the rule as notified. Five submissions sought amendments.

1011. Six submission points relating to **GIZ – R8** were summarised in a Table on page 186 of the s42A Report. One submission point supported the retention of the rule as notified. Five submissions sought amendments.

1012. Ten submission points and two further submissions relating to **GIZ – R9** were summarised in a Table on pages 187-189 of the s42A Report. Three submission points supported the retention of the rule as notified. Six submissions sought amendments. One submission sought that the rule be deleted.

1013. Seven submission points and one further submission relating to **GIZ – R10** were summarised in a Table on page 190 of the s42A Report. Five submission points supported the retention of the rule as notified. One submission sought amendments, while another sought its deletion.

1014. Two submission points relating to **GIZ – R11** were summarised in a Table on page 191 of the s42A Report. One submission point supported the retention of the rule as notified. One submission sought amendments.

1015. Six submission points relating to **GIZ – R12** were summarised in a Table on pages 191-192 of the s42A Report. Five submission points supported the retention of the rule as notified. One submission sought amendments.

1016. Two submission points relating to **GIZ – R13** were summarised in a Table on page 193 of the s42A Report. One submission point supported the retention of the rule as notified, while another sought to delete it.

1017. Four submission points and one further submission relating to **GIZ – R14** were summarised in a Table on pages 193-194 of the s42A Report. Three submission points supported the retention of the rule as notified, and one submission sought to delete it.

1018. Six submission points and two further submissions relating to **GIZ – R15** were summarised in a Table on pages 194-195 of the s42A Report. One submission point supported the retention of the rule as notified, and five submissions sought to amend it.

1019. The Panel adopts these summaries and has considered all the relevant submissions and further submissions.

Section 42A Report

GIZ - General

1020. Ms Belgrave acknowledged the support from William McLaughlin and Laura Coll McLaughlin who both support the discretionary activity rules in the GIZ as notified.

1021. In response to the submission point from Ngāi Tahu that sought to include a new matter of discretion to consider the effects on sites and areas of significance to Māori for all restricted discretionary activities, Ms Belgrave does not support the relief sought. This is because new buildings and structures within sites and areas of significance to Māori require resource consent under SASM-R6 unless a written approval is provided. Therefore, the concerns raised in the submission from Ngāi Tahu are managed by SASM-R6, and the inclusion of the requested matter of discretion is not necessary in the GIZ.

1022. The S42A report recommends no changes in response to these submissions.

GIZ – R1 Industrial Activities and Industrial Buildings

1023. Ms Belgrave acknowledged the support from the five submission points[309] who support the rule as notified. This is subject to the recommended amendments outlined below.

1024. Ms Belgrave acknowledges the submission point from GDC that sought to ensure the standards do not create unrealistic or unsuitable requirements. She recommends various amendments to the rule based on other submissions and notes this submission.

1025. In response to the submission point made by Waka Kotahi, which sought clarification on whether the requirements of the rule should be considered performance standards, and if so, whether the activities part of the rule should be separate from the buildings, Ms Belgrave generally supports the relief sought. The submission is similar to others made by Waka Kotahi in other zones, and Ms Belgrave's recommendation for a new rule that provides for the activities referred to in GIZ-R1 aligns with her previous recommendations.

1026. In response to the submission point made by Westland Milk Products that sought to make non-compliance with GIZ-R1(8) a restricted discretionary activity, Ms Belgrave supports the relief sought in part. Four further submissions also support the submission[310]. This is because the potential effects associated with non-compliance with GIZ-R1(2)-(8) can be readily identified. However, she maintains that any non-compliance with the height rule (GIZ-R1(1)) should remain as a discretionary activity. Because of this recommendation, Ms Belgrave has recommended that additional matters of discretion be included at GIZ-R9.

1027. As a result of the evidence from Mr Richard Black, Ms Belgrave reconsidered the activity status that should apply to non-compliance with the height rule. She revised her position on the basis that there is a functional need for industrial activities to exceed the permitted height limit. Additionally, other rules will manage the potential effects associated with building bulk and industrial sites, which generally tend to be larger in size, thereby providing opportunities to internalise potential effects. Consequential amendments to GIZ-R9 are also proposed in the form of matters of discretion.

1028. In response to the submission points made by Westland Milk Products and BDC, which sought various amendments to the building setback rules, Ms Belgrave supports the reduction in the

[309] Te Mana Ora (Community and Public Health) of the NPHS/Te Whatu Ora (S190.800), Chris & Jan Coll (S558.364), Chris J Coll Surveying Limited (S566.364), William McLaughlin (S567.421), and Laura Coll Mclaughlin (S574.364)
[310] Silver Fern Farms (FS.101.034), Isaac Construction Ltd. (FS106.004), and CMP Kokiri (FS135.001, FS135.011)

setback from a road boundary from 5m to 2m, as sought by Westland Milk Products. Consequently, she does not support the increase in setback from roads from 5m to 10m, as sought by BDC. The BDC submission also sought to increase the setback from 5m to 10m with respect to adjoining sensitive zones. Ms Belgrave does not support this relief either.

1029. In response to the submission point from BDC that sought to make amendments to GIZ-R1(4), adding a minimum fence height and ensuring it is solid, Ms Belgrave does not support the relief sought.

1030. Ms Belgrave supports the relief sought by BDC concerning GIZ-R1(5) to delete the words '*beyond the zone boundary'* as it will improve the clarity of the rule.

1031. In response to the three submission points[311] that sought to delete GIZ-R1(6) on the basis that air discharges are a regional council function, Ms Belgrave supports the relief sought. This recommendation will also address the submission points from BDC and Birchfield Mining Limited, which sought a correction to the LIZ reference. Consequent to the recommendation to delete GIZ-R1(6), Ms Belgrave does not support the relief sought in the submission points made by Buller Conservation Group and Frida Inta to make additions relating to odour or air pollution.

1032. Ms Belgrave supports the relief sought by Westland Milk Products to amend GIZ-R1(7) to exclude access points from the landscaping requirements.

1033. In response to the submission points[312] that relate to GIZ-R1(8) Ms Belgrave agrees that the discharge of stormwater is a regional council function. However, the rule relates to the treatment of stormwater prior to discharge and is therefore relevant under the district plan. Nevertheless, she recommends amendments to the wording of the rule.

1034. As a result of the evidence from Mr Richard Black regarding the management of stormwater, Ms Belgrave reconsidered her recommendation for the wording of GIZ-R1(8) in her addendum to the S42A report. She agrees that stormwater treatment can be required by other rules in the pTTPP and that GIZ-R1(8) should not create unnecessary duplication. On that basis, she recommends amendments to confirm that treatment is required for car parking areas greater than 1,000m² and to exclude areas that discharge lawfully into a trade waste system. While Ms Belgrave does not support excluding the treatment of stormwater from roof areas, she does recommend deleting the word '*contaminated*' as it creates uncertainty for when treatment is necessary.

1035. In response to the submission point made by BDC, which sought amendments to GIZ-R1(9) to include a reference to written approvals as an advice note, Ms Belgrave agrees that this is more appropriately included as such, similar to her previous recommendations on the same matter. She does recommend that the word '*setbacks*' be replaced by '*rules*'.

1036. Ms Belgrave also makes a recommendation that is consequential to the submission made by BDC in relation to LIZ-R1(9) to include a reference to Appendix 2 instead of a 35 degree recession plane.

1037. In response to the submission points made by Fire and Emergency NZ that sought the inclusion of two new rules relating to water supply servicing, Ms Belgrave does not support the relief

[311] Buller District Council (S538.443), Birchfield Ross Mining Limited (S604.073), and Whyte Gold Limited (S607.058)
[312] Silver Fern Farms (S441.057), Buller District Council (S538.443), Birchfield Ross Mining Limited (S604.120), and Whyte Gold Limited (S607.094)

sought. This is for the same reasons set out with respect to other zones in this decision that respond to similar submissions from FENZ.

1038. The S42A report (including the addendum) recommends amending GIZ-R1 as follows:

> ***GIZ-R1 New Buildings and External Additions and Alterations to Existing Buildings, Landscaping, External Storage, and Blasting and Vibration ~~Industrial Activities and Industrial Buildings~~***
>
> *Activity Status Permitted*
>
> *Activity status where compliance not achieved:*
>
> ***~~Discretionary where Standards 1-8 are not complied with.~~***
>
> *Restricted discretionary where **Rules 1-8 are ~~Standard 9~~** is not complied with.*
>
> *Where:*
>
> *…*
>
> *3. Buildings are setback a minimum:*
>
> *a. 10m from State Highways; **~~and~~***
>
> ***b. 2m from road boundaries; and***
>
> *c. 5m from **~~road boundaries~~**, any RESZ - Residential Zone, OSRZ - Open Space and Recreation Zone or SETZ - Settlement Zone boundary and the Rail Corridor.*
>
> *…*
>
> *5. No blasting or vibration **~~beyond the zone boundary~~** shall occur outside the hours of 0800 to 1800 hours weekdays and 0900 to 1600 hours on weekends and public holidays;*
>
> ***~~6. There shall be no offensive or objectionable dust nuisance at or beyond the LIZ - Light Industrial Zone boundary as a result of the activity;~~***
>
> *7. The area adjoining the road frontage of all sites **(excluding access points),** and the side boundary of a site that adjoins a RESZ - Residential, SETZ - Settlement, OSZ - Open Space or MUZ - Mixed Use Zone shall contain landscaping with a minimum width of 2 metres, of a standard that does not restrict road visibility, or obstruct signage or accessways within the road corridor;*
>
> *8. **~~Contaminated~~** stormwater run-off associated with any industrial activity**, ~~or~~** building, **and associated impermeable parking areas greater than 1,000m² ~~including stormwater runoff from any earthworks,~~** shall be collected and treated prior to discharge**. This rule does not apply to areas that discharge lawfully into an authorised trade waste system. ~~to ensure there are no significant adverse effects on water quality~~**;*
>
> *9. No building shall project beyond a building envelope **in accordance with Appendix Two ~~defined by a 35 degree recession plane~~** to commence 2.5m above any RESZ - Residential, OSZ - Open Space, SARZ - Sport and Recreation Zone, MUZ – Mixed Use or SETZ - Settlement Zone boundary **~~except where the neighbouring property owner's written approval is provided to the Council at least 10 working days prior to the works commencing~~**. This standard does not apply to:*
>
> *a. …*
>
> *…*
>
> *Advice Notes:*
>
> *…*
>
> ***4. Where boundary rules are infringed, the Deemed Permitted Activity Boundaries process will apply where the neighbouring property owner's written approval is provided to Council.***

1039. The S42A report also recommends the addition of a new rule as follows:

> ***GIZ-R2A Industrial Activities***
>
> ***Activity Status Permitted***
>
> ***Activity status where compliance not achieved: Restricted Discretionary***
>
> ***Where:***
>
> ***1. All performance standards for Rule GIZ - R1 are complied with.***

GIZ – R2 Minor Structures

1040. Ms Belgrave acknowledged the support from Te Mana Ora and FENZ who support the rule as notified. This is subject to the recommended amendments outlined below.

1041. In response to the five submission points[313] that sought GIZ-R2(1) be deleted, Ms Belgrave supports the relief sought. This is because the potential effects of structures can be appropriately managed through the other rules for maximum height and area, and that compliance with the rules within GIZ-R1 is not necessary or applicable. Additionally, GIZ-R2.1 specifically excludes any setback requirement.

1042. In response to the submission point made by Silver Fern Farms that sought to delete GIZ-R2 in full, Ms Belgrave does not support the relief sought. The submitter considers that the implementation of the rule is unclear in the context of GIZ-R1. Ms Belgrave considers that the rule provides exemptions for minor structures and is helpful in this context.

1043. The S42A report recommends amending GIZ-R2 as follows

> ***GIZ-R2 Minor Structures***
>
> *Activity Status permitted*
>
> *Activity status where compliance not achieved: Restricted Discretionary*
>
> *Where:*
>
> ~~***1. All performance standards for Rule GIZ - R1 are complied with - except that compliance with standard 3 (setbacks) is not required.***~~
>
> *…*

GIZ – R3 Fences, Walls and Retaining Walls

1044. Ms Belgrave acknowledged the support from the submitters[314] who support the rule as notified.

1045. The S42A report recommends retaining GIZ-R3 as notified.

GIZ – R4 Commercial Activities

[313] Buller District Council (S538.444), Chris & Jan Coll (S558.365), Chris J Coll Surveying Limited (S566.365), William McLaughlin (S567.422), and Laura Coll McLaughlin (S574.365)
[314] Te Mana Ora (Community and Public Health) of the NPHS/Te Whatu Ora (S190.802), Chris & Jan Coll (S558.366), Buller District Council (S538.445), Chris J Coll Surveying Limited (S566.366), William McLaughlin (S567.423), Fire and Emergency New Zealand (S573.106), and Laura Coll McLaughlin (S574.366)

1046. Ms Belgrave acknowledged the support from Te Mana Ora and FENZ who support the rule as notified. This is subject to the recommended amendments that are set out below.

1047. In response to the five submission points[315] that sought to change the activity status for non-compliance from non-complying to discretionary, Ms Belgrave does not support the relief sought. She recommends retaining the non-complying activity status for GIZ-R4(2) which seeks to limit the scale of commercial activities in the GIZ, as large-scale commercial activities have the potential to undermine the primary purpose of the zone. With respect to non-compliance with GIZ-R4(1), Ms Belgrave recommends a restricted discretionary activity status which is consequential to the relief sought by Westland Milk Products in relation to GIZ-R1.

1048. Ms Belgrave does not support the relief sought by the four submission points[316] that sought to amend GIZ-R4(1) to also enable activities that do not increase the extent of existing non-compliance with the relevant performance standards. This is because she considers it more appropriate that any non-compliance be considered thoroughly either to determine existing use rights or as a resource consent. Her recommendation aligns with similar submissions in relation to COMZ-R6.

1049. The S42A report recommends amending GIZ-R4 as follows, noting that these recommendations also include consequential changes related to the recommendations to GIZ-R1:

> ***GIZ-R4 Commercial Activities***
>
> *Activity Status permitted*
>
> *Activity status where compliance not achieved:*
>
> ***Restricted Discretionary where standard 1 is not complied with***
>
> *Non-complying* ***where standard 2 is not complied with***
>
> *Where:*
>
> *1. All performance standards for Rule GIZ - R1****.4 to GIZ – R1.7*** *are complied with; and*
>
> …

GIZ – R5 Ancillary Residential Activities

1050. Ms Belgrave acknowledged the support from Te Mana Ora, Waka Kotahi and FENZ who support the rule as notified. This is subject to the recommended amendments outlined below.

1051. In response to the submission point made by BDC that sought to delete the word '*single*' from GIZ-R5(2), Ms Belgrave supports the relief sought as it simplifies the rule.

1052. Ms Belgrave does not support the submission point made by Silver Fern Farms that sought to delete GIZ-R5(2), which limits ancillary residential units to one per site. She considers that the restriction is appropriate as it will ensure that any residential units are of a scale and intensity that is ancillary to a commercial or industrial activity.

[315] Buller District Council (S538.446), Chris & Jan Coll (S558.368), Chris J Coll Surveying Limited (S566.368), William McLaughlin (S567.425), and Laura Coll McLaughlin (S574.368)
[316] Chris & Jan Coll (S558.367), Chris J Coll Surveying Limited (S566.367), William McLaughlin (S567.424), and Laura Coll McLaughlin (S574.367)

1053. In response to the four submission points[317] that sought to amend GIZ-R5(1) also to enable activities that do not increase the extent of existing non-compliance with the relevant performance standards, Ms Belgrave does not support the relief sought for the same reasons already set out in relation to GIZ-R4 (and other rules).

1054. In response to the four submission points[318] that sought to change the activity status for non-compliance from non-complying to discretionary, Ms Belgrave does not support the relief sought. This is because she considers a non-complying activity status is appropriate as large-scale residential activities, or a proliferation of residential activities have the potential to undermine the purpose of the GIZ and are not anticipated within the GIZ.

1055. The S42A report recommends amending GIZ-R5 as follows:

> ***GIZ-R5 Ancillary Residential Activities***
>
> *Activity Status permitted*
>
> *Activity status where compliance not achieved: Non-complying*
>
> *Where:*
>
> *1. …*
>
> *2. One ~~single~~ residential unit per site is provided; and*
>
> *3. …*

GIZ – R6 Emergency Service Facility, Carparking Lots and Buildings, Trade and Industry Training, Community Corrections Activity, Gymnasium and Public Transport Facility

1056. Ms Belgrave acknowledged the support from Te Mana Ora, Department of Corrections and FENZ, who support the rule as notified.

1057. In response to the submission point made by BDC that sought to add a definition for '*public transport facility*', Ms Belgrave does not support the relief sought on the basis that the ordinary meaning of the term provides sufficient certainty.

1058. In response to the four submission points and three further submission points[319] that sought to amend GIZ-R6(1) also to enable activities that do not increase the extent of existing non-compliance with the relevant performance standards, Ms Belgrave does not support the relief sought for the same reasons already set out in relation to previous rules.

1059. The S42A report recommends retaining GIZ-R6 as notified.

GIZ – R7 Agricultural, Pastoral and Horticultural Activities

1060. Ms Belgrave acknowledged the support from Te Mana Ora, who support the rule as notified.

1061. In response to the four submission points[320] that sought to amend GIZ-R7(1) also to enable activities that do not increase the extent of existing non-compliance with the relevant

[317] Chris & Jan Coll (S558.369), Chris J Coll Surveying Limited (S566.369), William McLaughlin (S567.426), and Laura Coll McLaughlin (S574.369)
[318] Chris & Jan Coll (S558.370), Chris J Coll Surveying Limited (S566.370), William McLaughlin (S567.427), and Laura Coll McLaughlin (S574.370)
[319] Chris & Jan Coll (S558.371), Chris J Coll Surveying Limited (S566.371), William McLaughlin (S567.428), and Laura Coll McLaughlin (S574.371), International Panel and Lumber (West Coast) Ltd (FS98.002, FS98.003, FS98.004)
[320] Chris & Jan Coll (S558.372), Chris J Coll Surveying Limited (S566.372), William McLaughlin (S567.429), and Laura Coll McLaughlin (S574.372)

performance standards, Ms Belgrave does not support the relief sought for the same reasons already set out in relation to previous similar rules.

1062. In response to the submission point made by BDC that sought to add definitions to the pTTPP, Ms Belgrave comments that the terms do not apply to this rule.

1063. The S42A report recommends retaining GIZ-R7 as notified.

GIZ – R8 Aquacultural Activities

1064. Ms Belgrave acknowledged the support from Te Mana Ora, who support the rule as notified.

1065. In response to the submission point made by BDC that sought to add a definition for '*aquaculture activities'*, Ms Belgrave does not support the relief sought on the basis that the term is defined in the RMA, and duplication in the pTTPP is not considered necessary.

1066. In response to the four submission points[321] that sought to amend GIZ-R8(1) to also enable activities that do not increase the extent of existing non-compliance with the relevant performance standards, Ms Belgrave does not support the relief sought for the same reasons already set out in relation to previous rules.

1067. The S42A report recommends retaining GIZ-R8 as notified.

GIZ – R9 Industrial Activities and Buildings not meeting Permitted Activity Standards

1068. Ms Belgrave acknowledged the support from Te Mana Ora, Waka Kotahi and Grey District Council who support the rule as notified. This is subject to the recommended amendments outlined below.

1069. In response to the submission points[322] that sought to change details relating to the activity status for non-compliance with this rule, Ms Belgrave considers that a restricted discretionary activity status is appropriate, except for building height. As such, Ms Belgrave does not support BDC's submission to have all non-compliances assessed as a discretionary activity. Furthermore, she does partially support Westland Milk Products' submission to have the restricted discretionary activity status apply to most non-compliances with GIZ-R1 (the only exception being height). However, she does not support the addition of the matters of discretion sought by Westland Milk Products, and instead recommends the following matters:

- *Bulk, location, and design of buildings.*
- *Effects on the safety, amenity and attractiveness of the street or public places.*
- *Visual dominance, shading, and nuisance effects on neighbouring sites.*
- *Design and location of parking and access.*
- *Landscape treatment.*

1070. As a result of the evidence from Mr Richard Black for Westland Milk Products, (and as set out in relation to GIZ-R1), Ms Belgrave reconsidered the activity status that should apply to non-compliance with the height rule, and ultimately has recommended that as there is a functional need for industrial activities to exceed the permitted height limit it is appropriate in this zone to include all non-compliances with GIZ-R1 as a restricted discretionary activity.

[321] Chris & Jan Coll (S558.374), Chris J Coll Surveying Limited (S566.374), William McLaughlin (S567.430), and Laura Coll McLaughlin (S574.374)
[322] Westland Milk Products (S63.012) & Buller District Council (S538.451)

Consequential amendments to GIZ-R9 are also proposed in the form of matters of discretion as follows:

- *Bulk, location, and design of buildings.*
- *Effects on the safety, amenity and attractiveness of the street or public places.*
- ***Amenity,*** *visual dominance, shading, and nuisance effects on neighbouring sites.*
- *Design and location of parking and access.*
- *Landscape treatment.*
- ***Characteristics of the site and development that are relevant to the rule.***

1071. In response to the submission point made by Silver Fern Farms that sought to delete the matter of discretion relating to hazardous substances (GIZ-R9(c)), Ms Belgrave supports the deletion as it does not have a clear relationship with the rules as notified in GIZ-R1.

1072. In response to the four submission points[323] that sought to amend GIZ-R9(1) also to enable activities that do not increase the extent of existing non-compliance with the relevant performance standards, Ms Belgrave does not support the relief sought for the same reasons already set out in relation to previous rules.

1073. The S42A report (including the addendum) recommends amending GIZ-R9 as follows:

> ***GIZ-R9 ~~Industrial Activities and~~ New Buildings and External Additions and Alterations to Existing Buildings not meeting Permitted Activity standards***
>
> *Activity Status Restricted Discretionary*
>
> *Activity status where compliance not achieved: Discretionary*
>
> *Where:*
>
> ***~~1. The building projects in the recession plane; and~~***
>
> *2. ~~**All other performance standards for**~~ Rule GIZ – R1**.1** ~~**are**~~ **is** complied with.*
>
> *Discretion is restricted to:*
>
> ***~~a. Design and location of buildings;~~***
>
> ***~~b. Design and location of parking and access;~~***
>
> ***~~c. Management of hazardous substances in accordance with the objectives and policies of the Hazardous Substances chapter; and~~***
>
> ***~~d. Landscape treatment.~~***
>
> ***a. Bulk, location, and design of buildings.***
>
> ***b. Effects on the safety, amenity and attractiveness of the street and public places.***
>
> ***c. Amenity, visual dominance, shading, and nuisance effects on neighbouring sites.***
>
> ***d. Design and location of parking and access.***
>
> ***e. Landscape treatment.***
>
> ***f. Characteristics of the site and development that are relevant to the rule***

GIZ – R10 Minor Structures not meeting Permitted Activity Standards

[323] Chris & Jan Coll (S558.375), Chris J Coll Surveying Limited (S566.375), William McLaughlin (S567.431), and Laura Coll McLaughlin (S574.375)

1074. Ms Belgrave acknowledged the support from five submitters[324] who support the rule as notified.

1075. In response to the submission point made by Silver Fern Farms that sought to delete GIZ-R10 as a consequence of their submission to delete GIZ-R2, Ms Belgrave does not support the submission as her recommendation regarding GIZ-R2 is to retain the rule.

1076. Ms Belgrave does not support the minor amendment to the matter of discretion relating to landscaping as sought by BDC. She considers the matter of discretion to be sufficiently clear and the amendment unnecessary.

1077. The S42A report recommends retaining GIZ-R10 as notified.

GIZ – R11 Fences, Walls and Retaining Walls not meeting Permitted Activity Standards

1078. Ms Belgrave acknowledged the support from Te Mana Ora who support the rule as notified.

1079. Ms Belgrave does not support the minor amendment to the matter of discretion relating to landscaping as sought by BDC. She considers the matter of discretion to be sufficiently clear and the amendment unnecessary.

1080. The S42A report recommends retaining GIZ-R11 as notified.

GIZ – R12 Industrial Activities and Buildings, Aquaculture Activities, Agricultural, Pastoral and Horticultural Activities not meeting Permitted or Restricted Discretionary Activity Standards

1081. Ms Belgrave acknowledged the support from the five submitters[325] who support the rule as notified. This is subject to the recommended amendments outlined below.

1082. In response to the submission point made by BDC that sought to delete GRZ-R12, Ms Belgrave supports the relief sought, given the recommendations to amend GIZ-R1 and GRZ-R9. Additionally, a discretionary activity status is already provided for under GIZ-R7 and GIZ-R8 for those particular activities.

1083. The S42A report recommends deleting GIZ-R12.

GIZ – R13 Emergency Service Facility, Carparking Lots and Buildings, Trade and Industry Training, Community Corrections Activity, Gymnasium, Public Transport Facility and Bulk Fuel Supply Infrastructure not meeting Permitted Activity Standards

1084. Ms Belgrave acknowledged the support from Te Mana Ora who support the rule as notified.

1085. In response to the submission point made by BDC that sought to delete GRZ-R13, Ms Belgrave supports the relief sought, as a discretionary activity status is already provided for under GIZ-R6 for these activities.

1086. The S42A report recommends deleting GIZ-R13.

[324] Te Mana Ora (S190.809), Chris & Jan Coll (S558.376), Chris J Coll Surveying Limited (S566.376), William McLaughlin (S567.432), and Laura Coll McLaughlin (S574.376)
[325] Te Mana Ora (Community and Public Health) of the NPHS/Te Whatu Ora (S190.811), Chris & Jan Coll (S558.377), Chris J Coll Surveying Limited (S566.377), William McLaughlin (S567.433), and Laura Coll McLaughlin (S574.377)

GIZ – R14 Community Facilities and Educational Facilities

1087. Ms Belgrave acknowledged the support from Te Mana Ora, the Ministry of Education and Chris & Jan Coll, who support the rule as notified. This is subject to the recommended amendments outlined below.

1088. In response to the submission point from BDC that sought to delete GRZ-R14 and replace it with an alternative rule that would result in Community Facilities and Educational Activities being non-complying activities, Ms Belgrave supports the relief sought in part. She considers that in some instances, some educational facilities may have an operational need to locate within the GIZ and be close to other industrial activities. However, she agrees with the BDC that community facilities are generally not anticipated in the GIZ, and she recommends that the catch-all rule under GIZ-R15 be used to manage this activity.

1089. In Ms Belgrave's addendum report, she acknowledges the evidence of Mr Tuck for Silver Fern Farms, who made a further submission to support the retention of the rule partially. The matter raised was with respect to educational activities, and Ms Belgrave agrees that the terminology should be amended to '*educational facilities'* to be in line with the National Planning Standards. Furthermore, the addition of '*tertiary*' to describe the type of educational facilities that might be appropriate in the GIZ responds to the concerns in Mr Tuck's evidence.

1090. The S42A report (including the addendum) recommends amending GIZ-R14 as follows:

> ***GIZ-R14 ~~Community Facilities~~ and Tertiary Education Facilities ~~Activities~~***
>
> *Activity Status Discretionary*
>
> *Activity status where compliance not achieved: N/A*

GIZ – R15 Any Activities not provided for by another Rule in the zone

1091. Ms Belgrave acknowledged the support from Te Mana Ora, who support the rule as notified. This is subject to the recommended amendments outlined below.

1092. In response to the four submission points[326] that sought to amend the non-complying activity status to discretionary, Ms Belgrave does not support the relief sought as she considers a non-complying activity status is more appropriate to manage activities that are not anticipated within the GIZ. This also addresses the consequential matter of the BDC submission, which sought to amend the non-complying rule to apply only to residential activities, community facilities, education facilities, and health facilities, while all other activities would remain discretionary. As set out in relation to GIZ-R14, Ms Belgrave agrees that some educational facilities are discretionary, but she considers all others are non-compliant with the GIZ.

1093. The S42A report recommends retaining GIZ-R15 as notified.

Hearing and Submitter Evidence

1094. Ms Richard Black's evidence for Westland Milk Products acknowledges that the S42A report accepts in part the change in activity status for any non-compliance with rules in GIZ-R1. He comments on the S42A recommendation for GIZ-R9. While he generally agrees with the recommendation, he reiterates the submission point that a restricted discretionary activity

[326] Chris & Jan Coll (S558.379), Chris J Coll Surveying Limited (S566.379), William McLaughlin (S567.435), and Laura Coll McLaughlin (S574.379)

status should also apply to any non-compliance with the height limit. He accepts the amended list of matters that discretion is restricted to, but seeks to add one additional matter being:

- *Effects on built form and character of the surrounding area.*

1095. Mr Richard Black's evidence for Westland Milk Products confirms that he generally supports the amendments to the stormwater standard as it provides for the appropriate management of contaminated stormwater runoff. However, he remains concerned that the rule may require treating stormwater where the risk of contaminants entering stormwater runoff is no greater than that for non-industrial uses. Therefore, he suggests the following wording for GIZ-R1(8):

> *Contaminated stormwater run-off associated with any industrial activity or building, **~~including stormwater runoff from any earthworks,~~** shall be collected and treated prior to discharge **~~to ensure there are no significant adverse effects on water quality.~~** **This requirement applies only in areas where an activity may result in the discharge of environmentally hazardous substances and excludes the following areas:***
>
> - ***all areas that discharge lawfully into an authorised trade waste system;***
> - ***areas not used for the industrial or trade process, including vehicle access and car parking areas; and***
> - ***building roof areas.***

1096. Mr Steve Tuck's evidence for Silver Fern Farms discusses the stormwater management controls of GIZ-R1(8)[327]. He reiterates that the management of stormwater discharges is regulated by the Regional Council and, as such, supports deleting GIZ-R1(8) in its entirety to avoid duplication of regulation.

1097. Mr Tuck's evidence discusses GIZ-R14 and whether educational activities/facilities should be a discretionary or non-complying activity in the GIZ. His position comes from managing reverse sensitivity effects. He acknowledges that in some instances it could be appropriate for educational facilities to be in the GIZ, but a non-complying activity status is an efficient way to manage these activities. Nevertheless, he does offer an alternative that would apply a discretionary activity status to specific educational facilities, such as trade training or laboratories.

1098. Mr Tuck's evidence also suggests using the term '*educational facilities'*, which is in line with the National Planning Standards.

1099. Mr Tuck's evidence for Silver Fern Farms accepts the S42A recommendation with respect to GIZ-R5, GIZ-R9, GIZ-R10 and GIZ-R15.

1100. The joint statement presented by Ms Frida Inta and Buller Conservation Group reiterates their previous comments regarding the confusion between the matters GIZ-R1 seeks to control. The statement notes that, despite the intention to separate spatial controls (activities) from performance standards (building controls), this has not been completely achieved.

1101. Ms Inta's statement also reiterates her submission that odour should be included in GIZ-R1(6). She considers that both dust and odour can result from activities taking place in the GIZ, and therefore it is appropriate for a district plan to include rules to manage these effects.

[327] Renumbered to GIZ-R1(7) in the S42A report

1102. Mr Tuck's evidence for Silver Fern Farms accepts the S42A report recommendation concerning GIZ-R2.

1103. Mr George van Pelt tabled a letter at the hearing on behalf of FENZ. While the letter acknowledges that they will not pursue the submission point relating to the provision of water supply, it does note that the Building Act 2004 alone does not adequately provide for the provision of water supply (including firefighting water supply) to new development.

Reporting Officer Reply Evidence

1104. Consequential to the separation of GIZ-R1 into two rules (one for building controls and one for activities) and in response to Ms Inta's statement that was presented at the hearing, Ms Belgrave supports several amendments to restructure and relocate standards between the relevant rules. This has resulted in amendments to all the Commercial and Industrial chapters. However, the wording and intent of the provisions have not changed through this process, and no new additions have been made to the requirements of the standards.

1105. For the amendments to GIZ-R1, as with the Commercial and Industrial chapters, Ms Belgrave has relied upon the Waka Kotahi submissions, which for this chapter is, S450.231, to bring about significant changes to GIZ-R1 and subsequent rules, particularly the reallocation of standards between the rules in this chapter. which sought,

However, the rule has been identified as the performance standards for subsequent rules, but R1 does not state that it is a performance standard and only relates to the activities listed in the heading. The subsequent rules don't always relate back to the activities in the headings, e.g., minor structures, fences, walls, or retaining walls. It is recommended that GIZ-R1 be amended to clarify the intent of the rule as to whether these are considered as performance standards, and if so, a new separate rule should be created for the activities listed in the heading.

1106. In response to the Panel's discussion and questions regarding whether odour can be an amenity issue and therefore a matter for consideration in the pTTPP, Ms Belgrave advises that she considers it to be relevant. Notwithstanding that, she does not think it appropriate to manage these effects in the GIZ (or the LIZ) as the purpose of these zones is to accommodate industrial activities that are recognised to generate adverse amenity effects, including odour. Therefore, Ms Belgrave continues to support the deletion of GIZ-R1(6) and rejecting the submission points made by Ms Frida Inta and Buller Conservation Group. She notes that the environmental effects of air discharges are appropriately managed under the West Coast Regional Air Quality Plan.

1107. During the hearing, the Panel queried the lawfulness of the stormwater rules as well as whether a definition of '*contaminated*' was needed. As set out in the right of reply, Ms Belgrave confirms that Wynn Williams has confirmed it is lawful for there to be an overlap in provisions between the pTTPP and the Regional Land and Water Plan. Specifically, as GIZ-R1(7) seeks to manage the effects of land use on water quality (rather than the actual discharge), the rule is lawful.

1108. Ms Belgrave's right of reply sets out that she considers rules related to stormwater in the GIZ are appropriate, particularly as impervious areas within the Industrial Zones have the most significant risk of pollutants entering the reticulated network through stormwater runoff flows when compared to other urban zones. She confirms that she considers that the rule will not create duplication with the Regional Plan. Further, she believes that the rule gives effect to

provisions related to water quality in the NPS-FW and the West Coast Regional Policy Statement.

1109. In response to the Panel's question as to the need for a definition of *'contaminated'*, Ms Belgrave advises that the reworded stormwater rule no longer includes the word, negating the need (or otherwise) for a definition. It is her view that the revised wording improves the clarity of the rule.

1110. In her right of reply, Ms Belgrave offered additional assessment and consideration of the term '*residential unit'* concerning GIZ-R5 (and LIZ-R3). She reiterates that, in her opinion, only one residential unit should be permitted in the GIZ.

1111. Ms Belgrave's right of reply reconsiders the activity status for '*community facilities'* and '*educational facilities'* in the GIZ (and the LIZ) and whether they are equal in terms of effects. Ms Belgrave has recommended that only tertiary educational facilities be provided for as a discretionary activity where there is an operational need to do so. It is Ms Belgrave's opinion that all other educational facilities and community facilities could have reverse sensitivity effects in the GIZ. As such she reiterates that a non-complying activity status is appropriate.

1112. Ms Belgrave's recommended wording for GIZ-R9 includes a correction consequential to Mr Black's evidence on behalf of Westland Milk Products to delete GIZ-R9(2) completely.

Hearing Panel's Evaluation

GRZ-R1

1113. In relation to GIZ-R1, Ms Belgrave recommends many amendments to that rule, as well as creating a new rule and recommending additional changes to other rules. We have carefully considered the scope available to support making those amendments. We consider the Waka Kotahi submission s450.231the Waka Kotahi submission, which addresses moving the standards for the zone into a separate table with all rules referring to those standards, provides significant flexibility in moving standards from the various rules. We agree with her that her reply recommendations do not alter the intent of the rules, nor does the shifting of multiple standards between the rules make complying with the rules more onerous.

1114. In reaching our recommendations, we have given more weight to the Waka Kotahi submission than to the evidence provided by Ms Inta at the hearing. We do accept, though, that the evidence did reference the Waka Kotahi submission, and it was critical that the Officer had not recommended sufficient changes to give effect to that submission. Additionally, Ms Initas' own submission, albeit a general one, sought to simplify Plan provisions, and to a limited extent, we rely on that submission to support our recommendations set out below.

1115. Taking into account the above and Ms Belgrave's reasons, particularly those in her reply, the Panel recommend that GIZ-R1 be amended, including its heading, as set out below, including the removal of standards to other rules and the addition of standards from different rules, as well as including new rules. We consider the approach of differentiating between Industrial and Commercial activities and building is appropriate in the context of the Industrial zones. We note that this generates a number of amendments to the rules.

1116. In relation to the setback rules the submission points made by Westland Milk Products and BDC, sought various amendments. Ms Belgrave supported the reduction in the setback from a road boundary from 5m to 2m, as sought by Westland Milk Products. Consequently, she does not support the increase in setback from roads from 5m to 10m, as sought by BDC. The

BDC submission also sought to increase the setback from 5m to 10m with respect to adjoining sensitive zones. Ms Belgrave does not support this relief either. The Panel agrees with her recommendations on setbacks for the reasons she provides.

1117. The Panel agrees with Ms Belgrave's recommendation to relocate both standards 4 and 5, as notified, to GIZ-R3A and GIZ-R4, respectively. She recommends relocation to address the submission point made by Waka Kotahi.

1118. In response to the three submission points[328] that sought to delete GIZ-R1(6), as notified, on the basis that air discharges are a regional council function, Ms Belgrave supports the relief sought. This recommendation will also address the submission points from BDC and Birchfield Mining Limited, which sought a correction to the LIZ reference. Consequent to the recommendation to delete GIZ-R1(6), Ms Belgrave does not support the relief sought in the submission points made by Buller Conservation Group and Frida Inta to make additions relating to odour or air pollution. The Panel agrees with this recommendation and the reasons Ms Belgrave provides to support it.

1119. The Panel agrees with Ms Belgrave's recommendation to support the relief sought by Westland Milk Products to amend GIZ-R1(7), as notified, to exclude access points from the landscaping requirements as a practical outcome.

1120. The Panel acknowledges Ms Belgrave's recommendation arising from her consideration of the evidence from Mr Richard Black regarding the management of stormwater. We also acknowledge the Wynn Williams legal opinion confirming that a district plan can regulate stormwater quality prior to discharge.

1121. However, when the Panel considers the proposed rules which deal with stormwater alongside the reality of how developments take place, we do not consider there is a need to regulate stormwater. When development such as a subdivision is consented conditions imposed by the Regional Council and District Council relating to stormwater and its quality before discharged will be considered and included. If the recommended rule remained in place that would result in further resource consents in some cases being required to discharge stormwater from building and hard stand development following subdivisions. This causes a doubling up leading to inefficiencies. In this context we agree with Buller District Council and recommend that the provisions and related advice notes associated with stormwater be deleted.

1122. In response to the submission point made by BDC, which sought amendments to GIZ-R1(9), as notified, to include a reference to written approvals as an advice note, Ms Belgrave agrees that this is more appropriately included as such, similar to her previous recommendations on the same matter. She does recommend that the word '*setbacks*' be replaced by '*rules*'. Ms Belgrave also recommends that, as a consequence of the submission made by BDC in relation to LIZ-R1(9), a reference to Appendix 2 instead of a 35-degree recession plane be included. The Panel agrees with these recommendations for amendment for the reasons Ms Belgrave provides

GIZ-R2

1123. In relation to GIZ-R2 in response to the five submission points[329] that sought GIZ-R2(1) be deleted, Ms Belgrave supports the relief sought. This is because the potential effects of

[328] Buller District Council (S538.443), Birchfield Ross Mining Limited (S604.073), and Whyte Gold Limited (S607.058)
[329] Buller District Council (S538.444), Chris & Jan Coll (S558.365), Chris J Coll Surveying Limited (S566.365), William McLaughlin (S567.422), and Laura Coll McLaughlin (S574.365)

structures can be appropriately managed through the other rules for maximum height and area, and compliance with the rules within GIZ-R1 is not necessary or applicable. Additionally, GIZ-R2.1 specifically excludes any setback requirement. The Panel agrees with these recommendations for the reasons Ms Belgrave provides.

GIZ-R3 and New Rule

1124. In relation to GIZ-R3, the Panel agrees with Ms Belgrave for the reasons she provides that this rule be retained as notified.

1125. In relation to proposed new rule GIZ-R3A (now GIZ-R4), the Panel agrees with Ms Belgrave's recommendation for the rule heading to be *'Industrial Activities'* this stems from the changes referred to in GIZ-R1. Additionally, the Panel agrees there is no need to include the requirement to meet the performance standards in GIZ-R1 and the inclusion of the relevant Standards from GIZ-R1 that apply to Industrial Activities all of which are consequent upon the relief Waka Kotahi sought in its submission S450.231.

1126. The Panel agrees with the amendment to Standard 1 sought by Buller District Council to include a solid fence as an option.

1127. The Panel recommends the above amendment be adopted.

GIZ-R4

1128. In relation to rule GIZ-R4 (now GIZ-R5), the Panel generally agrees with Ms Belgrave's recommendation to delete the notified Standard 1 with the relevant Standards that apply to commercial activities being included as new Standards. However, the Panel considers blasting is extremely unlikely to occur in conjunction with a Commercial Activity in the GIZ and therefore we do not recommend it is included in these provisions. Therefore, we consider Standard 1 (a) and (b), be included with Standard 3 (renumbered Standard 2) being retained. We consider this gives effect to the relief sought by Waka Kotahi.

GIZ-R5

1129. In relation to rule GIZ-R5 (now GIZ-R6), the Panel agrees to the deletion of the word '*single*' from Standard 2, as sought by BDC, for the reasons provided by Ms Belgrade, namely that the deletion simplifies the rule.

GIZ-R6

1130. In relation to rule GIZ-R6 (now GIZ-R7), the Panel agrees with Ms Belgrave's recommendation to retain the rule as notified for the reasons she provides.

GIZ-R7

1131. In relation to rule GIZ-R7 (now GIZ-R8), the Panel agrees with Ms Belgrave's recommendation to retain the rule as notified for the reasons she provides.

GIZ-R8

1132. In relation to rule GIZ-R8 (now GIZ-R9), the Panel agrees with Ms Belgrave's recommendation to retain the rule as notified for the reasons she provides.

GIZ-R9

1133. In relation to rule GIZ-R9 (now GIZ-R10), the Panel agrees with Ms Belgrave's recommendations to amend the rule. We note that she has given close consideration to the evidence presented by Mr Black on behalf of Westland Milk Products, particularly as it relates to changes in the matters of discretion. We agree with those changes for the reasons she provides, including the new suite of matters of discretion numbered (a) to (f), which result in the deletion of notified clauses (a) and (b). We consider these matters to be appropriate for assessment matters associated with building development. We agree with Ms Belgrave when she supports the submission of Siver Fern Farms to delete the notified clause (c), as hazardous substances do not have a clear relationship with the rules as notified in GIZ-R1. We therefore recommend that the revised rule be adopted.

1134. The Panel notes that new rule GIZ-R11 is a consequential amendment associated with the changes above which introduces a restricted discretionary status for Industrial and Commercial activities and we recommend it be adopted.

GIZ-R10

1135. The Panel notes in terms of GIZ-R10 (now GIZ-R12) that Ms Belgrave does not support deleting the rule as sought by Silver Fern Farms based on her recommendation to retain GIZ-R2. We note that Mr Tuck for Silver Fern Farms supports the recommendation.

1136. The Panel notes at this point that as part of a Plan wide amendment stemming from a submission by Manawa (S438.100) reference to '*landscape measures*' and '*landscape treatment*' have been removed from the matters of discretion and replaced with '*measures to mitigate landscape effects*' throughout the chapter.

GIZ-R11

1137. Other than the amendment to landscape treatment referred to above no amendments to GIZ-R11 (now GIZ-R13) are recommended.

GIZ-R12 and GIZ-R13

1138. Having reviewed these rules in an overall context, the Panel disagrees with Ms Belgrave that the rules should be deleted. This is because of the fundamental structure of the rules in the Plan, which requires a corresponding rule when an activity status is escalated. Therefore, in this case, we consider that a discretionary activity rule is necessary to address the activities where one or more of the performance standards in the corresponding permitted rule are not complied with. Therefore, we accept the submission points made regarding these rules which were all to retain them.

1139. The Panel notes the removal of Industrial Activities from rule GIZ-R12 (now GIZ-R14) as they are recommended to be covered in new rule GIZ-R11 and default is to restricted discretionary activities where compliance is not achieved.

GIZ-R14 (now GIZ-R16)

1140. The Panel accept Ms Belgrave's contention that some educational facilities may have an operational need to locate within the GIZ and be close to industrial activities particularly for training purposes. However, we agree with BDC that Community Facilities are not an anticipated activity within the GIZ and have the potential to create reverse sensitivity effects

on existing industrial activities. We also accept that the addition of the term 'tertiary' to describe the types of educational facilities, such as some trade training facilities or laboratories that might be appropriate in the GIZ responds to the concerns expressed by Mr Tuck's in evidence. We recommend Community Facilities be deleted from the rule and tertiary be added to Education Facilities.

GIZ-R15

1141. The Panel acknowledges that GIZ-R15 is a 'catch-all' rule intended to manage activities not specifically provided for in the other rules. The Panel has considered this matter plan-wide and we agree with the submitters that such rules are better placed as discretionary; otherwise, they are unnecessarily limiting in our view and could have unforeseen consequences. Therefore, it is our recommendation to relocate this rule to the discretionary section of this chapter (now GIZ-R17).

GIZ-R18 New Rule

1142. The Panel has recommended the inclusion of a new rule GIZ-R18 to provide for those non-complying activities (Residential and larger Retail) which are identified in the previous rules in line with our determination that such rules are required in terms of the Plan's structure. We also agree with Ms Belgrave that a non-complying status is appropriate for Community Facilities, Non-Tertiary Education Facilities which are not anticipated or appropriate within the General Industrial zone, particularly for reasons of reverse sensitivity. In that category we have also included Health Facilities as sought by BDC.

Hearing Panel's Recommendation

1143. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends that the relevant submission points identified in the footnotes below are accepted or accepted in part and recommends the following changes to the **General Industrial Zone Rules**:

General Industrial Zone Rules	
Note: There may be a number of Plan provisions that apply to an activity, building, structure and site. In some cases, consent may be required under rules in this Chapter as well as rules in other Chapters in the Plan. In those cases unless otherwise specifically stated in a rule, consent is required under each of those identified rules. Details of the steps Plan users should take to determine the status of an activity is provided in General Approach.	
Permitted Activities	
GIZ - R1	**New Buildings, External Additions and Alterations to Existing Buildings** ~~**Industrial Activities and Industrial Buildings**~~ [330]
Activity Status Permitted	
Where:	
1. The maximum building height above ground level is 20m;	

[330] Waka Kotahi (S450.231)

2. Maximum site coverage is 80%;

3. Buildings are setback a minimum:

    a. 10m from State Highways; ~~and~~

    b. **2m from road boundaries; and**[331]

    c. 5m from ~~road boundaries,~~[332] any RESZ - Residential Zone, OSRZ - Open Space and Recreation Zone or SETZ - Settlement Zone boundary and the Rail Corridor;

~~4. All external storage and car parking areas shall be screened by a fence or landscaping so that:~~

~~a. It is not visible from any adjacent RESZ - Residential Zone or SETZ - Settlement Zone boundary or adjacent public place; and~~

~~b. The fence or landscaping is set back from the road boundary so that it does not restrict visibility;~~

~~5. No blasting or vibration beyond the zone boundary shall occur outside the hours of 0800 to 1800 hours weekdays and 0900 to 1600 hours on weekends and public holidays;~~ [333]

~~6. There shall be no offensive or objectionable dust nuisance at or beyond the LIZ - Light Industrial Zone boundary as a result of the activity;~~[334]

4. The area adjoining the road frontage of all sites **(excluding access points)**,[335] and the side boundary of a site that adjoins a RESZ - Residential, SETZ - Settlement, OSZ - Open Space or MUZ - Mixed Use Zone shall contain landscaping with a minimum width of 2 metres, of a standard that does not restrict road visibility, or obstruct signage or accessways within the road corridor;

~~7. Contaminated stormwater run-off associated with any industrial activity or building, including stormwater runoff from any earthworks, shall be collected and treated prior to discharge to ensure there are no significant adverse effects on water quality;~~[336]

5. No building shall project beyond a building envelope ~~defined by a 35 degree recession plane~~ **in accordance with Appendix Two** to commence 2.5m above any RESZ - Residential, OSZ - Open Space, SARZ - Sport and Recreation Zone, MUZ - Mixed Use or SETZ - Settlement Zone boundary ~~except where the neighbouring property owner's written approval is provided to the Council at least 10 working days prior to the works commencing~~. This standard does not apply to:[337]

    a. Road boundaries;

    b. Buildings on adjoining sites that have a common wall along the boundary;

[331] Westland Milk Products (S63.013)
[332] Westland Milk Products (S63.013)
[333] Waka Kotahi (S450.231)
[334] Buller District Council (538.443), Birchfield Ross Mining Ltd (S604.073), Whyte Gold Ltd (S607.058)
[335] Westland Milk Products (S63.014)
[336] Buller District Council (538.443), Westland Milk Products (S63.011)
[337] Buller District Council (538.443)

c. Boundaries abutting an access lot or right of way in which case the furthest boundary of the access lot or right of way may be used for assessing compliance with this standard;

d. Antennas, aerials, satellite dishes (less than 1.2m in diameter), chimneys, flues and architectural features (e.g. finials, spires) provided these do not exceed the recession plane by more than 3m vertically; and

e. Solar panels and solar water heaters provided these do not exceed the height in relation to boundary plane by more than 0.25m vertically.

Advice Notes:

1. Any landscaping required by this rule may be located in common areas, where the development comprises land and/or buildings in separate unit titles.

~~2. Stormwater facilities that support multiple uses such water quality treatment, biodiversity enhancement and landscape amenity, should be incorporated into landscaped areas, where practicable, to achieve effective stormwater management in an integrated manner.~~

~~3. The Auckland Design Manual Guideline Document GD 2017/01 Stormwater Management Devices in the Auckland Region provides information on best practice stormwater design options for stormwater treatment.~~[338]

2. Where boundary rules are infringed, the Deemed Permitted Activity Boundaries process will apply where the neighbouring property owner's written approval is provided to Council.[339]

Activity status where compliance not achieved:

~~Discretionary where Standards 1-8 are not complied with.~~

Restricted Discretionary ~~where Standard 9 is not complied with.~~[340]

GIZ – R2 Minor Structures

Activity Status Permitted

Where:

~~1. All performance standards for Rule GIZ - R1 are complied with - except that compliance with standard 3 (setbacks) is not required.~~[341]

1. Masts, poles, aerials and pou whenua must not exceed 7m in height;

2. Any antenna dish must be less than 1.2m in diameter and not project more than 3.5m above the highest point of any building they are attached to;

3. Any ornamental or garden structure must not exceed 2.4 m in height; and

[338] Buller District Council (538.443), Westland Milk Products (S63.011)
[339] Buller District Council (538.443)
[340] Waka Kotahi (S450.231)
[341] Buller District (538.444) Chris & Jan Coll (S558.365), Chris J Coll Surveying Limited (S566.365), William McLaughlin (S567.422), and Laura Coll McLaughlin (S574.365)

4. Any other structure must not exceed 10m² and 2m in height.

Activity status where compliance not achieved: Restricted Discretionary

GIZ – R3 Fences, Walls and Retaining Walls

Activity Status Permitted

Where:

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

2. The fence, wall or retaining wall is not used for advertising or any other purpose other than a fence, retaining wall or wall**.**

Activity status where compliance not achieved: Restricted Discretionary

GIZ – R4 Industrial Activities

Activity Status Permitted

Where:

1. All external storage and car parking areas shall be screened by a minimum 1.8m high solid fence[342] **or landscaping so that:**

   a. It is not visible from any adjacent RESZ - Residential Zone or SETZ - Settlement Zone boundary or adjacent public place; and

   b. The fence or landscaping is set back from the road boundary so that it does not restrict visibility;

2. No blasting or vibration shall occur outside the hours of 0800 to 1800 hours weekdays and 0900 to 1600 hours on weekends and public holidays;

Activity status where compliance not achieved: Restricted Discretionary[343]

GIZ – R45 Commercial Activities

Activity Status Permitted

Where:

~~1. All performance standards for Rule GIZ - R1 are complied with; and~~

1. All external storage and car parking areas shall be screened by a 1.8m fence or landscaping so that:

   a. It is not visible from any adjacent RESZ - Residential Zone or SETZ - Settlement Zone boundary or adjacent public place; and

[342] Buller District Council (538.443)
[343] Consequential to Waka Kotahi (S440.231), Buller District Council (538.443)

b. <u>The fence or landscaping is set back from the road boundary so that it does not restrict visibility;</u>

2. Any retail activity shall occupy no more than 250m² or 25% of the Gross Floor Area of all buildings on the same site, whichever is the lesser.

Activity status where compliance not achieved:

<u>Restricted Discretionary where standard 1 is not complied with</u>

Non-complying **<u>where standard 2 is not complied with</u>**[344]

GIZ – R~~5~~<u>6</u> Ancillary Residential Activities

Activity Status Permitted

Where:

1. All performance standards for Rule GIZ - R1 are complied with;
2. One ~~single~~ residential unit per site is provided; and[345]
3. The residential activity is ancillary to the commercial or industrial activity on the site.

Advice Note:

1. The acoustic insulation requirements for noise sensitive activities as set out in Rule NOISE - R3 also apply.

Activity status where compliance not achieved: Non-complying

GIZ – R~~6~~<u>7</u> Emergency Service Facility, Carparking Lots and Buildings, Trade and Industry Training, Community Corrections Activity, Gymnasium and Public Transport Facility

Activity Status Permitted

Where:

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

Activity status where compliance not achieved: Discretionary

GIZ – R~~7~~<u>8</u> Agricultural, Pastoral and Horticultural Activities

Activity Status Permitted

Where:

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

[344] Consequential to Waka Kotahi (S440.231)
[345] Buller District Council (538.447)

Activity status where compliance not achieved: Discretionary

GIZ – R~~8~~9 Aquaculture Activities

Activity Status Permitted

Where:

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

Activity status where compliance not achieved: Discretionary

Restricted Discretionary Activities

GIZ – R~~9~~10 ~~Industrial Activities and~~ New Buildings and External Additions and Alterations to Existing Buildings not meeting Permitted Activity standards[346]

Activity Status Restricted Discretionary

Where:

~~1. The building projects into the recession plane; and~~

1. ~~All other performance standards for Rule GIZ - R1 are complied with~~.

Discretion is restricted to:

~~a. Design and location of buildings;~~

~~b. Design and location of parking and access;~~

~~c. Management of hazardous substances in accordance with the objectives and policies of the Hazardous Substances chapter; and~~

~~d. Landscape treatment.~~

a. Bulk, location, and design of buildings;

b. Effects on the safety, amenity and attractiveness of the street or public places;

c. Amenity, visual dominance, shading, and nuisance effects on neighbouring sites;

d. Design and location of parking and access;

e. Measures to mitigate landscape effects; and

f. Characteristics of the site and development that are relevant to the rule.

Activity status where compliance not achieved: ~~Discretionary~~ **N/A**[347]

[346] Waka Kotahi (450.231)
[347] Westland Milk Products (63.012)

GIZ – R11	**Industrial Activities and Commercial Activities not meeting Permitted Activity Standards**

Activity Status Restricted Discretionary

Discretion is restricted to:

a. Effects on the safety, amenity and attractiveness of the street or public places.

b. Amenity and nuisance effects on neighbouring sites.

c. Measures to mitigate landscape effects.

Activity status where compliance not achieved: N/A[348]

GIZ – R10~~2~~	**Minor Structures not meeting Permitted Activity standards**

Activity Status Restricted Discretionary

Discretion is restricted to:

a. Design and location of structures; and

b. ~~Landscape treatment~~ **Measures to mitigate landscape effects**.[349]

Activity status where compliance not achieved: N/A

GIZ – R11~~3~~	**Fences, Walls and Retaining Walls not meeting Permitted Activity standards**

Activity Status Restricted Discretionary

Discretion is restricted to:

a. Design and location of structures; and

b. ~~Landscape treatment~~ **Measures to mitigate landscape effects**.[350]

Activity status where compliance not achieved: N/A

Discretionary Activities

GIZ – R12~~4~~	**~~Industrial Activities and~~ New Buildings and External Additions and Alterations to Existing Buildings, Aquaculture Activities, Agricultural, Pastoral and Horticultural Activities not meeting Permitted or Restricted Discretionary Activity Standards**[351]

Activity Status Discretionary

[348] Waka Kotahi (450.231)
[349] Consequential Plan wide amendment to Manawa Energy Limited S438.100
[350] Consequential Plan wide amendment to Manawa Energy Limited S438.100
[351] Waka Kotahi (450.231)

Advice Note: When assessing applications for resource consent under this rule, where relevant, objectives and policies of the Hazardous Substances chapter should be considered.

Activity status where compliance not achieved: N/A

GIZ – R1~~3~~5	**Emergency Service Facility, Carparking Lots and Buildings, Trade and Industry Training, Community Corrections Activity, Gymnasium, Public Transport Facility and Bulk Fuel Supply Infrastructure not meeting Permitted Activity Standards**

Activity Status Discretionary

Advice Note: When assessing applications for resource consent under this rule, where relevant, objectives and policies of the Hazardous Substances chapter should be considered.

Activity status where compliance not achieved: N/A

GIZ – R14~~6~~	**~~Community Facilities and~~ Tertiary Educational Facilities ~~Activities~~**[352]

Activity Status Discretionary

Activity status where compliance not achieved: N/A

GIZ – 17	**Any Activity not provided for by another Rule in the zone**

Activity Status Discretionary

Activity status where compliance not achieved: N/A[353]

Non-complying Activities

GIZ – R1~~5~~8	**Residential Activities, Community Facilities, Non-Tertiary Education Facilities Retail Activities (greater than 250m^2 or 25% of the gross area of the building on the site whichever is the lesser) and Health Facilities**

Activity Status Non-complying

Activity status where compliance not achieved: N/A[354]

8.8. Light Industrial Zone Rules

Submissions and Further Submissions

1144. Six submission points relating generally to the **LIZ Rules** was summarised in a Table on pages 195-196 of the S42A Report. Four submission points sought amendments to the rules and two submission points supported the discretionary activities.

1145. Fourteen submission points and four further submission points relating to **LIZ – R1** were summarised in a Table on pages 197-200 of the s42A Report. Five submission points supported the retention of the rule as notified. Nine submission points sought amendments.

[352] Silver Fern Farms (FS101.035)
[353] William McLaughlin (S567.435), Chris & Jan Coll (S558.379), Chris J Coll Surveying Limited (S566.379) Laura Coll McLaughlin (574.379)
[354] Consequential Amendment resulting from Waka Kotahi (450.231), Buller District Council (538.457)

1146. Seven submission points relating to **LIZ – R2** were summarised in a Table on pages 202-203 of the s42A Report. Two submission points supported the retention of the rule as notified. Five submission points sought amendments.

1147. Eleven submission points relating to **LIZ – R3** were summarised in a Table on pages 204-205 of the s42A Report. Two submission points supported the retention of the rule as notified. Nine submission points sought amendments.

1148. Eight submission points relating to **LIZ – R4** were summarised in a Table on pages 206-207 of the s42A Report. Four submission points supported the retention of the rule as notified. Four submissions sought amendments.

1149. Six submission points relating to **LIZ – R5** were summarised in a Table on page 207 of the s42A Report. One submission point supported the retention of the rule as notified. Five submission points sought amendments.

1150. Six submission points relating to **LIZ – R6** were summarised in a Table on page 208 of the s42A Report. All submission points supported the retention of the rule as notified.

1151. Six submission points relating to **LIZ – R7** were summarised in a Table on page 209 of the s42A Report. Two submission points supported the retention of the rule as notified. Four submission points sought amendments.

1152. Six submission points relating to **LIZ – R8** were summarised in a Table on page 210 of the s42A Report. Two submission points supported the retention of the rule as notified. Four submission points sought amendments.

1153. Eight submission points and two further submission points relating to **LIZ – R9** were summarised in a Table on pages 211-212 of the s42A Report. Two submission points supported the retention of the rule as notified. Five submission points sought amendments. One submission point sought the rule be deleted.

1154. Seven submission points relating to **LIZ – R10** were summarised in a Table on page 213 of the s42A Report. Six submission points supported the retention of the rule as notified. One submission point sought amendments.

1155. Seven submission points relating to **LIZ – R11** were summarised in a Table on page 214 of the s42A Report. Six submission points supported the retention of the rule as notified. One submission point sought amendments.

1156. Two submission points relating to **LIZ – R12** were summarised in a Table on page 215 of the s42A Report. One submission point supported the retention of the rule as notified. One submission point sought amendments.

1157. Two submission points relating to **LIZ – R13** were summarised in a Table on page 216 of the s42A Report. One submission point supported the retention of the rule as notified. One submission point sought amendments.

1158. Three submission points relating to **LIZ – R14** were summarised in a Table on pages 216-217 of the s42A Report. One submission point supported the retention of the rule as notified. Two submission points sought amendments.

1159. Six submission points relating to **LIZ – R15** were summarised in a Table on page 218 of the s42A Report. One submission point supported the retention of the rule as notified. Five submission points sought amendments.

1160. The Panel adopts these summaries and has considered all the relevant submissions and further submissions.

Section 42A Report

LIZ - General

1161. Ms Belgrave acknowledged the support from William McLaughlin and Laura Coll McLaughlin who both support the discretionary activity rules in the GIZ as notified.

1162. In response to the submission point made by GDC that sought to delete the references to a Heavy Industrial Zone, Ms Belgrave supports the relief sought, as this zone does not exist in the pTTPP and is therefore an error.

1163. In response to the submission points made by Ngāi Tahu[355] that sought amendments to include 'effects on sites and areas of significance to Māori' as a matter of discretion for all restricted discretionary rules, Ms Belgrave does not support the relief sought. This is because she refers to SASM-R6 which requires all buildings and structures within sites and areas of significance to Māori to obtain written approval from the relevant Poutini Ngāi Tahu rūnanga. She considers that any relevant effects generated by activities in the LIZ can be managed under SASM-R6 where necessary.

1164. In response to the submission point made by the New Zealand Motor Caravan Association that sought to provide for campgrounds and camping as a restricted discretionary activity, Ms Belgrave does not support the relief sought. This is because she considers the activity may generate reverse sensitivity effects that have the potential to undermine the integrity of the INZ/LIZ.

1165. The S42A report states that it makes no amendments in response to these submissions. However, the tracked changes in the appendix delete the reference to HIZ in the Overview.

LIZ – R1 Industrial Activities and Industrial Buildings

1166. Ms Belgrave acknowledged the support from the five submission points[356] who support the rule as notified. This is subject to the recommended amendments outlined below.

1167. Ms Belgrave acknowledges the submission point from GDC that sought to ensure the standards do not create unrealistic or unsuitable requirements. She recommends various amendments to the rule based on other submissions and notes this submission.

1168. In response to the submission point made by Waka Kotahi that sought clarification as to whether the requirements of the rule are to be considered as performance standards, and if so, the activities part of the rule should be separate from the buildings, Ms Belgrave generally supports the relief sought. The submission is similar to others made by Waka Kotahi in other

[355] Ngāi Tahu (S620.232, S620.233)
[356] Te Mana Ora (Community and Public Health) of the NPHS/Te Whatu Ora (S190.816), Chris & Jan Coll (S558.380), Chris J Coll Surveying Limited (S566.380), William McLaughlin (S567.436), and Laura Coll Mclaughlin (S574.380)

zones, and Ms Belgrave's recommendation for a new rule that provides for the activities referred to in LIZ-R1 aligns with her previous recommendations.

1169. In response to the submission point made by Westland Milk Products that sought to make non-compliance with LIZ-R1(8) a restricted discretionary activity, Ms Belgrave supports the relief sought in part. The submission is also supported by a further submission from Isaac Construction. This submission point is like that made in relation to GIZ-R1(8) and Ms Belgrave makes the same recommendation. She considers that because the potential effects associated with non-compliance with LIZ-R1(2)-(8) can be readily identified, non-compliance with these rules should be restricted discretionary. She maintains that any no-compliance with the height rule (LIZ-R1(1)) should remain as a discretionary activity. As a consequence of this recommendation, Ms Belgrave has recommended additional matters of discretion be included at LIZ-R9.

1170. As a result of the evidence from Mr Richard Black, Ms Belgrave reconsidered the activity status that should apply to non-compliance with the height rule. She revised her position on the basis that there is a functional need for industrial activities to exceed the permitted height limit. Additionally, there are other rules that will manage the potential effects associated with building bulk and industrial sites generally tend to be larger in size so there are opportunities to internalise potential effects. Consequential amendments to LIZ-R9 are also proposed in the form of matters of discretion.

1171. In response to the submission points made by Westland Milk Products and BDC that sought amendments to the building setbacks, Ms Belgrave supports the reduction in the road boundary setback as sought by Westland Milk Products. This is because a 2m setback aligns with the landscaping requirements and enables the efficient use of LIZ land. However, she does not support increasing the building setback from a residential zone from 5m to 10m as sought by BDC.

1172. In response to the submission point from BDC that sought to make amendments to LIZ-R1(4) adding a minimum fence height and ensuring it be solid, Ms Belgrave does not support the relief sought.

1173. In response to the submission points from BDC and Birchfield Ross Mining Limited that sought to delete LIZ-R1(6) on the basis that air discharges are a regional council function Ms Belgrave supports the relief sought, and recommends the rule be deleted.

1174. Ms Belgrave supports the relief sought by Westland Milk Products to amend LIZ-R1(7) to exclude access points from the landscaping requirements.

1175. Ms Belgrave supports in part the submission point made by BDC that sought to delete LIZ-R1(7)(a) in relation to tree planting on the basis that the term 'encourages' does not provide sufficient certainty. Rather than deleting the rule, Ms Belgrave recommends replacing 'encourages' with 'required' which is consistent with the CMUZ provisions.

1176. In response to the submission point from Birchfield Coal Mines Limited that relate to LIZ-R1(8) Ms Belgrave agrees that the discharge of stormwater is a regional council function. However, (and as discussed with reference to the similar rule in the GIZ), the rule relates to the treatment of stormwater prior to discharge and is therefore relevant under the district plan. Nevertheless, she recommends amendments to the wording of the rule.

1177. As a result of the evidence from Mr Richard Black for Westland Milk Products regarding the management of stormwater in the GIZ, Ms Belgrave reconsidered her recommendation for the wording of LIZ-R1(8) as a consequential amendment in her addendum to the S42A report. She agrees that stormwater treatment can be requirement by other rules in the pTTPP and that LIZ-R1(8) should not create unnecessary duplication. On this basis she recommends amendments to confirm that treatment is required for car parking areas greater than 1,000m² and to exclude areas that discharge lawfully into a trade waste system. While Ms Belgrave does not support excluding the treatment of stormwater from roof areas she does recommend deleting the word 'contaminated' as it creates uncertainty for when treatment is necessary.

1178. In response to the submission point made by BDC that sought amendments to LIZ-R1(9) to include the reference to written approvals as an advice note, Ms Belgrave agrees that this is more appropriately included as such, similar to her previous recommendations on the same matter. She does recommend that the word 'setbacks' be replaced by 'rules'.

1179. In response to the submission point made by the BDC that sought to include a reference to Appendix 2 instead of a 35 degree recession plane, Ms Belgrave comments that LIZ-R1(9) already includes this reference and so no amendment is necessary.

1180. In response to the submission points made by Fire and Emergency NZ (FENZ) that sought the inclusion of two new rules relating to water supply servicing, Ms Belgrave does not support the relief sought. This is for the same reasons set out with respect to other zones in this decision that responds to similar submissions from FENZ.

1181. The S42A report (including the addendum) recommends amending LIZ-R1 as follows:

> ***LIZ-R1 New Buildings, External Additions and Alterations to Existing Buildings, Landscaping, External Storage, and Blasting and Vibration ~~Industrial Activities and Industrial Buildings~~***
>
> *Activity Status Permitted*
>
> *Activity status where compliance not achieved:*
>
> ***~~Discretionary where Standards 1-8 are is not complied with~~**.*
>
> *Restricted discretionary where **Rules 1-8 are ~~Standard 9 is~~** not complied with.*
>
> *Where:*
>
> *…*
>
> *3. Buildings are setback a minimum:*
>
> *i. 10m from state Highways; **~~and~~***
> ***i. 2m from road boundaries; and***
> *ii. 5m from **~~road boundaries~~**, any Residential Zone, Open Space Zone or Settlement Zone boundary and the Rail Corridor.*
>
> *…*
>
> ***~~6. There shall be no offensive or objectionable dust nuisance at or beyond the LIZ – Light Industrial Zone boundary as result of the activity.~~***
>
> *6. The area adjoining the road frontage of all sites **(excluding access points),** and the side boundary of a site that adjoins a RESZ - Residential, SETZ - Settlement, OSZ - Open Space, SARZ - Sport and Recreation Zone or MUZ - Mixed Use Zone shall contain landscaping as follows:*
>
> *…*

*c. The planting of 1 tree per 20 carparking spaces is **required** ~~**encouraged**~~ within any carparking area.*

*7. ~~**Contaminated**~~ stormwater run-off associated with any industrial activity ~~**or**~~ building **and associated impermeable parking areas greater than 1,000m²** , ~~**including stormwater runoff from earthworks**~~, shall be collected and treated prior to discharge. **This rule does not apply to areas that discharge lawfully into an authorised trade wate system.** ~~**to ensure there are no significant adverse effects on water quality**~~; and*

*8. No building shall project beyond a building envelope defined by a recession plane as defined in Appendix Two to commence 2.5m above any RESZ - Residential, OSZ - Open Space, SARZ - Sports and Active Recreation, MUZ - Mixed Use or SETZ - Settlement Zone boundary ~~**except where neighbouring property owner's written approval is provided to the Council at least 10 working days prior to the works commencing**~~. This standard does not apply to:*

…

Advice Notes:

…

4. Where boundary rules are infringed, the Deemed Permitted Activity Boundaries process will apply where the neighbouring property owner's written approval is provided to Council.

1182. The S42A report also recommends the addition of a new rule as follows:

LIZ-R2A Industrial Activities

Activity Status Permitted

Activity status where compliance not achieved: Restricted Discretionary

Where:

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

LIZ – R2 Commercial Activities

1183. Ms Belgrave acknowledged the support from Te Mana Ora and FENZ who support the rule as notified. This is subject to the recommended amendments that are set out below.

1184. In response to the submission made by BDC that sought to replace '*retail*' with '*commercial*' in LIZ-R2(2), on the basis that some of the activities in the list are specifically excluded from the definition of '*retail activity*'. Ms Belgrave supports the relief sought by deleting the word 'retail'. She does not support its replacement with '*commercial*'.

1185. Ms Belgrave does not support the four submission points[357] that sought to amend LIZ-R2(1) to also enable activities that do not increase the extent of existing non-compliance with the relevant performance standards. This is because she considers it more appropriate that any non-compliance be considered thoroughly either to determine existing use rights or as a resource consent. Her recommendation aligns with similar submissions in relation to COMZ-R6 and rules in the GIZ.

1186. Ms Belgrave recommends consequential amendments to the activity status for non-compliances with the rules as a result of the Westland Milk Products submission to LIZ-R1.

[357] Chris & Jan Coll (S558.381), Chris J Coll Surveying Limited (S566.381), William McLaughlin (S567.437), and Laura Coll McLaughlin (S574.381)

1187. The S42A report recommends amending LIZ-R2 as follows:

> ***LIZ-R2 Commercial Activities***
>
> *Activity Status Permitted*
>
> *Activity status where compliance not achieved:*
>
> ***Restricted discretionary where standard 1 is not complied with.***
>
> *Discretionary* ***where standard 2 is not complied with.***
>
> *Where:*
>
> *1. …*
>
> *2. Any* ~~***Retail A***~~ *activities are:*

LIZ – R3 Ancillary Residential Activities

1188. Ms Belgrave acknowledged the support from Te Mana Ora and Waka Kotahi who support the rule as notified. This is subject to the recommended amendments that are set out below.

1189. In response to the submission point made by BDC that sought to delete the word 'single' from LIZ-R3(2), Ms Belgrave supports the relief sought as it simplifies the rule.

1190. In response to the four submission points[358] that sought to amend LIZ-R3(1) to also enable activities that do not increase the extent of existing non-compliance with the relevant performance standards, Ms Belgrave does not support the relief sought for the same reasons already set out in relation to GIZ-R5 and LIZ-R2 (and other rules).

1191. In response to the four submission points[359] that sought to change the activity status for non-compliance from non-complying to discretionary, Ms Belgrave does not support the relief sought. This is because she considers a non-complying activity status is appropriate as large scale residential activities, or a proliferation of residential activities have the potential to undermine the purpose of the LIZ and are not anticipated within the LIZ.

1192. The S42A report recommends amending LIZ-R3 as follow:

> ***LIZ-R3 Ancillary Residential Activities***
>
> *Activity Status Permitted*
>
> *Activity Status where compliance not achieved: Non-Complying*
>
> *Where:*
>
> *1. All performance standards for Rule LIZ - R1 are complied with;*
>
> *2. One* ~~***single***~~ *residential unit per site is provided; and*
>
> *…*

LIZ – R4 Emergency Service Facility, Carparking Lots and Buildings, Trade and Industry Training, Community Corrections Activity, Gymnasium and Public Transport Facility

[358] Chris & Jan Coll (S558.382), Chris J Coll Surveying Limited (S566.382), William McLaughlin (S567.438), and Laura Coll McLaughlin (S574.382)

[359] Chris & Jan Coll (S558.383), Chris J Coll Surveying Limited (S566.383), William McLaughlin (S567.439), and Laura Coll McLaughlin (S574.383)

1193. Ms Belgrave acknowledged the support from the four submission points[360] that supported the rule as notified.

1194. In response to the four submission points[361] that sought to amend LIZ-R4(1) to also enable activities that do not increase the extent of existing non-compliance with the relevant performance standards, Ms Belgrave does not support the relief sought for the same reasons already set out in relation to previous rules.

1195. The S42A report recommends retaining LIZ-R4 as notified.

LIZ – R5 Minor Structures

1196. Ms Belgrave acknowledged the support from Te Mana Ora who support the rule as notified. This is subject to the recommended amendments that are set out below.

1197. In response to the five submission points[362] that sought LIZ-R5(1) be deleted, Ms Belgrave supports the relief sought. This is because the potential effects of structures can be appropriately managed through the other rules for maximum height and area, and that compliance with the rules within LIZ-R1 is not necessary or applicable. Additionally, LIZ-R5.1 specifically excludes any setback requirement.

1198. Ms Belgrave recommends a consequential amendment that responds to a FENZ submission point to include a maximum height for hose drying towers to achieve consistency with the recommended amendments in the CMUZ.

1199. The S42A report recommends amending LIZ-R5 as follows:

> ***LIZ-R5 Minor Structures***
>
> *Activity Status Permitted*
>
> *Activity status where compliance not achieved: Restricted Discretionary*
>
> *Where:*
>
> 1. ~~***All performance standards for Rule LIZ - R1 are complied with - except that compliance with standard 3 (setbacks) is not required***~~.
>
> *…*
>
> ***5. Hose drying towers do not exceed 15m in height; and***
>
> *…*

LIZ – R6 Fences, Walls and Retaining Walls

1200. Ms Belgrave acknowledged the support from the six submission points[363] who support the rule as notified.

1201. The S42A report recommends retaining LIZ-R4 as notified.

[360] Te Mana Ora (Community and Public Health) of the NPHS/Te Whatu Ora (S190.819), Buller District Council (S538.461), Fire and Emergency New Zealand (S573.112), and Department of Corrections (S349.010)
[361] Chris & Jan Coll (S558.385), Chris J Coll Surveying Limited (S566.385), William McLaughlin (S567.440), and Laura Coll McLaughlin (S574.385)
[362] Buller District Council (S538.462), Chris & Jan Coll (S558.386), Chris J Coll Surveying Limited (S566.386), William McLaughlin (S567.441), and Laura Coll McLaughlin (S574.386)
[363] Buller District Council (S538.463), Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora (S190.821), Chris & Jan Coll (S558.387), Chris J Coll Surveying Limited (S566.387), William McLaughlin (S567.442) and Laura Coll McLaughlin (S574.387)

LIZ – R7 Agricultural, Pastoral and Horticultural Activities

1202. Ms Belgrave acknowledged the support from BDC and Te Mana Ora who support the rule as notified.

1203. In response to the four submission points[364] that sought to amend LIZ-R7(1) to also enable activities that do not increase the extent of existing non-compliance with the relevant performance standards, Ms Belgrave does not support the relief sought for the same reasons already set out in relation to previous rules.

1204. The S42A report recommends retaining LIZ-R7 as notified.

LIZ – R8 Aquaculture Activities

1205. Ms Belgrave acknowledged the support from BDC and Te Mana Ora who support the rule as notified.

1206. In response to the four submission points[365] that sought to amend LIZ-R8(1) to also enable activities that do not increase the extent of existing non-compliance with the relevant performance standards, Ms Belgrave does not support the relief sought for the same reasons already set out in relation to previous rules.

1207. The S42A report recommends retaining LIZ-R8 as notified.

LIZ – R9 Industrial Activities and Buildings not meeting Rule LIZ-R1

1208. Ms Belgrave acknowledged the support from Te Mana Ora and Waka Kotahi who support the rule as notified.

1209. In response to the submission points[366] that sought to change details relating to the activity status for non-compliance with this rule, Ms Belgrave considers that a restricted discretionary activity status is appropriate, with the exception of building height. As such, Ms Belgrave does not support BDC's submission to have all non-compliances assessed as a discretionary activity. Furthermore, she does partially support Westland Milk Product's submission to have the restricted discretionary activity status apply to most non-compliances with LIZ-R1 (the only exception being height). However, she does not support the addition of the matters of discretion sought by Westland Milk Products, and instead recommends the following matters:

    - *Bulk, location, and design of buildings.*
    - *Effects on the safety, amenity and attractiveness of the street or public places.*
    - *Visual dominance, shading, and nuisance effects on neighbouring sites.*
    - *Design and location of parking and access.*
    - *Landscape treatment.*

1210. As a result of the evidence from Mr Richard Black for Westland Milk Products, (and as set out in relation to LIZ-R1), Ms Belgrave reconsidered the activity status that should apply to non-compliance with the height rule, and ultimately has recommended that as there is a functional need for industrial activities to exceed the permitted height limit it is appropriate in this zone

[364] Chris & Jan Coll (S558.388), Chris J Coll Surveying Limited (S566.388), William McLaughlin (S567.443), and Laura Coll McLaughlin (S574.388)
[365] Chris & Jan Coll (S558.389), Chris J Coll Surveying Limited (S566.389), William McLaughlin (S567.444), and Laura Coll McLaughlin (S574.389)
[366] Westland Milk Products (S63.016) and Buller District Council (S538.466)

to include all non-compliances with LIZ-R1 as a restricted discretionary activity. Consequential amendments to LIZ-R9 are also proposed in the form of matters of discretion as follows:

- *Bulk, location, and design of buildings.*
- *Effects on the safety, amenity and attractiveness of the street or public places.*
- ***Amenity**, visual dominance, shading, and nuisance effects on neighbouring sites.*
- *Design and location of parking and access.*
- *Landscape treatment.*
- ***Characteristics of the site and development that are relevant to the rule.***

1211. In response to the four submission points[367] that sought amend LIZ-R9(1) to also enable activities that do not increase the extent of existing non-compliance with the relevant performance standards, Ms Belgrave does not support the relief sought for the same reasons already set out in relation to previous rules.

1212. The S42A report (including the addendum) recommends amending LIZ-R9 as follows:

> ***LIZ-R9 ~~Industrial Activities and~~ New Buildings and External Additions and Alterations to Existing Buildings not meeting Rule LIZ - R1***
>
> *Activity Status Restricted Discretionary*
>
> *Activity status where compliance not achieved: Discretionary*
>
> *Where:*
>
> ***~~1. The building projects into the recession plane; and~~***
>
> *2. ~~**All other performance standards for**~~ Rule LIZ-R1**.1** ~~**are**~~ **is** complied with.*
>
> *Discretion is restricted to:*
>
> ***~~a. Design and location of buildings;~~***
>
> ***~~b. Design and location of parking and access; and~~***
>
> ***~~c. Landscape treatment.~~***
>
> ***a. Bulk, location, and design of buildings.***
>
> ***b. Effects on the safety, amenity and attractiveness of the street or public places.***
>
> ***c. Amenity, visual dominance, shading, and nuisance effects on neighbouring sites.***
>
> ***d. Design and location of parking access.***
>
> ***e. Landscape treatment.***
>
> ***f. Characteristics of the site and development that are relevant to the rule***

LIZ – R10 Minor Structures not meeting Rule LIZ-R5

1213. Ms Belgrave acknowledged the support from six submitters[368] who support the rule as notified.

1214. Ms Belgrave does not support the minor amendment to the matter of discretion relating to landscaping as sought by BDC. She considers the matter of discretion is sufficiently clear and the amendment is unnecessary.

[367] Chris & Jan Coll (S558.390), Chris J Coll Surveying Limited (S566.390), William McLaughlin (S567.445), and Laura Coll McLaughlin (S574.390)
[368] Te Mana Ora (Community and Public Health) of the NPHS/Te Whatu Ora (S190.825), Waka Kotahi (S450.237), Chris & Jan Coll (S558.391), Chris J Coll Surveying Limited (S566.391), William McLaughlin (S567.446) and Laura Coll McLaughlin (S574.391)

1215. The S42A report recommends retaining LIZ-R10 as notified.

LIZ – R11 Fences, Walls and Retaining Walls not meeting Rule LIZ-R6

1216. Ms Belgrave acknowledged the support from six submitters[369] who support the rule as notified.

1217. Ms Belgrave does not support the minor amendment to the matter of discretion relating to landscaping as sought by BDC. She considers the matter of discretion is sufficiently clear and the amendment is unnecessary.

1218. The S42A report recommends retaining LIZ-R11 as notified.

LIZ – R12 Industrial Activities and Buildings, Commercial, Aquaculture and Agricultural, Pastoral and Horticultural Activities not meeting Permitted or Restricted Discretionary Activity Standards

1219. Ms Belgrave acknowledged the support from Te Mana Ora who support the rule as notified. This is subject to the recommended amendments that are set out below.

1220. In response to the submission point made by BDC that sought to delete LRZ-R12, Ms Belgrave supports the relief sought given the recommendations to amend LIZ-R1 and LRZ-R9. Additionally, a discretionary activity status, is already provided for under LIZ-R2, LIZ-R7 and LIZ-R8 for those particular activities.

1221. The S42A report recommends deleting LIZ-R12.

LIZ – R13 Emergency Service Activities, Carparking Lots and Buildings, Trade and Industry Training, Community Corrections Activity, Gymnasium, Public Transport Facility not meeting Permitted Activity Standards

1222. Ms Belgrave acknowledged the support from Te Mana Ora who support the rule as notified. This is subject to the recommended amendments that are set out below.

1223. In response to the submission point made by BDC that sought to delete LRZ-R13, Ms Belgrave supports the relief sought as a discretionary activity status is already provided for under LIZ-R4 for these activities.

1224. The S42A report recommends deleting LIZ-R13.

LIZ – R14 Community Facilities and Educational Facilities

1225. Ms Belgrave acknowledged the support from Te Mana Ora who support the rule as notified. This is subject to the recommended amendments that are set out below.

1226. In response to the submission point from BDC that sought to delete LRZ-R14 and replace it with an alternative rule that would result in Community Facilities and Educational Activities being non-complying activities, Ms Belgrave supports the relief sought in part. She considers that in some instances some educational facilities may have an operational need to locate within the LIZ and be close to other industrial activities. However, she agrees with the BDC

[369] Te Mana Ora (Community and Public Health) of the NPHS/Te Whatu Ora (S190.826), Waka Kotahi (S450.238), Chris & Jan Coll (S558.392), Chris J Coll Surveying Limited (S566.392), William McLaughlin (S567.447) and Laura Coll McLaughlin (S574.392)

that community facilities are generally not anticipated in the LIZ, and she recommends that this activity be managed by the catch-all rule under LIZ-R15.

1227. In response to the submission point made by the MOE that sought a restricted discretionary activity status for community facilities and educational facilities, Ms Belgrave does not support the relief sought. As above, she recommends a non-complying activity status for community facilities but acknowledges that some forms of educational facilities may be appropriate in the LIZ. However, not as a restricted discretionary activity.

1228. In Ms Belgrave's addendum report she acknowledges the evidence of Mr Tuck for Silver Fern Farms who made a further submission in relation to this matter in the GIZ to partially support the retention of the rule. The matter raised was with respect to educational activities and Ms Belgrave considers that the addition of 'tertiary' to describe the type of educational facilities that might be appropriate in the GIZ responds to the concerns in Mr Tuck's evidence. Ms Belgrave considers that these amendments should also apply in the LIZ as a consequential amendment.

1229. The S42A report (including the addendum) recommends amending LIZ-R14 as follows:

> ***LIZ-R14 ~~Community Facilities~~ and Tertiary Education Facilities***
>
> *Activity Status Discretionary*
>
> *Activity status where compliance not achieved: N/A*

LIZ – R15 Any Activities not provided for by another Rule in the zone

1230. Ms Belgrave acknowledged the support from Te Mana Ora who support the rule as notified.

1231. In response to the four submission points[370] that sought to amend the non-complying activity status to discretionary, Ms Belgrave does not support the relief sought as she considers a non-complying activity status is more appropriate to manage activities that are not anticipated within the LIZ. This also addresses the consequential matter of the BDC submission that sought the amendment to the non-complying rule so that it only apply to residential activities, community facilities, education facilities, and health facilities, while all other activities be discretionary. As set out in relation of LIZ-R14, Ms Belgrave agrees that some educational facilities be discretionary, but she considers all others be non-complying in the LIZ.

1232. The S42A report recommends retaining LIZ-R15 as notified.

Hearing and Submitter Evidence

1233. Ms Richard Black's evidence for Westland Milk Products acknowledges that the S42A report accepts in part the change in activity status for any non-compliance with rules in LIZ-R1. He comments on the S42A recommendation for LIZ-R9, and while he generally agrees with the recommendation, he reiterates the submission point that a restricted discretionary activity status should also apply to any non-compliance with the height limit. He accepts the amended list of matters that discretion is restricted to, but seeks to add one additional matter being:

- *Effects on built form and character of the surrounding area.*

[370] Chris & Jan Coll (S558.394), Chris J Coll Surveying Limited (S566.394), William McLaughlin (S567.449), and Laura Coll McLaughlin (S574.394)

1234. Mr Richard Black's evidence for Westland Milk Products confirms that he generally supports the amendments to the stormwater standard as it provides for the appropriate management of contaminated stormwater runoff. However, he remains concerned that the rule may capture a requirement to treat stormwater where the risk of contaminants entering stormwater runoff is no greater than non-industrial uses. Therefore, he suggests the following wording for LIZ-R1(8):

> *Contaminated stormwater run-off associated with any industrial activity or building, **~~including stormwater runoff from any earthworks,~~** shall be collected and treated prior to discharge **~~to ensure there are no significant adverse effects on water quality.~~** **This requirement applies only in areas where an activity may result in the discharge of environmentally hazardous substances and excludes the following areas:***
>
> - ***all areas that discharge lawfully into an authorised trade waste system;***
> - ***areas not used for the industrial or trade process, including vehicle access and car parking areas; and***
> - ***building roof areas.***

1235. The joint statement presented by Ms Frida Inta and Buller Conservation Group reiterates their previous comments regarding the confusion between the matters GIZ-R1 seeks to control. The statement notes that despite the intention to separate spatial controls (activities) from performance standards (building controls), that has not completely happened. The statement indicates that the concerns also relate to the LIZ.

1236. Mr George van Pelt tabled a letter at the hearing on behalf of FENZ. While the letter acknowledges that they will not pursue the submission point relating to the provision of water supply, it does note that the Building Act 2004 alone does not adequately provide for the provision to water supply (including firefighting water supply) to new development.

Reporting Officer Reply Evidence

1237. Consequential to the separation of LIZ-R1 into two rules (one for building controls and one for activities) and in response to Ms Inta's statement that was presented at the hearing, Ms Belgrave supports a number of amendments to restructure and relocate standards between the relevant rules. This has resulted in amendments to all the Commercial and Industrial chapters. However, the wording and intent of the provisions have not changed through this process, and no new additions have been made to the requirements of the standards.

1238. The comments with respect to the lawfulness of the stormwater rules as set out in response to the GIZ also apply with regard to the LIZ.

1239. The discussion in the right of reply, regarding the term 'residential unit' with regard to GIZ-R5 also apply with respect to LIZ-R3. As above, Ms Belgrave reiterates that only one residential unit should be permitted in the LIZ.

1240. The comments set out in the GIZ right of reply summary regarding 'educational facilities' and community facilities' is also relevant with respect to the LIZ.

1241. Ms Belgrave's recommended wording for LIZ-R9 includes a correction consequential to Mr Black's evidence on behalf of Westland Milk Products to completely delete LIZ-R9(2).

Hearing Panel's Evaluation

1242. Recognising the strong similarity between the GIZ and LIZ plan provisions and commonality of submissions in the two zones and to avoid repetition, the Panel has decided to restrict its evaluation of the LIZ plan provisions to only those situations where those provisions differ and to where different outcomes have been sought via submission. In all other instances both the evaluation and the outcome detailed in the GIZ section applies to LIZ section. We note that submission points on GIZ and LIZ differ, but we have provided for that by utilising footnotes to reference the relevant submission point for the plan provision within the recommendation box below.

LIZ-R2 (now LIZ-R3) – Commercial Activities

1243. The Panel has looked closely at the screening provision and on balance we consider that for Commercial Activities car parking area do not need to be screened. The effects of having car parks visible is we consider appropriate for commercial activities within the LIZ. We consider the visibility of car parking activity associated with a commercial activity building is an expected outcome because the car parks support and signals the presence of a commercial activity.

1244. The Panel has reviewed the BDC submission on deleting Retail from notified standard 3. (2 as renumbered) and replacing it with Commercial. We consider this will have unintended consequences because it would limit Commercial Activities to only those listed in subparagraphs i-iv., which could not have been the intent of the submitter.

1245. The Panel understands the submitter intent was to limit retail activities to those listed in subparagraphs i.-iv. However, the definition of Retail Activities specifically excludes those activities listed in the subparagraph. These activities are defined as Commercial Activities under the Plan. We consider retaining the word Retail, deleting subparagraphs i.-iv. and retaining subparagraph v. supports the submitters intent. This amendment results in any Retail Activity that in not a convenience store, restaurant, cafe and takeaway food outlet with a maximum gross floor area of 250m^2 is not a permitted activity, and would require a discretionary resource consent.

LIZ-R5 (renumbered LIZ-R6) – Minor Structures

1246. The Panel acknowledges Ms Belgrave's recommended amendment to include a maximum height for hose drying towers, so as to achieve consistency with amendments proposed in the CMUZ. The Panel supports that recommendation.

LIZ-R9 (renumbered LIZ-R10) - New Buildings and External Additions and Alterations Existing Buildings not meeting Rule LIZ - R1

1247. The Panel notes at this point that as part of a Plan wide amendment stemming from a submission by Manawa (S438.100) reference to 'landscape measures' and 'landscape treatment' have been removed from the matters of discretion and replaced with 'measures to mitigate landscape effects' throughout the chapter.

LIZ-R13 (renumbered LIZ-15) - Emergency Service Activities, Carparking Lots and Buildings, Trade and Industry Training, Community Corrections Activity, Gymnasium, Public Transport Facility Retail Activities not meeting Permitted Activity Standards

1248. The Panel has noted that there is no default status reference to Retail Activities stemming from LIZ-R2 (renumbered LIZ-R3). Rule LIZ-R2 indicates that the default status for Retail Activities is discretionary however there is no rule associated with this. We consider this is an

error and we have utilised clause 16(2) of the RMA to rectify this by including Retail Activities in LIZ-R13 (renumbered LIZ-15).

LIZ-R15 (renumbered LIZ-R17) - Any Activity not provided for by another Rule in the zone

1249. The Panel acknowledges that LIZ-R15 is a 'catch-all' rule intended to manage activities not specifically provided for in the other rules. The Panel has considered this matter plan-wide and we agree with the submitters that such rules are better placed as discretionary; otherwise, they are unnecessarily limiting in our view and could have unforeseen consequences. Therefore, it is our recommendation to relocate this rule to the discretionary section of this chapter (now LIZ-R17).

LIZ-R18 - Residential Activities, Community Facilities, Non Tertiary Educational Facilities and Health Facilities

1250. The Panel has recommended the inclusion of a new rule LIZ-R18 to provide for those non-complying activities (Residential) which is identified in the previous rules in line with our determination that such rules are required in terms of the Plan's structure. We also agree with Ms Belgrave that a non-complying status is appropriate for Community Facilities, Non-Tertiary Education Facilities which are not anticipated or appropriate within the General Industrial zone, particularly for reasons of reverse sensitivity. In that category we have also included Health Facilities as sought by BDC.

Hearing Panel's Recommendation

1251. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends that the relevant submission points identified in the footnotes below are accepted or accepted in part and recommends the following changes to the **Light Industrial Zone Rules**:

Overview

The LIZ - Light Industrial Zone complements the ~~HIZ - Heavy and~~[371] GIZ - General Industrial Zones by specifically providing for industrial activities that are unlikely to produce objectionable environmental effects but there may still be some adverse effects including those associated with odour, dust or noise.

Activities within this zone may include light manufacturing, contractors' depots and automotive repair and service industries and some compatible commercial activities. Aquaculture activities such as fish or seaweed farming and processing are also appropriate in this zone.

It may also provide a buffer between other INZ - Industrial Zones and RESZ - Residential or MUZ - Mixed Use Zones.

The National Policy Statement on Urban Development (NPSUD) imposes a responsibility to ensure that there is sufficient business land to meet the future demands of the district and that this development is in the right location and appropriately serviced.

The INZ - Industrial Objectives and Policies and the LIZ - Light Industrial Zone Rules provide the framework for managing the effects of development and ensuring that a reasonable standard of

[371] Grey District Council (S608.102)

amenity and environmental quality is retained within the zone, and that there are not significant adverse effects on the amenity and quality of the environment in surrounding areas.

Other relevant Te Tai o Poutini Plan provisions

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

- **Transport** - the Transport Chapter contains provisions in relation to transport matters, including traffic generation TRN - R12.
- **Sites and Areas of Significance to Māori, Historic Heritage and Notable Tree Chapters** - there may be sites and areas of significance to Māori, historic heritage or notable trees identified on individual sites within the Light Industrial Zone. Specific information on the provisions that apply to these can be found in the Sites and Areas of Significance to Māori, Historic Heritage, and Notable Trees Chapters.
- **Natural Hazards** - natural hazards are widespread on the coast and in some locations natural hazard overlays may affect areas in the Light Industrial Zone. Information on natural hazard overlays and provisions can be found in the Natural Hazards Chapter.
- **Natural Character and Margins of Waterbodies** -in some locations areas of Light Industrial Zone may extend into the riparian margins of waterbodies. The Natural Character and Margins of Waterbodies Chapter contains provisions on how these areas must be managed.
- **Subdivision** - The Subdivision Chapter sets out the requirements for the development of new infrastructure and connections as part of subdivision activities.
- **Financial Contributions** - The Financial Contributions Chapter sets out the requirements for contributions of costs for activities which impact on infrastructure.
- **General District Wide Matters** - provisions in relation to Noise, Light, Signs, Temporary Activities and Earthworks in particular may be relevant to activities in the Light Industrial Zone.

Light Industrial Zone Rules

Note: There may be a number of Plan provisions that apply to an activity, building, structure and site. In some cases, consent may be required under rules in this Chapter as well as rules in other Chapters in the Plan. In those cases unless otherwise specifically stated in a rule, consent is required under each of those identified rules. Details of the steps Plan users should take to determine the status of an activity is provided in General Approach.

Permitted Activities

LIZ - R1	**<u>New Buildings, External Additions and Alterations to Existing Buildings</u>** **~~Industrial Activities and Industrial Buildings~~**[372]

Activity Status Permitted

Where:

[372] Waka Kotahi (S450.234)

1. The maximum building height above ground level is 12m;

2. Maximum site coverage is 65%;

3. Buildings are setback a minimum:

    i. 10m from State Highways; and

    ii. **2m from road boundaries; and**

    iii. 5m from ~~road boundaries~~,[373] any Residential Zone, Open Space Zone or Settlement Zone boundary and the Rail Corridor;

~~4. All external storage and car parking areas shall be screened by a 1.8m fence or landscaping so that:~~

    ~~i. It is not visible from any adjacent RESZ - Residential Zone or SETZ - Settlement Zone boundary or adjacent public place; and~~

    ~~ii. The fence or landscaping is set back from the road boundary so that it does not restrict visibility;~~

~~5. No blasting or vibration shall occur outside the hours of 0800 to 1800 hours weekdays and 0900 to 1600 hours on Saturdays with no blasting or vibration to be undertaken on Sundays or public holidays;~~[374]

~~6. There shall be no offensive or objectionable dust nuisance at or beyond the LIZ - Light Industrial Zone boundary as a result of the activity;~~[375]

7. The area adjoining the road frontage of all sites **(excluding access points)**,[376] and the side boundary of a site that adjoins a RESZ - Residential, SETZ - Settlement, OSZ - Open Space, SARZ - Sport and Recreation Zone or MUZ - Mixed Use Zone shall contain landscaping as follows:

    a. A minimum width of 2 metres that will, within two years of being planted, reach a minimum height of 1m, provided that lower heights are acceptable where this will otherwise restrict visibility within the State Highway corridor; and

    b. On sites adjoining a RESZ - Residential Zone shall be planted with species, which at maturity, will provide screening from the adjoining sites; and

    c. The planting of 1 tree per 20 carparking spaces is encouraged within any carparking area.

~~8. Contaminated stormwater run-off associated with any industrial activity or building, including stormwater runoff from any earthworks, shall be collected and treated prior to discharge to ensure there are no significant adverse effects on water quality;~~[377]

9. No building shall project beyond a building envelope ~~defined by a recession plane as~~ [378]defined in Appendix Two to commence 2.5m above any RESZ - Residential, OSZ - Open Space, SARZ -

[373] Consequential amendment from Westland Milk Products (S63.013) Buller District Council (S538.458)
[374] Waka Kotahi (S450.234)
[375] Buller District Council (S538.458), Birchfield Ross Mining Ltd (S604.083)
[376] Westland Milk Products (S63.018
[377] Buller District Council (S538.458)
[378] Buller District Council (S538.447)

Sports and Active Recreation, MUZ - Mixed Use or SETZ - Settlement Zone boundary ~~except where neighbouring property owner's written approval is provided to the Council at least 10 working days prior to the works commencing~~. This standard does not apply to:[379]

i. Road boundaries;

ii. Buildings on adjoining sites that have a common wall along the boundary;

iii. Boundaries abutting an access lot or right of way in which case the furthest boundary of the access lot or right of way may be used for assessing compliance with this standard;

iv. Antennas, aerials, satellite dishes (less than 1.2m in diameter), chimneys, flues and architectural features (e.g. finials, spires) provided these do not exceed the recession plane by more than 3m vertically; and

v. Solar panels and solar water heaters, provided these do not exceed the height in relation to boundary plane by more than 0.25m vertically.

Advice Notes:

1. Any landscaping required by this rule may be located in common areas, where the development comprises land and/or buildings in separate unit titles.

~~2. Stormwater facilities that support multiple uses such water quality treatment, biodiversity enhancement and landscape amenity, should be incorporated into landscaped areas, where practicable, to achieve effective stormwater management in an integrated manner.~~

~~3. The Auckland Design Manual Guideline Document GD 2017/01 Stormwater Management Devices in the Auckland Region provides information on best practice stormwater design options for stormwater treatment.~~[380]

2. Where boundary rules are infringed, the Deemed Permitted Activity Boundaries process will apply where the neighbouring property owner's written approval is provided to Council.[381]

Activity status where compliance not achieved:

~~Discretionary where Standards 1-8 are not complied with.~~

Restricted Discretionary ~~where Standard 9 is not complied with~~[382]

LIZ – R2 Industrial Activities

Activity Status Permitted

Where:

1. All external storage and car parking areas shall be screened by a minimum 1.8m high solid[383] **fence or landscaping so that:**

[379] Buller District Council (S538.458)
[380] Buller District Council (S538.458)
[381] Buller District Council (S538.458)
[382] Waka Kotahi (S450.234)
[383] Buller District Council (S538.458)

a. It is not visible from any adjacent RESZ - Residential Zone or SETZ - Settlement Zone boundary or adjacent public place; and

b. The fence or landscaping is set back from the road boundary so that it does not restrict visibility;

2. No blasting or vibration shall occur outside the hours of 0800 to 1800 hours weekdays and 0900 to 1600 hours on Saturdays with no blasting or vibration to be undertaken on Sundays or public holidays;

Activity status where compliance not achieved: Restricted Discretionary[384]

LIZ – R~~2~~3 Commercial Activities

Activity Status Permitted

Where:

~~**1.** All performance standards for Rule GIZ - R1 are complied with; and~~

1. All external storage shall be screened by a 1.8m fence[385] **or landscaping so that:**

a. It is not visible from any adjacent RESZ - Residential Zone or SETZ - Settlement Zone boundary or adjacent public place; and

b. The fence or landscaping is set back from the road boundary so that it does not restrict visibility;[386]

2. Any Retail Activities are:

i. ~~Motor vehicle sales yards~~ Convenience stores;

ii. ~~Service stations~~ Restaurants;

iii. ~~Trade retail and trade suppliers~~ Cafes;

iv. ~~Drive through restaurants~~ Takeaway food outlets; ~~or~~

with a maximum gross floor area of 250m².[387]

Activity status where compliance not achieved:

Restricted Discretionary where standard 1 is not complied with

Discretionary **where standard 2 is not complied with**[388]

LIZ – R~~3~~4 Ancillary Residential Activities

[384] Waka Kotahi (S450.234)
[385] Buller District Council (S538.458)
[386] Waka Kotahi (S450.234)
[387] Buller District Council (S538.459)
[388] Waka Kotahi (S450.234)

Activity Status Permitted

Where:

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

1. One ~~single~~ residential unit per site is provided; and[389]

2. The residential activity is ancillary to the commercial or industrial activity on the site.

Advice Note:

1. The acoustic insulation requirements for noise sensitive activities as set out in Rule NOISE - R3 also apply.

Activity status where compliance not achieved: Non-complying

LIZ – R4<u>5</u>	**Emergency Service Facility, Carparking Lots and Buildings, Trade and Industry Training, Community Corrections Activity, Gymnasium and Public Transport Facility**

Activity Status Permitted

Where:

1. All performance standards for Rule LIZ - R1 are complied with except that hose drying towers associated with an Emergency Service Facility are exempt from height standards.

Activity status where compliance not achieved: Discretionary

LIZ – R~~5~~<u>6</u>	**Minor Structures**

Activity Status Permitted

Where:

~~1. All performance standards for Rule LIZ - R1 are complied with - except that compliance with standard 3 (setbacks) is not required.~~[390]

1. Masts, poles, aerials and pou whenua must not exceed 7m in height;

2. Any antenna dish must be less than 1.2m in diameter and not project more than 3.5m above the highest point of any building they are attached to;

3. Any ornamental or garden structure must not exceed 2.4 m in height; ~~and~~

4. **<u>Hose drying towers do not exceed 15m in height; and</u>**[391]

5. Any other structure must not exceed 10m² and 2m in height.

[389] Buller District Council S538.460)
[390] Buller District (538.462) Chris & Jan Coll (S558.386), Chris J Coll Surveying Limited (S566.386), William McLaughlin (S567.441), and Laura Coll McLaughlin (S574.386)
[391] Fire and Emergency New Zealand (S517.101)

Activity status where compliance not achieved: Restricted Discretionary

LIZ – R~~6~~7 Fences, Walls and Retaining Walls

Activity Status Permitted

Where:

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

2. The fence, wall or retaining wall is not used for advertising or any other purpose other than a fence, retaining wall or wall.

Activity status where compliance not achieved: Restricted Discretionary

LIZ – R~~7~~8 Agricultural, Pastoral and Horticultural Activities

Activity Status Permitted

Where:

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

Activity status where compliance not achieved: Discretionary

LIZ – R~~8~~9 Aquaculture Activities

Activity Status Permitted

Where:

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

Activity status where compliance not achieved: Discretionary

Restricted Discretionary Activities

LIZ – R~~9~~10 ~~Industrial Activities and~~ New Buildings and External Additions and Alterations to Existing Buildings not meeting Rule LIZ - R1[392]

Activity Status Restricted Discretionary

~~Where:~~

~~a. The building projects into the recession plane; and~~

~~b. All other performance standards for Rule LIZ - R1 are complied with.~~

Discretion is restricted to:

~~a. Design and location of buildings;~~

[392] Westland Milk Products (S63.016)

~~b. Design and location of parking and access; and~~

~~c. Landscape treatment.~~

a. Bulk, location, and design of buildings;

b. Effects on the safety, amenity and attractiveness of the street or public places;

c. Amenity, visual dominance, shading, and nuisance effects on neighbouring sites;

d. Design and location of parking and access;

e. Measures to mitigate landscape effects; and

f. Characteristics of the site and development that are relevant to the rule

Activity status where compliance not achieved: ~~Discretionary~~ N/A[393]

LIZ – R11	**Industrial Activities and Commercial Activities not meeting Permitted Activity Standards**

Activity Status Restricted Discretionary

Discretion is restricted to:

a. Effects on the safety, amenity and attractiveness of the street or public places;

b. Amenity and nuisance effects on neighbouring sites; and

c. Measures to mitigate landscape effects.

Activity status where compliance not achieved: N/A[394]

LIZ – R10~~1~~2	**Minor Structures not meeting Rule LIZ - R~~5~~6**

Activity Status Restricted Discretionary

Discretion is restricted to:

a. Design and location of structures; and

b. ~~Landscape treatment~~ **Measures to mitigate landscape effects**.[395]

Activity status where compliance not achieved: N/A

LIZ – R11~~1~~3	**Fences, Walls and Retaining Walls not meeting Rule LIZ - R~~6~~7**

Activity Status Restricted Discretionary

Discretion is restricted to:

[393] Westland Milk Products (S63.016)
[394] Consequential amendment stemming from Waka Kotahi (S450.234)
[395] Consequential Plan wide amendment to Manawa Energy Limited S438.100

a. Design and location of structures; and

b. ~~Landscape treatment~~ **Measures to mitigate landscape effects**[396]

Activity status where compliance not achieved: N/A

Discretionary Activities

LIZ – R1~~2~~4	**Industrial Activities and Buildings, Commercial, Aquaculture and Agricultural, Pastoral and Horticultural Activities not meeting Permitted or Restricted Discretionary Activity Standards**

Activity Status Discretionary

Activity status where compliance not achieved: N/A

LIZ – R1~~3~~5	**Emergency Service Activities, Carparking Lots and Buildings, Trade and Industry Training, Community Corrections Activity, Gymnasium, Public Transport Facility Retail Activities**[397] **not meeting Permitted Activity Standards**

Activity Status Discretionary

Activity status where compliance not achieved: N/A

LIZ – R14~~6~~	**~~Community Facilities and~~ Tertiary Educational Facilities**[398]

Activity Status Discretionary

Activity status where compliance not achieved: N/A

LIZ – R1~~5~~7	**Any Activity not provided for by another Rule in the zone**

Activity Status Discretionary[399]

Non-complying Activities

LIZ – R18	**Residential Activities, Community Facilities, Non Tertiary Educational Facilities and Health Facilities**

Activity Status Non-Complying

Activity status where compliance not achieved: N/A[400]

[396] Consequential Plan wide amendment to Manawa Energy Limited S438.100
[397] Clause 16(2) of the RMA
[398] Silver Fern Farms (F101.035)
[399] William McLaughlin (S567.449), Chris & Jan Coll (S558.394), Chris J Coll Surveying Limited (S566.394) Laura Coll McLaughlin (574.394)
[400] Buller District Council (S538.471)





Dean Chrystal

Hearings Panel - Chair

Anton Becker

Hearings Panel Member



Paul Rogers

Hearings Panel Member

Date: 5 September 2025

APPENDIX 1 – RECOMMENDATIONS ON PLAN PROVISIONS

Definitions - Ngā Tautuhinga	
Term	**Definition**
RETAIL ACTIVITY	**means any commercial activity that uses land and/or buildings for displaying or offering of goods for sale or hire to the public.** Excludes service stations, trade retail and trade suppliers, car sales and drive through restaurants.
SUPERMARKET	**means a retail activity that uses land and/or buildings for displaying or offering a comprehensive range of food, beverage and other disposable goods such as fresh meat and produce; chilled, frozen, packaged, canned and bottled foodstuffs and beverages; and housekeeping and other personal items for sale to the public.**

Commercial and Mixed Use Zones Objectives	
CMUZ – O1	To maintain and enhance the character and amenity values of commercial areas and town centres **while enabling** ~~in a way that enables~~ commercial and other activities to support the local community and visitors ~~while minimising adverse effects on amenity within and adjoining the commercial areas~~.
CMUZ – O2	**Avoid, remedy, or mitigate adverse effects of commercial and other activities within and adjoining the commercial areas.**
CMUZ – O~~2~~3	To ~~recognise the importance of the West Coast/Te Tai o Poutini town centres and~~ maintain ~~their~~ **the** integrity **of the West Coast/Te Tai o Poutini town centres** as a place of high-quality built environment character, community and visitor focus and identity.
CMUZ – O~~3~~4	To recognise that Greymouth/Māwhera is the principal commercial and urban centre on the West Coast/Te Tai o Poutini and support its redevelopment through providing for a range of commercial and mixed use zones and activities within a high-quality urban environment.
CMUZ – O5	**The region's commercial needs are provided for via a suite of commercial zones that:** **(e) recognise the importance of the West Coast/Te Tai o Poutini town centres;** **(f) serve the immediate need of the local community;** **(g) provide for mixed use and redevelopment opportunities at Greymouth; and** **(h) provide for larger scale commercial activities in appropriate locations.**

Commercial and Mixed Use Zones Policies	
Activities and Development in ~~CUMZ~~ CMUZ – Commercial and Mixed Zones	
CMUZ – P1	Where cultural landscapes are identified in commercial areas or developments, ensure activities are managed in a way that provides for the cultural relationships of Poutini Ngāi Tahu including;

	a. Protection of wāhi tapu and taonga sites in Schedule Three of the Plan using Poutini Ngāi Tahu culturally appropriate methods; b. Identification and utilisation of opportunities to enhance sites, values and other taonga of cultural significance to Ngāi Tahu; and c. Protection of the relationship of Poutini Ngāi Tahu with freshwater, including cultural wellbeing and use opportunities.
CMUZ – P2	A range of activities are anticipated within CMUZ - Commercial and Mixed Use Zones which meet the needs of the local community with convenient and safe access and opportunities for economic growth and social interaction.
CMUZ – P3	Residential activities and visitor accommodation may occur in the TCZ - Town Centre and MUZ - Mixed Use Zones particularly where this enables the redevelopment of important landmark and heritage buildings.
CMUZ – P4	New development in CMUZ - Commercial and Mixed Use Zones should have quality design outcomes ~~and is expected to~~ **which**: a. Acknowledge, and respond to, the context of the site and the surrounding environment; b. Ensure the bulk, form and siting of new buildings maintains and enhances the quality of the environment; c. Provide a quality street frontage with visual interest and connection with the street; and d. Ensure visual effects from car parking areas are ~~minimised~~ **mitigated; and** e. **Recognises the functional need or operational need of activities.**
New Locations for CMUZ – Commercial and Mixed Use Zones	
CMUZ – P5	Support the redevelopment of brownfield sites for mixed use activities where: a. A reduction in commercial or industrial land supply will not affect the ability to meet the anticipated needs of commercial and industrial activities including those with specific locational requirements; b. The mixed use development would not hinder the establishment or ongoing operation of surrounding commercial activities; c. There is sufficient capacity and a suitable connection to wastewater, water supply, stormwater and safe and efficient transport networks; d. The anticipated amenity values of the adjoining commercial or industrial zone are not compromised; e. If necessary, contaminated land is remediated in accordance with national and regional standards; and f. The redevelopment does not impact on: 4. The vitality and strategic role of town centres as the focal points for commercial and other activities; 5. The efficient and effective use of land; and 6. Community and transport infrastructure investment in centres.

CMUZ – P6	Recognise the substantial investment by communities in town centres and their infrastructure by ensuring that any new CMUZ - Commercial and Mixed Use Zones are located where they support the function of town centres. ~~-rather than pulling activity away from the centre~~
CMUZ – P7	New CMUZ - Commercial and Mixed Use Zones should not be located in areas subject to significant risks from natural hazards, in wāhi tapu or significant natural areas.
Infrastructure in Commercial and Mixed Use Zones	
CMUZ – P8	Where new CMUZ - Commercial and Mixed Use Zones are developed these should fund and install infrastructure to the standards required by the Councils and the Plan. Where there is significant infrastructure serving multiple properties under different ownership this should be vested in the Council for ongoing maintenance and renewal.
CMUZ – P9	Provide a range of transport modes to and from the town centres including public transport, cycling routes and **associated cycle** parking and encouraging more pedestrian friendly streets.
CMUZ – P10	The use of energy efficient systems and products, low impact stormwater design and other environmentally sustainable elements in new building and development is encouraged.
CMUZ – P11	Ensure that developments are serviced with all required infrastructure in an effective and efficient manner. Where new infrastructure such as roads and three waters (wastewater, water supply, stormwater) is provided to service new commercial areas across multiple properties then this should be vested with the Council rather than be retained as private infrastructure.
CMUZ – P12	Avoid reverse sensitivity effects on **regionally significant** ~~strategic~~ infrastructure including: a. Hokitika and Westport Airports and Greymouth Aerodrome; b. The rail network; c. The State Highway Network; d. The Ports of Westport and Greymouth; e. Community wastewater treatment and water supply plants; f. The National Grid.
Policies for Specific Commercial and Mixed Use Zones	
CMUZ – P13	Activities in the COMZ - Commercial, MUZ - Mixed-Use and NCZ - Neighbourhood Centre Zones should: a. ~~Meet performance standards on development and land use that maintain~~ **Maintain** or enhance the amenity of the commercial areas and ~~do not create~~ **avoid, remedy or mitigate** adverse effects beyond the boundaries of these areas, particularly in respect of residential areas; b. Provide safe urban design (including pedestrian and vehicle safety); and c. ~~Avoid the fragmentation~~ **Encourage compact urban form** of town centres.

CMUZ – P14	Trade retail and trade suppliers should locate in existing COMZ - Commercial Zone or MUZ - Mixed Use Zone but not within the TCZ - Town Centre Zone or in the NCZ - Neighbourhood Centre Zone.
CMUZ – P15	Activities within the TCZ - Town Centre Zones should: a. Maintain or enhance natural and historic features and built form; b. Adaptively reuse existing heritage buildings where practicable; c. Recognise and implement good urban design; d. Provide for low-speed vehicle movement; e. Allow for noise associated with commercial activities including bars and restaurants; f. Provide for commercial signs associated with on-site activities; g. Provide a high-quality pedestrian environment, with pedestrian oriented street layout; h. Have consolidated on-street parking; i. Have efficient wastewater, water supply and stormwater infrastructure that maximises the use of existing services; j. Allow for a range of transport options; ~~k. Have new buildings built to a high standard up to the street frontage and predominantly with verandahs over the footpath; and~~ ~~l. Be activities reliant on pedestrian movement.~~
CMUZ – P16	The NCZ - Neighbourhood Centre Zone should provide for retail and community facilities which serve the immediate local community and should not undermine town centre function and identity.
CMUZ – P17	COMZ - Commercial Zoned areas within small settlements should primarily provide access to local shopping and community facilities to serve that settlement.
CMUZ – P18	Encourage the redevelopment of sites within the MUZ - Mixed Use Zone.
CMUZ – P19	Over the long-term, promote the relocation of sporadic out-of-zone industrial activities in CMUZ - Commercial and Mixed Use Zones to INZ - Industrial Zoned areas
Additional Policies for Town Centre Precincts	
Town Centre Zone - Greymouth/Māwhera Town Centre Precinct Policies	
CMUZ – PREC1 – P1	Activities and development within the TCZ - PREC1 -Greymouth/Māwhera Town Centre Precinct should reflect the Greymouth/Māwhera CBD Redevelopment Plan and any subsequent plans for the town centre redevelopment and invigoration.
CMUZ – PREC1 – P2	Seek to intensify activity within the TCZ - PREC1 - Greymouth/Māwhera Town Centre Precinct by fully utilising the existing building stock – including allowing offices, cafes and restaurants, residential apartments and visitor accommodation in upper floors above street level.
CMUZ – PREC1 – P3	Celebrate Greymouth/Māwhera's unique historic and Poutini Ngāi Tahu heritage and identity by repurposing existing landmark and heritage buildings and the use of the Greymouth/Māwhera Town Centre Design Guidelines.

CMUZ – PREC1 – P4	Promote the development of green corridors connecting the Grey/Māwhera River to Victoria Park, Sawyers Creek Wetlands and the lagoon.
CMUZ – PREC1 – P5	Require high quality design outcomes in the TCZ - PREC1 - Greymouth/Māwhera Town Centre Precinct which adhere to the Greymouth/Māwhera Town Centre Design Guidelines. In particular, new development and additions and alterations to existing buildings are expected to: a. Acknowledge, and respond to, the context of the site and the surrounding environment; b. Create visual interest and be in keeping with streetscape values; c. Address Poutini Ngāi Tahu and historic heritage values and design elements; d. Create a vibrant, active pedestrian environment; e. Take into account sustainable building design and Crime Prevention through Environmental Design (CPTED) principles; f. Utilise the Greymouth Pounamu and Māori Heritage paint palette on building frontages; and g. Ensure continuous verandah coverage on the Main Street Frontage of the TCZ - PREC1 - Greymouth/Māwhera Town Centre Precinct.
CMUZ – PREC1 – P6	Encourage **walking and cycling** access to and along the Grey/Māwhera River to the adjacent MUZ- Mixed Use Zone, the West Coast Wilderness Trail and Māwheranui Walkway.
Town Centre Zone - Hokitika Town Centre Precinct Policies	
CMUZ – PREC2 – P7	Reinforce the pedestrian priority in the TCZ - PREC2 - Hokitika Town Centre Precinct by requiring verandahs, active street frontage and a high quality pedestrian environment which reflects the Hokitika Town Centre Design Guidelines.
CMUZ – PREC2 – P8	Provide for and enable the inclusion of elements of Poutini Ngāi Tahu culture in the design of buildings and structures in the TCZ - PREC2 - Hokitika Town Centre Precinct.
CMUZ – PREC2 – P9	Promote pedestrian **and cycling** links and pedestrian **and cycling** focused activity to link the Hokitika town centre to the Gibson Quay/Hokitika River and to the Hokitika beachfront.
Town Centre Zone – Westport/Kawatiri Town Centre Precinct Policies	
CMUZ – PREC3 – P10	Ensure that the design, scale and layout of commercial development and buildings in the TCZ - PREC3 - Westport/Kawatiri Town Centre Precinct is compatible with the character of the town.
CMUZ – PREC3 – P11	Reinforce Palmerston Street between Henley St and Rintoul St as the heart of Westport/Kawatiri by requiring verandahs, active street frontage and a high quality pedestrian environment.
CMUZ – PREC3 – P12	Promote pedestrian **and cycling** links and pedestrian **and cycling** focused activity to link Victoria Square to the Buller/Kaiwatiri Riverfront.
Town Centre Zone – Reefton Town Centre Precinct Policies	

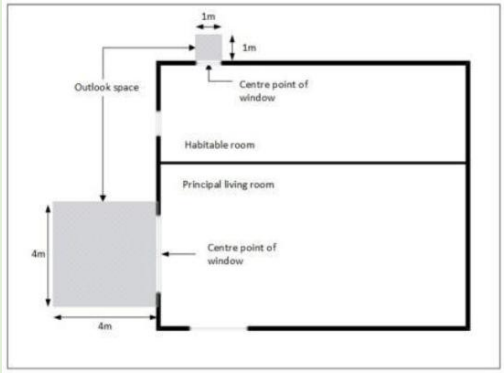
CMUZ – PREC4 – P13	Ensure that the design, scale, location and layout of development and buildings in the TCZ - PREC4 - Reefton Town Centre Precinct are compatible with the historic character of this area.
CMUZ – PREC4 – P14	Require new development and additions to exterior facades of buildings on the Main Street Frontage of the TCZ - PREC4- Reefton Town Centre Precinct to adhere to the Reefton Historic Town Centre Design Guidelines.

Commercial Zone Rules		
Note: There may be a number of Plan provisions that apply to an activity, building, structure and site. In some cases, consent may be required under rules in this Chapter as well as rules in other Chapters in the Plan. In those cases, unless otherwise specifically stated in a rule, consent is required under each of those identified rules. Details of the steps Plan users should take to determine the status of an activity are provided in General Approach.		
Permitted Activities		
COMZ - R1	**New Buildings and External Additions or Alterations to Existing Buildings** ~~Commercial Activities, Community Facilities, Emergency Service Facilities, Community Corrections Activity, Educational Facilities and Visitor Accommodation Activities and Buildings~~	
Activity Status Permitted Where: 1. The maximum height above ground level is ~~12~~ **15** metres except that this standard does not apply to hose drying towers at Emergency Service Facilities; 2. Any building or structure is set back: i. 3m from any RESZ - Residential Zone or OSRZ - Open Space and Recreation Zone; and ii. 3m from the road boundary, except for; sites with frontage to two roads in the COMZ - Commercial Zone can have a 3m setback on one road boundary and 1.5m setback on the other road boundary; iii. **1.5m from the railway designation boundary, excluding accessory buildings and structures.** 3. Landscaping shall be provided as follows: i. The area adjoining the road frontage of all sites shall contain a minimum 1.5m landscaping strip ~~that will, within two years of being planted, reach a minimum height of 1m~~; ii. On sites adjoining a RESZ - Residential Zone a 2m wide landscaping strip shall be provided adjacent to the RESZ - Residential Zone boundary and shall be planted with species, which at maturity, will screen the buildings from the adjoining sites; and		**Activity status where compliance not achieved:** Restricted Discretionary where standards ~~5 and~~ **2 – 5** ~~6~~ are not complied with. Discretionary where standard~~s~~ 1~~-4 are~~ **is** not complied with.

iii. The planting of 1 tree per 20 carparking spaces is ~~encouraged~~ **required** within any carparking area. iv. Stormwater facilities that provide water quality treatment and landscape amenity, should be incorporated into landscaped areas, where practicable, to achieve effective stormwater management in an integrated manner. 4. The maximum building length is 20m where this abuts a RESZ - Residential Zone; **and** ~~5. External storage is screened by a 1.8m fence or landscaping so that it is not visible from any adjoining residential zone boundary or adjoining public place; and~~ 5. No building projects beyond a building envelope defined by a recession plane as defined in Appendix Two to commence 2.5m above any site boundary ~~except where the neighbouring property owner's written approval is provided to the Council at least 10 working days prior to the works commencing.~~ This standard does not apply to: i. Road boundaries; ii. Buildings on adjoining sites that have a common wall along the boundary; iii. Boundaries abutting an access lot or right of way in which case the furthest boundary of the access lot or right of way may be used for assessing compliance with this standard; iv. Antennas, aerials, satellite dishes (less than 1m in diameter), chimneys, flues and architectural features (eg finials, spires) provided these do not exceed the recession plane by more than 3m vertically; v. Solar panels and solar water heaters provided these do not exceed the height in relation to boundary plane by more than 0.25m vertically. **Advice Notes:** 1. Any landscaping required by this rule may be located in common areas, where the development comprises land and/or buildings in separate unit titles. 2. **Where boundary rules are infringed, the Deemed Permitted Activity Boundaries process will apply where the neighbouring property owner's written approval is provided to Council.** ~~3. The acoustic insulation requirements for noise sensitive activities as set out in Rule NOISE - R3 also apply.~~	
COMZ – R2	**Minor Structures**

Activity Status Permitted Where: 1. ~~All performance standards for~~ **Standard 2 for** Rule COMZ - R1 **is** ~~are~~ complied with; 2. Masts, poles, aerials and pou whenua must not exceed 7m in height; 3. Any antenna dish must be less than 1m in diameter; 4. Any ornamental or garden structure must not exceed 2.4 m in height; and 5. Any other structure must not exceed 10m² and 2m in height.	**Activity status where compliance not achieved:** Discretionary
COMZ – R3 **Fences, Walls and Retaining Walls**	
Activity Status Permitted Where: 1. Fences, walls and retaining walls are a maximum 2m height above ground level; and 2. The fence, wall or retaining wall is not used for advertising or any other purpose other than a fence, retaining wall or wall. **Advice Note:** Retaining walls greater than 1m in height should be subject to engineered design and meet the Building Code.	**Activity status where compliance not achieved:** Discretionary
COMZ – R4 **Relocated Buildings**	
Activity Status Permitted Where: 1. All performance standards for Rule COMZ - R1 are complied with; 2. Any relocated building intended for use as a dwelling must have been designed**,** ~~and~~ built**, and** ~~to be~~ used as a dwelling; 3. A building pre-inspection report **in accordance with Appendix 11** shall accompany the application for a building consent for the destination site. That report is to identify all reinstatement works that are to be completed to the exterior of the building. The report shall include a certification by the property owner that the **exterior** reinstatement works **including connections to infrastructure services and closing in and ventilation of the foundations** shall be completed within a 12-month period **of the building being delivered to the site; and**; 4. The building shall be located on permanent foundations approved by building consent no later than 2 months of the building being moved to the site.~~; and~~ ~~5. All other reinstatement work required by the building inspection report and the building consent to reinstate the exterior of any relocated dwelling shall be completed within 12 months of the building being delivered to the site. This reinstatement work is~~	**Activity status where compliance not achieved:** **Refer to COMZ-R1 for where standard 1 is not complied with.** Restricted Discretionary **where standards 2 to 5 are not complied with.**

~~to include connections to all infrastructure services and closing in and ventilation of the foundations.~~	
COMZ – R5	**Commercial Activities, Community Facilities, Emergency Service Facilities, Community Corrections Activity, Educational Facilities and Visitor Accommodation Activities**
Activity status Permitted **Where:** **1. External storage is screened by a 1.8m fence or landscaping so that it is not visible from any adjoining residential zone boundary or adjoining public place** **Advice Note:** **1. The acoustic insulation requirements for noise sensitive activities as set out in Rule NOISE - R3 also apply.**	**Activity status when compliance not achieved: Restricted Discretionary**
COMZ – R~~5~~6	**Residential ~~Buildings and~~ Activities**
Activity Status Permitted Where: ~~1. All performance standards for Rule COMZ – R1 are complied with;~~ 1. This is ancillary to a Commercial Activity; 2. It is not ancillary to a Commercial Activity, the activity is located above the ground floor level of a Commercial Activity; and 3. Each residential unit shall be provided with: i. ~~An outdoor service space of 3 m² and a~~ **A** waste management area of 2m² per unit, each with a minimum dimension of 1.5 metres in ~~either~~ a private ~~or communal~~ area **or 9m² with a minimum dimension of 2.8m in a communal area**; ii. A single, indoor storage space of 4m³ with a minimum dimension of 1 metre; iii. Any space designated for waste management, whether private or communal, shall not be located between the road boundary and any building and shall be screened from adjoining sites, roads, and adjoining outdoor living spaces by screening of the waste management area to a height of 1.5 metres; and iv. Each residential unit shall be provided with an outdoor living space of **8m² minimum area and 2 metres minimum dimension;** ~~1. 6m² minimum area and 1.5 metres minimum dimension for a studio or 1 bedroom unit~~; ~~2. 10m² minimum area and 1.5 metres minimum dimension for a 2 or 3 bedroom unit;~~	**Activity status where compliance not achieved:** Non-complying

~~3. 15m² minimum area and 1.5 metres minimum dimension for 3 or more bedrooms;~~ v. Each residential unit shall be provided with outlook space from each habitable room from the largest window in the room as follows: 1. A principal living room must have an outlook space with a minimum dimension of 3 metres in width **and depth**; 2. All other habitable rooms must have an outlook space with a minimum dimension of 1m in width **and depth**; 3. The width of the outlook ~~species~~ **spaces** is measured from the centre point of the largest window on the building face to which it applies; 4. Outlook spaces may be within the same site or over a public street or other public open space; 5. Outlook spaces required from different rooms within the same building may overlap; 6. Outlook spaces must: c. Be clear and unobstructed by buildings; and d. Not extend over an outlook space or outdoor living space required by another dwelling.  **Advice Note:** 1. In meeting the outdoor living space requirements, decks and balconies will be included within the calculation. 2. The acoustic insulation requirements for noise sensitive activities as set out in Rule NOISE - R3 also apply.	
Restricted Discretionary Activities	
COMZ – R~~6~~7	~~Commercial Activities, Community Facilities, Educational Facilities, Emergency Service Facilities, Community Corrections Activities, and Visitor Accommodation Activities and~~ **New Buildings and External Additions and Alterations to Existing Buildings not meeting** ~~the External Storage, Building Length or Recession Plane performance standards of~~ **Rule COMZ - R1**

Activity Status Restricted Discretionary Where: 1. ~~All performance standards for Rule COMZ - R1 other than those that relate to External Storage and Recession Planes are~~ **Performance standard 1 for Rule COMZ-R1 is** complied with. **Discretion is restricted to:** ~~a. Materials being stored;~~ ~~b. Period of time for storage;~~ ~~c. Distance from boundary; and~~ d. Bulk, location and design of storage, buildings and structures. e. **Effects on the safety, amenity and attractiveness of the street or public places; and** **f. Visual dominance, privacy and shading effects on neighbouring sites**	**Activity status where compliance not achieved:** Discretionary
COMZ – R8	**Commercial Activities, Community Facilities, Emergency Service Facilities, Community Corrections Activity, Educational Facilities and Visitor Accommodation Activities not meeting Rule COMZ-R5**
Activity Status Restricted Discretionary **Discretion is restricted to:** **a. Effects on the safety, amenity and attractiveness of the street or public places; and** **b. Materials being stored and the period of time for storage.**	**Activity status where compliance not achieved: N/A**
COMZ – R~~7~~9	**Relocated Buildings not meeting Rule COMZ - R4** ~~or Recession Plane performance standards of Rule COMZ - R1~~
Activity Status Restricted Discretionary ~~Where:~~ ~~1. All performance standards for Rule COMZ - R1 are complied with.~~ **Discretion is restricted to:** a. Design and location of structures; b. ~~Landscape measures~~ **Measures to mitigate landscape effects;** and c. Appearance of buildings **and the completion of any building reinstatement works identified in a building inspection report**.	**Activity status where compliance not achieved:** ~~Discretionary~~ **N/A**
Discretionary Activities	
COMZ – R~~8~~10	~~Commercial Activities, Community Facilities, Educational Facilities, Emergency Service Facilities, Community Corrections Activities, Visitor Accommodation Activities and~~ **New Buildings and External Additions and Alterations to Existing Buildings,** ~~Relocated Buildings,~~ **Minor Structures, Fences, Walls and Retaining Walls not meeting Permitted or Restricted Discretionary Activity Standards**

Activity Status Discretionary ~~Where:~~ ~~1. The maximum height is 15m;~~ ~~2. Maximum building length abutting a residential zone is 35m, and~~ 3. ~~Any building or structure is set back 3m from any Residential Zone or Open Space Zone.~~	**Activity status where compliance not achieved:** ~~Non-complying~~ **N/A**
COMZ – R11	**Any activity not provided for by another Rule in the zone**
Activity Status Discretionary	**Activity status where compliance not achieved: N/A**
Non-complying Activities	
COMZ – R9~~10~~12	**Residential Activities ~~and Buildings~~ not meeting the standards in Rule COMZ - R~~5~~6**
Activity Status Non-complying	**Activity status where compliance not achieved:** N/A
COMZ – R~~10~~13	**Industrial Activities**
Activity Status Non-complying	**Activity status where compliance not achieved:** N/A
~~**COMZ – R11**~~	~~**Any activity not provided for by another Rule in the zone**~~
~~Activity Status Non-complying~~	~~Activity status where compliance not achieved: N/A~~

Mixed Use Zone Rules	
Note: There may be a number of Plan provisions that apply to an activity, building, structure and site. In some cases, consent may be required under rules in this Chapter as well as rules in other Chapters in the Plan. In those cases unless otherwise specifically stated in a rule, consent is required under each of those identified rules. Details of the steps Plan users should take to determine the status of an activity is provided in General Approach.	
Permitted Activities	
MUZ - R1	**New Buildings and External Additions or Alterations to Existing Buildings**
Activity Status Permitted Where: 1. The maximum ground floor area of the building is 500m²; 2. The maximum height above ground level is 12m except that this standard does not apply to hose drying towers at Emergency Service Facilities;	**Activity status where compliance not achieved:** **Restricted Discretionary where standards 1 and 3 to 6 are not complied with**

3. Any building on a Facade Control Street must have: i. A cantilevered continuous verandah to cover the full width of the footpath except that this does not apply to Heritage Buildings identified in Schedule One; ii. 20% of the facade devoted to display windows or transparent glazing; and iii. The principal public entrance to the building must be located on the front boundary; 4. Any building or structure is setback a minimum of: i. 3m from any RESZ - Residential Zone, OSRZ - Open Space and Recreation Zone, INZ - Industrial Zone or PORTZ - Port Zone boundary; **and** ii. **1.5m from the railway designation boundary, excluding accessory buildings and structures.** ~~5. All external storage is screened by a 1.8m fence or landscaping so it is not visible from any adjoining residential zone boundary or any adjoining public space;~~ 5. On sites adjoining a RESZ - Residential Zone a 2m wide landscaping strip shall be provided adjacent to the RESZ - Residential Zone boundary and shall be planted with species, which at maturity, will screen the buildings from the adjoining sites; and 6. No building shall protrude beyond a building envelope defined by a recession plane as identified in accordance with Appendix Two to commence 2.5m above any RESZ - Residential Zone boundary ~~except where the neighbouring property owner's written approval is provided to the Council 10 working days to the works commencing.~~ This standard does not apply to: i. Road boundaries; ii. Buildings on adjoining sites that have a common wall along the boundary; iii. Boundaries abutting an access lot or right of way in which case the furthest boundary of the access lot or right of way may be used for assessing compliance with this standard; iv. Antennas, aerials, satellite dishes (less than 1m in diameter), chimneys, flues and architectural features (e.g. finials, spires) provided these do not exceed the recession plane by more than 3m vertically; and v. Solar panels and solar water heaters, provided these do not exceed the height in relation to boundary plane by more than 0.25m vertically. **Advice Note:**	Discretionary **where standard 2 is not complied with.**

1. <u>Where boundary rules are infringed, the Deemed Permitted Activity Boundaries process will apply where the neighbouring property owner's written approval is provided to Council.</u>	
MUZ – R2	**Commercial Activity, Community Facilities, Community Corrections Activity, Educational Facilities and Emergency Service Facilities**
Activity Status Permitted Where: 1. This is not visitor accommodation subject to Rule MUZ-R5; ~~2. Performance standards for Rule MUZ - R1 are complied with; and~~ **<u>4.</u>** This is not a commercial garage, service station or emergency service activity located on a Facade Control Street**<u>; and</u>** **<u>5. All external storage is screened by a 1.8m fence or landscaping so it is not visible from any adjoining residential zone boundary or any adjoining public space.</u>**	**Activity status where compliance not achieved:** Refer Rule MUZ – R5 for Visitor Accommodation **<u>Restricted discretionary where standard 3 is not complied with</u>** ~~Activities not complying with Standard 2 or 3 are~~ Discretionary **<u>where standard 2 is not complied with.</u>**
MUZ – R3	**Carparking and Vehicle Service Areas**
Activity Status Permitted Where: 1. Provision for carparking and vehicle service access is made at the side or rear of the building; 2. If available all vehicle access should be from service lanes or streets other than those subject to Facade Controls; 3. No parking areas are located between the frontage of buildings and the street; 4. No carpark is provided on a Facade Control Street; ~~and~~ 5. For all sites adjoining a RESZ - Residential Zone all parking areas must be screened so they are not visible from the adjoining residential site**; and** **6. <u>Standards 1 to 5 of Rule MUZ-R3 do not apply to Emergency service facilities</u>** **Advice Note:** Carparking and Vehicle Service Access must comply with the standards outlined in the Transport Chapter.	**Activity status where compliance not achieved:** Non-complying
MUZ – R4	**Residential Activities and Papakāinga**
Activity Status Permitted Where: 1. The residential activity or papākainga is: i. Located above street level; or	**Activity status where compliance not achieved:** Discretionary

ii. Located at street level but with no frontage to public open spaces or streets except for access; 2. Each residential unit shall be provided with a waste management area of 2m² per unit, each with a minimum dimension of 1.5 metres in ~~either~~ a private ~~or communal~~ area **or 9m² with a minimum dimension of 2.8 metres in a communal area**; 3. Any space designed for waste management, whether private or communal, shall not be located between the road boundary and any building, and shall be screened from adjoining sites, roads and adjoining outdoor living spaces by screening of the waste management area to a height of 1.5 metres; 4. Residential accommodation entrances shall be clearly separated and distinguished from commercial entrances; 5. **The principal residential** ~~Residential~~ accommodation entrance~~s~~ shall be provided directly from **a** ~~the~~ public street **or open space**. **Advice Note:** The acoustic insulation requirements for noise sensitive activities as set out in Rule NOISE - R3 also apply.	
MUZ – R5	**Visitor Accommodation**
Activity Status Permitted Where: 1. The visitor accommodation is located i. In a Heritage Building listed in Schedule One; or ii. Above street level; or iii. At street level but with no frontage to public open spaces or streets except for access 2. Any space designed for waste management, whether private or communal, shall not be located between the road boundary and any building, and shall be screened from adjoining sites, roads and adjoining outdoor living spaces by screening of the waste management area to a height of 1.5 metres; 3. Visitor accommodation entrances shall be clearly separated and distinguished from commercial entrances; and 4. **The principal visitor** ~~Visitor~~ accommodation entrance~~s~~ shall be provided directly from **a** ~~the~~ public street **or open space**. **Advice Note:** The acoustic insulation requirements for noise sensitive activities as set out in Rule NOISE - R3 also apply.	**Activity status where compliance not achieved:** Discretionary
MUZ – R6	**Minor Structures**

Activity Status Permitted **Where:** 1. ~~All performance standards for~~ **Standard 4 of** Rule MUZ - R~~2~~**1 is** ~~are~~ complied with; 2. Masts, poles, aerials and pou whenua must not exceed 7m in height; 3. Any antenna dish must be less than 1m in diameter; 4. Any ornamental or garden structure must not exceed 2.4 m in height; and 5. Any other structure must not exceed 10m² and 2m in height.	**Activity status where compliance not achieved:** Discretionary
MUZ – R7	**Fences, Walls and Retaining Walls**
Activity Status Permitted Where: 1. Fences, walls and retaining walls are a maximum 2m height above ground level; and 2. The fence, wall or retaining wall is not used for advertising or any other purpose other than a fence, retaining wall or wall.	**Activity status where compliance not achieved:** Discretionary
MUZ – R8	**Relocated Buildings**
Activity Status Permitted Where: 1. All performance standards for Rule MUZ - R1 are complied with; 2. Any relocated building intended for use as a dwelling must have been designed, ~~and~~ built**, and** ~~to be~~ used as a dwelling; 3. A building pre-inspection report **in accordance with Appendix 11** shall accompany the application for a building consent for the destination site. That report is to identify all reinstatement works that are to be completed to the exterior of the building. The report shall include a certification by the property owner that the **exterior** reinstatement works **including connections to infrastructure services and closing in and ventilation of the foundations** shall be completed within a 12-month period **of the building being delivered to the site; and** 4. The building shall be located on permanent foundations approved by building consent no later than 2 months of the building being moved to the site.~~; and~~ ~~5. All other reinstatement work required by the building inspection report and the building consent to reinstate the exterior of any relocated dwelling shall be completed within 12 months of the building being delivered to the site. This reinstatement work is to include connections to all~~	**Activity status where compliance not achieved:** **Refer Rule MUZ – R1 for where standard 1 is not complied with.** Discretionary **where standards 2 to 5 are not complied with.**

~~infrastructure services and closing in and ventilation of the foundations.~~	
Restricted Discretionary Activities	
MUZ – R9	**New Buildings and External Additions or Alterations to Existing Buildings not meeting Rule MUZ – R1**
Activity Status Restricted Discretionary **Where:** **1. Performance standard 2 for Rule MUZ-R1 is complied with.** **Discretion is restricted to:** **a. Bulk, location and design of storage, buildings and structures** **b. Effects on the safety, amenity and attractiveness of the street or public places; and** **c. Visual dominance, privacy and shading effects on neighbouring sites.**	**Activity status where compliance not achieved: Discretionary**
MUZ – R10	**Commercial Activity, Community Facilities, Community Corrections Activity, Educational Facilities and Emergency Service Facilities not meeting Rule MUZ-R2**
Activity Status Restricted Discretionary **Where:** **1. Performance standard 2 for Rule MUZ-R2 is complied with** **Discretion is restricted to:** **a. Effects on the safety, amenity and attractiveness of the street or public places; and** **b. Materials being stored and the period of time for storage.**	**Activity status where compliance not achieved: Discretionary**
Discretionary Activities	
MUZ – R~~9~~11	~~Commercial Activities, Community Facility, Educational Facility, Community Corrections Activity, Visitor Accommodation, Emergency Service Facilities and~~ **Buildings not meeting Permitted Activity Standards**
Activity Status Discretionary Where: 1. The maximum height is 20m.	**Activity status where compliance not achieved:** Non-complying
MUZ – R~~1~~2	**Minor Structures, Fences, Walls and Retaining Walls not meeting Permitted Activity Standards**
Activity Status Discretionary	**Activity status where compliance not achieved:** N/A
MUZ – R1~~1~~3	**New Buildings and External Additions to Buildings not meeting Rule MUZ - R1**

Activity Status Discretionary	**Activity status where compliance not achieved: N/A**
MUZ – R1~~2~~4	**Residential Activities not meeting Permitted Activity standards**
Activity Status Discretionary	**Activity status where compliance not achieved: N/A**
MUZ-R15	**Any activity not provided for by another Rule in the zone**
Activity Status Discretionary	**Activity status where compliance not achieved: N/A**
Non-complying Activities	
MUZ – R1~~3~~6	**Industrial Activities**
Activity Status Non-complying	**Activity status where compliance not achieved:** N/A
~~**MUZ – R14**~~	~~**Any activity not provided for by another Rule in the zone**~~
~~**Activity Status Non-complying**~~	~~**Activity status where compliance not achieved:**~~ ~~N/A~~

TCZ	**Town Centre Zone – Te Takiwā o te Pokapū o te Tāone**

Overview

The TCZ - Town Centre Zone is found in the four main town centres of Reefton, Greymouth/Māwhera, Westport/Kawatiri and Hokitika. There are common policies and rules across the TCZ - Town Centre Zone, however each town centre has a Precinct where specific additional policies and rules apply.

The four centres are **generally** characterised by 2-3 storey buildings located up to the street with verandahs and retail display windows. These town centres are pedestrian oriented and parking is available on the street. Residential living above ground floor and mixed use activities are provided for.

The architectural quality of buildings and the quality of the public realm (public spaces and the interaction between individual buildings and the public pedestrian environment) will strongly influence the attractiveness of the TCZ - Town Centre Zone and MUZ - Mixed Use Zone as places to visit, undertake business and live. The objectives, policies and rules for both zones enable a broad range of activities, in order to provide the flexibility necessary to accommodate future growth and change. More importantly, they also focus on the quality of buildings and the impact of new buildings on the public realm and on the walkability and pedestrian access within the town centres. This focus is important to enhancing the attractiveness of the town centres and encouraging new businesses, visitors and inner city living.

As the largest centre on the West Coast/Te Tai o Poutini, Greymouth/Māwhera is expected to provide for a diverse range of commercial, retail, community and recreation activities and offer a variety of employment and living opportunities. In

Greymouth/Māwhera higher density residential developments such as apartments above ground floor are anticipated that will contribute to providing wider housing choices for the community. The MUZ - Mixed Use Zone in Greymouth/Māwhera is adjacent to the TCZ - Town Centre Zone.

The Town Centre and Mixed Use Design Guidelines seek to ensure that new building development in the town centres is of a high standard and that it enhances the characteristics and qualities that contribute to each town centre's unique sense of place.

The location of the Hokitika, Greymouth/Māwhera and Westport/Kawatiri town centres on the coast and adjacent to large rivers, means parts of the town centres are subject to risk from existing and future flood and coastal inundation. Te Tai o Poutini Plan enables development within the TCZ - Town Centre Zone and MUZ - Mixed Use Zone that responds to and manages the risk. However, it is also acknowledged that over time a movement away from the most hazardous locations is desired, and this is reflected in other parts of the Te Tai o Poutini Plan through the NH - Natural Hazards provisions.

Other relevant Te Tai o Poutini Plan provisions

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

- **Transport** - the Transport Chapter contains provisions in relation to transport matters, including traffic generation TRN - R12.
- **Sites and Areas of Significance to Māori, Historic Heritage and Notable Tree Chapters** - there may be sites and areas of significance to Māori, historic heritage or notable trees identified on individual sites within the Town Centre Zone. Specific information on the provisions that apply to these can be found in the Sites and Areas of Significance to Māori, Historic Heritage, and Notable Trees Chapters.
- **Natural Hazards** - in Westport/Kawatiri, Reefton, Hokitika and Greymouth/Māwhera there are areas of natural hazards and in some locations these may affect areas in the Town Centre Zone. Information on natural hazard overlays and provisions can be found in the Natural Hazards Chapter.
- **Subdivision** - The Subdivision Chapter sets out the requirements for the development of new infrastructure and connections as part of subdivision activities.
- **Financial Contributions** - The Financial Contributions Chapter sets out the requirements for contributions of costs for activities which impact on infrastructure.
- **General District Wide Matters** - provisions in relation to Noise, Light, Signs, Temporary Activities and Earthworks in particular may be relevant to activities in the Town Centre Zone.

Town Centre Zone Rules
Note: There may be a number of Plan provisions that apply to an activity, building, structure and site. In some cases, consent may be required under rules in this Chapter as well as rules in other Chapters in the Plan. In those cases, unless otherwise specifically stated in a rule, consent is required under each of those identified rules. Details of the steps Plan users should take to determine the status of an activity are provided in General Approach.
Permitted Activities

TCZ - R1	**New Buildings, External Alterations or Alterations to Existing Buildings** ~~Commercial Activities and Buildings, Community Corrections Activities, Community Facilities and Emergency Service Facilities~~

Activity Status Permitted Where: **1. The maximum height above ground level is;** **e. 20 metres in TCZ – PREC1 - Greymouth/Māwhera Town Centre Precinct.** **f. 12 metres in TCZ – PREC2 – Hokitika Town Centre Precinct.** **g. 15 metres in TCZ – PREC3 – Westport/Kawatiri Town Centre Precinct.** **h. 12 metres in TCZ – PREC4 – Reefton Town Centre Precinct.** **Except that hose drying towers at Emergency Service Facilities are exempt from this standard;** 2. Any building is located: a. On the front boundary of the site; b. With no setback from the street boundary, except that a recess of up to 0.5m within the facade of the building is permitted; 3. Any building is setback a minimum of a. 3m from any RESZ - Residential Zone boundary; b. **1.5m from the railway corridor designation, excluding accessory buildings and structures** ~~4. All external storage is screened by a 1.8m fence or landscaping so it is not visible from any adjoining residential zone boundary or any adjoining public space;~~ 4. The ground floor facade of all buildings with a Main Street Frontage must have: a. ~~50% of the facade devoted to display windows or 75% of its height for at least 50% of the ground floor building frontage~~ **A minimum of 50% comprising of clear glazing**; and b. One public entrance with glazing comprising at least 40% of the doors; except that Any Heritage Building in Schedule One is exempt from this requirement. ~~5. No building shall create a featureless facade or blank wall on a Main Street Frontage at ground floor level wider than 3m;~~ 5. No building shall project beyond a building envelope defined by a recession plane as identified in accordance with Appendix Two to commence 2.5m above any RESZ - Residential Zone	**Activity status where compliance not achieved:** Non-complying where standards ~~1~~ **2** ~~3~~ are not complied with. Discretionary where standards **1 and** 4 to **5** ~~6~~ are not ~~met~~ **complied with**.

boundary ~~except where the neighbouring property owner's written approval is provided to the Council 10 working days to the works commencing~~. This standard does not apply to: a. Road boundaries; b. Buildings on adjoining sites that have a common wall along the boundary; c. Boundaries abutting an access lot or right of way in which case the furthest boundary of the access lot or right of way may be used for assessing compliance with this standard; d. Antennas, aerials, satellite dishes (less than 1m in diameter), chimneys, flues and architectural features (e.g. finials, spires) provided these do not exceed the recession plane by more than 3m vertically; and e. Solar panels and solar water heaters, provided these do not exceed the height in relation to boundary plane by more than 0.25m vertically. **Advice Notes:** **1. Where boundary rules are infringed, the Deemed Permitted Activity Boundaries process will apply where the neighbouring property owner's written approval is provided to Council.** **2. When designing new buildings or additions and alterations to existing buildings in the Town Centre Zone, developers are encouraged to use the relevant Design Guidelines:** **a. the Hokitika Town Centre Urban Design Guidelines; or** **b. Greymouth/Māwhera Town Centre and Mixed Use Urban Design Guidelines; or** **c. Westport/Kawatiri Town Centre and Mixed Use Zone Urban Design Guidelines; or** **d. Reefton Town Centre Urban Design Guidelines**.	
TCZ – R2	**Commercial Activities ~~and Buildings~~, Community Facilities, Community Corrections Activities and Emergency Service Facilities in the TCZ - PREC2 Hokitika Town Centre Precinct**
Activity Status Permitted Where: ~~1. All performance standards from Rule TCZ - R1 are complied with;~~ 1. Any commercial activity on a Main Street Frontage does not include: a. Motor vehicle sales yards; b. Service stations;	**Activity status where compliance not achieved:** ~~Discretionary where standard 3 is not complied with.~~ Non-complying ~~where standards 2, 4 and 5 are not complied with.~~

c. Yard based retail; d. Trade retail and trade suppliers; e. Drive through restaurants. ~~2. The maximum height above ground level is 12 metres except that hose drying towers at an Emergency Service Facility are exempt from this standard;~~ 2. ~~Every~~ **New** building**s and additions and alterations to any building** with a Main Street Frontage must erect a cantilevered continuous verandah to cover the full width of the footpath except that this does not apply to Heritage Buildings identified in Schedule One; and **3. All external storage is screened by a 1.8m fence or landscaping so it is not visible from any adjoining residential zone boundary or any adjoining public space.** **~~4.~~** ~~New buildings and additions and alterations to any Main Street Frontage facade must demonstrate that they meet the Hokitika Town Centre Urban Design Guidelines.~~	~~Refer Rule TCZ - R1 where there is non-compliance with these standards~~
TCZ – R3	**Commercial Activities ~~and Buildings~~, Community Facilities, Community Corrections Activities and Emergency Service Facilities in the TCZ - PREC1 Greymouth/Māwhera Town Centre Precinct**
Activity Status Permitted Where: ~~1. All performance standards from Rule TCZ - R1 are complied with~~; ~~2. The maximum height above ground level is 20 metres~~; 1. ~~Every~~ **New** building**s and additions and alterations to any building** with a Main Street Frontage must erect a cantilevered continuous verandah (with no decorative poles) to extend from the shop frontage to be 400mm inside the kerbline. This requirement for a verandah does not apply to Historic Heritage buildings identified in Schedule One**;and** **2. All external storage is screened by a 1.8m fence or landscaping so it is not visible from any adjoining residential zone boundary or any adjoining public space.** **Advice Note:** 1. The verandah shall extend from the shop frontage to be 400mm inside the kerbline. The verandah, if on a corner, shall be splayed so as to be 400mm back from the kerbline. **~~2.~~** ~~When designing new buildings in Greymouth/Māwhera Town Centre developers are encouraged to use the Greymouth/Māwhera Town Centre and Mixed Use Urban Design Guidelines.~~	**Activity status where compliance not achieved:** ~~Discretionary where standard 2 is not complied with.~~ Non-complying ~~where standard 3 is not complied with.~~ ~~Refer Rule TCZ - R1 where there is non-compliance with these standards.~~

TCZ – R4	**Commercial Activities ~~and Buildings~~, Community Facilities and Emergency Service Facilities in the TCZ - PREC3 - Westport/Kawatiri Town Centre Precinct**
Activity Status Permitted Where: ~~1. All performance standards from Rule TCZ - R1 are complied with;~~ 1. Any commercial activity on a Main Street Frontage does not include: f. Motor vehicle sales yards; g. Service stations; h. Yard based retail; i. Trade retail and trade suppliers; j. Drive through restaurants. ~~2. The maximum height above ground level is 15 metres~~; 2. Every building with a Main Street Frontage must erect a cantilevered continuous verandah to cover the full width of the footpath. This requirement to provide a verandah does not apply to Heritage Buildings identified in Schedule One**; and** **3. All external storage is screened by a 1.8m fence or landscaping so it is not visible from any adjoining residential zone boundary or any adjoining public space.** **Advice Note:** 1. When erecting a cantilevered verandah, poles are encouraged for decorative purposes. 2. ~~When designing new buildings for the Westport/Kawatiri Town Centre developers are encouraged to use the Westport/Kawatiri Town Centre and Mixed Use Zone Urban Design Guidelines~~.	**Activity status where compliance not achieved:** ~~Discretionary where standards 3 is not complied with~~ Non-complying ~~where standard 2 or 4 is not complied with~~ ~~Refer Rule TCZ - R1 where there is non-compliance with these standards~~
TCZ – R5	**Commercial Activities ~~and Buildings~~, Community Facilities, Community Corrections Activities and Emergency Service Facilities in the TCZ - PREC4 - Reefton Town Centre Precinct**
Activity Status Permitted Where: ~~1. All performance standards from Rule TCZ - R1 are complied with;~~ ~~2. The maximum height above ground level is 12 metres except that hose drying towers at Emergency Service Facilities are exempt from this standard~~; 3. Every building with a frontage to SH7 (Broadway) must erect a continuous verandah to cover the full width of the footpath with a timber frame and a roof supported on timber poles;	**Activity status where compliance not achieved:** ~~Discretionary where standard 2 are not complied with.~~ Non-complying ~~where standards 3, 4 and 5 are not complied with.~~ ~~Refer Rule TCZ - R1 where there is non-compliance with these standards.~~

4. Any commercial activity does not include: f. Car sales yards; g. Service stations; h. Yard based retail; i. Trade retail and trade suppliers; j. Drive through restaurants; ~~and~~ ~~5. New buildings and additions and alterations to the exterior facade with frontage to SH7 (Broadway) must demonstrate they meet the Reefton Heritage Town Design Guidelines.~~	
TCZ – R6	**Carparking and Vehicle Service Access**
Activity Status Permitted Where: 1. Provision for carparking and vehicle service access is made at the side or rear of the building; 2. If available all vehicle access should be from service lanes; 3. No parking areas are located between the frontage of buildings and the street; 4. No carpark is provided on a Main Street Frontage; 5. For all sites adjoining a RESZ - Residential Zone all parking areas must be screened so they are not visible from the adjoining residential site; and 6. Where the entire site is developed as a carpark, this must incorporate pedestrian wet weather cover for the footpath, planting and landscape measures which have been assessed as meeting the requirements of the relevant Town Centre Design Guidelines **7. <u>Emergency service facilities are excluded from Standards 1 to 6 of Rule TCZ-R6.</u>** **Advice Note:** Carparking and Vehicle Service Access must comply with the standards outlined in the Transport Chapter.	**Activity status where compliance not achieved:** Non-complying
TCZ – R7	**Residential Activities in Existing Buildings**
Activity Status Permitted Where: 1. The residential activity is located a. Above street level; except b. Where this is a Heritage Building listed in Schedule One, then the activity may occur at street level; 2. Each residential unit shall be provided with a waste management area of 2m² per unit, each with a minimum dimension of 1.5 metres in ~~either~~ a private ~~or communal~~ area	**Activity status where compliance not achieved:** Discretionary

or 9m² with a minimum dimension of 2.8m in a communal area; 3. Any space designed for waste management, whether private or communal, shall not be located between the road boundary and any building, and shall be screened from adjoining sites, roads and adjoining outdoor living spaces by screening of the waste management area to a height of 1.5 metres. 4. Residential accommodation entrances are clearly separated and distinguished from commercial entrances; and 5. **The principal residential** ~~Residential~~ accommodation entrance~~s are~~ **shall be** provided directly from **a** ~~the~~ public street **or open space**. **Advice Note:** 1. The acoustic insulation requirements for noise sensitive activities as set out in Rule NOISE - R3 also apply.	
TCZ – R8	**Visitor Accommodation Activities** ~~and Buildings~~
Activity Status Permitted Where: ~~1. All performance standards from Rule TCZ - R1 are complied with;~~ 1. The visitor accommodation activity is located; c. Above street level; except d. At street level and above street level in any Heritage Building listed in Schedule One; 2. Any space designed for waste management, whether private or communal, shall not be located between the road boundary and any building, and shall be screened from adjoining sites, roads and adjoining outdoor living spaces by screening of the waste management area to a height of 1.5 metres; 3. Visitor accommodation entrances are clearly separated and distinguished from commercial entrances; and 4. **The principal visitor** ~~Visitor~~ accommodation entrance~~s~~ **shall be** provide**d** ~~pedestrian access~~ directly from **a** ~~the~~ public street **or open space**. **Advice Note:** 1. The acoustic insulation requirements for noise sensitive activities as set out in Rule NOISE - R3 also apply.	**Activity status where compliance not achieved:** Discretionary
TCZ – R9	**Demolition of Existing Buildings**
Activity Status Permitted Where: 1. These are not Heritage Buildings identified in Schedule One;	**Activity status where compliance not achieved:**

2. Where the building is not replaced within 12 months: c. Then the site is completely cleared of demolition materials and a level surface with cover sufficient to ensure no dust nuisance created within 3 months of demolition; and d. A landscaping strip of 1.5m width is provided; 3. If the building to be demolished is on a Main Street Frontage ~~that~~ **then** a pedestrian weather cover must be provided over the **immediately** adjacent footpath ~~for 80% of the frontage~~. Where the site is to be redeveloped then a temporary structure can be provided for a maximum of 6 months in the TCZ - PREC1 - Greymouth/Māwhera and TCZ - PREC2 - Hokitika Town Centre Precincts and a maximum of 12 months in the TCZ - PREC3 - Westport and TCZ - PREC4 - Reefton Town Centre Precincts.	Controlled where Standards 2 and 3 are not complied with. Refer to Rule HH - R9 for Demolition of Historic Heritage buildings listed in Schedule One.
TCZ – R10 **Minor Structures**	
Activity Status Permitted **Where:** 1. Masts, poles, aerials and pou whenua does not exceed 7m in height; 2. Any antenna dish is less than 1m in diameter; 3. Any ornamental structure does not exceed 2.4m in height; ~~and~~ 4. **Hose drying towers do not exceed 15m in height; and** 5. Any other structure does not exceed 10m² and 2m in height.	**Activity status where compliance not achieved:** Discretionary
TCZ – R11 **Fences, Walls and Retaining Walls**	
Activity Status Permitted Where: 1. Fences, walls and retaining walls are a maximum 2m height above ground level; and 2. The fence, wall or retaining wall is not used for advertising or any other purpose other than a fence, retaining wall.	**Activity status where compliance not achieved:** Discretionary
Controlled Activities	
TCZ – R12 **Demolition of Buildings not meeting Permitted Activity Standards**	
Activity Status Controlled Where: 1. These are not Heritage Buildings identified in Schedule One. **Matters of control are:** a. Site rehabilitation and ~~landscape measures~~ **measures to mitigate landscape effects**; and b. Weather protection for pedestrians.	**Activity status where compliance not achieved:** Discretionary under Rule HH – R9.

Restricted Discretionary Activities	
TCZ – R13	**Relocated Buildings**
Activity Status Restricted Discretionary Where: 1. Permitted Activity performance standards for TCZ - R1 are complied with; and 2. Relevant Permitted Activity performance standards for TCZ - R2, TCZ - R3, TCZ - R4 and TCZ - R5 are complied with. **Discretion is restricted to:** a. Design and location of buildings; b. Appearance of buildings; c. The extent to which the building meets any relevant Town Centre Design Guidelines; and d. ~~Landscape Measures~~ **Measures to mitigate landscape effects**.	**Activity status where compliance not achieved:** Discretionary
Discretionary Activities	
TCZ – R14	**Visitor Accommodation Activities ~~and Buildings~~ and Residential Activities in Existing Buildings not meeting Permitted Activity Standards**
Activity Status Discretionary Where: 1. Except where this is Heritage Building listed in Schedule One, the ground floor is used for Commercial or Community Activities. **Advice Note:** 1. The acoustic insulation requirements for noise sensitive activities as set out in Rule NOISE - R3 also apply.	**Activity status where compliance not achieved:** Non-complying
TCZ – R15	~~Commercial Activities and~~ **New Buildings, External Alterations or Alterations to Existing Buildings** ~~Buildings, Community Facilities, Community Corrections Activities and Emergency Service Facilities~~ **and Relocated Buildings not meeting the Permitted Activity Standards for Ground Floor Facade, Recession Plane or Height**
Activity Status Discretionary Where: 1. All other performance standards for Rule TCZ - R1 ~~and where relevant for TCZ - R2, TCZ - R3, TCZ - R4 and TCZ - R5~~ are complied with.	**Activity status where compliance not achieved:** Non-complying
TCZ – R16	**Minor Structures and Fences, Walls and Retaining Walls not meeting the Permitted Activity Standards**
Activity Status Discretionary	**Activity status where compliance not achieved:** N/A
TCZ – R17	**Residential Activities ~~and Buildings~~ in New Buildings**

Activity Status Discretionary Where: 1. The ground floor is used for Commercial or Community Activities and complies with the Performance Standards for Rule TCZ - R1; 2. Each residential unit is provided with ~~an outdoor service space of 3m² and~~ a waste management area of 2m² per unit, each with a minimum dimension of 1.5 metres in ~~either~~ a private ~~or communal~~ area **or 9m² with a minimum dimension of 2.8 metres in a communal area**; 3. Each residential unit is provided with a single indoor storage space of 4m² with a minimum dimension of 1 metre; 4. All performance standards for Rule TCZ - R~~8~~**7** are complied with; and 5. Each residential unit shall be provided with an outdoor living space of **8m²minimum area and 2 metres minimum dimension;** d. ~~6m² minimum area and 1.5 metres minimum dimension for a studio or 1 bedroom unit;~~ e. ~~10m² minimum area and 1.5 metres minimum dimension for a 2 or 3 bedroom unit;~~ f. ~~15m² minimum area and 1.5 metres minimum dimension for 3 or more bedrooms.~~	**Activity status where compliance not achieved:** Non-complying
TCZ – R18	**Any activity not provided for by another Rule in the zone**
Activity Status Discretionary	**Activity status where compliance not achieved:** N/A
Non-complying Activities	
TCZ – R1~~8~~9	**Commercial Activities and Relocated Buildings, Community Facilities, Community Corrections Activities and Emergency Service Facilities not meeting the Permitted or Discretionary Activity Standards**
Activity Status Non-complying **Activity status where compliance not achieved:** N/A	
TCZ – R~~19~~20	**Residential and Visitor Accommodation Activities not meeting the Permitted, Restricted Discretionary or Discretionary Activity Standards**
Activity Status Non-complying **Activity status where compliance not achieved:** N/A	
TCZ – R2~~0~~1	**Carparking and Vehicle Service Access not meeting the Permitted Activity Standards**
Activity Status Non-complying **Activity status where compliance not achieved: N/A**	
TCZ – R2~~1~~2	**Industrial Activities**
Activity Status Non-complying	

Activity status where compliance not achieved: N/A

~~**TCZ – R21 Any activity not provided for by another Rule in the zone**~~

~~**Activity Status Non-complying**~~

~~**Activity status where compliance not achieved:** N/A~~

Greymouth/Māwhera Town Centre and Mixed Use Zone Urban Design Guidelines

1.0 Introduction

This document has been developed to provide direction to those planning, design and reviewing development proposals in the Greymouth/Māwhera town centre and new mixed use area. This guide seeks to achieve high quality building design that:

- Responds to the context
- Is visually interesting and in keeping with the streetscape values
- Addresses cultural and built heritage values and design elements
- Creates a vibrant, active pedestrian environment
- Incorporates new and innovative design where appropriate
- Takes into account Poutini Ngāi Tahu values.

1.1 When does the Design Guide apply?

Under Te Tai o Poutini Plan rules, all new buildings within the Greymouth/Māwhera Town Centre Zone and Mixed Use Zone are ~~required~~ **encouraged** to be assessed against these design guidelines. Where resource consents are required the Councils will use this guide to help assess and make decisions on those consent applications.

2.0 Greymouth/Māwhera Design Guidelines

2.1 Context

Connection with the Natural Environment

The Grey/Māwhera River provides a natural edge to the town centre and a link to its cultural heritage. The vegetated hills behind Greymouth/Māwhera are an important backdrop to the town and an acknowledged outstanding natural landscape. Keeping access to the Grey/Māwhera River and a visual link between the town centre and the surrounding hills is essential.

Existing built character

The core of Greymouth/ Māwhera's town centre retains a coherent collection of nineteenth and early twentieth century buildings and architecture/building methods of this period. This represents an important part of the historic heritage resource of the West Coast/Te Tai o Poutini.

The following design elements that contribute positively to the character of the town are identified as:

- Building edge – buildings are often built to the street boundary.
- Continuous façade – buildings tend to abut one another creating a sense of enclosure
- Human scale – buildings give a sense of human scape at the publicly occupied edges. They contain proportions, textures and physical elements that fit with the size of people.

- Prominent corner buildings – corner buildings are often taller than the adjoining buildings. This additional height helps define the edge of a block and create a visual anchor point.
- Verandahs – this is a key feature in the main street frontage streets in the Town Centre Zone and Façade Control Streets in the Mixed-Use Zone which provide shelter for pedestrians.
- Main Street frontage streets in the Greymouth/Māwhera Town Centre Zone are: Māwhera Quay, Mackay Street, Tainui Street, Guiness Street, Albert Street, Werita Street, Custom Street and Tarapuhi Street
- Façade Control Streets in the Greymouth/Māwhera Mixed Use Zone are: Mackay Street,Boundary Street, Richmond Quay, Gresson Street, Herbert Street, Guiness Street and Tarapuhi Street.
- Four distinct parts of building – traditional buildings show four distinct parts – base, verandah, upper area and parapet
- Rhythm and repetition – windows are often at regular intervals, symmetry of façade features
- Visual interest – although commonalities exist between buildings, each building expresses an individual character
- Active frontage – windows exist on all floor levels of a building's façade

Poutini Ngāi Tahu Cultural Landscapes

Many buildings within the town centre reflect Greymouth/Māwhera's colonial and settler history, however there is limited representation of a much longer Poutini Ngāi Tahu history. Greymouth/Māwhera is solely located within the takiwa of Te Rūnanga o Ngāti Waewae and they are the key Poutini Ngā Tahu contacts for designers of buildings in Greymouth/Māwhera.

Poutini Ngāi Tahu culture and identity highlight the West Coast's point of difference in the world and offer design opportunities for the future.

The guidelines in Section 2.2 are based on the Ngāi Tahu Subdivision and Development Guidelines, which are a set of urban design principles founded on core Maori cultural values and designed to provide practical guidance for enhancing outcomes for the design environment. These principles have arisen to enable greater iwi and hapū presence, visibility and participation in the design of the physical environment.

The use of Poutini Ngāi Tahu design guidelines is predicated on the development of high-quality durable relationships being developed between Te Rūnanga o Ngāti Waewae, Pokeka Environmental =their mandated design professionals, developers and the Council. Robust relationships between these groups provide opportunities for unlocking a rich store of design potential.

2.2 Guidelines

Context

GC1 Complement the ~~existing~~ **bulk and form of the existing** built context ~~with visual links through similarity of overall bulk and form. New development should attempt to complete, improve and enhance the setting of individual buildings or groups of buildings listed as scheduled historic heritage items in Te Tai o Poutini Plan.~~ New buildings/structures **which immediately adjoin scheduled heritage items** shall **aim to** complement and support, rather than dominate these scheduled buildings and structures.

GC2 Take into account the wider surroundings, including natural features, such as views to ~~other buildings,~~ the mountains and the Māwhera/Grey River.

Poutini Ngāi Tahu Cultural Landscapes

IW1 Mana/authority – The development of a high-level relationship with Te Rūnanga o Ngāti Waewae is essential prior to commencing design approaches which will maximise the opportunities for design outcomes. A cultural landscape approach is the most appropriate means to identify, assess and manage the potential effects of subdivision and development on cultural values and significant sites.

IW2 Te Reo, whakapapa/naming – Consultation with Te Rūnanga o Ngāti Waewae on the use of correct ancestral names, including macrons, and the recognition of traditional place names in keeping with the mita (pronunciation of language) of Poutini Ngāi Tahu through signage, wayfinding, street names in new subdivisions and names of public buildings, parks and places.

IW3 Tohu/landmarks – Significant wider cultural landmarks (including wāhi tapu, maunga, awa, puna, mahinga kai and ancestral kāinga) and associated narratives are acknowledged in the spatial orientation and layout of any new development, allowing visual connection to significant sites to be created, preserved and enhanced.

IW4 Taiao/environment – Landscape design includes a selection of indigenous plant and tree species where possible and reflects cultural perspectives, ideas and materials. Indigenous biodiversity objectives should be incorporated into development plans and indigenous species used for street trees, open space and reserves, native ground cover species for swales and stormwater management.

IW5 Mauri Tū/environmental health - Use of land - based treatment of wastewater, rainwater collection systems, grey-water recycling systems, stormwater treatment, passive solar design, and hard landscape and building materials which are locally sourced and of high cultural value to Poutini Ngāi Tahu are explored in the design process.

IW6 Mahi Toi/creative expression – **When** Poutini Ngāi Tahu narratives are ~~creatively~~ reinscribed through architectural ~~design~~ and building **design**, integrated artwork. ~~and~~ Te Rūnanga o Ngāti Waewae mandated design professionals and artists are appropriately engaged in ~~such~~ **this** process~~es~~.

IW7 Ki uta ki tai/from the mountains to the sea. Opportunities are explored through partnership engagement with Poutini Ngāi Tahu to reflect the Poutini Ngāi Tahu view of the environment and resource management. Ki uta ki tai is a traditional concept representing kaitiakitanga from the mountains and inland lakes, down the rivers to hapua/lagoons to the sea. Kaitiakitanga reflects the special relationship Ngāi Tahu has with its environmental heritage. It is fundamental to the tribe's culture and identity. Ki uta ki tai encapsulates the need to recognise and manage the interconnectedness of the whole environment.

Built Form

BF1 Mass/Scale - New buildings shall relate to the scale of adjacent buildings. Where very wide buildings are proposed, their bulk and width shall be reduced by dividing the façade up ~~by vertical divisions~~ into ~~several smaller "storefronts"~~ **visually smaller vertical forms** – something commonly used in the existing Greymouth/Māwhera building stock. Windows and doors and other architectural details shall be used to reduce the mass of structures. Where a building over three stories is proposed, the section above three stories shall be stepped back from the line of view from the street.



This long low building shape should be avoided. Two storey rather than one storey buildings give better containment to the streetscape. This building also lacks windows and has limited design features and detail to add interest to the building. The buildings colours are also very out of character with other buildings in the vicinity



An example of a wide building with vertical divisions and the use of colour and different materials to break up the facade.

BF2 Location to front – Buildings are to be positioned so their front walls abut the (footpath) boundary.

BF3 Continuity – on Main Street Frontage and Façade Control Streets buildings are to extend across the full width of the site frontage to ensure that the street's "built" edge is continuous. Exceptions to the continuous frontage are for walking access connections and outdoor dining areas/courtyards. The façade will be indicative of the bulk of the building behind (i.e., not just a façade). Beyond Main Street Frontage and Façade Control Streets, maintaining a continuous frontage is still encouraged to maintain a sense of enclosure, however it is not essential.

BF4 Height – New buildings should ideally be at least two storeys in height, but at a minimum, shall appear similar in height to the existing neighbouring buildings.

Any upper floor areas visible in the layout of the façade are to be potentially usable space rather than a false façade.

BF5 Corner buildings. Buildings on corners and main junctions are highly visible which means that building design is especially important. Buildings on corners are able to be visually emphasised with architectural elements such as taller forms, or parapets, cornice, pediment or similar features that wrap around the building.



This building expresses well to the corner with a specific corner facade.



This building does not include any corner features to emphasise its position.

Location Specific Guidance

BF6 Pedestrian Access Lanes – existing pedestrian access lanes shall be retained and enhanced. Lanes should be well lit, attractive and safe. Pedestrian routes shall be lit at a minimum of 10 lux. Buildings facing the lanes shall have ground level openings (windows or doors) to provide connection with the public space and allow natural surveillance of the walkway.

BF7 Roofs/Down pipes – Roofs are encouraged to sit below the height of the parapet and not be visible from the street. Drainpipes should be designed so they are a discrete part of the building and not visually intrusive.

Facades

GF1 Openings – Buildings are to have windows on all street facades with minimum glazing as specified in the relevant rules. ~~Symmetrically located windows~~ **Create visual interest and symmetry by positioning windows at regular intervals** ~~are required~~ above ground level, and main doors at ground level are to be oriented to the street (i.e., not at the side or the back). Entrances shall be wide enough to accommodate wheelchairs and pushchairs. Buildings that have more than one frontage (i.e., corner) are to include windows and doors on both facades if there is sufficient length of frontage. The design of side and back elevations that are visible from the street or any other public space should be consistent with the design of the main building frontage.

GF2 Visual permeability – The ground floor window of buildings (including glazed doors) in Main Street Frontages must be no less than 50% of the frontage in the Town Centre Zone and on Façade Control Streets in the Mixed Use Zone must have a minimum 20% glazing. ~~On all facades, fully glazed facades will not be permitted unless there are vertical solid breaks at frequent intervals.~~ The glazing is not to be blocked out with opaque or reflective film, or other treatment that obscures the visual connection from the outside into the building.

GF3 Office/Commercial Activity – where the ground floor is used for offices/commercial activity in Main Street Frontage Streets, the display area immediately behind the windows should be designed as reception and waiting areas.

GF4 Shop fronts and entries – Building entries and shop fronts in Main Street Frontage Streets should be glazed and entries recessed. This allows pedestrians to stop and view the display area and gives depth to the entrance.

GF5 Four elements – Building facades are to show the following distinct elements:

Base (Ground) – in Main Street Frontage streets this should predominantly be a shopfront with vertical division and a recessed entrance

Verandah/Canopy/Balcony – style of verandah/canopy/balcony to be consistent with the building (more detail provided in GF6)

Upper Area – symmetrical placement of windows.

Parapet/Top – top outline of the façade extended or modulated by elements reflecting the building structure and roof form, and generally masking the roof.

GF6 Verandah/canopy/balcony -Verandahs are a requirement in Main Street Frontage Streets and Façade Control Streets and are subject to performance standards in the rules. Verandahs should:

- Complement the building style of the building to which they are attached
- Extend over the footpath and full width of the building frontage. **Setback the verandah to allow clearance for taller vehicles.**
- Take cues from neighbouring verandahs in terms of height, proportion and style, whilst allowing for variation in design features
- Be fully cantilevered with no decorative poles or obstructions of the footpath
- Not obscure windows or architectural details
- Verandahs on corner buildings should wrap around the building and extend the full width of both frontages (even if only one frontage is classed as a Main Street Frontage or Façade Control Street).

Balconies should be designed to be in keeping with the overall architectural detail of the building. Balustrades should allow for views and natural surveillance of the street.

GF7 Articulation and Detail – building facades should **achieve visual interest to support the pedestrian experience. This may** include articulation and detailing**, such as**~~. Façade articulation may include~~ setbacks, projected bays, balconies **and fencing and landscaping.** ~~etc.~~ Building facades should have detail and depth and not be on a flat plane.

GF8 Material and Colour – **use materials, texture and colour to highlight the building's form and details** ~~building colours, whether a painted finish or natural materials should highlight features~~ such as joinery, decoration or repetition of the building form

- ~~Use colours that are consistent with the existing range of colours in the town centre and be consistent with the Pounamu and Māori Heritage colour palette developed as part of the CBD Redevelopment Plan.~~
- ~~Side and rear walls should be painted in the same colours as the building's main façade. Side and rear walls also provide an opportunity for murals to be painted. In these cases colours can deviate from the building's main façade.~~
- ~~Bright colours designed to call attention to the building are not acceptable~~
- ~~Painting the whole building one block colour as a "sign" to brand the building is not acceptable.~~



Colour has been used successfully on this building to highlight window details, the entrance and detailed lines on the building. The colours are in keeping with a traditional colour palette suitable for other buildings in the town centre. ~~The colours used on this building on the left are very bold and not consistent with other building colours in the vicinity.~~



~~Colour has been used successfully on this building to highlight window details, the entrance and detailed lines on the building. The colours are in keeping with a traditional heritage palette suitable for other buildings in the town centre.~~ **The colours used on this building on the left are very bold and not consistent with other building colours in the vicinity.**

GF9 Building Signage - Signage should not project above the roofline or obscure architectural features.

GF10 Lighting – Buildings can have lighting to highlight building façade features and provide under verandah light to the footpath. Choose lighting fixtures in a style that is appropriate to the building and not susceptible to vandalism.

GF 11 Building entries (non-Main Street Frontage or Façade Control Streets) – Building entries are encouraged to have a canopy or verandah to provide protection from the weather and emphasise the entry point.

GF12 Outdoor dining areas. – These are encouraged on footpaths adjoining buildings within the town centre to give vitality and encourage occupation of the street. The location, size and layout need to take into account public access, pedestrian circulation and the safety of patrons and motorists.

GF13 Mechanical equipment – Try and maintain the integrity of the general form of the building by avoiding detracting secondary features such as air conditioning plants or other mechanical equipment above or in front of the façade, and visible from the street.

Strengthening and Restoration

GS1 External strengthening – if external strengthening has to be used, either avoid the street façade or design strengthening structures as a visible and explicit design feature of the elevation. Do not obscure features such as windows.

GS2 Façade retention – For heritage and landmark buildings, retaining a building's street façade is preferable to its demolition. Where only the façade is retained, fit the new structure behind the façade features – reusing window and door openings. Keep the new structure below the façade height and give the visual appearance of retained floors.

Location Specific Requirements

GL1 Mackay Street and Māwhera Quay ~~a~~ focus ~~is~~ on restoration and repurposing of existing buildings. **Any replacement** ~~Replacement~~ buildings should **consider** ~~have~~ a scale and style that reflects port warehouses in keeping with **Mackay Street and Mawhera Quay's** ~~the~~ riverfront position.

Hokitika Town Centre Urban Design Guidelines

1.0 Introduction

This document has been developed to provide direction to those planning, designing and reviewing development proposals in the Hokitika town centre. This guide seeks to achieve high quality building design that:

- Responds to the context
- Is visually interesting and in keeping with the streetscape values
- Addresses cultural and built heritage values and design elements
- Creates a vibrant, active pedestrian environment
- Incorporates new and innovative design where appropirate
- Takes into account CPTED principles and the Poutini Ngāi Tahu values.

1.1 When does the Design Guide apply?

Under Te Tai o Poutini Plan rules, all new buildings within the Hokitika Town Centre Zone are ~~required~~ **encouraged** to be assessed against these design guidelines. Where resource consents are required the Councils will use this guide to help assess and make decisions on those consent applications.

2.0 Hokitika Design Guidelines

2.1 Context

Hokitika means 'return directly' in Māori. The name embraces the story of a battle of control of the pounamu source. Invading Ngāi Tahu who wanted control of the pounamu source were devastatingly defeated at Lake Mahinapua by local tribe Ngāti Wairangi. The sole surviving chief Hikatutae turned back here and 'returned directly' to Kaiapoi. Several battles later Ngāi Tahu won, but at a truly heavy price. Today Poutini Ngāi Tahu honour their role as rangatira, carvers and traders of this revered stone.

The town of Hokitika grew from the discovery of another precious resource - gold. The West Coast's gold rushes, many led by Maori, attracted thousands of gold-seekers. Between 1864 and 1867 ships brought 37,000 seekers into Hokitika Port through its treacherous river mouth resulting in countless shipwrecks. Carved out of the rainforest wilderness, Hokitika grew from the 'Crooked Mile' of Revell Street on the dunes to a wide-streeted goldfields capital,

Defined Centre

Hokitika is a well defined centre with a grid layout and natural edges from the Hokitika River and Hokitika Beach and a human edge created by the railway line. There is a strongly defined entrance into the town, with the town clock creating a core focal point.

Connection with the Natural Environment

The Hokitika River/Gibson Quay and Beachfront provide natural edges to the town centre and a link to its cultural and natural heritage. Alongside this Hokitika is notable for its views towards the

Southern Alps. Maintaining visual connections and improving access to the beach and Gibson Quay are essential.

Existing built character

Hokitika Town Centre has an interesting mix of historic nineteenth and early twentieth century buildings as well as more modern, but largely sympathetic, buildings. The historic heritage represents an important part of the historic heritage resource of Westland and the West Coast and is centred around Revell Street.

The following design elements that contribute positively to the character of the town are identified as:

- Building edge – buildings are often built to the street boundary.
- Continuous façade – buildings tend to abut one another creating a sense of enclosure
- Human scale – buildings give a sense of human scape at the publicly occupied edges. They contain proportions, textures and physical elements that fit with the size of people.
- Prominent corner buildings – corner buildings are often taller than the adjoining buildings. This additional height helps define the edge of a block and create a visual anchor point.
- Verandahs – this is a key feature in the main street frontage streets in the Town Centre Zone which provide shelter for pedestrians.
    - Main Street frontage streets in the Hokitika Town Centre Zone are: Weld Street, Sewell Street, Hamilton Street, Revell Street, Tancred Street, Camp Street, Wharf Street, Gibson Quay
- Four distinct parts of building – traditional buildings show four distinct parts – base, verandah, upper area and parapet
- Visual interest – although commonalities exist between buildings, each building expresses an individual character
- Active frontage – windows exist on all floor levels of a building's façade

Revell Street Heritage Character Area

The Revell Street Heritage Area (From Ocean View/110 Revell Street to Camp Street) is characterised by having a large number of late nineteenth and early twentieth century buildings which recall the late Victorian era mining town character.



Revell Street Heritage Character Area Buildings

While only a handful of these are listed historic buildings, retaining the other character buildings from this era, and ensuring that new buildings are sympathetic to the area is very important.

In terms of character, buildings that contribute positively to the character of Revell Street

- Are built to the street boundary
- Are rectangular with elongated or tall proportions
- Are designed based on early West Coast heritage styles
- Have tall horizontal or stepped parapets hiding the roof behind
- Have verandahs (although some of the large hotels do not and historically many did not)
- Have similar alignment of parapets and shopfronts
- Are constructed of timber with timber shopfronts

The shop front design of buildings contributing to the character of Revell Street also has general level of consistency:

- A large display window which can be divided into large symmetrical panes particularly in the older shops
- Recessed or flat entries either to one side, or, for the older shops, centrally located
- A bulkhead, or base to the shopfront, which is panelled on the older shops

Poutini Ngāi Tahu Cultural Landscapes

Many buildings within the town centre reflect Hokitika's colonial and settler history, however there is limited representation of a much longer iwi history. Poutini Ngāi Tahu culture and identity highlight the West Coast's point of difference in the world and offer design opportunities for the future.

The guidelines in Section 2.2 are based on the Ngāi Tahu Subdivision and Development Guidelines, which are a set of urban design principles founded on core Maori cultural values and designed to provide practical guidance for enhancing outcomes for the design environment. These principles have arisen to enable greater iwi and hapū presence, visibility and participation in the design of the physical environment.

The use of Poutini Ngāi Tahu design guidelines is predicated on the development of high-quality durable relationships being developed between Ngāti Waewae and Ngāti Māhaki oMakaawhio, Pokeka Environmental - their mandated design professionals, developers and the Council. Robust relationships between these groups provide opportunities for unlocking a rich store of design potential.

2.2 Guidelines

Context

GC1 Complement the ~~existing~~ **bulk and form of the existing** buil**dings**.~~t context with visual links through similarity of overall bulk and form. New development should attempt to complete, improve and enhance the setting of individual buildings or groups of buildings listed as heritage items in Te Tai o Poutini Plan.~~ New buildings/structures **which immediately adjoin scheduled heritage items** shall **aim to** complement and support, rather than dominate these listed buildings.

GC2 Take into account the wider surroundings, including natural features, such as views to Ngā Tiritiri-o-te-Moana/Southern Alps and links to the beach and the river.

Poutini Ngāi Tahu

IW1 Cultural Landscapes – A cultural landscape approach is the most appropriate means to identify, assess and manage the potential effects of subdivision and development on cultural values and significant sites.

IW2 Te Reo, whakapapa/naming – Consultation with the relevant Poutini Ngāi Tahu Papatipu Rūnanga on the use of appropriate ancestral names, including macrons, and the recognition of traditional place names in keeping with the mita (pronunciation of language) of Poutini Ngāi Tahu through signage, wayfinding, street names in new subdivisions and names of public buildings, parks and places.

IW3 Tohu/landmarks – Significant wider cultural landmarks (including wāhi tapu, maunga, awa, puna, mahinga kai and ancestral kāinga) and associated narratives approved by Poutini Ngāi Tahu are acknowledged in the spatial orientation and layout of any new development, allowing visual connection to significant sites to be created, preserved and enhanced.

IW4 Taiao/environment – Landscape design includes a selection of indigenous plant and tree species where possible and reflects cultural perspectives, ideas and materials. Indigenous biodiversity objectives should be incorporated into development plans and indigenous species used for street trees, open space and reserves, native ground cover species for swales and stormwater management.

IW5 Mauri Tū/environmental health - Use of land - based treatment of wastewater, rainwater collection systems, grey-water recycling systems, stormwater treatment, passive solar design, and hard landscape and building materials which are locally sourced and of high cultural value to Poutini Ngāi Tahu are explored in the design process.

IW6 Mahi Toi/creative expression – **When iwi** ~~Iwi~~/hapū narratives are ~~creatively~~ reinscribed through architectural ~~design~~ and building **design**, integrated artwork**.** ~~**and**~~ Poutini Ngāi Tahu Papatipu Rūnanga mandated design professionals and artists are appropriately engaged in ~~such~~ **this** process~~es~~.

IW7 Ki uta ki tai/from the mountains to the sea. Opportunities are explored through partnership engagement with Poutini Ngāi Tahu to reflect the Poutini Ngāi Tahu view of the environment and resource management. Ki uta ki tai is a traditional concept representing kaitiakitanga from the mountains and inland lakes, down the rivers to hapua/lagoons to the sea. Kaitiakitanga reflects the special relationship Ngāi Tahu has with its environmental heritage. It is fundamental to the tribe's

culture and identity. Ki uta ki tai encapsulates the need to recognise and manage the interconnectedness of the whole environment.

Built Form

BF1 Mass/Scale -New buildings should relate to the scale of adjacent buildings. Where very wide buildings are proposed, their bulk and width shall be reduced by dividing the façade up ~~by vertical divisions~~ into ~~several smaller "storefronts"~~ **visually smaller vertical forms**. Windows and doors and other architectural details shall be used to reduce the mass of structures. Where a building over three stories is proposed, the section above three stories should be stepped back from the line of view from the street.



This long low building shape should be avoided. This building also lacks windows and has limited design features and detail to add interest to the building. The buildings colours are also very out of character with other buildings in the vicinity



An example of a wide building with vertical divisions and the use of colour and different materials to break up the facade.

BF2 Location to front – Buildings are to be positioned so their front walls abut the (footpath) boundary

BF3 Continuity – on Main Street Frontage streets buildings are to extend across the full width of the site frontage to ensure that the street's "built" edge is continuous. Exceptions to the continuous frontage are for walking access connections and outdoor dining areas/courtyards. The façade will be indicative of the bulk of the building behind (i.e., not just a façade). Beyond Main Street Frontage Streets, maintaining a continuous frontage is still encouraged to maintain a sense of enclosure, however it is not essential.

BF4 Height – New buildings should ideally be at least two storeys in height, but at a minimum, should appear similar in height to the existing neighbouring buildings

Any upper floor areas visible in the layout of the façade should be potentially usable space rather than a false façade.

BF5 Corner buildings. Buildings on corners and main junctions are highly visible which means that building design is especially important. Buildings on corners are able to be visually emphasised with architectural elements such as taller forms, or parapets.



This building expresses well to the corner with the second story providing height, and the window facing into the corner.

BF6 Pedestrian Access Lanes – existing pedestrian access lanes shall be retained and enhanced. Lanes should be well lit, attractive and safe. Pedestrian routes shall be lit at a minimum of 10 lux. Buildings facing the lanes should have ground level openings (windows or doors) to provide connection with the public space and allow natural surveillance of the walkway.

BF7 Roofs– Roof form in Hokitika town centre is variable with some below the parapet and others pitched and visible from the street. Either is acceptable except there are some specific requirements for the Revell Street heritage area



Rooflines hidden behind a parapet



Mixed rooflines

GF1 Openings – Buildings are to have windows on all street facades with minimum glazing as specified in the relevant rules. Main doors at ground level are to be oriented to the street (i.e. not at the side or the back). Entrances shall be wide enough to accommodate wheelchairs and pushchairs. Buildings that have more than one frontage (i.e., corner) are to include windows and doors on both facades if there is sufficient length of frontage. The design of side and back elevations that are visible from the street or any other public space should be consistent with the design of the main building frontage.

GF2 Visual permeability – The ground floor window area of buildings (including glazed doors) in Main Street Frontage must be no less than 50% of the frontage in the Town Centre Zone. ~~On all facades, fully glazed facades will not be permitted unless there are vertical solid breaks at frequent intervals.~~ The glazing is not to be blocked out with opaque or reflective film, or other treatment that obscures the visual connection from the outside into the building.

GF3 Shop fronts and entries – Building entries and shop fronts on Main Street Frontage Streets should be glazed and entries recessed. This allows pedestrians to stop and view the display area and gives depth to the entrance.

GF4 Four elements – Building facades are to show the following distinct elements:

Base (Ground) – in Main Street Frontage streets this should predominantly be a shopfront with vertical division and a recessed entrance

Verandah/Canopy/Balcony – style of verandah/canopy/balcony to be consistent with the building (more detail provided in GF5)

Upper Area –windows if building is more than 1 storey in height.

Parapet/Roof – Parapet with top outline of the façade extended or modulated by elements reflecting the building structure and roof form masking the roof, or roof form clearly evident.

GF5 Verandah/canopy/balcony -Verandahs are a requirement on Main Street Frontage streets and are subject to performance standards in the rules. Verandahs should:

- Complement the building style of the building to which they are attached
- Extend over the footpath and full width of the building frontage. **Setback the verandah to allow clearance for taller vehicles.**
- Take cues from neighbouring verandahs in terms of height, proportion and style, whilst allowing for variation in design features
- Not obscure windows or architectural details
- Verandahs on corner buildings should wrap around the building and extend the full width of both frontages (even if only one frontage is classed as a Main Street Frontage).

Balconies should be designed to be in keeping with the overall architectural detail of the building. Balustrades should allow for views and natural surveillance of the street.

GF6 Articulation and Detail – building facades should **achieve visual interest to support the pedestrian experience. This may** include articulation and detailing~~. Façade articulation may include~~ setbacks, projected bays, balconies **and fencing and landscaping** ~~etc~~. Building facades should have detail and depth and not be on a flat plane.

GF7 Material and Colour – **use materials, texture and colour to highlight the building's form and details** ~~building colours, whether a painted finish or natural materials should highlight features~~ such as joinery, decoration or repetition of the building form

- ~~Use colours that are consistent with the existing range of colours in the town centre.~~
- ~~Side and rear walls should be painted in the same colours as the building's main façade. Side and rear walls also provide an opportunity for murals to be painted. In these cases colours can deviate from the building's main façade.~~
- ~~Bright colours designed to call attention to the building are not acceptable~~
- ~~Painting the whole building one block colour as a "sign" to brand the building is not acceptable.~~



Before



After

Colour and Signage are key to achieving a good design outcomes. This building has been transformed by the change to a sympathetic colour and incorporation of a well designed sign reflecting Poutini Ngāi Tahu values.



Colour has been used successfully on this building to highlight window details, the entrance and detailed lines on the building. The colours are in keeping with a traditional heritage palette ***<u>suitable for other buildings in the town centre</u>***.





~~Colour has been inappropriately used on these shops. They are not in keeping with the surrounding area, and also being used as a "sign" to advertise a product~~. **<u>The colours used on these buildings are very bold and not consistent with the other building colours in the vicinity.</u>**

GF8 Building Signage -Signage should not project above the roofline or obscure architectural features.

GF9 Lighting – Buildings can have lighting to highlight building façade features and provide under verandah light to the footpath. Choose lighting fixtures in a style that is appropriate to the building and not susceptible to vandalism.

GF10 Building entries (non-Main Street Frontage Streets) – Building entries are encouraged to have a canopy or verandah to provide protection from the weather and emphasise the entry point.

GF11 Outdoor dining areas. – These are encouraged on footpaths adjoining buildings within the town centre to give vitality and encourage occupation of the street. The location, size and layout need to take into account public access, pedestrian circulation and the safety of patrons and motorists.

GF12 Mechanical equipment – Try and maintain the integrity of the general form of the building by avoiding detracting secondary features such as air conditioning plants or other mechanical equipment above or in front of the façade, and visible from the street.

Strengthening and Restoration

GS1 External strengthening – if external strengthening has to be used, either avoid the street façade or design strengthening structures as a visible and explicit design feature of the elevation. Do not obscure features such as windows.

GS2 Façade retention – For heritage and landmark buildings, retaining a building's street façade is preferable to its demolition. Where only the façade is retained, fit the new structure behind the façade features – reusing window and door openings. Keep the new structure below the façade height and give the visual appearance of retained floors.

Revell Street Heritage Character Area

GR1 Adapting existing historic buildings – when making additions, these should be on elevations not visible from the street and compatible with the architectural character of the building. Additions should not dominate the original building or contrast harshly with the original materials, building and roof form, proportions, colour or scale.

GR2 New Buildings - New buildings should be in sympathy with the historic building stock. Key aspects that will assist this are:

- Building to the street (footpath boundary)
- Above verandah having a horizontal parapet hiding the roof with a flat weatherboard cladding or similar flat fitting facing material facing the street
- The parapet should be simple with simplified or modern interpretation of existing detailing
- The verandah should extend the full width of the footpath
- Awnings are discouraged
- Shopfronts should be made of timber
- Entries should be recessed and angled
- The use of roller shutters, security grills or other forms of non-traditional additions to shopfronts should be avoided.

GR3 - New Two-storied buildings

- The first-floor design should have symmetrically located, discreet window openings matching the proportion of ground floor windows.
- Where there is no parapet, eaves should project beyond the face of the wall.
- The building can have a single or two-storied verandah.
- On the ground floor the building could have a shopfront matching the design guide or repeat the openings on the first floor.

Reefton Heritage Town Design Guidelines

1.0 Introduction

This document has been developed to provide guidance to those preparing and reviewing development proposals in the Reefton town centre. This guide seeks to achieve high quality building design that:

- Responds to the historical context
- Is visually interesting and in sympathy with the streetscape values
- Addresses cultural and built heritage values and design elements
- Creates a vibrant, active pedestrian environment

1.1 When does the Design Guide apply?

Under Te Tai o Poutini Plan rules within the Reefton Town Centre Zone, all new buildings and alterations to the exterior facade of existing buildings are ~~required~~ **encouraged** to be assessed against these design guidelines. Where resource consents are required the Councils will use this guide to help assess and make decisions on those consent applications.

These guidelines however have been developed to support the wider heritage character of Reefton and developers of new buildings or those undertaking alterations of existing character buildings are encouraged to use them.

2.0 Reefton Heritage Town Design Guidelines

2.1 Context

The historic significance of Reefton and its heritage values is recognised by the registration of parts of Reefton as an historic area under the Historic Places – Pouhere Taonga Act. The main commercial street, Broadway, retains a number of mid to late nineteenth and early twentieth century buildings contributing to its late Victorian era mining town character.

Reefton has such high heritage and recreation values that retaining the existing heritage buildings is essential and any new buildings should be designed to be sympathetic with and enhance the existing character and values.

Within this design guide there are three main categories of building – each with a different approach to new building works.

- Historic buildings - these include listed historic heritage buildings [refer Schedule 1 of Te Tai o Poutini Plan] but also unscheduled historic buildings centred around Bridge St and Broadway such as the BNZ Bank, Broadway Supplies Building, Caples/Conlon Villa (Bellbird Motel), Homemakers Hardware Shop, Old National Bank, Wilson's Hotel and Hotel Reefton. These should be retained, with modifications kept to a minimum.
- Contributory buildings – these should be retained but can be modified to a greater degree in a sympathetic manner.
- Non-contributory – which are neutral or intrusive in the street and can be demolished or modified to be more in sympathy with the character of the street (a nod to the past).

<u>Broadway Character</u>

Broadway is a long wide, open street with single and two storied commercial buildings lining it. Generally the buildings that contribute positively to the character of Broadway

- Are built to the street boundary
- Are rectangular with elongated or tall proportions
- Are designed based on early West Coast heritage styles

- Have tall horizontal or stepped parapets hiding the roof behind
- Have verandahs (although one or two do not and historically many did not)
- Are connected or are joined by fences on the street boundary
- Are long and narrow
- Are of different heights, with little or no alignment of parapets or shopfronts
- Are constructed of timber with timber shopfronts

Verandahs are of different designs:

- Unadorned or decorated posts
- With or without brackets
- With or without signage on the fascia
- With or without fascias
- With or without cheeks
- Skillion or bullnosed roofs

The shop front design of buildings contributing to the character of Broadway also has general level of consistency:

- A large display window which can be divided into large symmetrical panes particularly in the older shops
- Recessed or flat entries either to one side, or, for the older shops, centrally located
- A bulkhead, or base to the shopfront, which is panelled on the older shops

2.2 Design Guidelines

2.2.1 Historic buildings





1. **General Principles:** Generally visible external work should be limited to repairs, maintenance, restoration or reconstruction. Key principles are:
    - To maintain rather than repair
    - To repair rather than replace
    - If replacement is essential try and use materials that match the original as closely as possible (like for like)
    - Use a date stamp so that replacements can be identifiable on close inspection.

- Restore original colour schemes where possible [Refer to Resene heritage colours for the period pre – 1920 and note this does not include blue].
- Painting the whole building one block colour as a "sign" to brand the building is not acceptable.

2. **Adaptation:** When adapting the exterior of a historic building:
   - Retain, repair and maintain all significant external fabric
   - Avoid removal or obscuring significant external fabric, elements and features
   - Respect the style, form, planning, materials, craftsmanship, scale and patina of the building
3. **Additions:** When making additions, these should
   - Be on elevations not visible from the street
   - Avoid additions on significant elevations, including the roof
   - Be compatible with the architectural character of the building
   - Not dominate the original building
   - Not contrast harshly with original materials, building and roof form, proportions, colour or scale
   - Maintain the same orientation and proportions of building composition as the original
   - If a large addition, be separate from the original building and follow the guidelines for new buildings
4. **New Elements:** Where removal or replacement of non-original elements is proposed try and restore or reconstrut the original elements.
5. **Strengthening** Strengthening work for earthquake protection should be installed on the interior or within the existing structure. Where this is not possible locate it away from the front elevation.

2.2.2 Contributory Buildings



1. **General Principles:** The general principles are similar to those of heritage buildings except that retention of original fabric on non-visible elevations is less important.

2. **Additions:** When additions are proposed, these should:
    - Be on elevations not visible from the street
    - Be compatible with the architectural character of the building
    - Not dominate the original building
    - Not contrast harshly with original materials, building and roof form, proportions, colour, or scale
    - Maintain the same orientation, proportions and rhythm of building composition as the original
    - If a large addition, be separate from the original building and follow the guidelines for new buildings
    - Not negatively affect the setting of or views to or from the building
    - Should be of a respectful new design based on a simplified modern interpretation of the original
    - Where the original verandah design is suspended or cantilevered from the wall, do not install "dummy" verandah posts.

2.2.3 Non-contributory buildings

Demolition is acceptable and encouraged when possible. The design guides for new buildings and for additions and alterations to existing buildings should be followed. Where additions and alterations are to be carried out, the intention is to design modifications to regain greater consistency with the existing significant and heritage buildings.



2.2.4 New single storied buildings

1. **Location**
    - The building should be constructed up to the street (footpath) boundary
    - Where the building does not extend the full width of the site there should be a fence from the building to the boundary.
    - If there is an existing neighbouring building, it is acceptable to locate the new building against the existing building.
2. **Form**

- The building should be rectangular in plan and face the street
- The façade of the building should be rectangular with the proportion elongated or tall.

3. Above verandah design

- The building should have a horizontal parapet hiding the roof with a flat weatherboard cladding or similar flat fitting facing material facing the street,
- Where the building is to be constructed alongside an existing building, the parapet should be of a different height to the neighbouring building but no taller than existing Victorian or Edwardian buildings.
- The parapet for single story buildings should be between one-third to one half the total elevation height.
- The parapet should be simple with simplified or modern interpretation of existing detailing and not copy original detailing.

4. Verandah

- Buildings on Broadway are required to have a verandah (refer Plan rules) which should have a timber frame with a roof supported on timber posts
- The verandah should extend the full width of the footpath **Setback the verandah to allow clearance for taller vehicles**.[401]
- Awnings are discouraged.
- Cast iron filigree is discouraged.
- Non-alignment of verandahs with neighbouring buildings is encouraged.

5. Shopfront design.

- Shopfronts should be made of timber.
- Entries should be recessed and angled.
- In wide shops entries should be central, in narrow shops entries next to the side boundary wall is preferred.
- The stall board should be 300-600mm high,
- Windows should extend from the stall board to the underside of the verandah framing. The street pane should be divided vertically and horizontally with glazing bars.
- Recessed entry glazing should match the design of street glazing.
- The door should be glazed and panelled with a toplight.
- The use of roller shutters, security grills or other forms of non-traditional additions to shopfronts should be avoided.

6. Roofs

- The roof should be hidden behind a parapet. A pitch of between 30-45 degrees is ideal, with corrugated metal or timber shingles.

7. Materials

- Wall materials should be painted corrugated metal or timber weatherboard.

[401] Kirsty Dittmer (S412.001)

- Joinery should be timber

8. Corner buildings

- Corner buildings can be chamfered or square
- Parapets to corner buildings should return around the corner for the full length of the building.
- Entries to corner buildings should be at the corner.

9. Signage

- Signage on buildings should be symmetrical about the face of the element on which it is located and generally extend the full width.
- Signage in upper case lettering is encouraged.
- Signage should relate to the business or owner- not advertising products.
- Antique, Fat Clarendon, San serif lettering styles or similar are encouraged so as to give the impression of traditional hand sign writing.
- Other acceptable styles are Tuscan, Fat -faces, Fat Italics, Fat Gothic and Sans Serif compressed.

10. Fencing

- Fencing should be sympathetic to the era.

11. Colours

- Colours should be taken from the Resene or Aalto Heritage colour chart and be a three or four colour scheme. Note these should be the pre-1920s colours.

12. Lights

- Lighting should highlight the architectural character and lighting under the verandah is encouraged.

2.2.5 New two-storied buildings

- The first-floor design should have symmetrically located, discreet window openings matching the proportion of ground floor windows.
- Where there is no parapet, eaves should project beyond the face of the wall.
- The building can have a single or two-storied verandah.
- On the ground floor the building could have a shopfront matching the design guide or repeat the openings on the first floor. One of the openings should be a door and this can be wider than other openings.

Westport/Kawatiri Town Centre and Mixed Use Zone Urban Design Guidelines

1.0 Introduction

This document has been developed to provide direction to those planning, design and reviewing development proposals in the Westport/Kawatiri town centre and new mixed use area. This guide seeks to achieve high quality building design that:

- Responds to the context
- Is visually interesting and in keeping with the streetscape values

- Addresses cultural and built heritage values and design elements
- Creates a vibrant, active pedestrian environment
- Incorporates new and innovative design where appropirate
- Takes into account Poutini Ngāi Tahu values.

1.1 When does the Design Guide apply?

Under Te Tai o Poutini Plan rules, all new buildings within the Westport/Kawatiri Town Centre Zone and Mixed Use Zone are ~~required~~ **encouraged** to be assessed against these design guidelines. Where resource consents are required the Councils will use this guide to help assess and make decisions on those consent applications.

2.0 Westport/Kawatiri Design Guidelines

2.1 Context

Connection with the Natural Environment

The Buller/Kawatiri River provides a natural edge to the town centre and a link to its cultural heritage and the Kawatiri River Trail. Improving access to the Buller/Kawatiri River is important. Victoria Park lies directly behind the town centre - visual and access links through to Victoria Park should be improved.

Existing built character

Palmerston Street retains a mixed collection of nineteenth and early twentieth century buildings and architecture/building methods of this period. This represents an important part of the historic heritage resource of the Buller and West Coast.

The following design elements that contribute positively to the character of the town are identified as:

- Building edge – buildings are often built to the street boundary.
- Continuous façade – buildings tend to abut one another creating a sense of enclosure
- Human scale – buildings give a sense of human scape at the publicly occupied edges. They contain proportions, textures and physical elements that fit with the size of people.
- Prominent corner buildings – corner buildings are often taller than the adjoining buildings. This additional height helps define the edge of a block and create a visual anchor point.
- Verandahs of similar heights and shapes with decorative poles – this is a key feature in Palmerston Street which provides shelter for pedestrians.
- Visual interest – although commonalities exist between buildings, each building expresses an individual character
- Active frontage – windows exist on all floor levels of a building's façade

Poutini Ngāi Tahu Cultural Landscape

Many buildings within the town centre reflect Westport/Kawatiri's colonial and settler history, however there is limited representation of a much longer Poutini Ngāi Tahu history. Poutini Ngāi Tahu culture and identity highlight the West Coast's point of difference in the world and offer design opportunities for the future. Westport/Kawatiri is entirely within the takiwa of Te Rūnanga o Ngāti Waewae and they are the key Poutini Ngā Tahu contacts for designers of buildings in Westport/Kawatiri.

The guidelines in Section 2.2 are based on the Ngāi Tahu Subdivision and Development Guidelines, which are a set of urban design principles founded on core Maori cultural values and designed to provide practical guidance for enhancing outcomes for the design environment. These principles have arisen to enable greater iwi and hapū presence, visibility and participation in the design of the physical environment.

The use of Poutini Ngāi Tahu design guidelines is predicated on the development of high-quality durable relationships being developed between Te Rūnanga o Ngāti Waewae, their mandated design professionals, developers and the Council. Robust relationships between these groups provide opportunities for unlocking a rich store of design potential.

2.2 Guidelines

Context

GC1 Complement the ~~existing~~ **bulk and form of the existing** built context ~~with visual links through similarity of overall bulk and form. New development should attempt to complement, improve and enhance the setting of individual buildings or groups of buildings listed as heritage items in Te Tai o Poutini Plan.~~ New buildings/structures **which immediately adjoin scheduled heritage items** shall **aim to** complement and support, rather than dominate these listed buildings.

GC2 Take into account the wider surroundings, including natural features, such as views to ~~buildings,~~ the mountains and the river.

Poutini Ngāi Tahu Cultural Landscapes

IW1 Mana/authority – The development of a high-level relationship with Te Rūnanga o Ngāti Waewae is essential prior to commencing design approaches which will maximise the opportunities for design outcomes. A cultural landscape approach is the most appropriate means to identify, assess and manage the potential effects of subdivision and development on cultural values and significant sites.

IW2 Te Reo, whakapapa/naming – Consultation with Te Rūnanga o Ngāti Waewae on the use of correct ancestral names, including macrons, and the recognition of traditional place names in keeping with the mita (pronunciation of language) of Poutini Ngāi Tahu through signage, wayfinding, street names in new subdivisions and names of public buildings, parks and places.

IW3 Tohu/landmarks – Significant wider cultural landmarks (including wāhi tapu, maunga, awa, puna, mahinga kai and ancestral kāinga) and associated narratives are acknowledged in the spatial orientation and layout of any new development, allowing visual connection to significant sites to be created, preserved and enhanced.

IW4 Taiao/environment – Landscape design includes a selection of indigenous plant and tree species where possible and reflects cultural perspectives, ideas and materials. Indigenous biodiversity objectives should be incorporated into development plans and indigenous species used for street trees, open space and reserves, native ground cover species for swales and stormwater management.

IW5 Mauri Tū/environmental health - Use of land - based treatment of wastewater, rainwater collection systems, grey-water recycling systems, stormwater treatment, passive solar design, and hard landscape and building materials which are locally sourced and of high cultural value to Poutini Ngāi Tahu are explored in the design process.

IW6 Mahi Toi/creative expression –**When** Poutini Ngāi Tahu narratives are ~~creatively~~ reinscribed through architectural ~~design~~ and building **design**, integrated artwork**.** ~~and~~ Te Runanga o Ngāti Waewae mandated design professionals and artists are appropriately engaged in **this** ~~such~~ process~~es~~.

IW7 Ki uta ki tai/from the mountains to the sea. Opportunities are explored through partnership engagement with Poutini Ngāi Tahu to reflect the Poutini Ngāi Tahu view of the environment and resource management. Ki uta ki tai is a traditional concept representing kaitiakitanga from the mountains and inland lakes, down the rivers to hapua/lagoons to the sea. Kaitiakitanga reflects the special relationship Ngāi Tahu has with its environmental heritage. It is fundamental to the tribe's culture and identity. Ki uta ki tai encapsulates the need to recognise and manage the interconnectedness of the whole environment.

Built Form

BF1 Mass/Scale -New buildings shall relate to the scale of adjacent buildings. Where very wide buildings are proposed, their bulk and width shall be reduced by dividing the façade up ~~by vertical divisions into several smaller "storefronts"~~ **visually smaller vertical forms**. Windows and doors and other architectural details shall be used to reduce the mass of structures. Where a building over three stories is proposed, the section above three stories shall be stepped back from the line of view from the street.



~~*This long low building shape should be avoided. This building also lacks windows and has limited design features and detail to add interest to the building. The buildings colours are also very out of character with other buildings in the vicinity and are part of a sign to brand the building.*~~

BF2 Location to front – Buildings are to be positioned so their front walls abut the (footpath) boundary

BF3 Continuity – on Palmerston Street buildings are to extend across the full width of the site frontage to ensure that the street's "built" edge is continuous. Exceptions to the continuous frontage are for walking access connections and outdoor dining areas/courtyards. Beyond Palmerston Street, maintaining a continuous frontage is still encouraged to maintain a sense of enclosure, however it is not essential.

BF4 Height – New buildings should appear similar in height to the existing neighbouring buildings.

Any upper floor areas visible in the layout of the façade should be potentially usable space rather than a false façade.

BF5 Corner buildings. Buildings on corners and main junctions are highly visible which means that building design is especially important. Buildings on corners are encouraged to be visually emphasised with architectural elements such as taller forms, or parapets.



This building expresses well to the corner with the second story providing height, and the door facing into the corner.



This building was not built with any corner features to emphasise its position. The more recent sign and verandah modifications have tried to address its corner position.

BF6 Roofs– Westport/Kawatiri has a variable range of rooflines with some below the height of the parapet and others pitched and visible from the street. Either is acceptable.



Roofline hidden behind parapet



Mixed rooflines

GF1 Openings – Buildings are to have windows on all street facades with minimum 50% glazing as specified in the relevant rules. Main doors at ground level are to be oriented to the street (i.e., not at the side or the back). Entrances shall be wide enough to accommodate wheelchairs and pushchairs. Buildings that have more than one frontage (i.e., corner) are to include windows and doors on both facades if there is sufficient length of frontage. The design of side and back elevations that are visible from the street or any other public space should be consistent with the design of the main building frontage.

GF2 Visual permeability – The ground floor window area of buildings (including glazed doors) in Palmerston Street must be no less than 50% of the frontage in the Town Centre Zone. ~~On all facades, fully glazed facades will not be permitted unless there are vertical solid breaks at frequent intervals.~~ The glazing is not to be blocked out with opaque or reflective film, or other treatment that obscures the visual connection from the outside into the building.

GF3 Office/Commercial Activity – where the ground floor is used for offices/commercial activity on Palmerston Street, the display area immediately behind the windows should be designed as reception and waiting areas.

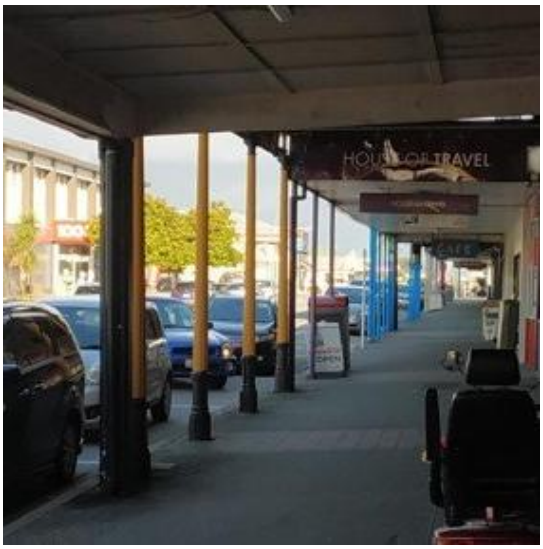
GF4 Shop fronts and entries – Building entries and shop fronts in Palmerston Street should be glazed and entries recessed. This allows pedestrians to stop and view the display area and gives depth to the entrance. Glazed areas should be partitioned with glazing bars rather than single sheet/plate glass display windows.



Window facades with glazing bars are a typical feature of the Westport shop frontages.

GF5 Verandah/canopy/balcony -Verandahs are a requirement on Palmerston Street and are subject to performance standards in the rules. Verandahs should:

- Complement the style of the building to which they are attached
- Extend over the footpath and full width of the building frontage. **Setback the verandah to allow clearance for taller vehicles.**
- Include decorative poles where possible
- Take cues from neighbouring verandahs in terms of height, proportion and style, whilst allowing for variation in design features
- Not obscure windows or architectural details
- Verandahs on corner buildings should wrap around the building and extend the full width of both frontages.



Decorative Street Poles from the verandahs give a sense of safety and enclosure and are a particular character of Westport town centre

GF6 Articulation and Detail – building facades should **achieve visual interest to support the pedestrian experience. This may** include articulation and detailing~~. Façade articulation may include~~ setbacks, projected bays, balconies**, and fencing and landscaping** ~~etc~~. Building facades should have detail and depth and not be on a flat plane.

GF8 Material and Colour – **use materials, texture and colour to highlight the building's form and details** ~~building colours, whether a painted finish or natural materials should highlight features~~ such as joinery, decoration or repetition of the building form

- ~~Use colours that are consistent with the existing range of colours in the town centre.~~
- ~~Side and rear walls should be painted in the same colours as the building's main façade. Side and rear walls also provide an opportunity for murals to be painted. In these cases colours can deviate from the building's main façade.~~
- ~~Bright colours designed to call attention to the building are not acceptable~~
- ~~Painting the whole building one block colour as a "sign" to brand the building is not acceptable.~~



Colour has been used successfully on this building to highlight window details, the entrance and detailed lines on the building. The colours are in keeping with a traditional heritage palette ***suitable for other buildings in the town centre*****.**



~~*Colour has been used inappropriately on this building. It does not fit with the character of the town and also is used to brand the building for sale of a particular product.*~~ ***The colours on this building are very bold and not consistent with other building colours in the vicinity.***

GF9 Lighting – Buildings can have lighting to highlight building façade features and provide under verandah light to the footpath. Choose lighting fixtures in a style that is appropriate to the building and not susceptible to vandalism.

GF10 Outdoor dining areas. – These are encouraged on footpaths adjoining buildings within the town centre to give vitality and encourage occupation of the street. The location, size and layout needs to take into account public access, pedestrian circulation and the safety of patrons and motorists.

GF13 Mechanical equipment – Maintain the integrity of the general form of the building by avoiding detracting secondary features such as air conditioning plants or other mechanical equipment above or in front of the façade, and visible from the street.

Strengthening and Restoration

GS1 External strengthening – if external strengthening has to be used, either avoid the street façade or design strengthening structures as a visible and explicit design feature of the elevation. Do not obscure features such as windows or modulation.

GS2 -Façade retention – For heritage and landmark buildings, retaining a building's street façade is preferable to its demolition. Where only the façade is retained, fit the new structure behind the

façade features – reusing window and door openings where possible. Keep the new structure below the façade height and give the visual appearance of retained floors.

Neighbourhood Centre Zone

Overview

The NCZ - Neighbourhood Centre Zone provides for a range of small-scale commercial, retail and community activities that provide for day-to-day needs of the surrounding residential neighbourhood. Neighbourhood Centres provide a limited range of services, employment and living opportunities at a scale appropriate to the residential neighbourhood they are located in. In general, Neighbourhood Centres are of low to medium density.

Neighbourhood Centres are generally located near the street edge, sometimes with verandahs and retail display windows along the frontage. Typically, buildings are 1-2 storeys high. Parking is usually available on the street.

Other relevant Te Tai o Poutini Plan provisions

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

- **Transport** - the Transport Chapter contains provisions in relation to transport matters, including traffic generation TRN - R12.
- **Sites and Areas of Significance to Māori, Historic Heritage and Notable Tree Chapters** - there may be sites and areas of significance to Māori, historic heritage or notable trees identified on individual sites within the Neighbourhood Zone. Specific information on the provisions that apply to these can be found in the Sites and Areas of Significance to Māori, Historic Heritage, and Notable Trees Chapters.
- **Natural Hazards** - in Westport/Kawatiri, Reefton, Hokitika and Greymouth/Māwhera there are areas of natural hazards and in some locations these may affect areas in the Neighbourhood Centre Zone. Information on natural hazard overlays and provisions can be found in the Natural Hazards Chapter.
- **Subdivision** - The Subdivision Chapter sets out the requirements for the development of new infrastructure and connections as part of subdivision activities.
- **Financial Contributions** - The Financial Contributions Chapter sets out the requirements for contributions of costs for activities which impact on infrastructure.
- **General District Wide Matters** - provisions in relation to Noise, Light, Signs, Temporary Activities and Earthworks in particular may be relevant to activities in the Neighbourhood Centre Zone.

Neighbourhood Centre Zone Rules

Note: There may be a number of Plan provisions that apply to an activity, building, structure and site. In some cases, consent may be required under rules in this Chapter as well as rules in other Chapters in the Plan. In those cases unless otherwise specifically stated in a rule, consent is required under each of those identified rules. Details of the steps Plan users should take to determine the status of an activity is provided in General Approach.

Permitted Activities

NCZ - R1	**New Buildings, External Additions and Alterations to Existing Buildings ~~Commercial Activities and Buildings, Community Facilities and Emergency Service Facilities~~**

Activity Status Permitted

Where:

~~1. Community Facilities, Emergency Service Facilities, retail and office activities are a maximum of 250m² gross floor area per activity provided;~~

2. ~~The activity does not include:~~

~~vii. Drive through restaurants;~~

~~viii. Service stations;~~

~~ix. Motor vehicle sales;~~

~~x. Yard-based retail activities;~~

~~xi. Trade retail and trade suppliers; or~~

~~xii. Bars/taverns;~~

1. The maximum height above ground level is 10 metres except that this standard does not apply to hose drying towers at Emergency Service Facilities;

~~2. External storage is screened by a 1.8m fence or landscaping so that it is not visible from any adjoining residential zone boundary or adjoining public place;~~

2. Maximum site coverage is 60%;

~~3. No more than one heavy vehicle is stored on the site;~~

~~4. Activities other than Emergency Services shall be limited to the following hours of operation:~~

~~iii. 6am – 11pm weekdays; and~~

~~iv. 7am – 10 pm weekends and public holidays; except where~~

~~c. The entire activity is located within a building; and~~

~~d. There are no visitors, customers or deliveries outside the above hours.~~

3. The maximum building length is 20m where this abuts a RESZ - Residential Zone;

4. Any building or structure**, excluding buildings for residential activities and residential units** is set back

   i. 2m from a RESZ - Residential Zone or OSRZ - Open Space and Recreation Zone boundary;

   ii. 3m from the road boundary; or

   iii. For sites with frontage to two roads in the NCZ - Neighbourhood Centre Zone:

      a. 3m on one road boundary; and

      b. 1.5m on the other road boundary;

   iv. 1.5m from the railway designation boundary, excluding accessory buildings and structures

5. Buildings for residential activities and residential units are set back:

   i. 5m from road boundaries, except that a roof overhang may encroach 750mm into the setback

ii. 1 m from all other site boundaries, except that Duplexes do not require a setback from the side boundary of the other duplex unit; and

iii. 1.5m from the railway designation boundary, excluding accessory buildings; and

6. A landscape buffer of 1m width must be provided along the frontage between the street and any car parking, loading or service areas which are visible from the street frontage. This rule excludes access points;

7. No building shall protrude beyond a building envelope defined by a recession plane as outlined in Appendix Two to commence 2.5m above any residential site boundary ~~except where the neighbouring property owner's written approval is provided to the Council 10 working days to the works commencing~~. This standard does not apply to:

   i. Road boundaries;

   ii. Buildings on adjoining sites that have a common wall along the boundary;

   iii. Boundaries abutting an access lot or right of way in which case the furthest boundary of the access lot or right of way may be used for assessing compliance with this standard;

   iv. Antennas, aerials, satellite dishes (less than 1m in diameter), chimneys, flues and architectural features (e.g. finials, spires) provided these do not exceed the recession plane by more than 3m vertically; or

   v. Solar panels and solar water heaters, provided these do not exceed the height in relation to boundary plane by more than 0.25m vertically.

Advice Note:

~~1. The acoustic insulation requirements for noise sensitive activities as set out in Rule NOISE - R3 also apply.~~

1. Where boundary rules are infringed, the Deemed Permitted Activity Boundaries process will apply where the neighbouring property owner's written approval is provided to Council.

Activity status where compliance not achieved:

Discretionary where standards 1 to **2** ~~8~~ are not complied with.

Restricted Discretionary where standards **3 to 7** ~~9-11~~ are not complied with.

NCZ – R2	**Minor Structures**

Activity Status Permitted

Where:

1. All performance standards for Rule NCZ - R1**.6** ~~are~~ **is** complied with;
2. Masts, poles, aerials and pou whenua must not exceed 7m in height;
3. Any antenna dish must be less than 1m in diameter;
4. Any ornamental or garden structure must not exceed 2.4 m in height; ~~and~~
5. Any other structure must not exceed 10m² and 2m in height**; and**
6. **Hose drying towers must not exceed 12m in height.**

Activity status where compliance not achieved: Discretionary

NCZ – R3	**Fences, Walls and Retaining Walls**

Activity Status Permitted

Where:

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

Activity status where compliance not achieved: Discretionary

NCZ – R4	**Relocated Buildings**

Activity Status Permitted

Where:

1. All performance standards for Rule NCZ - R1 are complied with;
2. Any relocated building intended for use as a dwelling must have been designed, ~~and~~ built**, and** ~~to be~~ used as a dwelling;
3. A building pre-inspection report **in accordance with Appendix 11**[402] shall accompany the application for a building consent for the destination site. That report is to identify all reinstatement works that are to be completed to the exterior of the building. The report shall include a certification by the property owner that the **exterior** reinstatement works **including connections to infrastructure services and closing in and ventilation of the foundations** shall be completed within a 12-month period **of the building being delivered to the site; and**
4. The building shall be located on permanent foundations approved by building consent no later than 2 months of the building being moved to the site.~~; and~~
5. ~~All other reinstatement work required by the building inspection report and the building consent to reinstate the exterior of any relocated dwelling shall be completed within 12 months of the building being delivered to the site. This reinstatement work is to include connections to all infrastructure services and closing in and ventilation of the foundations.~~

Activity status where compliance not achieved: Controlled

NCZ – R5	**Commercial Activities, Community Facilities, Education Facilities and Emergency Service Facilities**

Activity Status Permitted

Where:

1. **Education Facilities,**[403] **Community Facilities, Emergency Service Facilities, retail and office activities are a maximum of 250m² gross floor area per activity;**
2. **The activity does not include:**
   - i. **Drive through restaurants;**
   - ii. **Service stations;**
   - iii. **Motor vehicle sales;**
   - iv. **Yard-based retail activities;**
   - v. **Trade retail and trade suppliers; or**

[402] New Zealand Heavy Haulage Association Inc (S616.003)
[403] Ministry of Education (S450.036)

vi. Bars/taverns

3. External storage is screened by a 1.8m fence or landscaping so that it is not visible from any adjoining residential zone boundary or adjoining public place
4. No more than one heavy vehicle is stored on the site, excluding heavy vehicles ancillary to emergency service facilities
5. Activities other than Emergency Services shall be limited to the following hours of operation:
   i. 6am – 11pm weekdays; and
   ii. 7am – 10 pm weekends and public holidays; except where
      a. The entire activity is located within a building; and
      b. There are no visitors, customers or deliveries outside the above hours.

Advice Note:

1. The acoustic insulation requirements for noise sensitive activities as set out in Rule NOISE - R3 also apply.

Activity status where compliance not achieved:

Restricted Discretionary where standards 3 to 5 are not complied with.

Discretionary where standard 1 and 2 is not complied with

NCZ – R6	Visitor Accommodation

Activity Status Permitted

Where:

1. The visitor accommodation is located
   i. In a Heritage Building listed in Schedule One; or
   ii. Above street level; or
   iii. At street level but with no frontage to public open spaces or streets except for access
2. Any space designed for waste management, whether private or communal, shall not be located between the road boundary and any building, and shall be screened from adjoining sites, roads and adjoining outdoor living spaces by screening of the waste management area to a height of 1.5 metres;
3. Visitor accommodation entrances shall be clearly separated and distinguished from commercial entrances; and
4. The principal residential accommodation entrance shall be provided directly from a public street or open space.

Advice Note

1. The acoustic insulation requirements for noise sensitive activities as set out in Rule NOISE - R3 also apply.

Activity status where compliance not achieved: Discretionary

NCZ – R~~5~~7	Residential Activities and Residential Units

Activity Status Permitted

Where:

~~1. Performance standards 1, 3 and 6 of Rule NCZ - R1 are complied with;~~

1. Residential unit density is no more than

   c. 1 unit per 350m² net site area; or

   d. 1 unit per 300m² net site area where two or more adjoining sites are developed;

~~2. Maximum building height above ground level of 10m;~~

~~3. Maximum site coverage is 60%;~~

~~4. Buildings are setback a minimum 4.5m from road boundaries, except that a roof overhang may encroach 750mm into the setback;~~

~~5. Buildings are setback a minimum of 1m from all other site boundaries, except that:~~

   ~~c. Duplexes do not require a setback from the side boundary of the other duplex unit; and~~

   ~~d. Setbacks are not required from adjacent residential boundaries where the neighbouring property owner's written approval is provided to the Council 10 working days ahead of the work commencing;~~

2. There is no more than 1 minor residential unit with a maximum gross floor area of 65m² per 500m² net site area; ~~and~~

3. A minimum of 30m² of outdoor living space is provided per residential unit and 12m² per minor residential unit which is separate to the outdoor space for the principal dwelling and excluding any parking and manoeuvring areas; **and**

4. No more than one heavy vehicle is stored on the site.

Activity status where compliance not achieved: Restricted Discretionary

NCZ – R~~6~~8	**Demolition of Buildings**

Activity Status Permitted

Where:

1. There is no redevelopment then the site is completely cleared of demolition materials and re-grassed within 12 months.

Activity status where compliance not achieved: Controlled

Controlled Activities

NCZ – R~~7~~9	**Relocated Buildings not meeting Permitted Activity Standards**

Activity Status Controlled

Where:

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

Matters of control are:

a. Design and location of structures;

b. ~~Landscape measures~~; **Measures to mitigate landscape effects**

c. Appearance of buildings**; and**

d. Reasons for non-compliance with Standards 3 and 4 of NCZ-R4.

Activity status where compliance not achieved: Discretionary

NCZ – R~~8~~10	**Demolition of Buildings not meeting Permitted Activity Standards**

Activity Status Controlled

Matters of control are:

a. Timing and scope of landscape and site reinstatement measures.

Activity status where compliance not achieved: N/A

Restricted Discretionary Activities

NCZ – R~~9~~11	**~~Commercial Activities and Buildings, Emergency Service Facilities and Community Facilities~~ New Buildings and External Additions and Alterations to Existing Buildings not meeting NCZ-R1 ~~Permitted Activity Standards~~**

Activity Status Restricted Discretionary

Where:

1. ~~The gross floor area is greater than 250m² per activity but all other~~ Performance Standard~~s for~~ 1~~ – 8~~ for Rule NCZ - R1 ~~are~~ is complied with.

Discretion is restricted to:

~~a. Design and location of buildings;~~

~~b. Design and location of parking, loading and access areas; and~~

e. ~~Landscape measures.~~ **Measures to mitigate landscape effects**

f. **Bulk, location and design of storage, buildings and structures;**

g. **Effects on the safety, amenity and attractiveness of the street or public places;**

h. **Visual dominance, and privacy and shading, effects on neighbouring sites;**

Activity status where compliance not achieved: Discretionary

NCZ-R12	**Commercial Activities, Community Facilities, Education Facilities and Emergency Service Facilities not meeting Permitted Activity Standards 3-5 of NCZ-R5**

Activity Status Restricted Discretionary

Discretion is restricted to:

a. Effects on the safety, amenity and attractiveness of the street or public places;

b. Visual dominance and nuisance effects on neighbouring sites;

c. Design and location of parking, loading and access areas;

d. Location and design of storage; and

e. The materials being stored and the period of time for storage.

Activity status where compliance not achieved: N/A

NCZ – R1~~0~~3	**Residential Activities and Residential Units not meeting Permitted Activity Standards**

Activity Status Restricted Discretionary

Where:

1. The minimum net site area is 200m²;

2. The maximum **building** [404]height is 10m;
3. Maximum building coverage is 50%; and
4. All Permitted Activity performance standards for Rules NOISE - R1, - R2, - R3 and - R6, LIGHT - R4 and SIGN - R17 are complied with.

Discretion is restricted to:

a. The extent to which there is sufficient availability and capacity in the water supply, wastewater, stormwater and transport networks to service the development or the need for development of a suitable alternative;

b. Design and location of parking and access;

c. Design and location of buildings and compliance with the Medium Density Housing Design Guidelines in Appendix Three; and

d. ~~Landscape measures~~ **Measures to mitigate landscape effects**.

Activity status where compliance not achieved: Discretionary

Discretionary Activities

NCZ – R1~~1~~4	**Commercial Activities, Community Facilities, Education Facilities** [405] **Emergency Service Activities not meeting Standard 1 or 2 of NCZ-R5 or Visitor Accommodation ~~the Permitted or Restricted Discretionary Activity Standards~~**

Activity Status Discretionary

~~1. Retail and office activities are a maximum of 250m^2 gross floor area per activity;~~

~~2. The activity does not include:~~

~~i. Drive through restaurants;~~

~~ii. Service stations;~~

~~iii. Yard-based retail activities;~~

~~iv. Motor vehicle sales; or~~

v. ~~Trade retail and trade suppliers~~**.**

Activity status where compliance not achieved: N/A

NCZ – R1~~2~~5	**Residential Activities, Residential Units, Minor Structures, Fences, Walls, Retaining Walls and Relocated Buildings not meeting the Permitted or Restricted Discretionary Standards**

Activity Status Discretionary

Activity status where compliance not achieved: N/A

NCZ – R1~~4~~6	**Any activity not provided for by another Rule in the zone**

Activity Status Discretionary

Activity status where compliance not achieved: N/A

Non-complying Activities

NCZ – R1~~3~~7	**Industrial Activities**

[404] Clause 16(2) of the RMA
[405] Clause 16(2) of the RMA

Activity Status Non-complying	
Activity status where compliance not achieved: N/A	
~~**NCZ – R14**~~	~~**Any activity not provided for by another Rule in the Zone**~~
~~**Activity Status Non-complying**~~	
~~**Activity status where compliance not achieved:** N/A~~	

Industrial Zones

INZ – O1	~~To provide for the~~ **Recognise that industrial activities contribute to economic and social wellbeing and provide for their** efficient and effective operation and development ~~of industrial activities~~ in the INZ - Industrial Zones**.** in a manner that maintains a standard of amenity appropriate to these areas and does not compromise the amenity of adjoining **zones**~~areas.~~
INZ – O2	To ~~encourage~~**require** new industrial development to locate within INZ - Industrial Zoned land, and where new land is proposed for industrial zoning or uses ensure that this development maximises the efficient use of existing infrastructure and where such infrastructure does not exist, the development of new infrastructure to the standards required by the Council and Te Tai o Poutini Plan.

Industrial Zone Policies	
INZ – P1	Recognise the substantial investment in infrastructure by ensuring that any new industrial areas are located where they support the efficient use of infrastructure.
INZ – P2	New industrial areas should not be located in areas subject to significant risks from natural hazards, or in sites and areas of significance to Māori.
INZ – P3	Where new industrial areas are developed the developers of these areas shall fund and install infrastructure to the standards required by the Councils and the Plan. Where there is significant infrastructure serving multiple properties under different ownership this should be vested in the Council for ongoing maintenance and renewal.
INZ – P4	Where suitable land for industrial use is available within INZ - Industrial Zones, industrial activities should in the first instance be located in those zones, and not proliferate through the rural areas and settlements.
INZ – P5	Where sites or areas of significance to Māori are identified in industrial areas or developments, ensure activities are managed in a way that provides for the cultural relationships of Poutini Ngāi Tahu including: d. Protection of wāhi tapu and taonga sites identified in Schedule Three of the Plan using culturally appropriate methods; and e. Identification and utilisation of opportunities to enhance sites, values and other taonga of cultural significance to Poutini Ngāi Tahu; and f. Protection of the relationship of tangata whenua with freshwater, including cultural use opportunities.

INZ – P6	Provide for a wide range of industrial and compatible activities within the INZ – Industrial Zones, while **maintaining the amenity values**. ~~ensuring an acceptable level of environmental quality and amenity within the zones~~
INZ – P7	Avoid activities that may be incompatible with ~~other~~ industrial activities from establishing in the INZ - Industrial Zones, to ensure the safe and efficient operation of industrial activities. This includes: d. Excluding activities (such as residential **activities** and visitor accommodation **that are not ancillary to an industrial activity**) that conflict with the intended purpose of the zone through the potential for reverse sensitivity effects; or by reducing the land available for industrial and service activities; e. Excluding retail and commercial activities from GIZ - General Industrial Zoned land that do not support or are not related to industrial and service activities, and to minimise the development of GIZ - General Industrial Zoned land for non-industrial purposes; and f. Restricting residential activities in the INZ - Industrial Zones to only ~~custodial~~ units for people whose duties require them to live on site.
INZ – P8	~~Impose performance standards on~~ **Avoid, remedy or mitigate adverse effects of** development and land use in the INZ - Industrial Zones **to maintain**~~that protects~~ the amenity values of the commercial, residential**, open space and recreation** and rural areas **located at zone boundaries**~~ surrounding the INZ - Industrial Zones.~~
INZ – P9	~~Industrial sites at the gateways to Hokitika (SH6), Reefton (SH7 and SH69), Greymouth/Māwhera (SH6) and Westport/Kawatiri (SH 67), and where in close proximity to residential areas, should not detract from the visual amenity of the road frontage, through the inclusion of landscaping and tree planting.~~ **Manage effects on visual amenity along road frontages of the INZ – Industrial Zones that are adjacent to state highways and residential areas with landscaping and tree planting, while ensuring the safe function of the road.**
INZ – P10	Over the long-term, promote the relocation of sporadic out-of-zone industrial activities in residential, commercial and rural areas to industrial zoned areas.
~~**INZ – P11**~~	~~Require the careful on-site management and treatment of stormwater from industrial buildings and sites in order to safeguard the health and wellbeing of waterbodies, freshwater ecosystems and receiving environments.~~

General Industrial Zone Rules

Note: There may be a number of Plan provisions that apply to an activity, building, structure and site. In some cases, consent may be required under rules in this Chapter as well as rules in other Chapters in the Plan. In those cases unless otherwise specifically stated in a rule, consent is required under each of those identified rules. Details of the steps Plan users should take to determine the status of an activity is provided in General Approach.

Permitted Activities

GIZ - R1	**New Buildings, External Additions and Alterations to Existing Buildings** ~~**Industrial Activities and Industrial Buildings**~~

Activity Status Permitted

Where:

1. The maximum building height above ground level is 20m;
2. Maximum site coverage is 80%;
3. Buildings are setback a minimum:
    a. 10m from State Highways; ~~and~~
    b. **2m from road boundaries; and**
    c. 5m from ~~road boundaries~~, any RESZ - Residential Zone, OSRZ - Open Space and Recreation Zone or SETZ - Settlement Zone boundary and the Rail Corridor;

~~4. All external storage and car parking areas shall be screened by a fence or landscaping so that:~~

~~a. It is not visible from any adjacent RESZ - Residential Zone or SETZ - Settlement Zone boundary or adjacent public place; and~~

~~b. The fence or landscaping is set back from the road boundary so that it does not restrict visibility;~~

~~5. No blasting or vibration beyond the zone boundary shall occur outside the hours of 0800 to 1800 hours weekdays and 0900 to 1600 hours on weekends and public holidays;~~

~~6. There shall be no offensive or objectionable dust nuisance at or beyond the LIZ - Light Industrial Zone boundary as a result of the activity;~~

4. The area adjoining the road frontage of all sites **(excluding access points)**, and the side boundary of a site that adjoins a RESZ - Residential, SETZ - Settlement, OSZ - Open Space or MUZ - Mixed Use Zone shall contain landscaping with a minimum width of 2 metres, of a standard that does not restrict road visibility, or obstruct signage or accessways within the road corridor;

~~5. Contaminated stormwater run-off associated with any industrial activity or building, including stormwater runoff from any earthworks, shall be collected and treated prior to discharge to ensure there are no significant adverse effects on water quality;~~

5. No building shall project beyond a building envelope ~~defined by a 35 degree recession plane~~ **in accordance with Appendix Two** to commence 2.5m above any RESZ - Residential, OSZ - Open Space, SARZ - Sport and Recreation Zone, MUZ - Mixed Use or SETZ - Settlement Zone boundary ~~except where the neighbouring property owner's written approval is provided to the Council at least 10 working days prior to the works commencing~~. This standard does not apply to:
    a. Road boundaries;
    b. Buildings on adjoining sites that have a common wall along the boundary;
    c. Boundaries abutting an access lot or right of way in which case the furthest boundary of the access lot or right of way may be used for assessing compliance with this standard;
    d. Antennas, aerials, satellite dishes (less than 1.2m in diameter), chimneys, flues and architectural features (e.g. finials, spires) provided these do not exceed the recession plane by more than 3m vertically; and
    e. Solar panels and solar water heaters provided these do not exceed the height in relation to boundary plane by more than 0.25m vertically.

Advice Notes:

1. Any landscaping required by this rule may be located in common areas, where the development comprises land and/or buildings in separate unit titles.

~~2. Stormwater facilities that support multiple uses such water quality treatment, biodiversity enhancement and landscape amenity, should be incorporated into landscaped areas, where practicable, to achieve effective stormwater management in an integrated manner.~~

~~3. The Auckland Design Manual Guideline Document GD 2017/01 Stormwater Management Devices in the Auckland Region provides information on best practice stormwater design options for stormwater treatment.~~

2. Where boundary rules are infringed, the Deemed Permitted Activity Boundaries process will apply where the neighbouring property owner's written approval is provided to Council.

Activity status where compliance not achieved:

~~Discretionary where Standards 1-8 are not complied with.~~

Restricted Discretionary ~~where Standard 9 is not complied with.~~

GIZ – R2 Minor Structures

Activity Status Permitted

Where:

~~1. All performance standards for Rule GIZ - R1 are complied with - except that compliance with standard 3 (setbacks) is not required.~~

1. Masts, poles, aerials and pou whenua must not exceed 7m in height;
2. Any antenna dish must be less than 1.2m in diameter and not project more than 3.5m above the highest point of any building they are attached to;
3. Any ornamental or garden structure must not exceed 2.4 m in height; and
4. Any other structure must not exceed 10m² and 2m in height.

Activity status where compliance not achieved: Restricted Discretionary

GIZ – R3 Fences, Walls and Retaining Walls

Activity Status Permitted

Where:

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

Activity status where compliance not achieved: Restricted Discretionary

GIZ – R4 Industrial Activities

Activity Status Permitted

Where:

1. All external storage and car parking areas shall be screened by a minimum 1.8m high solid fence or landscaping so that:

a. It is not visible from any adjacent RESZ - Residential Zone or SETZ - Settlement Zone boundary or adjacent public place; and

b. The fence or landscaping is set back from the road boundary so that it does not restrict visibility;

2. No blasting or vibration shall occur outside the hours of 0800 to 1800 hours weekdays and 0900 to 1600 hours on weekends and public holidays;

Activity status where compliance not achieved: Restricted Discretionary

GIZ – R~~4~~5 Commercial Activities

Activity Status Permitted

Where:

~~1. All performance standards for Rule GIZ - R1 are complied with; and~~

1. All external storage and car parking areas shall be screened by a 1.8m fence or landscaping so that:

a. It is not visible from any adjacent RESZ - Residential Zone or SETZ - Settlement Zone boundary or adjacent public place; and

b. The fence or landscaping is set back from the road boundary so that it does not restrict visibility;

2. Any retail activity shall occupy no more than 250m² or 25% of the Gross Floor Area of all buildings on the same site, whichever is the lesser.

Activity status where compliance not achieved:

Restricted Discretionary where standards 1 are not complied with

Non-complying **where standard 2 is not complied with**

GIZ – R~~5~~6 Ancillary Residential Activities

Activity Status Permitted

Where:

1. All performance standards for Rule GIZ - R1 are complied with;
2. One ~~single~~ residential unit per site is provided; and
3. The residential activity is ancillary to the commercial or industrial activity on the site.

Advice Note:

1. The acoustic insulation requirements for noise sensitive activities as set out in Rule NOISE - R3 also apply.

Activity status where compliance not achieved: Non-complying

GIZ – R~~6~~7 Emergency Service Facility, Carparking Lots and Buildings, Trade and Industry Training, Community Corrections Activity, Gymnasium and Public Transport Facility

Activity Status Permitted

Where:

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

Activity status where compliance not achieved: Discretionary

GIZ – R~~7~~8 Agricultural, Pastoral and Horticultural Activities

Activity Status Permitted

Where:

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

Activity status where compliance not achieved: Discretionary

GIZ – R~~8~~9 Aquaculture Activities

Activity Status Permitted

Where:

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

Activity status where compliance not achieved: Discretionary

Restricted Discretionary Activities

GIZ – R~~9~~10 ~~Industrial Activities and~~ New Buildings and External Additions and Alterations to Existing Buildings not meeting Permitted Activity standards

Activity Status Restricted Discretionary

Where:

~~1. The building projects into the recession plane; and~~

1. ~~All other performance standards for Rule GIZ - R1 are complied with~~.

Discretion is restricted to:

~~a. Design and location of buildings;~~

~~b. Design and location of parking and access;~~

~~c. Management of hazardous substances in accordance with the objectives and policies of the Hazardous Substances chapter; and~~

~~d. Landscape treatment.~~

a. Bulk, location, and design of buildings.

b. Effects on the safety, amenity and attractiveness of the street or public places.

c. Amenity, visual dominance, shading, and nuisance effects on neighbouring sites.

d. Design and location of parking and access.

e. Measures to mitigate landscape effects.

f. Characteristics of the site and development that are relevant to the rule.

Activity status where compliance not achieved: ~~Discretionary~~ **N/A**

GIZ – R11 Industrial Activities and Commercial Activities not meeting Permitted Activity Standards

Activity Status Restricted Discretionary

Discretion is restricted to:

a. Effects on the safety, amenity and attractiveness of the street or public places.

b. Amenity and nuisance effects on neighbouring sites.

c. Measures to mitigate landscape effects.

Activity status where compliance not achieved: N/A

GIZ – R1~~0~~2 Minor Structures not meeting Permitted Activity standards

Activity Status Restricted Discretionary

Discretion is restricted to:

a. Design and location of structures; and

b. ~~Landscape treatment~~ **Measures to mitigate landscape effects**.

Activity status where compliance not achieved: N/A

GIZ – R1~~1~~3	**Fences, Walls and Retaining Walls not meeting Permitted Activity standards**

Activity Status Restricted Discretionary

Discretion is restricted to:

a. Design and location of structures; and

b. ~~Landscape treatment~~ **Measures to mitigate landscape effects**.

Activity status where compliance not achieved: N/A

Discretionary Activities

GIZ – R1~~2~~4	**~~Industrial Activities and~~ New Buildings and External Additions and Alterations to Existing Buildings, Aquaculture Activities, Agricultural, Pastoral and Horticultural Activities not meeting Permitted or Restricted Discretionary Activity Standards**

Activity Status Discretionary

Advice Note: When assessing applications for resource consent under this rule, where relevant, objectives and policies of the Hazardous Substances chapter should be considered.

Activity status where compliance not achieved: N/A

GIZ – R1~~3~~5	**Emergency Service Facility, Carparking Lots and Buildings, Trade and Industry Training, Community Corrections Activity, Gymnasium, Public Transport Facility and Bulk Fuel Supply Infrastructure not meeting Permitted Activity Standards**

Activity Status Discretionary

Advice Note: When assessing applications for resource consent under this rule, where relevant, objectives and policies of the Hazardous Substances chapter should be considered.

Activity status where compliance not achieved: N/A

GIZ – R14~~6~~	**~~Community Facilities and~~ Tertiary Educational Facilities ~~Activities~~**

Activity Status Discretionary

Activity status where compliance not achieved: N/A

GIZ – 17	**Any Activity not provided for by another Rule in the zone**

Activity Status Discretionary

Activity status where compliance not achieved: N/A

Non-complying Activities

GIZ – R1~~5~~8	**Residential Activities, Community Facilities, Non-Tertiary Education Facilities Retail Activities (greater than 250m^2 or 25% of the gross area of the building on the site whichever is the lesser) and Health Facilities**

Activity Status Non-complying

Activity status where compliance not achieved: N/A

Overview

The LIZ - Light Industrial Zone complements the ~~HIZ - Heavy and~~ GIZ - General Industrial Zones by specifically providing for industrial activities that are unlikely to produce objectionable environmental effects but there may still be some adverse effects including those associated with odour, dust or noise.

Activities within this zone may include light manufacturing, contractors' depots and automotive repair and service industries and some compatible commercial activities. Aquaculture activities such as fish or seaweed farming and processing are also appropriate in this zone.

It may also provide a buffer between other INZ - Industrial Zones and RESZ - Residential or MUZ - Mixed Use Zones.

The National Policy Statement on Urban Development (NPSUD) imposes a responsibility to ensure that there is sufficient business land to meet the future demands of the district and that this development is in the right location and appropriately serviced.

The INZ - Industrial Objectives and Policies and the LIZ - Light Industrial Zone Rules provide the framework for managing the effects of development and ensuring that a reasonable standard of amenity and environmental quality is retained within the zone, and that there are not significant adverse effects on the amenity and quality of the environment in surrounding areas.

Other relevant Te Tai o Poutini Plan provisions

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

- **Transport** - the Transport Chapter contains provisions in relation to transport matters, including traffic generation TRN - R12.

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

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

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

- **Subdivision** - The Subdivision Chapter sets out the requirements for the development of new infrastructure and connections as part of subdivision activities.

- **Financial Contributions** - The Financial Contributions Chapter sets out the requirements for contributions of costs for activities which impact on infrastructure.

- **General District Wide Matters** - provisions in relation to Noise, Light, Signs, Temporary Activities and Earthworks in particular may be relevant to activities in the Light Industrial Zone.

Light Industrial Zone Rules

Note: There may be a number of Plan provisions that apply to an activity, building, structure and site. In some cases, consent may be required under rules in this Chapter as well as rules in other Chapters in the Plan. In those cases unless otherwise specifically stated in a rule, consent is required under each of those identified rules. Details of the steps Plan users should take to determine the status of an activity is provided in General Approach.

Permitted Activities

LIZ - R1	**<u>New Buildings, External Additions and Alterations to Existing Buildings</u>** ~~**Industrial Activities and Industrial Buildings**~~

Activity Status Permitted

Where:

1. The maximum building height above ground level is 12m;

2. Maximum site coverage is 65%;

3. Buildings are setback a minimum:

   i. 10m from State Highways; and

   ii. **<u>2m from road boundaries; and</u>**

   iii. 5m from ~~road boundaries~~, any Residential Zone, Open Space Zone or Settlement Zone boundary and the Rail Corridor;

4. All external storage and car parking areas shall be screened by a 1.8m fence or landscaping so that:

   ~~iii. It is not visible from any adjacent RESZ - Residential Zone or SETZ - Settlement Zone boundary or adjacent public place; and~~

   ~~iv. The fence or landscaping is set back from the road boundary so that it does not restrict visibility;~~

~~5. No blasting or vibration shall occur outside the hours of 0800 to 1800 hours weekdays and 0900 to 1600 hours on Saturdays with no blasting or vibration to be undertaken on Sundays or public holidays;~~

~~6. There shall be no offensive or objectionable dust nuisance at or beyond the LIZ - Light Industrial Zone boundary as a result of the activity;~~

4. The area adjoining the road frontage of all sites **(excluding access points)**, and the side boundary of a site that adjoins a RESZ - Residential, SETZ - Settlement, OSZ - Open Space, SARZ - Sport and Recreation Zone or MUZ - Mixed Use Zone shall contain landscaping as follows:

    a. A minimum width of 2 metres that will, within two years of being planted, reach a minimum height of 1m, provided that lower heights are acceptable where this will otherwise restrict visibility within the State Highway corridor; and

    b. On sites adjoining a RESZ - Residential Zone shall be planted with species, which at maturity, will provide screening from the adjoining sites; and

    c. The planting of 1 tree per 20 carparking spaces is encouraged within any carparking area.

~~5. Contaminated stormwater run-off associated with any industrial activity or building, including stormwater runoff from any earthworks, shall be collected and treated prior to discharge to ensure there are no significant adverse effects on water quality;~~

5. No building shall project beyond a building envelope ~~defined by a recession plane as~~ [406]defined in Appendix Two to commence 2.5m above any RESZ - Residential, OSZ - Open Space, SARZ - Sports and Active Recreation, MUZ - Mixed Use or SETZ - Settlement Zone boundary ~~except where neighbouring property owner's written approval is provided to the Council at least 10 working days prior to the works commencing~~. This standard does not apply to:

    i. Road boundaries;

    ii. Buildings on adjoining sites that have a common wall along the boundary;

    iii. Boundaries abutting an access lot or right of way in which case the furthest boundary of the access lot or right of way may be used for assessing compliance with this standard;

    iv. Antennas, aerials, satellite dishes (less than 1.2m in diameter), chimneys, flues and architectural features (e.g. finials, spires) provided these do not exceed the recession plane by more than 3m vertically; and

    v. Solar panels and solar water heaters, provided these do not exceed the height in relation to boundary plane by more than 0.25m vertically.

Advice Notes:

1. Any landscaping required by this rule may be located in common areas, where the development comprises land and/or buildings in separate unit titles.

~~2. Stormwater facilities that support multiple uses such water quality treatment, biodiversity enhancement and landscape amenity, should be incorporated into landscaped areas, where practicable, to achieve effective stormwater management in an integrated manner.~~

~~3. The Auckland Design Manual Guideline Document GD 2017/01 Stormwater Management Devices in the Auckland Region provides information on best practice stormwater design options for stormwater treatment.~~

[406] Buller District Council (S538.447)

2. Where boundary rules are infringed, the Deemed Permitted Activity Boundaries process will apply where the neighbouring property owner's written approval is provided to Council.

Activity status where compliance not achieved:

~~Discretionary where Standards 1-8 are not complied with.~~

Restricted Discretionary ~~where Standard 9 is not complied with~~

LIZ – R2 Industrial Activities

Activity Status Permitted

Where:

1. **All external storage and car parking areas shall be screened by a minimum 1.8m high solid**[407] **fence or landscaping so that:**

   a. **It is not visible from any adjacent RESZ - Residential Zone or SETZ - Settlement Zone boundary or adjacent public place; and**

   b. **The fence or landscaping is set back from the road boundary so that it does not restrict visibility;**

2. **No blasting or vibration shall occur outside the hours of 0800 to 1800 hours weekdays and 0900 to 1600 hours on Saturdays with no blasting or vibration to be undertaken on Sundays or public holidays;**

Activity status where compliance not achieved: Restricted Discretionary

LIZ – R~~2~~3 Commercial Activities

Activity Status Permitted

Where:

~~**1.** All performance standards for Rule GIZ - R1 are complied with; and~~

1. **All external storage shall be screened by a 1.8m fenceor landscaping so that:**

   a. **It is not visible from any adjacent RESZ - Residential Zone or SETZ - Settlement Zone boundary or adjacent public place; and**

   b. **The fence or landscaping is set back from the road boundary so that it does not restrict visibility;**

2. Any Retail Activities are:

   i. ~~Motor vehicle sales yards~~ Convenience stores;

   ii. ~~Service stations~~ Restaurants;

[407] Buller District Council (S538.458)

iii. ~~Trade retail and trade suppliers~~ Cafes;

iv. ~~Drive through restaurants~~ Takeaway food outlets; ~~or~~

with a maximum gross floor area of 250m².

Activity status where compliance not achieved:

Restricted Discretionary where standard 1 is not complied with

Discretionary **where standard 2 is not complied with**

LIZ – R~~3~~4	**Ancillary Residential Activities**

Activity Status Permitted

Where:

1. All performance standards for Rule LIZ-R1 are complied with;
2. One ~~single~~ residential unit per site is provided; and
3. The residential activity is ancillary to the commercial or industrial activity on the site.

Advice Note:

1. The acoustic insulation requirements for noise sensitive activities as set out in Rule NOISE - R3 also apply.

Activity status where compliance not achieved: Non-complying

LIZ – R4~~5~~	**Emergency Service Facility, Carparking Lots and Buildings, Trade and Industry Training, Community Corrections Activity, Gymnasium and Public Transport Facility**

Activity Status Permitted

Where:

1. All performance standards for Rule LIZ - R1 are complied with except that hose drying towers associated with an Emergency Service Facility are exempt from height standards.

Activity status where compliance not achieved: Discretionary

LIZ – R~~5~~6	**Minor Structures**

Activity Status Permitted

Where:

~~1. All performance standards for Rule LIZ - R1 are complied with - except that compliance with standard 3 (setbacks) is not required.~~

1. Masts, poles, aerials and pou whenua must not exceed 7m in height;

2. Any antenna dish must be less than 1.2m in diameter and not project more than 3.5m above the highest point of any building they are attached to;

3. Any ornamental or garden structure must not exceed 2.4 m in height; ~~and~~

4. **Hose drying towers do not exceed 15m in height; and**

5. Any other structure must not exceed 10m² and 2m in height.

Activity status where compliance not achieved: Restricted Discretionary

LIZ – R~~6~~7 Fences, Walls and Retaining Walls

Activity Status Permitted

Where:

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

2. The fence, wall or retaining wall is not used for advertising or any other purpose other than a fence, retaining wall or wall.

Activity status where compliance not achieved: Restricted Discretionary

LIZ – R~~7~~8 Agricultural, Pastoral and Horticultural Activities

Activity Status Permitted

Where:

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

Activity status where compliance not achieved: Discretionary

LIZ – R~~8~~9 Aquaculture Activities

Activity Status Permitted

Where:

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

Activity status where compliance not achieved: Discretionary

Restricted Discretionary Activities

LIZ – R~~9~~10 ~~Industrial Activities and~~ New Buildings and External Additions and Alterations to Existing Buildings not meeting Rule LIZ - R1

Activity Status Restricted Discretionary

~~Where:~~

~~a. The building projects into the recession plane; and~~

~~b. All other performance standards for Rule LIZ - R1 are complied with.~~

Discretion is restricted to:

~~a. Design and location of buildings;~~

~~b. Design and location of parking and access; and~~

~~c. Landscape treatment.~~

a. Bulk, location, and design of buildings;

b. Effects on the safety, amenity and attractiveness of the street or public places;

c. Amenity, visual dominance, shading, and nuisance effects on neighbouring sites;

d. Design and location of parking and access;

e. Measures to mitigate landscape effects; and

f. Characteristics of the site and development that are relevant to the rule

Activity status where compliance not achieved: ~~Discretionary~~ N/A

LIZ – R11	**Industrial Activities and Commercial Activities not meeting Permitted Activity Standards**

Activity Status Restricted Discretionary

Discretion is restricted to:

a. Effects on the safety, amenity and attractiveness of the street or public places;

b. Amenity and nuisance effects on neighbouring sites; and

c. Measures to mitigate landscape effects.

Activity status where compliance not achieved: N/A

LIZ – R1~~0~~2	**Minor Structures not meeting Rule LIZ - R~~5~~6**

Activity Status Restricted Discretionary

Discretion is restricted to:

a. Design and location of structures; and

b. ~~Landscape treatment~~ **Measures to mitigate landscape effects**.

Activity status where compliance not achieved: N/A

LIZ – R11~~3~~	**Fences, Walls and Retaining Walls not meeting Rule LIZ - R~~6~~7**

Activity Status Restricted Discretionary

Discretion is restricted to:

a. Design and location of structures; and

b. ~~Landscape treatment~~ **Measures to mitigate landscape effects**

Activity status where compliance not achieved: N/A

Discretionary Activities

LIZ – R12~~4~~	**Industrial Activities and Buildings, Commercial, Aquaculture and Agricultural, Pastoral and Horticultural Activities not meeting Permitted or Restricted Discretionary Activity Standards**

Activity Status Discretionary

Activity status where compliance not achieved: N/A

LIZ – R13~~5~~	**Emergency Service Activities, Carparking Lots and Buildings, Trade and Industry Training, Community Corrections Activity, Gymnasium, Public Transport Facility Retail Activities not meeting Permitted Activity Standards**

Activity Status Discretionary

Activity status where compliance not achieved: N/A

LIZ – R14~~6~~	**~~Community Facilities and~~ Tertiary Educational Facilities**

Activity Status Discretionary

Activity status where compliance not achieved: N/A

LIZ – R15~~7~~	**Any Activity not provided for by another Rule in the zone**

Activity Status Discretionary

Non-complying Activities

LIZ – R18	**Residential Activities, Community Facilities, Non Tertiary Educational Facilities and Health Facilities**

Activity Status Non-Complying

Activity status where compliance not achieved: N/A

Changes to Zoning Maps

Show Precincts on the Maps	Greymouth/Māwhera (PREC1) Hokitika (PREC2) Reefton (PREC4) Westport/Kawatiri (PREC3)
Rezone to Open Space Zone	Raleigh Street
Rezone to Neighbourhood Centre Zone	23 Marine Parade 46 Derby Street 21 Disraeli Street
Rezone to Commercial Zone	Properties between Weld Street and Stafford Street on SH6, being Lot 1 DP 16517, Pt Sec 104 Town of Wesport/Lot 2 A 444, Lot 1 DP 475753 7 Pakington Street and 34 Russell Street 8 Pakington Street and 36 Russell Street
Rezone to GRZ	Kaniere (Lot 3 DP 2887)
Rezone to GIZ retaining a 50m wide strip LIZ	Fairhall Road, Kaiata, Greymouth
Rezone from LIZ to FUZ	Marsden Road, Greymouth (Pt Lot 116 DP 359532)
Rezone to GIZ from GRZ	Elizabeth Street, Reefton (Sec 3 SO 12150)
Rezone from GRZ to NCZ	66 Livingstone Street, Hokitika
Rezone from GIZ to LIZ	West Drive, Arahura Valley, Hokitika (Pt RS 1151)

TAI POUTINI PLAN COMMITTEE

Hearing of Submissions on the Proposed Te Tai O Poutini Plan

Recommendation Report of Hearing Panel

Recommendations Report

Part 2- District Wide Matters - Ngā Kaupapa ā-Rohe Whānui

Energy - Te Pūngao

Infrastructure - Te Tūāhanga

Transport - Te Tūnuku

Hearing Dates: 27, 28 November 2023 and 15 February 2024 (via Internet)

HEARING PANEL

Dean Chrystal (Chair)

Sharon McGarry

Maria Bartlett

Paul Rogers

Anton Becker

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PART A – INTRODUCTORY MATTERS

1. PRELIMINARY MATTERS

1.1. Introduction

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

2. This Recommendation Report relates to the three chapters: Energy - Te Pūngao (**ENG**), Infrastructure - Te Tūāhanga (**INF**), and Transport - Te Tūnuku (**TRN**) in the Energy, Infrastructure, and Transport section in Part 2 - District Wide Matters - Te Wāhanga 2 - Ngā Kaupapa ā-Rohe Whānui of the pTTPP. The TRN Chapter is to be read in conjunction with Appendix One: Transport and Performance Standards of the pTTPP.

3. This Report contains the Hearing Panel's evaluations and recommendations to the TTPP Committee on the submissions and further submissions received on the ENG, INF and TRN Chapters of Part 2 of the Plan.

4. The Section 32 Report[1] provided an evaluation of the options for the management of ENG, INF, and TRN through the pTTPP, including the regulatory framework, key resource management issues, the evidence base (research and basis for the pTTPP provisions, consultation, information and analysis undertaken) and evaluation of the options.

5. The Section 42A Report[2]('s42A Report') was prepared and co-authored by Ms Grace Forno and Ms Melissa McGrath, Planners with Barkers & Associates, acting as the Reporting Officers. The s42A Report was circulated before the hearing. It analysed submissions and further submissions received and recommended changes to the notified plan provisions, with Appendix 1 showing the notified plan provisions with recommended deletions shown as ~~strikethrough~~ and additions shown in **bold and underlined** text. Appendix 2 provided a summary of the decision requested and the Reporting Officers' recommendation to accept/accept in part/reject each individual submission point and further submission point.

6. The s42A Report stated that responding to every submission point was inefficient due to the large number of submissions received. Therefore, a 'thematic response' had been taken by grouping submission points and providing responses and recommendations on key issues. It provided an analysis of the requested relief sought and made recommendations on changes sought in relation to key issues. It also included recommendations on definitions in the pTTPP relating to the ENG, INF and TRN Chapters.

7. The s42A Report did not provide summaries of all submission points and further submission points received in a table, or record the number received. The recommended changes to the

1 Te Tai o Poutini Plan – Section 32 Evaluation Report Two Energy, Infrastructure and Transport Te Pūngao, Te Te Tūāhanga, me Te Tūnuku Report 2

2 13 October 2023

notified provisions in Appendix 1 were not footnoted to the submission point or further submission points accepted.

8. Following the circulation of the original s42A Report, the Reporting Officers received instructions to undertake prehearing meetings with submitters to resolve outstanding matters early. A s42A Addendum Report (dated 23 November 2023) was circulated following these prehearing meetings, providing details of further recommended amendments in response to matters raised in evidence, including pre-hearing meeting notes (as Attachment 1) and recommended amendments to the Plan provisions (as Attachment 2). Attachment 2 included the original recommended s42A Report amendments, and additional amendments in response to the pre-hearing and submitter evidence shown in purple underlined text. Recommended corrections to the s42A Report recommendations were also shown in green text.

9. During the hearing, the Panel requested annotation of the original s42A Report to cross-reference updated positions, including changes to recommendations on Plan provisions. This Annotated s42A Report (dated 28 November 2023) also included an updated version of the notified plan provisions of the ENG Chapter, with the original s42A Report recommendations shown as tracked changes, further text changes resulting from prehearing conferencing (shown in purple) and corrected errors (shown in green).

10. Following adjournment of the hearing, the Panel directed expert witness conferencing (**EWC**) between the parties' planning experts, which occurred on 19 December 2023 and 18 January 2024. Following this, a Joint Witness Statement (**JWS**) dated 26 January 2024 was issued, and the Reporting Officers subsequently circulated a Position Statement dated 8 February 2024. Attachment 2 of the Position Statement showed all recommended changes to the notified provisions, including the original s42A Report, Annotated s42A Report and additional changes since EWC shown in yellow highlight with underlining and deletions in yellow highlight and strikethrough.

11. Ms Pull for Ngai Tahu circulated a position statement paper on 2 February 2024, and the reporting officers met online with her on Friday, 26 January 2024. The officer's position statement addressed both the position paper and the online meeting.

12. The Panel reconvened the hearing by internet connection on 15 February 2024, before which we circulated written questions.

13. The Reporting Officers' Right of Reply Report (dated 8 March 2024) responded to the Panel's questions and outstanding matters relating to submissions and evidence presented at the hearing, including at the JWS. The Reply Report included the Reporting Officers' final recommendations for amendments to the Plan provisions in a tracked change version as Attachment 1, and a clean version for the recommended provisions as Attachment 2. Attachment 1 utilised bold and underlined text for additions and strikethrough for deletions. No coloured text was used to assist in identifying the origins of the change. The Reporting Officers' recommended amendments to the Plan provisions were not footnoted to identify the submission points relied on for the amendment.

14. The complete list of s42A Reports and their sequence is as follows:

(a) Section 42A Report Part 2- District Wide Matters - ENG, INF, TRN dated 13 October 2023 - Grace Forno and Melissa McGrath (Reporting Officers);

(b) Section 42A Addendum Report dated 23 November 2023 - Reporting Officers. ('Addendum Report');

(c) Section 42A Annotated Report dated 28 November 2023 - Reporting Officer, (Annotated Report);

(d) Section 42A '*Position Statement*' Section 42A Report dated 8 February 2024 - Reporting Officers; and

(e) Section 42A Right of Reply Report dated 8 March 2024 – Reporting Officers ('Reply Report').

15. The Panel collectively refers to the above reports as 'the s42A Reports'.

16. At the hearing, the Reporting Officers presented a Planning Summary Statement noting that after considering all written evidence, some recommended wording amendments to the Plan provisions had changed. The Reporting Officers advised that these recommended changes were detailed in the s42A Addendum Report, and unless otherwise stated, the Reporting Officers' recommendations in the s42A still stood.

17. The matters raised by submitters were grouped in the s42A Report for each of the three Chapters ENG, INF and TRN as follows:

(a) General/Whole Section;

(b) Definitions;

(c) Section Overview;

(d) Objective;

(e) Policies;

(f) Standards/Rules: and for TRN;

(g) Appendix One: Transport Performance Standards; and

(h) Associated Planning Maps.

18. However, before addressing submissions on the three chapters, the s42A Report provided an overview of submissions received broadly on all three chapters and identified three key issues - general issues, the definition of '*Critical Infrastructure'*, and subdivision Rule SUB-R8.

19. This Recommendation Report follows the same structure as the s42A Report. It summarises the issues raised in submissions and further submissions; the s42A Report, Annotated Report, Addendum Report and Position Statement analyses and recommendations; submitter statements and evidence (including the JWS); and the Reporting Officers' right of reply

evidence before providing the Panel's evaluation and recommendations. The Panel's recommendations address each of the three chapters separately.

20. This Recommendation Report should be read with the s42A Reports listed in paragraph 14 above and the recommended tracked change version of the notified Plan provisions attached as Appendix 1 to this Report.

21. Appendix 1 of this Recommendation Report records the Panel's recommended amendments to the notified pTTPP provisions as tracked changes, with additions in **bold and underlining** and deletions shown with a ~~strikethrough~~. If there is any discrepancy between this Recommendation Report and the tracked change version of the Plan shown in Appendix 1 of this Report, the tracked change version of the Plan shown in Appendix 1 of this Report prevails.

22. This Recommendation Report contains the reasons for the Panel's recommendations. These are comprised of either adopting the Reporting Officers' reasoning and recommendation or the specific reasoning and recommendation of the Panel in response to a submission point or a further submission point.

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

    (a) The Panel adopts the reasoning and recommendation of the Reporting Officers to retain the provision as notified in the Reports listed in paragraph 14 above; or

    (b) The Panel recommends retaining the provision as notified for reasons set out in this Recommendation Report.

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

    (a) The Panel adopts the reasoning and recommendation of the Reporting Officers to change the notified provisions; or

    (b) The Panel recommends a change to a provision for reasons set out in this Recommendation Report in response to a submission point or further submission point; or

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

25. Where there may be a different recommendation between the s42A Reports set out in paragraph 14 above (i.e., the recommendation of the Reporting Officers has changed in response to the evidence/statements of submitters), unless the Panel's recommendation specifically adopts the reasoning and recommendation of the s42A Report or later reports, the reasoning and recommendation in the Reply Report has been adopted and it must be taken to prevail.

26. If there are circumstances where the Panel consider that alternative relief is more appropriate than that requested in submission points and further submission points to give effect to the RMA, NZCPS, National Policy Statements and/or RPS, but are still within the scope of the relief sought, this Recommendation Report records the Panel's reasoning and recommendation.

27. If any changes are recommended to the provisions (since the Section 32A Report or any Reporting Officers' section 32AA evaluation was completed), a further evaluation, if required, under section 32AA of the RMA, has been undertaken by the Panel. This Recommendation Report refers to any such circumstances in sufficient detail to demonstrate that further evaluation was undertaken.

28. Where the Panel recommends accepting the Reporting Officers' recommendation or a submission point and/or further submission point to change a notified pTTPP provision, the Panel also accepts the Reporting Officers' and/or submitters' accompanying s32 and/or s32AA evaluation, included with the evidence/statement, without repeating the evaluation.

29. Clause 16(2) of the First Schedule of the RMA enables the Panel to recommend amendments to alter information, where such an alteration is of minor effect, or may correct any minor errors. In the Panel's recommendations and the tracked changes to the notified Plan provisions (Appendix 1 of this Report), record any such minor amendments.

30. Appendix 1 records each change with a footnote to a submission point or further submission point, or Clause 16 of the First Schedule of the RMA.

1.2. Terminology in this Report

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

BDC	Buller District Council
BEL	Buller Electricity Limited
Councils	Buller District Council, Grey District Council, and Westland District Council
Director General	Director General of Conservation
DOC	Department of Conservation
ENG	Energy Chapter
Forest & Bird	Royal Forest & Bird Protection Society of NZ Inc
GDC	Grey District Council
HNZPT	Heritage New Zealand Pouhere Taonga
INF	Infrastructure Chapter
Kainga Ora	Kainga Ora - Homes and Communities
KiwiRail	KiwiRail Holdings Limited
Manawa	Manawa Energy Limited
MINZ	Mineral Extraction Zone

NZ Energy	New Zealand Energy Limited
NPSFM	National Policy Statement for Freshwater Management 2020
NESF	National Environmental Standard for Freshwater
NESCS	Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011
NESETA	National Environmental Standards for Electricity Transmission Activities 2009
NESSHDW	National Environment Standards for Sources of Human Drinking Water 2007
NESCF	National Environmental Standard for Commercial Forestry
NESTF	National Environmental Standards for Telecommunications Facilities 2016
NFL	Natural Features and Landscapes
NPSET	National Policy Statement on Electricity Transmission 2008
NPSFM	National Policy Statement for Freshwater Management 2020
NPSHPL	National Policy Statement for Highly Productive Land 2022
NPSIB	National Policy Statement for Indigenous Biodiversity 2023
NPSREG	National Policy Statement for Renewable Electricity Generation 2011
NPSUD	National Policy Statement on Urban Development 2020
NZECP 34:2001	New Zealand Electrical Code of Practice for Electrical Safe Distances 2001
NZDF	New Zealand Defence Force
NZCPS	New Zealand Coastal Policy Statement
ONF	Outstanding Natural Feature
ONFL	Outstanding Natural Features and Landscapes
ONL	Outstanding Natural Landscape

Poutini Ngāi Tahu	Te Rūnanga o Ngāi Tahu, Te Runanga o Ngāti Waewae, Te Rūnanga o Makaawhio
pTTPP	Proposed Te Tai o Poutini Plan
RLTP	Regional Land Transport Plan 2021 – 2031
Planning standards	National Planning Standards
RMA or the Act	Resource Management Act 1991
RPS	West Coast Regional Policy Statement 2020
RTC	West Coast Regional Transport Committee
SNA	Significant Natural Area
SASM	Sites and Areas of Significance to Māori
Transpower	Transpower New Zealand Limited
TRN	Transport Chapter
Waka Kotahi NZTA	NZ Transport Agency Waka Kotahi
WCRC	West Coast Regional Council
WDC	Westland District Council
Westpower	Westpower Limited

1.3. Hearing Arrangements

32. The hearings into the submissions and further submissions received on the ENG, INF and TRN Chapters were held on 27 and 28 November 2023 at the West Coast Regional Council's offices in Paroa, and remotely by internet connection on 15 February 2024.

1.4. Procedural Steps and Issues

33. There were no procedural issues.

1.5. Appearances

Section 42A the Reporting Officers

- Ms Melissa McGrath, Planner with Barkers & Associates
- Ms Grace Forno, Planner with Barkers & Associates

Manawa Energy Limited

- Ms Nicola Foran, Environmental Policy Manager
- Ms Stephine Styles, Planner with Boffa Miskell Limited

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

- Mr Joshua Leckie, Counsel

Ms Frida Inta for herself and the **Buller Conservation Group** (BCG)

Mr Paul Finlay

Mr Peter Langford (via internet connection)

Mr Martin Kennedy

Ms Kair Lippiatt

Buller Electricity Limited (BEL) – Mr Mark Lile, Planner with Landmark Lile Ltd (via internet connection)

Westpower Limited

- Mr Roger Griffiths, General Manager - Generation and Technology with Westpower
- Ms Sylvia, Technical Administrator with Westpower
- Mr Martin Kennedy, Planner

Chorus New Zealand Limited, Spark New Zealand Trading Limited, One New Zealand Group Limited and Forty South ('the Telecommunications Companies')

- Mr Chris Horne, Resource Management Consultant with Incite Limited
- Mr Graeme McCarrison, Environment and Planning Manager with Spark
- Mr Colin Clune, Resource Management Manager with Forty South
- Mr Andrew Kantor, Environmental Planning and Engagement Manager with Chorus

New Zealand Transport Agency Waka Kotahi (NZTA Waka Kotahi)

- Mr Stuart Pearson, Senior Planner with NZTA Waka Kotahi
- Mr Robert Swears, Technical Principal – Road Safety and Traffic Engineering with WSP New Zealand Ltd (via internet connection)

New Zealand Energy Limited (NZEL)

- Mr David Inch
- Mr Peter Mulvihill

Transpower New Zealand Limited

- Ms Pauline Whittney, Planner with Boffa Miskell Ltd
- Ms Rebecca Eng, Technical Lead – Policy with Transpower
- Mr Jordan Shortland-Witehira, Engineer with Transpower

Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio and Te Rūnanga o Ngāi Tahu ('Poutini Ngāi Tahu')
- Ms Katherine Viskovic, Counsel
- Ms Rachael Pull, Senior Environmental Advisor with Te Rūnanga o Ngāi Tahu

Royal Forest and Bird Protection Society of New Zealand (Forest & Bird) – Ms Nicky Snoyink for (via internet connection)

Ms Inger Perkins for Herenga ā Nuku, the Outdoor Access Commission (via internet connection)

KiwiRail Holdings Limited – Ms Michelle Grinlinton-Hancock, RMA Team Leader with KiwiRail

1.6. Overview of submitter evidence and statements received

34. Legal submissions were received from:

    (a) Mr Joshua Leckie for Bathurst Resource Limited and BT Mining Limited ('*Bathurst'*) (dated 13 November 2023);

    (b) Ms Alex Booker for Birchfield Mines Limited, Papahaua Resources Limited, and Rocky Mining Limited. Tiga Minerals and Metals Limited, WMS Group (HQ) Limited, and WMS Land Company Limited (dated 13 November 2023); and

    (c) Ms Sarah Scott for Poutini Ngai Tahu.

35. Before the hearing, we received a tabled statement or evidence from:

    (a) West Coast Regional Council (**WCRC**) dated 30 October 2023;

    (b) KiwiRail Holdings Limited (**'KiwiRail'**) dated 3 November 2023;

    (c) The New Zealand Defence Force (**NZDF**) dated 24 November 2023; and

    (d) **Forest & Bird** dated 28 November 2023.

36. The Reporting Officers tabled a Planning Summary Statement at the commencement of the hearing on 27 November 2023.

37. For those appearing at the hearing, the following evidence and statements were received:

    (a) Ms Nicola Foran, Environmental Policy Manager for Manawa (dated 30 October 2023);

    (b) Ms Stephine Styles, Planner for Manawa (dated 30 October 2023);

    (c) Ms Frida Inta for BCG and herself (dated 27 November 2023);

    (d) Mr Paul Findlay for himself (27 November 2023);

(e) Mr Martin Kennedy, Planner for Westpower (dated 29 October 2023);

(f) Mr Mark Lile, Planner for BEL (dated 30 October 2023);

(g) Mr Chris Horne, Planner for the Telecommunication Companies (dated 27 October 2023);

(h) Mr Graeme McCarrison, Mr Andrew Kantor Chorus and Mr Colin Clune – Joint Statement of Evidence (dated 27 October 2023);

(i) Mr Stuart Pearson, Senior Planner for NZTA Waka Kotahi (dated 3 November 2023);

(j) Mr Robert Swears, Technical Principal – Road Safety and Traffic Engineering for NZTA Waka Kotahi (dated 3 November 2023);

(k) Ms Pauline Whitney, Planner for Transpower (dated 30 October 2023);

(l) Ms Rebecca Eng, Technical Lead – Policy for Transpower (dated 30 October 2023);

(m) Mr Jordan Shortland-Witehira, Engineer for Transpower (dated 30 October 2023);

(n) Ms Rachael Pull, Senior Environmental Advisor for Poutini Ngāi Tahu (dated 30 October 2023);

(o) Ms Inger Perkins for Herenga ā Nuku Aotearoa the Outdoor Access Commission (dated 28 November 2023);

(p) Ms Michelle Grinlinton-Hancock, RMA Team Lead for KiwiRail (dated 3 November 2023); and

(q) Ms Nicky Snoyink for Forest & Bird (dated 28 November 2023).

1.7. Site Visit

38. The Panel undertook site visits throughout the pTTPP process, including those relevant to this hearing.

1.8. Objective and Policy Language

39. Throughout the hearings, the Panel discussed with Reporting Officers, submitters and witnesses the appropriateness of language within the objectives and policies in all three chapters. The Panel examined the use of '*minimise*' throughout the ENG, INF, and TRN objectives and policies, and whether '*manage*' or '*avoid, remedy and mitigate'* would be more appropriate and provide greater flexibility. The Panel also considered using the words '*incompatible'* and when to use '*enable'* and *'provide'* throughout the hearing. To maintain some order in our recommendations, the Panel discusses using such terms below, considering the specific objectives and policies affected. For completeness, the Panel notes that the Reporting Officers' Reply Report at section 3.0 (pages 3-6), provides their final recommendations relating to the use of such terms.

PART B - STATUTORY REQUIREMENTS AND DOCUMENTS

2. RMA STATUTORY REQUIREMENTS AND DOCUMENTS TO BE CONSIDERED

40. Energy, Infrastructure, and Transport are one of seven sections located in Part 2—District-Wide Matters—Te Wāhanga 2—Ngā Kaupapa ā-Rohe Whānui. The section contains three chapters with objectives, policies, and rules for ENG, INF, and TRN that apply across the districts.

41. The Section 32 Report outlined the relevant statutory considerations applicable to Energy, Infrastructure, and Transport Activities and the relationships between the sections of the RMA and higher-order documents that the Panel must give effect to in making our recommendations. It also provided a section 32 evaluation of the pTTPP provisions for the three chapters.

42. The s42A Report highlighted relevant sections 6, 7 and 8 matters of the RMA, and provided details on the following higher-order statutory documents and relevant documents:

- National Policy Statement for Renewable Energy Generation 2011 (**NPSREG**);
- National Policy Statement for Electricity Transmission 2008 (**NPSET**);
- New Zealand Coastal Policy Statement 2010 (**NZCPS**);
- National Policy Statement for Freshwater Management 2020 (**NPSFM**);
- National Policy Statement for Highly Productive Land 2022 (**NPSHPL**);
- National Policy Statement for Indigenous Biodiversity 2023 (**NPSIB**);
- National Policy Statement for Urban Development 2020 (**NPSUD**);
- Resource Management (National Environmental Standard for Electricity Transmission Activities) Regulations 2009 (**NESETA**);
- Resource Management (National Environmental Standard for Telecommunications Facilities) Regulations 2016 (**NESTF**);
- Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 (**NESCS**);
- Iwi Management Plans, Mana Whakahono a Rohe; and
- West Coast Regional Policy Statement 2020 (**RPS**).

43. The Reporting Officers referred the Panel to the Regional Land Transport Plan 2021-2031 (**RLTP**), a plan in which local and regional authorities, the Department of Conservation (**DOC**),

and NZTA Waka Kotahi work together to identify and prioritise investment in the land transport network; and Te Whanaketanga Te Tai Poutini West Coast 2050 Strategy. Te Whanaketanga is a collaborative document developed by Development West Coast, the West Coast Councils and Poutini Ngāi Tahu. It sets out key strategic directions for the West Coast around economic development, regional identity and stronger communities.

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

45. The New Zealand Planning Standards mandatory direction 7.5 requires provisions relating to ENG, INF and TRN that are not specific to the '*Special Purpose zones*' chapter or sections must be located in one or more chapters under the heading '*Energy, Infrastructure and transport'*; and may include statements about the status of transport corridors, noise related metrics and noise measurement methods, and the management of reverse sensitivity effects. Mandatory direction 7.6 requires that the ENG, INF and TRN chapters include cross-references to any energy, infrastructure and transport provisions in a Special Purpose Zones chapter or sections. Mandatory direction 7.7 requires that zone chapters include cross-references to relevant provisions under the energy, infrastructure and transport heading. Mandatory direction 7.8 requires that all chapters must be included alphabetically. The Panel is satisfied that the pTTPP structure is consistent with this National Direction.

46. In written legal submissions dated 13 October 2023, Ms de Latour (Wynn Williams) addressed the general approach to considering changes to district plans. The Panel agrees with those submissions and applies the approach outlined concerning the ENG, INF and TRN chapter provisions.

PART C – SUBMISSIONS, EVIDENCE, EVALUATION AND RECOMMENDATIONS

3. DEFINITIONS - CRITICAL INFRASTRUCTURE

47. The pTTPP Strategic Direction Chapter objectives for Connections and Resilience recognise the strategic importance of energy, infrastructure, and transport resources to the West Coast.

48. The Strategic Direction in Part 2, combined with objectives within the relevant topic chapters, ensures that they provide a coherent, overarching strategic direction and state the intended outcomes for the West Coast districts. With these strategic directions and objectives in place, the articulation of location-specific and activity-specific objectives and policies is enabled in other pTTPP chapters consistent with the strategic objectives.

49. The Connections and Resilience section of the pTTPP Strategic Direction Chapter contained four objectives, three of which reference critical infrastructure. '*Critical infrastructure'* is defined in the pTTPP as follows –

> *the rail network, state highways, special-purpose roads, airports, wastewater treatment plants, reticulated water systems, stormwater treatment plants, and electricity transmission and distribution assets.*

50. Section 2.2 of the Strategic Direction of the s42A Report discussed use of the term '*critical infrastructure'* and submissions received regarding the appropriateness of the term '*critical infrastructure'* concerning the Strategic Direction Chapter. It noted that any proposed amendments to this definition would result in consequential amendments throughout the pTTPP.

51. The Strategic Direction s42A Report recommended using the term '*critical infrastructure'* in all objectives in the Connections and Resilience section. However, it stated -

> *I am aware that there are a range of submissions on the definition of Infrastructure and Energy Activities to be dealt with in the Energy Infrastructure and Transport Chapter. If this results in Energy Activities being excluded from the definition of Infrastructure, I would support this addition as a consequential amendment.*

Submissions and Further Submissions

52. The s42A Report identified six submission points and one further submission point[3] supporting the definition of '*Critical Infrastructure'* as notified.

53. Manawa (S438.003, S430.007, and S438.024) sought to replace the 'Critical Infrastructure' definition with 'Regionally Significant Infrastructure' (RSI) based on the RPS definition. Transpower (FS10.005), RNZ (FS141.001 and FS141.006), Westpower (FS222), WMS Group (HQ) Limited and WMS Land Company Limited (FS231.004) and Buller District Council (BDC) (FS149.068) supported submission S438.024 and sought to use RSI utilising the RPS definition.

[3] S442.001, S450.001, S440.01, S451.006, S478.063, S663.001 and FS149.008

54. NZDF (FS31)[4] opposed submission points S438.003, S438.024, and S608.006 because the pTTPP definition of '*Critical Infrastructure'* includes defence facilities and the RPS definition of RSI does not include NZDF facilities.

55. KiwiRail (S476.001) and Grey District Council (**GDC**) (FS1.271) supported the definition of *'Critical Infrastructure'*; however, they sought to include radiocommunication networks as provided for in the RPS.

56. WCRC (S488.005) sought to amend the '*Critical Infrastructure'* definition to include '*environmental monitoring facilities'* and '*natural hazard mitigation*'.

57. BDC (S538.010), Forest & Bird (FS34.063), and GDC (FS1.411) sought that '*ports'* be provided for in the definition of '*Critical Infrastructure'.*

58. Federated Farmers of New Zealand (S524.006), Murray Stewart (FS115.3), and GDC (FS1.257) sought to amend the definition of 'Critical Infrastructure', in particular, a description of 'Critical Infrastructure' with a non-exhaustive list of types of critical infrastructure, being "*those necessary facilities, services and installations which are critical or of significance to either the West Coast or New Zealand*".

59. Forest & Bird (S560.061) sought the definition of '*Critical Infrastructure'* be reworded so that it is limited to specific entities and infrastructure that deliver a service operated by a '*lifeline utility*' (as defined in the Civil Defence Emergency Management Act 2002), because the current wording was considered to be too broad and could capture infrastructure which is not '*critical*'. NZDF (FS31.005) opposed Forest & Bird's submission because the definition of a lifeline utility under the Civil Defence Emergency Management Act 2002 does not include NZDF facilities and NZDF facilities are included under the pTTPP definition of '*Critical Infrastructure'*.

60. Poutini Ngāi Tahu (S620.028) generally supported the notified definition for '*Critical Infrastructure'* but also sought to clarify the meaning of '*special purpose roads'* within the defined term '*Critical Infrastructure'*.

Section 42A Reports

61. The s42A Report noted the recommendations of the Strategic Direction s42A Report and considered the submission and further submission points received regarding the ENG, INF, and TRN provisions. It recommended adopting the RPS definition of RSI and accepting the relief sought by the relevant submitters, thereby achieving consistency with higher-order policy documents and giving effect to the RPS.

62. The RPS defines RSI as follows -

> *Regionally significant infrastructure means:*

4 FS31.002, FS31.003, FS31.004

(a) The National Grid (as defined by the Electricity Industry Act 2010);

(b) Other electricity distribution and transmission networks defined as the system of transmission lines, sub-transmission and distribution feeders and all associated substations and other works to convey electricity;

(c) Facilities for the generation of more than 1 MW of electricity and its supporting infrastructure where the electricity generated is supplied to the electricity distribution and transmission networks;

(d) Pipelines and gas facilities used for the transmission and distribution of natural and manufactured gas;

(e) The State Highway network, and road networks classified in the One Network Road Classification Sub-category as strategic;

(f) The regional rail networks;

(g) The Westport, Greymouth, and Hokitika airports;

(h) The Regional Council seawalls, stop banks and erosion protection works;

(i) Telecommunications and radio communications facilities;

(j) Public or community sewage treatment plants and associated reticulation and disposal systems;

(k) Public water supply intakes, treatment plants and distribution systems;

(l) Public or community drainage systems, including stormwater systems;

(m) The ports of Westport, Greymouth and Jackson Bay; and

(n) Public or community solid waste storage and disposal facilities

63. The s42A Report did not support amending the RSI definition to include defence facilities because no major defence facilities are on the West Coast. It is considered that the underlying zone would provide for future defence facilities and that the amendment sought by the NZDF was inconsistent with the RPS. It recommended that NZDF's further submission points be rejected.

64. The s42A Report agreed with the relief sought by WCRC (S488.005), KiwiRail (S476.001), BDC (S538.010), Forest & Bird (FS34.063) and GDC (FS1.411) to delete the definition of '*Critical Infrastructure'* and replace it a new definition of '*Regionally Significant Infrastructure,*' based on the RPS definition; and recommended accepting these submission and further submission points.

65. The s42A Report noted Federated Farmers of New Zealand ('Federated Farmers') (S524.006), Murray Stewart (FS115.3), and GDC (FS1.257) sought to amend the definition of '*Critical Infrastructure'* but considered the recommended deletion of the definition of '*Critical Infrastructure'* and replacement with RSI rendered these submission points redundant.

Similarly, it considered the Forest & Bird (S560.061) and Poutini Ngāi Tahu (S620.028) submission points were no longer applicable given the recommended use of RSI.

66. In response to a question from the Panel, the Reporting Officers considered, that within the scope of the ENG, INF and TRN provisions, the use of RSI did not broaden the scope of activities enabled.

67. In response to Mr Kennedy's evidence regarding S457.00, the s42A Addendum recommended rejecting the submission to retain the definition of '*Critical Infrastructure'*.

Hearing and submitter evidence, including the JWS.

68. Legal submissions[5] from Ms Viskovic (and Ms Sarah Scott), for Poutini Ngāi Tahu, addressed replacing the definition of '*Critical Infrastructure'* with the RPS definition of RSI. While generally supporting the change to align with the RPS definition of RSI, they considered there was little in the way of supporting analysis to support the change. They raised concern that the change recommended had the potential to significantly extend the application of enabling provisions that apply to critical infrastructure such as SASM-P13, ECO-P7 and Rules ECO-R1, NFL-R3, NFL-R9 and SUB-R4. They also submitted that there should not be different infrastructure definitions within the pTTPP, enabling plan users to easily identify the provisions that apply to any given type of infrastructure.

69. Ms Pull, for Poutini Ngāi Tahu, considered replacing the notified definition of '*Critical Infrastructure*' with RSI would broaden the range of activities included and provided a table[6] of a comparison of the two definitions showing that RSI was broader in its reach. She was critical the s42A Report did not detail the impact of this change on the wider plan or within the ENG Chapter. She was concerned the change to RSI could impact on the Sites of Significance to Māori (**SASM**) Chapter and that no assessment had been undertaken by the Reporting Officers. She noted that some RSI would be managed by designations but that some may not; and that some are managed by a requiring authority and some may not be. She highlighted that there were rules in the SASM Chapter that refer to similar terms to RSI such as 'Network Utility Structures' and that confusion could arise from the use of multiple terms. While she acknowledged the use of RSI in the RPS, she considered the pTTPP did not have to use the same term. She proposed that the definition of '*Critical Infrastructure*' should be expanded to include some of the features of both RSI or s8 of the Infrastructure Funding and Financing Act 2020, subject to the impacts of any such change being considered on a plan wide basis.

70. Ms Pull highlighted that the RMA definition of *'Infrastructure'* was very broad and distinguished lifeline infrastructure from other infrastructure.

71. In expert conferencing, Ms Pull requested to limit RSI to statutory agencies or requiring authorities because of concern that other entities other than statutory authorities could utilise the RSI definition to use enabling provisions with limited or no oversight applied.

[5] Dated 13 November 2023 paragraphs 3.1- 3.3
[6] Rachael Pull Statement of Evidence dated30 October 2023 Table 1 page 11

72. The JWS records Ms Pull's agreement to replace the definition of '*Critical Infrastructure*' with RSI on the condition that implications of the change are assessed on a plan wide basis and considered throughout the hearings on other chapters of the Plan. However, Ms Pull sought to restrict the scope of RSI to three waters infrastructure, and wastewater storage and disposal facilities managed by the Council to ensure long term effects on the community are managed. The JWS also records that Ms Pull sought clarity as to which roads are 'special purpose roads' and was advised by the Reporting Officers that these are roads subject to NZTA funding.

73. The JWS records Manawa and WCRC's planning experts expressed concern at limiting RSI to statutory agencies and requiring authorities, given that Manawa is not a requiring authority and the need to deal with waste in emergency situations. In response, Ms Pull noted that with an exclusion, Manawa's activities would still fit under the normal infrastructure provisions but not the most enabling RSI provisions.

74. The JWS records that Mr Horne, on behalf of the Telecommunications Companies, considered RSI clause (i) should include '*network and facilities'* to cover fibre and that the Reporting Officer did not oppose this.

75. NZDF's tabled written statement noted defence facilities were included within the pTTPP definition of '*Critical Infrastructure*' and that other district plans made provision for defence facilities (e.g. Selwyn District Council for the NZDF firing range and Burnham Military Camp).

76. Ms Snoyink, for Forest & Bird, considered simply replacing use of '*critical infrastructure*' with RSI in these three chapters, and consequently replacing the use of that term throughout the pTTPP, would increase the potential for conflict with other plan provisions and inconsistency with the NZCPS and Chapter 7 of the RPS. She noted the recommendation had not considered the full scope of infrastructure included under the RPS RSI definition and had not recognised that the RSI does not include all energy activities such as facilities generating less than 1 MW of electricity. Whereas the pTTPP definition of '*Energy Activity*' includes any energy generation, on any scale.

77. Ms Snoyink highlighted that the Reporting Officers had relied on the NPSET, the NPSREG and the RPS, regarding RSI, in considering provision wording for '*Energy Activities'*. She noted the pTTPP definition of '*Energy Activities'* was broad, and while not opposed to a broader definition, that the Chapter overview should clarify this and use terms, such as national grid, critical infrastructure, or renewable electricity generation, in appropriate circumstances. She noted Forest & Bird contend that not all energy infrastructure should be treated equally. A refinement in terminology was required, she said, to better align with the NZCPS and the RPS, while also aligning with the NPSET and NPSREG. She considered that treating all '*Energy Activities*' the same increases the potential for conflicts with the NZCPS and RPS, and that the plan also needs to address the different directions of the NPS.

78. Ms Snoyink was critical that Reporting Officers had not considered Chapter 7, Ecosystems and Indigenous Biological Diversity, of the RPS and noted the RPS overview for Chapter 6 on RSI clearly states that all relevant provisions of the RPS must be considered when managing the adverse effects of RSI activities.

79. Mr David Inch, for NZEL, highlighted that the RSI definition excluded community facilities generating less than 1 MW of electricity, such as those at Haast, Turnball Gorge, and Fox. He considered that resource consent should not be required for small community facilities providing essential services. He also noted that the use of backup generators should not be limited to 24 hours under Rule ENG-R9 and that under Rule INF-RX1, this was 48 hours.

80. Mr Kennedy, for Westpower, considered replacing the definition of '*Critical Infrastructure*' with RSI appropriate, but noted that this was a fundamental amendment to the pTTPP that needed to be understood. Ms Styles, for Manawa, and Ms Whitney, for Transpower, also supported the use of RSI and noted that its use and the use of 'infrastructure' and 'energy activities' required careful consideration throughout the Plan.

Reporting Officers' Position Statement and Reply Evidence

81. The s42A Report recommendation was to adopt the RPS definition of RSI and accept the relief sought by the relevant submitters, thereby achieving consistency with higher-order policy documents and giving effect to the RPS. In Reply, the Reporting Officers noted general agreement between expert witnesses participating in the EWC that the term '*Critical Infrastructure'* should be replaced with RSI, in general accordance with the RPS definition of RSI. They highlighted that the JWS recorded expert witnesses' differing opinions concerning appropriate further amendments to the RSI definition to refine it to a district level.

82. The Reporting Officers' Position Statement considered the RPS definition could be refined to a district level whilst giving effect to the RPS and recommended the following refinements of the RPS definition:

    (a) Inclusion of '*Special Purpose Roads as identified on the planning maps'*; and

    (b) Amendment of clause (I) to include '*telecommunication network and facilities'* to include the fibre network.

83. In Reply, the Reporting Officers remained of the view that defence facilities should not be included in the definition of RSI because there are no major defence facilities on the West Coast, and future defence facilities would be provided for by the underlying zone. Furthermore, the Reporting Officers considered that such an inclusion would be inconsistent with the RPS.

84. The Reporting Officers disagreed with Ms Pull's view of limiting RSI to statutory agencies or requiring authorities because many infrastructure providers are neither. They considered that such a restriction would result in the definition of RSI not giving effect to the RPS.

85. The Reporting Officers' recommended refinements to clauses (j), (k) (l) and (n) to remove '*community*' and add '*council owned*' to clarify that applicable infrastructure was public and council administered to remove ambiguity that a small-scale communal facility could be defined as regionally significant.

86. In addition, the Right of Reply of Ms Easton, the reporting officer in the Sites and Areas of Significance to Māori (SASM) hearing, records issues raised by the planners in that hearing, through their Joint Witness Statement, regarding the multiplicity of infrastructure definitions

in the plan and the need to rationalise them for consistency. Ms Easton recorded that the planners as a whole identified a range of terms, including "critical infrastructure", "infrastructure" (RMA definition), "network utility operator" (RMA definition), "lifeline utilities", "network utilities", "network infrastructure", "network utility structures", "public network utilities", "reticulated network utility systems" and "temporary network utilities", as well as terms supported in s42A Reports such as "regionally significant infrastructure" and "network utility infrastructure". Ms Easton recommended looking holistically across the Plan to resolve the appropriate terminology in each instance.

Hearing Panel's Evaluation

87. The Panel considers that Ms Viskovic's concerns regarding the lack of reasons to support the change from '*Critical Infrastructure*' to RSI were addressed by the planning experts in EWC and recorded in the JWS, and that such a change has merit. Reasons included that there is an existing familiarity with the term RSI, given its use within the RPS; and its use would address concerns about ensuring consistency, avoiding ambiguity, and making the pTTPP easier to use.

88. The Panel examined whether the RPS definition of RSI was sufficient and whether it could be amended to reflect infrastructure at a district scale during the hearing. The Reporting Officers considered that the RPS definition of RSI could be refined at a district level in a manner that continued to give effect to the RPS policy outcomes. Refinements discussed during the hearing process included:

(a) inclusion of '*special purpose roads*';

(b) inclusion of NZDF facilities;

(c) amendment to clause (i) to include '*Telecommunications network and facilities and radio communications facilities*'; and

(d) limiting of RSI to those managed by statutory agencies or requiring authorities.

89. Ongoing discussions during the hearing considered alternative refinements of the RSI definition to remove ambiguity, enable small-scale communal facilities to be included, and clarify whether infrastructure included should be public and council owned. Alternative language options were also discussed during the hearing, including infrastructure owned, leased, or administered by the Council.

90. The Panel acknowledge that the expert planning witnesses participating in the EWC generally agreed that the definition of '*Critical Infrastructure'* should be replaced with the RPS definition of RSI but disagreed on whether further amendments to the RSI definition were necessary to refine it to a district level to address smaller scale infrastructure.

91. The Panel considers Ms Pull's request to restrict the definition of RSI to apply only to those managed by statutory agencies is inappropriate because public or community infrastructure providers may not be statutory agencies or requiring authorities. The Panel agree with the Reporting Officers that such a limitation would restrict the definition of RSI to the extent that it no longer gives effect to the outcomes sought by RPS provisions. The Panel agrees that to give effect to the RPS, the pTTPP definition of RSI does not need to copy the RPS wording

exactly, and we are satisfied the recommended amendments to the RSI definition gives effect to the RPS.

92. The Panel accepts the opinions of the expert planning witnesses that Ms Pull's request to limit the definition of RSI to those managed by statutory agencies or requiring authorities could present workability issues and impact on the use of facilities in emergency situations. The Panel accepts that non-statutory parties may manage important public or community services and facilities, and it does not follow that they will not comply with Plan provisions and/or conditions of consent in a manner different from a statutory agency.

93. The Panel agrees with the Reporting Officers' recommendation to delete the pTTPP definition of 'Critical Infrastructure' and add a new definition of RSI based on the RPS definition for the reasons stated in the s42A Report and the Reply Report. The Panel agrees that the RPS definition of RSI can be refined at a district level while implementing the RPS policy outcomes.

94. The Panel accepts the Reporting Officers' recommendation to replace '*community*' with '*council owned*' in clauses (j), (l) and (n); and to add '*council owned*' to clause (k) of the RSI definition to increase clarity and improving effectiveness.

95. The Panel accepts the Reporting Officers' recommended amendment to clause (i) to add '*networks and facilities*' to clarify that the fibre network is included, as noted by Mr Horne in the JWS.

96. The Panel agrees with the Reporting Officers that, for the reasons they put forward, there is no need to limit the definition of RSI to statutory agencies and requiring authorities.

97. The Panel disagrees with the Reporting Officers that defence facilities should not be included because currently there are no facilities. We accept the NZDF request (S519.004) to include defence facilities based on the request to retain the definition of '*Critical Infrastructure*', as notified, because it includes defence facilities. We consider it appropriate to include all the activities covered in the definition of '*Critical Infrastructure*', regardless of what facilities currently exist. We agree that any new defence facilities would be subject to the relevant zone provisions but consider it should be subject to the provisions for RSI for its ongoing operation.

98. In addition to these specific submission points and further submission points, the Panel considers the replacement of '*Critical Infrastructure*' with RSI within the context of each ENG, INF and TRN provision, where relevant. The Panel noted that concerns raised regarding the need for a plan-wide assessment of the implications of this change are considered in each of the Panel's recommendation reports on individual chapters of the pTTPP. However, the new RSI definition replaces the term '*Critical Infrastructure*' throughout the TTPP, as a consequential amendment.

99. The Panel agrees with the recommendation of Ms Easton, reporting officer in the SASM hearing, that there should be consistent use of terminology across the plan and a reduction in the number of terms used to describe infrastructure, with corresponding definitions. Not all of the terms listed in her Reply Evidence for the SASM hearing are defined in the Plan. We have addressed these later in this recommendation.

Hearing Panel's Recommendations

100. The Panel recommends deleting the definition of '*Critical Infrastructure'* from the Plan and adding a new definition for '*Regionally Significant Infrastructure'*, as set out below.

~~CRITICAL INFRASTRUCTURE~~

~~means:~~

~~the rail network, state highways, special-purpose roads, airports, wastewater treatment plants, reticulated water systems, stormwater treatment plants, and electricity transmission and distribution assets.~~ [7]

REGIONALLY SIGNIFICANT INFRASTRUCTURE

means:

(a) The National Grid (as defined by the Electricity Industry Act 2010);

(b) Other electricity distribution and transmission networks defined as the system of transmission lines, sub-transmission and distribution feeders and all associated substations and other works to convey electricity;

(c) Facilities for the generation of more than 1 MW of electricity, including the Turnbull Hydro Power Station and Fox Hydro Power Station, and their supporting infrastructure where the electricity generated is supplied to the electricity distribution and transmission networks;

(d) Pipelines and gas facilities used for the transmission and distribution of natural and manufactured gas;

(e) The State Highway network, and road networks classified in the One Network Road Classification Sub-category as strategic;

(f) The regional rail networks;

(g) The Westport, Greymouth, and Hokitika airports;

(h) The Regional Council seawalls, stop banks and erosion protection works;

(i) Telecommunications networks and facilities and radio communications facilities;

(j) Public or council owned sewage treatment plants and associated reticulation and disposal systems;

(k) Public or council owned water supply intakes, treatment plants and distribution systems;

[7] Manawa Energy Limited S438.003 and S438.007

(l) Public or council owned drainage systems, including stormwater systems;

(m) The ports of Westport, Greymouth and Jackson Bay;

(n) Public or council owned solid waste storage and disposal facilities;

(o) **Special Purpose Roads as identified on the planning maps; and**[8]

(p) Defence Facilities[9]

4. ENERGY

4.1. Energy - General/Whole Chapter

Submissions and Further Submissions

101. The s42A Report identified 18 submission points and 13 further submission points[10] relating to general matters/whole ENG Chapter.

102. Three submission points and one further submission point[11] supported the ENG provisions as notified. DOC (S602.06) was neutral on the ENG Chapter as notified, as the provisions did not affect priority conservation values, biodiversity values or DOC interests.

103. Lynley Hargreaves (S481.025), supported by NZEL (FS127.023) sought to retain the ENG provisions supporting a low carbon lifestyle.

104. Te Mana Ora (Community and Public Health) of NPHS / Te Whatu Ora (S190.037) sought to include objectives and policies supporting renewable energy generation development in the ENG.

105. Inger Perkins (S462.031) sought to include methods (other than rules) in the pTTPP that support installing clean energy at a micro-scale.

106. Forest & Bird (S560.441) sought the deletion of '*Strategic Objectives'*. Westpower (FS222.0228) opposed the relief sought.

107. Forest & Bird (S560.125, S560.126, S560.127 and S560.128) sought to amend the discretionary matters to provide for biodiversity and other natural values. Westpower (FS222)[12] opposed this submission because it duplicated issues.

[8] Manawa Energy Limited S438.003, S438.007 and S438.024
[9] Ministry of Defence 519.004
[10] S190.037, S190.037, S299.027, S481.025, S560.108, S560.125, S560.126, S560.127, S560.128, S560.129, S560.130, S560.442, S560.444, S560.439, S620.087, S620.088, S620.089, S620.090, FS34.026, FS127.025, FS222.0226, FS222.0227, FS222.0229, FS222.0233, FS222.0241, FS222.0242, FS222.0243, FS222.0244, FS222.0245, FS222.0246, FS230.067
[11] S181.001, S190.037, S581.012, FS34.018
[12] Westpower FS222.0241, FS222.0242, FS222.0243, FS222.0244

108. Poutini Ngāi Tahu (S620.087, S629.088, S620.089 and S620.090) sought an additional matter of discretion for the restricted activity rules (ENG-R11, ENG-R12, ENG-R13 and ENG-R14) as follows:

> *The degree to which the proposed activity will cause significant adverse effects on Overlay chapter matters* ***and sites listed in Appendix 10****.*

109. Transpower (S299.027) did not support the reference to other rules in the pTTPP in the overview of the ENG, submitting that it should stand alone. Poutini Ngāi Tahu (FS41.104) opposed this submission, submitting that the ENG should not be read in isolation from other portions of the pTTPP. They supported the cross-referencing approach used within the overviews of the pTTPP to clarify the relationship between chapters, particularly in relation to the SASM chapter and advice notes within rules. Forest & Bird (FS34.026) also opposed this submission because the relief sought was inconsistent with the NZCPS and RPS.

110. Paul Finlay (S408.001) sought to ensure that provision is made for the critical need for reliance on hydropower generation, particularly regarding resilience pre- and post-alpine fault rupture, and climate change-required irrigation.

111. John Walsh (S527.001) sought a planning map provision for the National Grid Lines overlay to be removed from 169 Alma Road, as they appeared to be no longer part of the National Grid and may limit future development of the relevant site. Transpower (FS110.051) supported this submission point as the Waimangaroa Westport (WMG-WPT-A) 100kv line will be divested and no longer owned or operated by Transpower, and a section of the Inangahua Westport B (IGH-WPT-B) 100kv line will be decommissioned and dismantled.

112. Manawa (S438.127) supported the inclusion of provisions related to renewable electricity generation/regionally significant infrastructure in each of the relevant zone chapters, including ENG. Westpower (FS222.0198) opposed this submission because the pTTPP clearly states – '*Area Specific Provisions (Zone Chapters) do not apply to energy activities',* which relates to the entire chapter, not just the standards

113. Frank and Jo Dooley (S478.058) and Buller Electricity Limited (**BEL**) (S451.001) sought the corridor protection rules that relate to energy to be included within the zone chapters.

Section 42A Reports

114. The s42A Report acknowledged Lynley Hargreave's submission and considered that the pTTPP appropriately provided for a low-carbon lifestyle.

115. The s42A Report acknowledged the Te Mana Ora (Community and Public Health) of NPHS /Te Whatu Ora submission and considered that pTTPP appropriately supports renewable energy generation development.

116. Regarding Inger Perkins' submission, the s42A Report considered the installation of clean energy at a micro-scale was provided for within the pTTPP, including rules ENG-R1, ENG-R5, and ENG-R14. It was noted that these rules provide sufficient scope for micro-scale clean energy and that the submitter had provided insufficient rationale to justify the change requested.

117. The s42A Report recommended rejecting the relief sought by Forest & Bird (S560.441) to delete '*Strategic Objectives*' because this amendment would be inconsistent with the entirety of the pTTPP.

118. The s42A Report recommended rejecting Forest & Bird's (S560)[13] requests to add new matters of discretion to provide for biodiversity and other natural values, which was supported in part by Poutini Ngāi Tahu's (FS41) further submissions. It accepted Westpower's (FS222) further submission that this would duplicate relevant matters and considered specifying chapters of the pTTPP would limit and restrict assessments when the pTTPP should be read in full. It noted the overview at the start of the ENG Chapter guides Plan users to read other chapters. It considered that this would be duplication as it was also included under specific standards.

119. In respect of Transpower's submission (S299.027), s42A Report agreed with Poutini Ngāi Tahu's further submission point that the pTTPP should be read as a whole document and not as chapters in isolation; and rejected the request to remove references to other rules in the pTTPP.

120. Regarding Paul Finlay (S408.001), the s42A Report considered that the pTTPP, including rules ENG-R1, ENG-R5, and ENG-R14, sufficiently provided for hydropower generation.

121. Regarding John Walsh (S527.001), the s42A Report noted Transpower's further submission in support and the formalisation of the designation relinquishment and recommended removing the overlay, as requested.

122. The s42A Report acknowledged Manawa's submission (S438.127) and Westpower's (FS222.0198) further submission, but did not recommend amending the current wording because it considered the current pTTPP wording addressed the intent of both submitters.

123. The s42A Report did not support the relief sought by Frank and Jo Dooley (S478.058) and BEL (S451.001) because parts of the pTTPP should not be read in isolation but as a whole document.

124. Regarding general matters, the Reporting Officers agreed with submitters that the notified ENG and INF provisions overlap. Therefore, amendments were recommended to ensure all aspects of Energy Activities are contained within the ENG chapter.

Hearing and Submitter Evidence

125. Ms Foran's evidence, for Manawa, detailed Manawa's assets, interests and locations on the West Coast; and emphasised the importance of renewable electricity development to the country and the West Coast. She identified targets for renewable energy and reductions in greenhouse gas emissions, which have been enshrined in legislation. She highlighted the reviews of the NPS-REG, the NZ Infrastructure Commission, and the West Coast Energy Action Group, all of which she noted focus on significant increases in renewable electricity generation. She noted that for these targets and commitments to be met, rapid electrification

[13] Royal Forest and Bird Protection Society S560.125, S560.126, S560.127, and S560.128

of the economy, coupled with a coordinated policy response, including a district plan policy framework, is required.

126. Ms Styles, for Manawa, supported the approach provided in the pTTPP, whereby the ENG provisions are largely self-contained, and the INF provisions are unrelated to energy activities. She considered this approach an important step in simplifying the Plan provisions, avoiding unnecessary duplication in provisions, and supporting the enablement of renewable energy generation (**REG**).

127. Ms Styles expressed concern about the complexity of the ENG chapter and sought simplification. She noted several of Manawa's submission points related to simplification and separation of issues but that the general approach had been retained with several clarifications provided within the recommendations in Appendix 1 to the s42A Report. She noted that the recommendations within the s42A Report appeared to be in conflict. She acknowledged the retention of the statements of clarification within the overview section and the zone chapters, noting that these must be retained to help simplify and clarify what rules applied to energy activities.

128. Mr Finlay, for NZEL, addressed the need for the pTTPP to provide hydro power generation on DOC and other lands, subject to reinstatement and bonding provisions. He provided details on the challenge of conveying West Coast water to the East Coast for irrigation, including power generation.

129. Ms Eng, for Transpower, confirmed that the Waimangaroa-Westport B transmission line, which traverses 169 Alma Road Westport, was currently being dismantled between the Waimangaroa Substation and Westport and that once complete the National Grid corridor provisions in the pTTPP would not apply. She advised that the Waimangaroa-Westport B transmission line between Orowaiti 'Tee' and Westport had been transferred to the ownership of BEL in June 2023 and was no longer part of the National Grid. Therefore, the corridor provisions of the PTTPP would not apply. She provided Appendix B showing the transmission limes traversing 169 Alma Road. She advised that Transpower would provide updated mapping and shape files to the Panel before the hearing on outstanding matters. The Panel understands this has now been provided.

130. Ms Whitney, for Transpower, considered the miscellaneous submission points (S299.027 and 299.028) relating to the need for the ENG Chapter provisions to be stand-alone were now considered to be resolved by the s42a recommendations. She confirmed Mr Walsh's concerns relating to 169 Alma Road had also been resolved, as outlined in Ms Eng's evidence.

Reporting Officer Reply Evidence

131. The Reporting Officers' Reply Report did not cover any additional response to ENG general matters.

Hearing Panel's Evaluation

132. The Panel considers the need for additional matters of discretion as requested by Forest & Bird in relation R-12, R13, R14, below.

133. The Panel considers the Poutini Ngai Tahu request '*and sites listed in Appendix 10*' for R11-14 below.

134. The Panel is satisfied that the issues raised in the submission and further submission points concerning ENG general matters/whole chapter are addressed by the Reporting Officers' recommendations in the s42A Report.

Hearing Panel's Recommendations

135. For the reason detailed in the 42A Report, the Panel recommends no changes to the ENG Chapter from submission and further submission points addressed as ENG general matters/whole chapter.

4.2. Energy- Definitions

Submissions and Further Submissions

136. Details of the submission and further submission points and requested decisions are provided in the s42A Report, at paragraphs 136 to 159, and should be read in conjunction with this Report.

Section 42A Reports

137. The s42A Report noted Transpower's support (S299)[14] for the retention of the definitions for '*Energy Activity', 'Network Utility Operator', 'Significant Electricity Distribution Line',* and *'Upgrading*', as notified; and Manawa's support (S438.009) for retaining the definitions of '*Energy Activity'* and amending '*Upgrading'* by adding '*Upgrading/upgrade'* (S438.019).

138. The s42A Report did not support adding '*Upgrade'* because it considered the current wording consistent with the NZ Planning Standards. However, the Addendum s42A Report accepted that the evidence of Ms Styles provided further reasoning and accepted the addition would improve implementation while not changing the meaning.

139. In relation to submission points from Frank and Jo Dooley supported (S478)[15], the s42A Report noted the support for the definitions referenced in their submission and agreed that the term '*network utility operator'* should be consistently referenced throughout the pTTPP.

140. The s42A Report acknowledged Westpower (S547)[16] and BEL's (S451)[17] submission points supporting retention of definitions referenced in their submissions but noted they had recommended some amendments.

141. The s42A Report also acknowledged BEL (S451.016) and BDC's (S538.004) submission points to include a definition of '*Network Utility'*; and RNZ (FS141.004 and FS141.008) and KiwiRail's

14 S299.004, S299.011, S299.015, S299.019

15 S478.069, S478.070, S478.071, S478.072

16 S547.021, S547.029, S547.034, S547.038, S547.040, S547.041

17 S451.005, S451.007, S451.009, S451.012, S451.013, S451.014, S451.015

(FS236.002) further submission points supporting a new definition, and Westpower's (FS222.046) opposing the BDC submission. The s42A Report supported the inclusion of a new definition for a 'Network Utility' to provide clarity and support the implementation of the provisions.

142. The s42A Report recommended accepting Westpower's (S547.02) request to amend the definition of '*Energy Activity'* because the amendment clarified what is categorised as an energy activity. However, the Addendum s42A Report noted that a new rule was recommended to provide for customer connections as a permitted activity. It therefore recommended the definition of '*Energy Activity'* be retained as notified.

143. The s42A Report recommended rejecting Westpower's (S547.127) request to include a new definition of '*Major Dam'* because the NZ Planning Standards do not specify definitions of dams or major dams, and other district plans do not specify such a definition.

144. The s42A Report recommended rejecting Forest and Bird's (S560.063 and S560.107) submission points to delete the definition of '*Energy Activity*' or amend the definition to be specific to the National Grid, or electricity transmission, distribution and REG activities, because it would be inconsistent with the NPS-REG. It is recommended to accept Westpower's (FS222.0225) and BDC's (FS149.061) further submission points opposing these submissions.

145. The s42A Report recommended rejecting Westpower's (S547.001) request to rationalise and ensure consistency of terms related to energy activities undertaken by Westpower due to a lack of technical evidence to demonstrate what the issue is. It recommended accepting the further submissions in opposition to this submission point (FS223.009 and FS224.009)

146. The s42A Report recommended rejecting Forest and Bird's (S560.075 and S560.421) request to amend the 'Renewable Electricity Generation Activities' definition because it was inconsistent with the NPSREG.

147. Regarding requests for new definitions[18] of '*Small and Community-Scale Distributed Electricity Generation', 'Large Scale', 'Minor Upgrade'* and *'Regionally Significant Infrastructure'*, the s42A Report supported inclusion of the NPS-REG definition '*Small and Community-Scale Distributed Electricity Generation'*. Still, it noted it did not provide a scale limit. It noted the pTTPP definition of '*Small Scale*' in relation to energy means REG with a capacity no greater than 20kW and Reporting Officers considered that this capacity limit would ensure viable generation is provided for and encouraged. However, the Panel notes that this recommendation was later changed.

148. The s42A Report considered the recommendation to amend the definition of *'Small Scale'* consequentially triggered the need to amend the definition of '*Large Scale'* to '*Large-Scale Distributed Electricity Generation*' for consistency and to avoid discrepancies between the small, community-scale, and large-scale distributed energy electrician generation of 20 kW to 100 kW.

18 S438.002, S438.006, S438.012, S438.018, S438.046, S478.067, S560.129, FS141.007, FS149.0150, FS34.055, FS34.063, FS110.007, FS127.033, FS138.0010, FS222.0151, FS222.0172, FS222.0175, FS222.0176, FS222.0179, FS222.0180

149. The s42A Addendum Report acknowledged the evidence of Ms Styles and Mr Kennedy but remained of the view that a definition of '*Small and Community-Scale Distributed Electricity Generation'* is required to improve interpretation; and recommended the NPSREG definition and relying on the effects-based rules and zone rules to manage effects.

150. The s42A Report recommended rejecting Westpower's (S547.043) request to amend the definition of '*Upgrading'* because the amendment sought did not provide further clarity and inappropriately focused the definition on electricity lines, and accepting RNZ's (FS141.009) opposition to this submission. Similarly, the s42A Report did not support Frank and Jo Dooley's (S478.075) and BEL's (S451.018) requests to amend the definition of '*Upgrading'* because they considered it limiting and more specific to energy infrastructure.

151. The s42A Addendum Report reconfirmed the recommendation to reject Westpower's (S547.043) request to amend the definition of '*Upgrading'.* It changed the Reporting Officers' recommendation from reject to accept in part Manawa (S438.022) and Westpower's (S547.004) request to add a new definition for '*minor upgrading'* because the amendments to the definition of '*Upgrading*' partly addressed these submission points.

152. The s42A Report recommended accepting Manawa's (S438.016) request to amend the definition of '*Non-Renewable Electricity Activities'* because its inclusion supports the definition of '*Energy Activity*' and provides clarification for Plan users.

153. The s42A Report recommended accepting Transpower's (S299.017) request to amend the 'Substation (Zone)' definition to ensure it did not include substations directly connected to the National Grid. It considered that this clarifies the difference between the substation (zone) and the National Grid subdivision corridor and accepts in part Forest & Bird's (FS34.023) further submission in support of this submission. However, the s42A Addendum Report changed this recommendation after considering the pre-hearing meeting discussions and the evidence of Ms Whitney and Mr Kennedy. It recommended no amendment to the 'Substation (Zone)' definition.

154. The s42A Report recommended accepting Transpower's (S299.008) request to amend the definition of '*National Grid'* to have the same meaning as provided in the NPSET to ensure the definition remains consistent with the NPSET without requiring a plan change if the NPSET definition is updated at any point during the life of the plan. It also accepted Transpower's (S299.009) request to amend the definition of the '*National Grid yard'* to include '*outer <u>visible</u> edge*'; the request (S299.01) to amend the definition of '*National Grid Subdivision Corridor'* to remove the reference to '*and distribution';* and the request (S299.018) amend the definition of '*Transmission Lines'*, which were all consistent with the NPSET.

155. The s42A Addendum Report agreed with Ms Whitney that the clarification of measurement of the setback included in the definition of '*National Grid Yard*' should also be included in the definition of '*National Grid Subdivision Corridor';* and recommended accepting Transpower's submission S299.010.

156. The s42A Report recommended accepting Manawa's (S438.016) request to amend the 'Renewable Electricity Generation Activities' definition to include '*earthworks, vegetation clearance'* as ancillary components and activities to make the provision consistent with the NPSREG.

157. The s42A Report recommended rejecting Horticulture New Zealand ('Hort NZ') (S486.006) and Federated Farmers' (S524.023) requests to amend the definition of '*Significant Electricity Distribution Line'* to a voltage of 66 kV or greater because it would be inconsistent with the New Zealand Standards. It also rejected Hort NZ's (FS55.7) further submission in support of S524.023.

158. Westpower's request (S547.035) to amend the definition of '*Renewable Electricity Generation Activities'* to include reference to large-scale activities was recommended to be accepted in the s42A Report to provide clarity regarding the status of large-scale activities. However, it recommended rejecting the Westpower's request (S547.044) to add a new definition of '*Minor Upgrading'* for distribution lines and Forest & Bird's (S560.081) request for a new definition for *'Minor Upgrade'* because both propose to limit the extent of minor upgrading to specific activities, which is inconsistent with the pTTPP.

Hearing and Submitter Evidence/Statements

Energy Activity

159. Ms Styles, for Manawa, emphasised the importance of using terms clearly and accurately throughout the Plan, ensuring that these terms align with the higher-order documents and national direction. She focused on the defined term '*Energy Activity'*, noting that it was used in many places within the ENG Chapter where its use was sometimes inaccurate, inappropriate, or misleading.

160. Ms Styles considered '*Energy Activity'* to be an umbrella term that was logically broad in scope. In her view, it encompassed all activities that generate renewable or non-renewable electricity, energy investigations, transmission, and distribution. She also noted that the term applied within the notified ENG Chapter and had implications that, in her view, had not been fully considered. She considered this had resulted in some of the activities included in the definition being treated equally and in an undifferentiated way. By way of example, she noted it was unclear that the planned direction for REG is to provide for or enable such activities but that such enablement is inappropriate for non-renewable electricity generation. Her view was that using an umbrella term is inappropriate and inconsistent with the direction of national policy.

161. Ms Styles emphasised that treating renewable and non-renewable energy activities in the same manner within the Plan does not support international or national commitments and national direction regarding the phasing out of non-renewable energy activities. She considered that the Plan needed to include a policy that clearly states the intent to avoid the development of non-renewable electricity generation activities on the West Coast and to facilitate the replacement of non-renewable energy sources (including the use of fossil fuels) in energy generation. Furthermore, she believed that this policy approach should be given effect by including an additional rule to make non-renewable electricity generation activities non-complying.

162. Ms Styles noted that the Manawa issues relating to the use of terminology and the approach to non-renewables had been addressed in the s42A Report[19]. However, the requests were rejected. She questioned whether the Reporting Officers misunderstood the issue raised in the submissions, assumed that there is no need to address this issue clearly and in a directive manner, or had given insufficient consideration of the national direction context.

163. Ms Styles noted comments from other submitters and the Reporting Officers that there will always be a need for non-renewable energy sources. She expressed concern that this opinion had been given weight in the development of this Plan, and such an approach was contrary to the national directive to reduce fossil fuel use and replace it with renewable energy as a matter of urgency.

164. Ms Styles highlighted that district planning provisions do not cover restrictions on small-scale activities, such as burning wood or coal in a home heating device and are subject to Regional Council controls on home heating and discharges from the same under regional planning provisions. She noted these activities would not be captured by the rules included within the ENG Chapter and that temporary use of devices such as diesel-powered generators to deal with a power outage was provided for as temporary activities or through regional plan provisions. As for industrial activities, such as using coal for steam generation, she noted that this was not an issue relating to electricity generation, but rather part of an industrial process, managed by controls on the industrial process through air discharge regulations set by the Regional Council. She emphasised the issue at hand, for the pTTPP is whether electricity generation, such as a coal-fired power station, would, under the notified provisions, be treated like hydro, wind or solar.

165. Ms Styles emphasised that the pTTPP needs to be premised on a clear separation between renewable and non-renewable energy sources, with REG activities explicitly provided. She was concerned that there was no direction in the notified provisions to state that non-renewable energy should be treated differently from REG. She contended that this distinction would be appropriate to help provide clear outcome expectations, rather than leaving the perception that such activities are acceptable if their effects can be managed. She emphasised that the pTTPP needs to relate to the roles and responsibilities of District Councils, not Regional Council responsibilities, and to give effect to national direction.

166. Ms Inta presented on her own behalf and for Buller Conservation Group. She considered the definitions of '*Large scale'* and '*Small Scale'* should be reinstated because these were referenced many times in the pTTPP.

167. Mr Kennedy, for Westpower, referenced paragraph 141 of the s42A Report, which accepted in part Westpower's (S547.024) request to amend the definition of '*Energy Activity'* to provide more clarity of activities categorised under the term, including connecting and supplying electricity to consumers and energy activities related to infrastructure and assets. However, he noted no amendment in the s42A Report (or Appendix 1) to enable him to provide comment. He sought an amendment to the definition of the outcome sought in submissions.

19 Section 42A Report paragraph 166, paragraph 233, paragraph 177, paragraph 195, paragraph 202, paragraph 209.

168. Mr Kennedy maintained that the terms used throughout the Plan needed to be rationalised and consistent to achieve the outcomes sought and acknowledged that the use of RSI would go some way towards this.

169. Ms Whitney, for Transpower, was agnostic about the all-encompassing nature of the definition of '*Energy Activities'* and noted support (S299.004) for the definition as notified. Her main concern was ensuring that any rationale for the energy activity provisions relies solely on the NPSET, where the provision is specific to the National Grid, and the NPSET is not used as a policy instrument to seek or justify broader changes that are not National Grid-specific.

170. Ms Snoyink, for Forest & Bird, continued to express concerns that the s42A Report amendment to the definition of '*Energy Activity*' did not resolve the uncertainty in terms of which activities the definition is intended to capture, beyond those caught by the definition of RSI and renewable energy generation. Forest & Bird did not suggest alternative wording.

Small Scale

171. Ms Styles, after acknowledging the Reporting Officers accepted submissions to amend the definition of small scale to small and community scale, remained concerned that the definition would continue to apply an extremely small-scale threshold (20 kw capacity), without considering the effects or benefits of the same. She strongly preferred removing these definitions and associating references to capacity-based scales in the rules. She said that if the definition of small and community-scale activities is retained, her preference would be not to apply an arbitrary capacity limit.

172. Mr Kennedy noted that Westpower submitted that the definitions in the plan dealing with 'Small Scale', 'Community Scale', and 'Large-Scale' should be retained. He acknowledged the Manawa submissions, which sought to change these terms to align them more consistently with the NPSREG. However, he believed that removing scale provisions, for example, 20 kw capacity and 100 kw capacity, would fundamentally change the regulatory regime they had proposed through the pTTPP's development. He disagreed with that approach, preferring the approach proposed in the notified pTTPP to be retained with a minor amendment to bring the terminology into line with the NPSREG.

Large-Scale Distributed Electricity Generation

173. The s42A Report recommended a consequential amendment to '*Large-Scale Distributed Electricity Generation*' was needed because of the recommended new definition of '*Small Scale*'.

Substation (Zone)

174. Mr Kennedy sought the definition of '*Substation (Zone*)' was retained given it had been established through consultation in developing the Plan. He considered that the recommended amendments would impact certain substations owned and operated by Westpower, directly connected to the National Grid, that NPSET or NESETA did not cover. He noted that the implications of this change on the local electricity distribution network had not been assessed.

175. Ms Whitney noted that on review of the Transpower (S299.017) submission point, she preferred alternate relief that the definition be amended to apply to all substations. She accepted the s42A Addendum Report recommendation not to add a new sentence but also requested the deletion of '*sub-*', as shown in paragraph 6.7 of her evidence.

Upgrading and Minor Upgrading

176. Ms Styles stated that the term '*upgrading'* should be amended to include '*upgrade'*. She argued that the two words are used interchangeably throughout the Chapter, and the single-word upgrade is used in many provisions. She considered it necessary to be clear that the two terms mean the same thing.

177. Additionally, she contended that the term '*Minor Upgrade'* needs clarification. She contended that including a definition for '*Minor Upgrading'* would ensure that activities that proceeded under that definition remain within clear parameters and would enable works to be undertaken to improve REG without undue consenting processes

178. Mr Kennedy's evidence on this definition noted that the amendment sought by Westpower was due to the proposed definition being inappropriate in enabling Westpower to provide for the community that it serves and to manage and operate its network. He maintained that the amendments should be included within the definition, particularly since they related to electricity lines.

179. Regarding '*Minor Upgrading'*, Mr Kennedy was concerned that rejecting the Westpower submission would prevent the provisions from achieving some Westpower activities that could be undertaken as minor upgrading. He believed a definition of '*Minor Upgrading*' is needed, particularly for distribution lines.

Infrastructure

180. Mr Kennedy highlighted that the s42A Report had not addressed Westpower's (S547.028) requests to add an advisory note to the definition of *'Infrastructure*', but that the submission point had been rejected in Appendix 1.

Network Utility

181. Mr Kennedy did not support a new definition for '*Network Utility*' (FS222.046) due to concern that an additional term for the same or similar activities would result in complexity and would not improve interpretation.

Network Utility Operator

182. Mr Kennedy highlighted that the s42A Report had not addressed Westpower's (S547.031) request to add an advisory note to the definition of '*Network Utility Operator,*' However, the submission points had been rejected in Appendix 1.

Major Dam

183. Mr Kennedy disagreed with the conclusion in the s42A Report that no new definition is required for 'Major Dam', given that it is used in the Plan, and it is unclear what was intended.

He noted the National Planning Standards do not preclude a definition and therefore sought the new definition requested in the submission.

Reporting Officers' Reply Evidence

Energy Activity

184. Addressing the issue of whether the definition of '*Energy Activity*' encompasses both renewable and non-renewable energy, the Reporting Officers agreed that there was a lack of clarity in the ENG provisions regarding what constitutes an energy activity. The Reply recommendation reverted to the notified wording of the definition but recommended consequential amendments to provisions to list appropriate activities and remove the generic use of '*energy activities'*. They supported this by recommending the inclusion of a new definition of '*Non-Renewable Electricity Generation Activity'.*

Small and community-scale renewable energy and large-scale renewable energy

185. The Reply noted that in their notified form, the definitions of *'Small Scale' and 'Large-scale'* for renewable energy sources included a capacity limit. It highlighted that many submissions sought to amend those capacity limits to increase or decrease. The Reporting Officers recorded that they were not technical experts concerning electricity generation and could not comment on what capacity level may or may not be appropriate.

186. The Reporting Officers referred their original recommendations in the s42A.[20] The report recommends that capacity figures be removed from both definitions and amended to be consistent with the NPSREG. The Reporting Officers retained this recommendation.

Upgrading/Upgrade or Upgrading

187. The Reply noted that the notified plan interchangeably uses the terms '*upgrading', 'upgrade' and 'minor upgrade*.' The Reporting Officers disagreed with Mr Kennedy's evidence regarding alternative provisions for minor upgrading within the ENG because they considered his definitions would result in complexity.

188. The Reporting Officers remained of the view that their original recommendation was most preferred. They also did not support Westpower's amendments to the definition of upgrading to include additional clauses allowing the increase of voltage and an increase in character scale and intensity of the activity, because it would add further complexities. However, they reconfirmed support for Manawa's amendment to the definition of upgrading to include '*upgrade*' for clarity. They considered accepting this evidence would improve the plan's readability.

Hearing Panel's Evaluation

189. The Panel has carefully considered the matters relating to the definition of '*Energy Activity*'. We note that the Reporting Officers final position was to retain the definition as notified but

20 s42A Report, page 43, paragraph 146

make consequential amendments to provisions to list appropriate activities and remove the generic use of 'energy activities' and support this by the inclusion of a new definition of '*Non-Renewable Electricity Generation Activity*'. We are therefore mindful of the level of scope provided to undertake such amendments. In this context we note that Forest & Bird (S560.063) sought to delete the definition of '*Energy Activity*' and that Manawa (S438.035) sought to amend all objectives and policies by removing reference to *'energy activities*' and replacing it with a reference to *'renewable electricity generation activities'.*

190. The Panel therefore accept that a consequence of deleting the definition of 'Energy Activity' could be for that wording it to be removed from the Plan altogether. We note however that the wording is used extensively throughout the Energy Chapter and in other chapters and its overall removal would potentially require a significant rewrite of the chapter and other wider amendments.

191. The Panel acknowledge that there is scope from the Manawa submission to introduce 'renewable electricity generation activities' as a definition and into the provisions and agree that is appropriate and would go some way towards resolving concerns. However, we do have concerns about making wide ranging "consequential amendments" to provisions based on retaining the definition of Energy Activity as notified. While there maybe some merit in those amendments, we consider that would be stretching the extent of scope too far.

192. The Panel therefore accepts the amendments to the definitions recommended by the Reporting Officers within the s42A Reports and the Reply Report, which includes retaining the definition of '*Energy Activity*' unamended. We consider the amendments proposed to definitions will ensure the Plan's language is consistent with higher order documents such as the NPSET and NESETA.

193. The Panel notes that Ms Whitney accepted the reporting officers' recommendation not to add an additional sentence to the definition of '*Substation (Zone)*', as Transpower initially sought in submissions. However, the Reply did not consider the alternative relief sought to delete '*sub'* from the definition, and this amendment was not shown in Appendix 1 of the Reply. The Panel accept the evidence of Ms Whitney and consider this alternative relief is appropriate.

194. The Panel notes in relation to the evidence of Ms Styles that we accepted the Reporting Officers recommendation to include a definition of '*minor upgrade'* in the Natural Features and Landscapes recommendation as follows:

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

Hearing Panel's Recommendation

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

accepted or accepted in part and recommends the following changes to the definitions related to the Energy Chapter.

Term	Definition
INFRASTRUCTURE	has the same meaning as in section 2 of the RMA (as set out below), means a. pipelines that distribute or transmit natural or manufactured gas, petroleum, biofuel or geothermal energy; b. a network for the purpose of telecommunication as defined in section 5 of the Telecommunications Act 2001; c. a network for the purpose of radiocommunication as defined in Section 2(1) of the Radiocommunications Act 1989; d. facilities for the generation of electricity, lines used or intended to be used to convey electricity, and support structures for lines used or intended to be used to convey electricity, excluding lines and support structures if a person- i. uses them in connection with the generation of electricity for the person's use; and ii. does not use them to generate any electricity for supply to any other person; e. a water supply distribution system, including a system for irrigation; f. a drainage or sewerage system; g. structures for transport on land by cycleways, rail, roads, walkways, or any other means; h. facilities for the loading or unloading of cargo or passengers transported on land by any means; i. an airport as defined in section 2 of the Airport Authorities Act 1966; j. a navigation installation as defined in section 2 (1) of the Port Companies Act 1988; **and** k. **facilities for the loading or unloading of cargo or passengers carried by sea, including**

	a port related commercial undertaking as defined in section 2(1) of the Port Companies Act 1988;[21] l. anything described as a network utility operation in regulations made for the purposes of the definition of network utility operator in section 166. **Note:** **Electricity activities are addressed in the Energy Chapter of the Plan.**[22]
ENERGY ACTIVITY	means the use of land, buildings and structures for the purpose of energy investigation, generation, transmission and distribution. This includes all types of renewable electricity generation.
LARGE SCALE **DISTRIBUTED ELECTRICITY GENERATION**	means~~, when applied to provisions in the Energy Chapter,~~ electricity generation activities utilising renewable energy sour~~c~~es ~~with a capacity of greater than 100kW~~ **which are not Small and Community Scale Electricity Generation Activities**[23] for the purposes of exporting electricity directly into the distribution network or National Grid. It includes all ancillary components and activities such as lines, poles, structures, substations, climate / environmental monitoring equipment, earthworks, roading, maintenance buildings, temporary concrete batching plants, internal transmission and fibre networks, and site rehabilitation works
NATIONAL GRID	**has the same meaning as provided in the National Policy Statement on Electricity Transmission 2008**[24] **(as set out below)** means the assets used or owned by Transpower NZ Limited
NATIONAL GRID SUBDIVISION CORRIDOR	means the area measured either side of the centreline of above ground National Grid transmission ~~and distribution~~ lines as follows (and

21 Variation 1 to the pTTPP

22 Consequential amendment Transpower S299.052

[23] Consequential amendment to Manawa Energy Limited S438.006 and S438.018

[24] Transpower S299.008

	illustrated in green below): a. 14m for 66kV or 110kV transmission lines on single poles; b. 16m for 110kV transmission lines on pi poles; and c. 32m for 110kV transmission lines on towers (including tubular steel towers where these replace steel lattice towers). **The measurement of setback distances from the National Grid transmission lines must be undertaken from the centre line of the National Grid transmission line. The centre line at any point is a straight line between the centre points of the two support structures at each end of the span.**[25]
NATIONAL GRID YARD	means as illustrated in red below: a. the area located 10m either side of the centreline of an overhead 66kV or 110kV National Grid transmission line on single poles; b. the area located 12m in any direction from the outer **visible**[26] edge of a support structure for an overhead 66kV or 110kV National Grid transmission line; and c. the area located 12m either side of the centreline of any 66kV or 110kV overhead National Grid transmission line on pi poles or towers (including tubular steel towers where these replace steel lattice towers). The measurement of setback distances from the National Grid transmission lines must be undertaken from the centre line of the National Grid transmission line and the outer visible edge of any support structure. The centre line at any point is a straight line between the centre points of the two support structures at each end of the span.
NETWORK UTILITY	**means a project, work, system or structure that is a network utility operation undertaken by a network utility operator.**[27]
NON-RENEWABLE ELECTRICITY GENERATION	**means the construction, operation and maintenance of structures associated with electricity generation**

[25] Transpower S299.010
[26] Transpower S299.009
[27] Buller District Council S538.004

ACTIVITY	**from non-renewable energy sources.**[28]
RENEWABLE ELECTRICITY GENERATION ACTIVITIES	means the construction, operation, maintenance and upgrading of structures associated with renewable energy generation. This includes**, along with large scale activities,**[29] small and community-scale distributed renewable electricity generation activities and the system of electricity conveyance required to convey electricity to the distribution network and/or the national grid and electricity storage technologies associated with renewable electricity. It includes all ancillary components and activities such as substations, climate/environmental monitoring equipment, **earthworks, vegetation clearance,**[30] roading, maintenance buildings, temporary concrete batching plants, internal transmission and fibre networks, and site rehabilitation works.
SMALL **AND COMMUNITY** SCALE **ELECTRICITY GENERATION**	~~means, in relation to energy, renewable electricity generation activities at a capacity of no greater than 20kW for the purpose of using or generating electricity on a particular site, or exporting from a site.~~ **means renewable electricity generation for the purpose of using electricity on a particular site, or supplying an immediate community, or connecting into the distribution network.**[31]
SUBSTATION (ZONE)	means the ground-mounted equipment used to convert ~~sub~~[32] transmission voltage (33kV and higher) to distribution voltages (22 or 11kV), and this equipment is generally enclosed in a fenced yard.
TRANSMISSION LINE~~S~~	**has the same meaning as provided in the Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009 (as set out below).** means: a. the facilities and structures used for, or associated with, the overhead or

[28] Manawa Energy Limited S438.023
29 Westpower S547.035
30 Manawa Energy Limited S438.016
[31] Manawa Energy Limited S438.006 and S438.018
[32] Transpower S299.017 alternate relief Evidence of Pauline Whitney, paragraph 6.7, page 9

	underground transmission of electricity in the national grid and: b. includes transmission line support structures, telecommunication cables, and telecommunication devices to which paragraph a) applies; but c. does not include an electricity substation. [33]
TELECOMMUNICATIONS KIOSK	**means any structure intended for public use to facilitate telecommunications and includes boxes or booths for telephone, video or internet services.**[34]
UPGRADING /**UPGRADE**	means in relation infrastructure and renewable electricity generation activities, the improvement or increase in carrying capacity, operational efficiency, security or safety of existing infrastructure and renewable electricity generation activities, but excludes maintenance and repair. (**Upgrade has the same meaning)** [35]

[33] Transpower S299.018
[34] Buller District Council S538.007
[35] Manawa Energy Limited S438.019

4.3. Energy Chapter Overview

Submissions and Further Submissions

196. There were nine submission and 21 further submission points[36] received in relation to the Overview. The submission points and further submission points are assessed in the s42A Report in paragraphs 161 to 167. The Panel has considered the relevant submissions and further submissions received; and adopts the summaries provided within the S42A report.

Section 42A Reports

197. The s42A Report agreed with Manawa (S438.035) and NZEL (FS127.024) to amend the Overview to reference the NPSREG correctly.

198. The s42A Report agreed with Hort NZ (S486.013), and Forest & Bird's (FS34.059) further submission point in support, that the requirement for the '*protection*' of RSI should be removed from the Plan because the NPSET seeks to '*recognise and provide*' for RSI. It noted the RPS does not specify the protection of RSI but provides for its ongoing development, operation, maintenance, and upgrading.

199. The s42A Report did not support the amendments sought by Westpower (S547),[37] supported by NZ Energy (FS177)[38], to provide further context relating to the West Coast within the Plan because it considered sufficient context had already been provided and any further wording would be unnecessary given it is simply an Overview paragraph.

200. The s42A Report did not support Westpower (S547.070), supported by NZEL (FS127.053), to amend the reference to financial contributions by referencing energy, not infrastructure; and the request (S547.071) to remove the reference to '*activities on surface water'*. It stated the wording is intended to provide for infrastructure because infrastructure is what financial contributions pay for, not energy. It rejected the deletion of '*activities on surface water'* because the reference to surface water ensures that any activity proposed on surface water considers the relevant provisions of the pTTPP. The Annotated s42A Report and Addendum Report reconfirmed this position.

201. The s42A Report did not support Transpower's (S299.027 and S299.028) submission to have the ENG self-contained with no reference to other chapters, ensuring that the different chapters do not apply to the National Grid. It noted several further submissions opposed[39] that submission because it would fragment the pTTPP, which would affect its function and implementation; and agreed with the opposing further submissions that the Plan is intended to be read as a whole document. It supported Poutini Ngāi Tahu's further submission (FS41.039 and FS41.107) to retain cross-referencing because the Plan would be fragmented and could not provide for exclusions without it. Further, it stated exclusions can be

[36] S299.028, S438.035, S438.047, S547.066, S547.067, S547.068, S547.069, S547.070, S547.071, FS110.015,FS451.09, FS486.013, FS560.107, FS560.437,FS560.438,FS34.027, FS34.044, FS34.059, FS41.39, FS41.50, FS127.025, FS127.024, FS127.049, FS127.050, FS127.051, FS 127.052, FS127.053, FS230.068, FS230.0373, FS222.0225.
[37] S547.066, S547.067 and S547.068
[38] FS127.049, FS127.050 and FS127.051
[39] FS41.039, FS41.104, FS41.107, FS34.026, FS34.027

appropriately provided where provisions do not apply to the National Grid. The Annotated s42A Report confirmed this position.

Hearing and Submitter Evidence/Statements, including JWS

202. Ms Styles supported the approach provided in the pTTPP, stating that the ENG Chapter is self-contained, and the INF provisions and zone chapter rules do not relate to energy activities. She considered this approach an essential step in simplifying plan provisions and avoiding unnecessary duplication in provisions supporting REG enablement. However, she noted that some recommendations in the s42A Report appeared to conflict.

203. Ms Snoyink's statement for Forest & Bird noted that the s42A Addendum Report continued to include the word '*protection*' within the overview. She said that Forest & Bird considers any protection of RSI to be from reverse sensitivity effects, which is not the same as protection for an RMA s6 issue. Forest & Bird contended there is no mandate for the Council to protect RSI beyond reverse sensitivity, and the wording as to the extent of that protection should be more precise.

204. Mr Kennedy noted that Westpower supported the Overview in part but requested three amendments to reflect higher-order policy documents, the context of the West Coast, and the layout and interpretation of the ENG Chapter of the Plan. He disagreed with removing the word *Protection*, referencing Chapters 5 and 6 of the RPS, which provided specific recognition and *Protection* of RSI. He considered that recognition and protection should be retained in the pTTPP to give effect to the RPS.

205. Mr Kennedy addressed the Plan interpretation and clarification issues. He wanted to ensure that the INF Chapter, area-specific provisions, and zone chapters do not apply to energy activities. More particularly, his concern was the appropriate location within the Plan for such a direction. He sought the provision of an explanatory note to clarify the applicability of provisions that do not specifically reference activities. In particular, he pointed out that the Plan contained numerous terms that may apply to energy activities, so he considered the clarification he sought would better assist plan users and administrators.

206. Mr Kennedy also addressed energy activities on surface water. As we understood his evidence, he agreed that any energy activity proposed on surface water would require consideration of the other provisions of the pTTPP that applied to surface water activities.

207. Ms Pull in her evidence considered the Reporting Officers' approach to be inconsistent. She noted that the Reporting Officers supported cross-referencing in the overviews of the ENG and INF chapters, but not the TRN chapter. The Panel addresses this issue in the Transport section of this Report.

Reporting Officers' Reply Evidence

208. After considering Mr Kennedy's requested wording for the Overview circulated after EWC, the Reporting Officers recommended the following amendments to the Overview:

> *~~Energy activities, including r~~**R**enewable electricity generation, **electricity** transmission, and distribution ~~and operation~~ are recognised as regionally significant infrastructure in the West Coast Regional Policy Statement. As such they require specific recognition and*

> *protection, as they are critical to the social, cultural and economic wellbeing of people and communities.* ***Operation, maintenance and repair of existing energy activities contribute to the resilience of the West Coast.***

209. Responding to Mr Kennedy's evidence relating to clarity of plan provisions, the Reporting Officers considered that the recommended amendments to the ENG Chapter provided sufficient clarity concerning energy activities, as defined within the provisions of the Chapter. The Reporting Officers also considered that the Overview clarified the relationship with the INF Chapter and that further clarification was a Plan integration matter, which was beyond the scope of this topic.

210. The Reporting Officers considered Mr Kennedy's request to insert additional paragraphs into the ENG Overview too lengthy and detailed for an overview. They noted that the Overview has no legal effect and highlighted that it is one of the longest in the pTTPP.

211. In their Position Statement and Reply Report, the Reporting Officers accepted that the Overview did not reference the importance of existing activities. Therefore, they recommended inserting a new sentence at the end of the first paragraph to remedy this, as Westpower requested. However, Mr Kennedy's request to include a reference to the West Coast context was not supported.

212. Responding to Westpower's submission regarding financial contributions, the Reporting Officers referred to the expert JWS (Annexure A, pages 9-10), where participants agreed that this concern could be resolved by deleting the last four words of the sentence, being*, which impact on infrastructure* that provides for financial contributions located at the end of the Overview section headed Financial Contributions.

213. Responding to Panel questions, the Reporting Officers agreed that cross-references to other national regulations and standards in the Overview could be removed to avoid duplication and support streamlining the Chapter.

214. The Reply did not specifically respond to Forest & Bird's hearing statement concerning their further submission point supporting Hort NZ's request to replace '*protection*' with '*recognise and provide for'* in the Overview. The Panel notes this was recommended to be deleted in the s42A Report[40] and is shown in a strikethrough in Appendix 1. However, this deletion was shown as a new addition with underlining in Attachment 1 of the Reply Report, which is incorrect. Notwithstanding this, the Panel have amended wording along the lines sought by Horticulture NZ.

Hearing Panel's Evaluation

215. The Panel considers the wording of the Overview should use language consistent with RPS Chapter 6 for RSI, which seeks to enable the safe, efficient and integrated development, operation, maintenance, and upgrading of regional and nationally significant infrastructure

[40] S42A Paragraph 163 page 48

(Objective 1). The policy language used is to '*recognise*' and '*provide for*' RSI; and RSI are to be '*protected*' from reverse sensitivity effects from other activities.

216. The Panel disagrees with Mr Kennedy that the '*protection*' of RSI is consistent with the provisions of the RPS given it is limited to ensuring RSI are protected from reverse sensitivity effects.

217. The Panel agree with Hort NZ and Forest & Bird that '*recognition and protection*', as used in the first paragraph in the Overview is inconsistent with the outcomes sought by the RPS; and accepts these submission and further submission points. The Panel rejects Transpower's (FS110.015) further submission point.

218. The Panel recommends the following amendment, as requested by Hort NZ (S486.013):

> *As such they **need to be recognised and provided for** ~~require specific recognition and protection,~~ as they are critical to the social, cultural and economic wellbeing of people and communities.*

219. The NPSET seeks to '*recognise*' the national significance of electricity transmission and directs that decision-makers '*recognise and provide'* for transmission benefits and the effective operation, maintenance, upgrading, and development of the electricity transmission network.

220. The Panel also agrees with Hort NZ and Forest & Bird that 'recognition and protection', as used in the second paragraph of the Overview, is inconsistent with the outcomes sought by the NPSET.

221. The Panel recommends the following amendment, as requested by Hort NZ (S486.013):

> *The National Policy Statement for Electricity Transmission ~~Activities~~ requires **that the National Grid is recognised and provided for** ~~specific recognition and protection of the National grid, with renewable electricity recognised in the National Policy Statement on Renewable Energy Generation.~~*

222. However, the Panel recommends adding '2008' to the NPSET reference for accuracy and accepts the Reporting Officers' recommended amendment to the REG part of the sentence, as requested by Westpower (S547.067).

223. The Panel considers it is appropriate to recommend a consequential amendment to the amendments sought by Hort NZ's (S486.013) in paragraph 3 of the Overview to add '*including its protection from reverse sensitivity effects*' to be consistent with the RPS.

224. The Panel accepts the Reporting Officers' recommendation to add the last sentence to the second paragraph of the Overview but note that in Attachment 1 of the Reply Report it was missing '*significance of **renewable** electricity*', as requested by Westpower (S547.068).

Hearing Panel's Recommendation

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

accepted or accepted in part, and recommends the following changes to the **Energy Overview:**

Energy - Te Pūngao
Overview

~~Energy activities, including r~~ Renewable electricity generation, **electricity** transmission, **and** distribution ~~and operation~~ are recognised as regionally significant infrastructure in the West Coast Regional Policy Statement. As such they **need to be recognised and provided for,** ~~require specific recognition and protection,~~[41]as they are critical to the social, cultural, and economic well-being of people and communities. **Operation, maintenance, and repair of existing energy activities contribute to the resilience of the West Coast.**[42]

The National Policy Statement for Electricity Transmission **2008**~~Activities~~ requires **that the National Grid is recognised and provided for**. ~~specific recognition and protection of the National grid, with renewable electricity recognised in the~~[43] **The** National Policy Statement on Renewable ~~Energy~~ **Electricity**[44] Generation **recognises the national significance of renewable electricity generation activities, including the need for and benefits from, renewable electricity generation.**[45]

Certain activities must also comply with the rules managing activities which may compromise the operation, maintenance and upgrading of the National Grid transmission lines, including **its protection from**[46] reverse sensitivity effects**.** ~~**The New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP 34:2001)** contains mandatory restrictions on activities in relation to the National Grid and electricity distribution lines. Compliance with the rule requirements of Te Tai o Poutini Plan does not ensure compliance with NZECP 34:2001 or vice versa~~.

~~Vegetation planted in the vicinity of the National Grid or electricity distribution lines must comply with the **Electricity (Hazards from Trees) Regulations 2003.**~~

~~Where an activity relates to the operation, maintenance and upgrading of existing National Grid transmission lines, the Resource Management Regulations 2009 (National Environmental Standards for **Electricity Transmission Activities) apply**.~~[47]

The Energy Chapter contains the objectives, policies, rules for managing energy activities - the Infrastructure Chapter rules and the Area Specific Provisions (Zone chapters) do not apply to energy activities, however the Overlay chapters and other District Wide rules also apply where relevant.

[41] Horticulture New Zealand S486.013
[42] Westpower Limited S547.068
[43] Horticulture New Zealand S486.013
[44] Manawa Energy Limited S438.035
[45] Westpower Limited S547.067
[46] Consequential amendment to Horticulture New Zealand S486.013
[47] RMA First Schedule Clause 16

Other relevant Te Tai o Poutini Plan provisions

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

- **Overlay Chapters** - the Overlay Chapters have relevant provisions in relation to Sites of Significance to Māori, Ecosystems and Indigenous Biodiversity; Landscape and Natural Features; Natural Character and Margins of Waterbodies; Natural Hazards; and the Coastal Environment. Where an energy activity is located within an overlay area (as identified in the planning maps) then the relevant overlay provisions apply.
- **Subdivision** - The Subdivision chapter sets out the requirements for the development of new electricity connections as part of subdivision activities.
- **Financial Contributions** - The Financial Contributions Chapter sets out the requirements for contributions of costs for activities ~~which impact on infrastructure~~.[48]
- **General District Wide Matters** - provisions in relation to Activities on the Surface of Water, Noise and Earthworks in particular may be relevant to energy activities.

4.4. Energy Objectives

Submissions and Further Submissions

226. The s42A Report at paragraph 168 identifies submission and further submission points[49] that supported the Energy Objectives collectively, and those submitters[50] that supported the ENG Objectives as notified.

ENG-01

227. Paragraphs 169-171 of the S42A detailed the submission and further submission points requesting amendments to ENG-01.

228. Manawa (S438.037), supported by NZEL (FS127.027), sought amendments to ENG-01 to provide greater clarity for Plan users and align ENG-01 with the NPSREG, specifically the NPSREG Objective and Policy A, by adding '*by providing for their development*'. Similar requests to add '*and recognise*' were made by Westpower (S547.074), Frank and Jo Dooley (S478.077), and BEL (S451.020), supported by NZEL (FS127.008).

229. Westpower (S547.074) sought to amend ENG-01 to recognise electricity's national benefits. For clarity, Westpower submitted that ENG-01 should be separated into two new Objectives.

[48] Westpower S547.070
[49] S451.023, S478.080, S538.017, S547.073, S547.075, S547.077, S558.428, S566.428, S567.048, S574.428 and FS127.007
[50] S538, S558, S566, S567 and S574

ENG-02

230. The s42A Report identified submission and further submission points[51] relating to ENG-O2. Te Mana Ora (Community and Public Health) of NPHS/Te Whatu Ora (S190) and Transpower (S299) support ENG-O2 as notified.

231. Forest & Bird (S560.110) sought to delete or amend ENG-O2 to ensure energy activities covered are limited to energy distribution, supply, and energy generation. In addition, Forest & Bird (S560.108) and Manawa (S438.037) sought '*minimise'* be replaced with '*avoid, remedy or mitigate'* under the ECO Chapter and District Wide Chapters of the Plan.

232. BEL (S451.021), supported by NZEL (FS127.009), and Frank and Jo Dooley (S478.078) sought to reword ENG-O2 as follows:

> *Have particular regard to the constraints imposed by the technical, locational, and operational requirements when seeking to avoid, remedy, or mitigate adverse effects on communities and the environment from an energy activities design and location.*

233. Westpower Limited (S547.076) sought to amend ENG-O2 as follows:

> *To recognise and provide for the technical, functional ~~and~~ operational, locational needs associated with the location and design of Energy Activities, including Critical Infrastructure~~, and to minimise the adverse effects of these activities on communities and the environment.~~*

ENG-03

234. The s42A Report identified submission and further submission points[52] regarding ENG-O3. Te Mana Ora (Community and Public Health) of NPHS / Te Whatu Ora (S190) and Transpower (S299) support ENG-O3 as notified.

235. Manawa (S438.038), supported by NZEL (FS127.029) sought to amend ENG-O3 as follows:

> *…upgrade of energy renewable electricity generation activities and…incompatible subdivision, use and development.*

236. BEL (S451.022), supported by Kāinga Ora (FS58.012) and NZEL (FS127.010), and Frank and Jo Dooley (S478.079) seek to amend ENG-O3 to give effect to the RPS as follows:

> *To ~~provide for~~ enable the development, operation, maintenance and upgrade of energy activities ~~and to protect them from the adverse effects of incompatible subdivision and development.~~*

51 S190.039, S299.030, S438.037, S451.021, S478.078, S547.076, S560.110, S560.445, S560.446, FS127. 009, FS127.028

52 S190.040, S299.030, S438.038, S451.022, S478.079, S486.015, S524.033, S547.078, S560.111, S560.447, FS34.060, FS55.15, FS55.16, FS58.012, FS58.013, FS58.014, FS58.015, FS127.0010, FS127.029

237. Hort NZ (S486.014), supported by Kāinga Ora (FS58.013) and Forest & Bird (FS34.060) Federated Farmers (S524.033), sought to amend ENG-O3 to remove the protection focus as follows:

> *…upgrade of energy activities and ~~to protect them from~~ ensure they are not compromised by the adverse effects of incompatible subdivision, use and development.*

238. Forest & Bird submitted that ENG-O3 is too broad and should be limited to electricity generation, distribution and supply and renewable energy generation. The submitter requested to delete or amend ENG-O3 as follows:

> *To provide for the development, operation, maintenance and upgrade of electricity generation, distribution and supply and renewable energy generation ~~energy activities~~ where adverse effects can be appropriately avoided, remedied or mitigated in accordance with the Natural Environment and District Wide Chapters of this Plan and to protect them from the adverse effects of incompatible subdivision and development.*

239. Forest & Bird noted this objective was a blanket enabling provision and does not address adverse effects. Kāinga Ora (FS58) supported this and considered that energy activities should appropriately avoid, remedy or mitigate adverse effects.

240. Westpower Limited (S547.078) sought a new objective and a reworded ENG-O3 as follows:

> *To enable the safe, efficient and integrated development, operation, maintenance and upgrading of Energy Activities, including Infrastructure and Critical Infrastructure, to meet the needs of the West Coast/Te Tai o Poutini.*
>
> *To protect Energy Activities, including Critical Infrastructure, from the adverse effects of incompatible subdivision, use and development.*

241. Westpower considered ENG-O3 to combine two matters that should be addressed separately for clarity. Kāinga Ora (FS58.014) and Hort NZ (FS55.16) opposed this request as they considered the proposed amendments were overly restrictive.

ENG-04

242. The s42A Report identified nine submission and further submission points[53] relating to ENG-O4.

243. BEL (S451.024), supported by further submissions by Kāinga Ora (FS58.017) and NZEL (FS127.011) and opposed by Transpower (FS127.011) and Frank and Jo Dooley (S478.081), sought to amend ENG-O4 to include '*incompatible*' in relation to subdivision, use and development.

New Objective

53 S190.041, S299.032, S451.024, S478.081, S486.016, S524.034, FS58.017, FS58.018, FS58.019, FS110.016, FS127.00111

244. BEL (S451.023), supported by NZEL (FS127) and opposed by Kāinga Ora (FS58.020), and Frank and Jo Dooley (S478.080) sought a new objective to implement the RPS, as follows:

> *Energy activities, including their operation, maintenance, upgrading, or development, are protected from the adverse effects of incompatible subdivision and development.*

245. Westpower (S547.073), support by NZEL (FS127.055) sought a new objective to give effect to the RPS because there is no objective for coordinating the provision and use of energy activities at the time of subdivision and development, as follows:

> *To ensure the efficient provision and use of Energy Activities, including Critical Infrastructure, for communities by coordinating the provision of Energy Activities with the subdivision, use and development.*

Section 42A Reports

246. Concerning **ENG-01**, the s42A Report supported the amendment sought by Manawa because it would provide greater clarity for plan users and align with the NPSREG, specifically its Objective and Policy A.

247. The s42A Report partially supported Westpower's submission by agreeing to include '*national benefits'* within ENG-O1 to be consistent with the RPS Chapter 6, Objective 1. However, it considered the separation of ENG-O1 and adding a new objective unnecessary, as it is provided under ENG-O4.

248. In relation to **ENG-02**, the s42A Report did not support Forest & Bird's submission to amend ENG-O2 to replace '*minimise'* with '*avoid, remedy or mitigate'* because it considered '*avoid, remedy or mitigate*' is too general for an objective. Forest and Bird thought '*minimise'* reflects that there are scenarios where it is not possible or practical to avoid, remedy or mitigate all effects of energy activities due to their technical, functional, operational and locational constraints. The Reporting Officers considered '*minimise'* provides greater certainty and is consistent with the approach taken throughout pTTPP. It also did not support the balance of the amendment sought because specifying chapters of the pTTPP limits and restricts the assessment, while the pTTPP should be read in full. Further, it noted that the ENG Overview guide states that other chapters are to be read in conjunction with the ENG, and it would be a duplication to include it under specific objectives and policies.

249. For the reasons provided in the preceding paragraph, the s42A Report did not support the request from BEL, Frank and Jo Dooley and NZEL to amend ENG-O2 to replace '*minimise'* with '*avoid, remedy or mitigate'*.

250. The s42A Report did not support the amendments sought by Westpower because it considered the RMA to require minimising adverse effects on communities and the environment of activities. It noted that the NZ Planning Standards define functional and operational needs, encompassing technical and locational needs. It considered the submitter had not provided sufficient reason for the relief sought.

251. The s42A Addendum confirmed the recommendation to reject Westpower's request to amend ENG-02 and split it into two objectives.

252. Concerning **ENG-03**, the s42A Report agreed with Manawa and NZEL that ENG-03 should recognise the need to provide for renewable electricity generation and to protect renewable electricity generation activities from reverse sensitivity effects, in accordance with the NPSREG. It therefore supported inclusion of '*use'* to provide consistency with the RMA but considered it unnecessary to specify '*renewable electricity generation*' as this is captured in the definition of '*Energy Activity'* as defined in Part 1 of the pTTPP as follows:

> *means the use of land, buildings and structures for the purpose of energy investigation, generation, transmission and distribution. This includes all types of renewable electricity generation*.

253. However, the s42A Addendum Report noted that based on further clarification and justification in the pre-circulated evidence and further pre-hearing discussions, it now accepted the request to amend the objective by deleting references to '*energy activities*' and replacing this with '*renewable electricity generation, energy investigation, distribution, and transmission'*. The Addendum considered that the amended objective would provide further clarity in relation to the various activities encompassed in the umbrella definition of '*Energy Activities*'; and that the amendment would be consistent with national direction.

254. In relation to BEL and Frank and Jo Dooley's submission points, the s42A Report considered '*provide for'* had a comparable policy directive to '*enable'* and that both would result in the same outcome, and on this basis, it did not accept the amendments sought. It also did not support deleting the second portion of ENG-O3 as notified, because they considered protection from adverse effects to provide a greater policy directive.

255. The s42A Report did not support the amendment requested by Hort NZ and Federated Farmers except for the inclusion of '*use'*, which is consistent with the RMA. It considered that the provision of protection ensures that energy activities will not be compromised and that the current wording appropriately provides for the intent of the submissions.

256. The s42A Report did not support the amendment sought by Forest & Bird because specifying chapters of the pTTPP limits and restricts the assessment, while the pTTPP should be read in full. It considered the overview at the start of the ENG guides reference to other relevant chapters, and it would therefore be a duplication to include it under specific objectives and policies.

257. In relation to Westpower's request to reword ENG-03 and split it into two objectives, the s42A Report rejected this amendment because it considered the current wording provides for the protection of energy activities more transparently. However, this position changed in the s42A Addendum, where, in response to evidence, the Report Officers recommended the use of *'to enable'* in ENG-03.

258. The Addendum recorded that the Reporting Officers remained of the view that splitting the objective was not necessary, but did accept, based on the pre-circulated evidence, that there was an inconsistency between the INF objectives and the energy objectives with respect to enabling energy activities in accordance with the RPS.

259. In relation to **ENG-04**, the s42A Report did not support BEL (S451.024)[54] and Frank and Jo Dooley's (S478.081) request for the inclusion of the word '*incompatible*' because it limits the scope of the objective, solely to incompatible subdivision, use and development, where any subdivision, use and development should actively consider effects.

260. The s42A Report recommended rejecting BEL and Frank and Jo Dooley's request for a **new objective** to address protection from reverse sensitivity effects because this was provided for in ENG-03.

261. The s42A Report also did not support a new objective as proposed by Westpower for coordinating the provision of energy activities. However, the Addendum Report changed this position in response to pre-circulated evidence and pre-hearing discussions. It recommended that, with a refinement in the approach to types of Energy Activities, a new objective supporting coordination and the efficient provision of electricity distribution and transmission activities would link policies ENG-P5 and ENG-P9. Attachment 2 to the Addendum Report recommended the following new Objective ENG-05:

> *To ensure the efficient provision and use of distribution and transmission activities by co-ordinating the provision with subdivision, use and development.*

Hearing and Submitter Evidence/Statements, including JWS

ENG-01

262. Ms Whitney, for Transpower, noted support for the objective as notified but accepted the amendment recommended in the s42A Report.

263. Mr Kenndy was critical that ENG-01 and ENG-04 did not provide for enabling energy activities as envisaged by the RPS Chapter 6, Objective 1. He contrasted this with INF Objectives, which give effect to the RPS by seeking to enable activities under that section. He was unclear why an enabling outcome was not sought or considered appropriate for energy activities, as with other infrastructure, given the significance of energy activities to the region and nationally, and to achieve community and environmental outcomes. He considered the recommendations of the S42A Report relating to energy and infrastructure to be inconsistent and do not reflect the outcomes sought for the region on an integrated basis.

264. Mr Lile, for BEL, supported the amendments recommended in the s42A Report.

ENG-02

265. Ms Styles expressed concern that the pTTPP provisions did not provide a clear separation between renewable and non-renewable energy sources to provide for REG specifically. She referred to ENG-02 and ENG-03, where recognition of functional and operational needs and provision for development, operation, maintenance, and upgrade applied to all energy activities. She believed such provision should not be given to non-renewable electricity generation. She believed the objective should be to apply this enablement to REG and energy

54 Supported by Kāinga Ora (FS58.017) and NZ Energy (FS127.011) and opposed by Transpower NZ Ltd (FS110.016)

investigation, distribution, and transmission activities. She said such an amendment to the objectives is required to specify the activities enabled correctly and give effect to national direction for REG and electricity transmission, without transferring the same benefits to non-renewables, which do not have national importance and conflict with aspirations to reduce fossil fuel use nationally.

266. Ms Styles considered the term '*minimise*', which is used in the Plan as a direction for managing effects, should be amended to '*avoid remedy or mitigate'*, to reflect the terminology of the RMA. In addition to this change in terminology, she said she would also recognise the approach to effects management hierarchies and that various aspects of the effects management hierarchy may be appropriate in different circumstances. She disagreed with the s42a Report, which considered the term 'minimise' very general and lacking direction. She thought the word is unclear as to what degree effects should be minimised, questioning whether it should be as far as possible or as much as desired, and in whose opinion. In contrast, she said the use of '*avoid remedy or mitigate'* is well understood, supported by case law, and aligned with the effects management hierarchy approach, which is commonly expressed in recent national direction.

267. Ms Whitney noted support for the objective as notified.

268. Mr Kennedy considered that ENG-02 should be split into two matters: one to deal with functional operational needs, and the other to deal with minimising effects. He also thought the objective should provide for functional, operational, technical, and locational needs consistent with the RPS.

269. Mr Kennedy considered the term '*minimising*' was unclear because there was uncertainty about what was being used to determine whether effects were minimal. Given the requirements of energy activities, he considered that it may not always be possible to achieve minimal effects. He thought the better approach was that those effects must be '*managed*'.

270. Mr Lile accepted the Reporting Officers' assessment and supported the amendments recommended in the s42A Report.

271. Mr Leckie, in legal submissions[55] for Bathurst, supported the discussion in the S42A Report concerning functional and operational needs, and consistency of language, noting that functional and operational needs, as defined in the NZ Planning Standards, encompassed technical and locational needs. He submitted that the terms '*functional need and operational needs'* should be used in place of the terms '*constraints or requirements'* because this is consistent with the language of the Planning Standards.

272. Ms Snoyink, for Forest & Bird[56], acknowledged the s42A Report recommendation to delete the word 'minimise' and considered this was an improvement, but noted that it was inadequate without policy direction to avoid, remedy or mitigate adverse effects.

55 Dated 13 November 2023 paragraphs 16 and 17

56 Forest & Bird Statement of Evidence 28 November 2023 paragraph 31

ENG-03

273. In response to the s42A Report recommendation to remove the word '*incompatible*', Ms Styles was of the view it should remain within the objective because the use of the word seeks to provide direction and ensures that the objective and its related policy does not apply to any activities seeking to locate close to REG, transmission and distribution activities recognising that some activities can appropriately locate near such activities. Further, she said the inclusion of the word is a test for determining what subdivision use and development would lead to reverse sensitive problems and what would not. She considered including the word within ENG-03 and its related policies would support rules with another chapter to control specific activities close to this type of infrastructure.

274. Ms Styles's evidence sought to delete the reference to '*energy activities*' and replace it with '*renewable electricity generation, energy investigation, distribution, and transmission'*. She considered this amendment required correctly specifying the activities enabled to give effect to the national direction for both the REG and electricity transmission, without transferring the same benefit to non-renewables.

275. Ms Whitney noted Transpower's support for the objective as notified but accepted the amendment recommended in the s42A Report.

276. Mr Kennedy's evidence on ENG-03 focused on splitting the objective into two parts, seeking to separate matters into two distinct objectives: to enable and protect energy activities. He considered this approach would provide clarity of outcome and consistency of approach and give effect to the RPS.

277. Mr Lile accepted the s42A Report assessment and the reasons given.

278. Ms Snoyink, for Forest & Bird, expressed concern regarding the clarity of ENG-03, particularly if the objective is limited to renewable electricity generation activities. Forest & Bird opposed the inconclusion of the term enable, referencing Policy 6 of the NPSREG, which directs district plans to provide for as distinct from enable. Forest & Bird made the point based on the recent Port Otago decision that the word '*enable*' is a directive word and was not appropriate in the context of the ENG provisions.

279. The JWS records that the Reporting Officers and the expert planners for Transpower, Manawa and BEL agree that '*provide for*' development in ENG-03 reflects NPSET and NPSREG; and that '*enable'* is appropriate for the operation, maintenance and upgrade of REG, energy investigation, distribution and transmission. It notes the INF provisions do not follow the guidance of the NPSET and NPSREG and therefore do not need to align with the ENG provisions.

280. The JWS records that Mr Kennedy preferred only the use of '*enable*' to be consistent with the RPS and INF-01 and INF-O2.

ENG-04

281. Ms Whitney noted that ENG-04 is specific to the National Grid, and Transpower's support for the objective as notified.

282. Mr Lile accepted the assessment in the s42A Reports and its recommended amendment to ENG-04.

Reporting Officers' Reply Evidence

ENG-01

283. The Reporting Officers made no further recommendations in Reply.

ENG-02

284. The Reporting Officers reviewed the evidence received and the discussions at the hearing. They recommended replacing the term '*minimise'* with '*manage*, which, in their view, provides a clear target while remaining consistent with the higher order policy direction, such as the NPSET. The Reporting Officers considered that management can be achieved via avoidance, remediation, or policy mitigation.

ENG-03

285. Having reconsidered the original recommendation that the inclusion of the word '*incompatible'* in this objective was not supported due to the limitation of the scope of the objective, the Reporting Officers now recommended that the word '*incompatible'* be retained in ENG-03. They reasoned that inclusion would enable compatible subdivision, use, and development in certain circumstances, which they considered sufficient to afford the protection of the relevant infrastructure. Furthermore, they considered this consistent with Chapter 6 Policy 4 of the RPS.

286. The Reporting Officers also reconsidered the earlier recommendation to change this objective to include the words '*to enable*'. Considering submitted evidence and the JWS, the Reporting Officers considered that the provision should link directly to the nature of the activity proposed, the potential for adverse effects and the consenting pathway. They thought the words '*to provide*' indicate provision within the plan via a consenting pathway, more appropriately applied to developing new renewable electricity generation, energy investigation, distribution, and transmission activities. They considered the words '*to enable*' indicate the Plan enables the activity via a permitted activity rule, which is more appropriately applied to the operation, maintenance, and upgrading of existing renewable electricity generation, energy investigation, distribution and transmission activities.

ENG-04

287. The Reporting Officers' Attachment 1 recommended including *'incompatible'* in ENG-04, as BEL and Frank and Jo Dooley requested.

New Objective ENG-05

288. Attachment 1 of the Reply recommended the following slightly amended wording for new Objective ENG-05:

> *To ensure the efficient provision and use of distribution and transmission activities by co-ordinating ~~the provision~~ with subdivision, use and development.*

289. The Reporting Officers accepted that including this new objective would be consistent with objective INF-03, policy INF-P4, and SUB-P2.

Hearing Panel's Evaluation

ENG-01

290. The Panel accepts the recommended changes to ENG-01, shown in Attachment 1 to the Right of Reply, and considers these amendments to address the submitter's concerns and provide a greater degree of clarity.

ENG-02

291. The Panel considers the wording of ENG-02, as notified, particularly regarding functional or operational needs, appropriate. We do not consider that including further words relating to functional or operational need will assist in any meaningful way, given that these terms are defined in the PTTPP. The Panel considers it should be '*functional **need or** operational needs'* given both terms are defined in the pTTPP and it is '*or*' not '*and*'.

292. The Panel generally accepts the Reporting Officers' recommendation and Manawa's submission (S438.037) to replace '*energy*' with '*renewable electricity generation, energy investigations, distribution and activities*'. However, we consider this should be changed slightly to '*renewable electricity generation, investigation, and distribution and transmission'* to give effect to national direction of the NPSREG and NPSET, and the RPS. We agree with Ms Styles that, given the definition of 'energy activities' includes non-renewable electricity generation, it would not be appropriate to recognise the operational need for energy activities broadly.

293. The Panel accepts the recommended changes to the subject of the objective because it is appropriate that the focus is on renewable electricity generation to give effect to national direction.

294. Having considered the differing views, the Panel considers the word '*manage'* is preferred to the word '*minimise'* because the word '*minimise'* requires assessment and definition as to what extent. The word '*manage'* we consider enables full consideration of means to avoid, remedy or mitigate effects as appropriate. The Panel also agrees that the policies provide further guidance and direction on how and what adverse effects should be avoided, remedied or mitigated.

ENG-03

295. The Panel agree with the Reporting Officers' Reply recommendation. We agree that retaining the words '*to provide*', as notified, signals a consenting pathway for new development. We agree that including the words '*to enable'* relates to existing development and signals a permitted activity pathway for those identified activities. We also agree that using the word 'incompatible' in relation to subdivision, use and development is appropriate because it enables an assessment of the reverse sensitivity effects on renewable electricity generation activities to determine if those effects are acceptable.

ENG-04

296. The Panel accepts the submission points of BEL (S451.024) and Frank and Jo Dooley (S478.081) and the Reporting Officers' recommendation to include *'incompatible'* in ENG-04, for the abovementioned reasons concerning ENG-03.

New Objective ENG-05

297. The Panel finds that providing a new objective relating specifically to non-renewable energy activities is unnecessary. We agree that, as notified, the pTTPP did not provide direction for non-renewable energy activities. We also acknowledge that the NPSREG supports and promotes renewable energy, but we do not read that support as resulting in the outright avoidance of non-renewable energy activities.

298. The Panel accepts Mr Kennedy's evidence and the Reporting Officers' recommendation to include a new objective supporting coordination and the efficient provision of electricity distribution and transmission. We agree this new objective is consistent with Objective INF-03 and Policy INF-P4. We acknowledge that subdivision, use, and development require energy provision and that coordinating energy supply with that development is essential to ensure efficiency. We note that an accompanying new policy ENG-PX3 to support this new objective is addressed below.

299. The Panel is satisfied the recommended wording for the new objective, as shown in Attachment 1 of the Reply Report, is appropriate to give effect to the NPSREG and the RPS. However, the Panel recommend adding '*electricity'* for clarity.

Hearing Panel's Recommendation

300. The Panel is satisfied that the recommended changes to the objectives give effect to the NPSET, NPSREG and the RPS. We have examined them in accordance with section 32AA and conclude, as amended, that they are the most appropriate to achieve the outcomes sought.

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

Energy Objectives	
ENG – O1	To recognise the local, ~~and~~ regional **and national**[57] benefits of electricity transmission, distribution and renewable electricity generation activities, **by providing**[58] for their development, operation, maintenance and upgrading to meet the needs of Te Tai o Poutini/the West Coast.
ENG – O2	To recognise the functional **need or** operational needs associated with

[57] Westpower Limited S547.074
[58] Manawa Energy Limited S438.036

	the location and design of **renewable electricity generation, investigation, and distribution and transmission** ~~energy~~[59] activities, and to ~~minimise~~ **manage**[60] adverse effects of these activities on communities and the environment.
ENG – O3	To provide for **development and enable** the ~~development~~, operation, maintenance and upgrade of **renewable electricity generation and investigation, and electricity distribution and transmission** ~~energy~~ [61]activities and to protect them from the adverse effects of incompatible subdivision**, use**[62] and development.
ENG – O4	To recognise and provide for the national, regional and local significance and benefits of the National Grid, by ensuring the safety, efficiency, operation, maintenance, repair, upgrade and development is not adversely affected by **incompatible**[63] subdivision, use and development.
ENG-O5	**To ensure the efficient provision and use of electricity distribution and transmission activities by co-ordinating with subdivision, use and development.** [64]

4.5. Energy Policies

Submissions and Further Submissions

ENG-P1

302. The s42A Report, at paragraphs 188 to 192, identifies seven submission and five further submission points[65] and summarised the relief sought in relation to Policy ENG-P1. Te Mana Ora (S190.042) and Transpower (S299.033) sought to retain the policy as notified. BEL (S451.025), supported by NZEL (FS127.013), and Frank and Jo Dooley (S478.082) sought to include '*Provide for and enable*' to give effect to the NPSET.

303. Westpower (S547.084), supported by NZEL (FS127.060), requested amendments to include all Energy Activities, including related Infrastructure and Critical Infrastructure aspects.

304. Manawa (S438.00144) sought to replace '*Provide for*' with '*Enable*'; add '*electricity*' and delete '*and assets'*; and add '*while recognising the positive, social, economic, cultural and environmental benefits of renewable electricity generation and transmission*'. This was opposed by Poutini Ngāi Tahu (FS34.054) and Forest & Bird (FS34.054).

[59] Manawa Energy Limited S438.037
[60] Manawa Energy Limited S438.037, Royal Forest and Bird Protection Society S560.446
[61] Manawa Energy Limited S438.038
[62] Manawa Energy Limited S438.038
[63] Buller Electricity Limited S451.024, Frank and Jo Dooley S478.081
[64] Westpower Limited S547.073
[65] S438.045, S451.034, S478.091, S538.018, S547.080, S547.081, S547.082, S547.083, S547.439, S558.439, S560.440, S566.439, S567.049, FS58.021, FS127.056, FS127.057, FS127.058, FS127.059

305. Forest & Bird (S560.112) requested adding '*while addressing adverse effects in accordance with the Natural Environment and District Wide chapters of this Plan'*. This was opposed by Transpower (FS110.017) and Westpower (FS222.0234).

ENG-P2

306. The s42A Report, at paragraphs 193 to 200, identifies 19 submission and further submission points relating to Policy ENG-P2 and summarised relief sought. Transpower (S299.034) and Toke Tū Ake/EQC (S612.009) sought to retain the Policy as notified. Te Mana Ora (190.043) sought to provide a weighting to the benefits where there is conflict. Manawa (S438.039), supported by NZEL (FS127.042), sought to replace '*energy*' with '*renewable energy generation, electricity transmission and distribution*'; and to add '*renewable*' in clause (a).

307. Suzanne Hills (S443.015) sought to amend the policy to reflect the cumulative effect of multiple hydro schemes on waterways. NZEL (FS127.047) opposed this because developments should be assessed on a case-by-case basis. Inger Perkins (S462.028) sought to amend the policy to support micro-renewables and distributed energy generation.

308. BEL (S451.026) and Frank and Jo Dooley (S478.) sought to add '*infrastructure and assets provide for*'; and '*or*' after each clause. This was supported by NZEL (FS127.014) and opposed by Poutini Ngāi Tahu (SFS41.106).

309. Westpower (S547.085) sought to amend the wording and to split clause (a) into two, as follows:

When managing the development and operation of new and existing energy activities have particular regard to the benefits to be obtained from the proposal including:

(a) Maintaining and/or increasing security of renewable electricity supply;

(aa) Providing for a diversity of the type and location of renewable electricity generation;

310. Westpower (S547.085) also sought to add '*including to consumer*' to clause (e).

311. Forest & Bird sought to delete '*particular*' (S560.448); include '*maintain, upgrade'* (S560.449)*;* add a new clause '*opportunities to reduce environmental impacts'* (S560.450)*;* and add '*development*' to clause (a) (S560.451). Transpower (FS11018) opposed the last submission point.

ENG-P3

312. The s42A Report identified eight submissions and nine further submission points and summarised the relief sought in relation to Policy **ENG-P3** in paragraphs 201-206. One submission sought to retain ENG-P3 as notified. Manawa (S438.040), supported by NZEL (FS127.030) and Kainga Ora (FS58.022), sought to replace '*Minimise*' with '*Avoid*'; add *'incompatible';* replace '*energy*' with '*renewable energy generation, electricity transmission and distribution*'; and delete '*and protect energy activities from adverse effects to ensure their ongoing operation, maintenance, upgrade or development*'.

313. BEL (S451.027), opposed by Kāinga Ora (FS58.023), and Frank and Jo Dooley (S478.084) sought to reword the policy as follows:

> *Avoid reverse sensitivity effects from subdivision, use and development on electricity distribution and transmission assets, existing renewable electricity generation activities and associated infrastructure, and protect such infrastructure from adverse effects of activities on the operation, maintenance, upgrading or development of that infrastructure.*

314. Westpower (S547.088), supported by NZEL (FS127.061) and opposed and supported in part by Kāinga Ora (FS58.026 and FS58.077), sought to amend the ENG-P3 as follows:

> *Protect energy activities, including energy aspects of infrastructure and critical infrastructure, from the reverse sensitivity effects arising from incompatible new subdivision, use and development, and the adverse effects of other activities, which would compromise the effective operation, maintenance, upgrading or development of energy activities and associated infrastructure.*

315. Federated Farmers (S524.035) supported by Kāinga Ora (FS58.025), and Hort NZ (S486.017) supported by Kāinga Ora (FS58.024) and Forest and Bird (FS34.061), sought to delete '*protect energy activities from adverse effects to*' and to add '*is not compromised'* at the end of ENG-P3.

316. Transpower (S299.035) sought a definition for '*minimise*' in the context ENG-P3.

ENG-P4

317. The s42A Report identifies and summarises 11 submission and 11 further submission points relating to Policy ENG-P4 in paragraphs 207-212. Three submissions supported Policy ENG-P4 as notified because they considered it would minimise any actual or potential adverse effects between sensitive adjacent land uses.

318. Forest & Bird (S560.114), supported by Kāinga Ora (FS58.32 and FS58.083), sought ENG-P4 be deleted because adverse effects are insufficiently dealt with, and effects must be managed in accordance with the RPS.

319. BEL (S451.028), opposed by Kāinga Ora (FS58.029), and Frank and Jo Dooley (S478.085), sought to amend '*Minimise*' with '*Manage*' in ENG-P4.

320. Westpower (S547.089) sought to amend ENG-P4, as follows.

> *~~Minimise~~Manage adverse effects on the environment from energy activities by:*
>
> *(a) Having regard to the values associated with areas identified as having significant environmental values, ~~urban amenity, areas of high recreation value~~ outstanding and high natural character areas outstanding landscapes and features, Poutini Ngai Tahu and heritage sites, and significant natural areas;*
>
> *(b) [ ]*

> *(c) Maintaining ongoing access to grid and distribution ~~elements and structures~~ infrastructure and assets for operation, maintenance and upgrading works;*

321. Manawa (S438.042), supported by NZEL (FS127.031) and opposed by Kāinga Ora (FS58.028), sought to replace '*Minimise*' with '*Avoid, remedy or mitigate'*; and to replace '*energy*' with '*renewable energy generation, electricity transmission and distribution*'.

322. Poutini Ngāi Tahu (S620.084) sought to include the words '*sites and areas of cultural landscapes'* in the policy.

323. Transpower (S299.036) sought a definition for '*minimise*' in the context of ENG-P4.

ENG-P5

324. Eleven submission points and six further submission points[66] were identified in the s42A Report relating to Policy ENG-P5 and the relief sought was summarised in paragraphs 213-218. One submission (S190.046) supported the policy as notified.

325. Forest & Bird (S560.454), opposed by Westpower (FS222.0236), sought to amend the policy to remove conflicts and improve integration with overlay provisions for s6 matters; and to amend clause (a) (S560.453), opposed by Westpower (FS222.0235), as follows:

> *~~Recognise their functional constrains and operational requirements~~ Recognise that natural character, outstanding and significant natural values are to be protected and that adverse effects on the environment are to be avoided, remedies or mitigated in accordance with the Natural Environment and District Wide chapters of this Plan*.

326. Forest & Bird (S560.115) also sought to limit the definition of energy activities in the context of ENG-P5.

327. Transpower (S299.036) sought to replace '*transmission infrastructure'* with '*significant electricity distribution lines'* in ENG-P5.

328. Manawa (S438.043) sought to replace '*energy*' with '*renewable energy generation';* and '*constraints*' and '*requirements*' with '*needs*', which was supported by NZEL (FS127.043)

329. Westpower (S547.092 and S547.093) sought to amend ENG-P5, as follows:

> *When managing the development, operation, maintenance and upgrading of new and existing energy activities:*
>
> *a. Have particular regard to function, location, technical and operation constraints and requirements of the related activities and infrastructure;*

[66] S190.046, S299.037, S438.043, S451.029, S478.086, S547.092, S547.093, S560.115, S560.453, S560.454, S560.455, FS127.043, FS127.065, FS222.0235, FS222.0236, FS222.0237, FS222.0237

330. BEL (S451.029) and Frank and Jo Dooley (S478.087) sought to replace '*energy*' with '*renewable energy'*; '*Recognise*' with '*Have regard to the constraints imposed by*'; and '*minimised*' with '*managed*'.

ENG-P6

331. Eight submission points and three further submission points[67] were identified in relation to Policy ENG-P6, and the relief sought was summarised in the s42A Report in paragraphs 219-221. Six submissions and one further submission point supported the Policy as notified.

332. Manawa (S438.044) sought to delete '*small, community and large scale'*, which was supported by NZEL (FS127.032).

333. Forest & Bird (S560.443), opposed by Transpower (FS110.009), sought to amend the policy by adding '*where the adverse effects are avoided, remedied, or mitigated in accordance with the Natural Environment and District Wide chapters of this Plan'* to the end of clause (b).

ENG-P7

334. The s42A Report identified six submission points and one further submission point[68] The s42A Report, paragraphs 222-224, summarises the submissions received on Policy ENG-P7. Three submission points supported the Policy as notified.

335. Transpower (S299.039), opposed by Forest & Bird (FS34.028), sought to add '*for new National Grid infrastructure or major upgrades to existing National Grid infrastructure*' to clause (c)(ii).

336. Forest & Bird (S560.117) sought ENG-P7 be deleted or amended (S560.452) to include *'avoid, remedy and mitigate in accordance with the Natural Environment and District Wide chapters of this Plan'*

ENG-P8

337. The s42A Report identified 12 submission points and seven further submission points[69] received on Policy ENG-P8 and summarised the relief sought in paragraphs 225-228. Three submission points supported the Policy as notified.

338. Transpower (S299.035), opposed by Forest & Bird (FS34.029 and FS34.030) and Poutini Ngāi Tahu (FS41.040), sought ENG-P8 be amended as follows:

> *(b) Seeking to avoid adverse effects on areas identified in Schedules <u>1-8</u>;*
>
> *(c) Where the National Grid has a functional or operational need to locate within the Coastal Environment, manage adverse effects by:*

[67] S190.047, S299.038, S438.044, S451.030, S478.087, S547.094, S560.166, S560.443, FS110.009, FS127.032, FS127.066
[68] S190.048, S299.039, S451.031, S478.088, S560.117, S560.452, FS34.028
[69] S190.049, S299.040, S451.032, S478.089, S560.118, S560.456, S560.457, S560.458, S560.459, S560.460, S620.085, FS34.029, FS34.030, S602.034, FS110.019, FS122.013, FS41.40, FS149.097, FS230.069

(a) Seeking to avoid adverse effects on Overlay Chapter areas identified in Schedules 1-8 and where it is not practicable to avoid, to remedy or mitigate;

(b) Where it is not practicable to avoid adverse effects on the values of the areas identified in Schedules 1-8 because of the functional needs or operational needs of the National Grid, remedy or mitigate adverse effects on those values.

(c) Seeking to avoid significant adverse effects on: other areas of natural character natural attributes and character of other natural features and natural landscapes indigenous biodiversity values that meet the criteria in Policy 11(b) of the NZCPS 2010; and

(d) Recognise that there may be some areas within the sites and areas identified in Schedules 1-8 where avoidance of adverse effects is required to protect the identified values and characteristics; and

(e) Remedy or mitigate any adverse effects from the operation, maintenance, upgrade, major upgrade or development of the National Grid which cannot be avoided, to the extent practicable. In the event of any conflict with any other objectives and policies within the Plan, Policy ENG-P8 takes precedence.

339. Forest & Bird (S560.456), supported by Susan Hall (FS35.7), sought amendments to make it clear that it is not only scheduled areas that are considered, as the majority of SNAs are not identified on a schedule. They also sought to replace '*Seeking to avoid*' with '*Avoid*' (S560.457), supported by DOC (FS122.013); and to amend clause (d) to give effect to NZCPS Policy 11 and NPSET (S560.458), as follows:

> *Recognise that there may be some attributes, character and biodiversity values ~~areas within the sites and areas identified in Schedules~~ where avoidance of adverse effects is required to protect the ~~identified~~ attributes, ~~values and~~ characteristics or values.*

340. Forest & Bird (S560.459) sought clarification regarding the terms 'substantial', 'major upgrade', 'substantial upgrade', 'minor upgrade' and 'upgrade' in the context of ENG-P8. They also sought amendments to capture requirements for route, site and method selection process to consider alternatives to locating in important natural areas (S560.460).

341. DOC (S602.034), supported by BDC (FS149.097) and opposed by Transpower (FS110.019), sought to delete clause (d) and amend clause (b) as follows:

> *(b) Seeking to avoid adverse effects on areas and values identified in Schedules SNAs, and Overlay Areas and applying the effects management hierarchy where adverse effects cannot be avoided*

ENG-P9

342. The s42A Report identified six submission points and three further submission points[70] received on Policy ENG-P9 and summarised the relief sought in paragraphs 229-231. Three submission points and one further submission point supported the Policy as notified.

343. Hort NZ (S486.018) opposed by Transpower (FS110.020), and Federated Farmers (S524.036) opposed by Transpower (FS110.021), sought to add '*Avoid to the extent reasonably practicable*' to clause (e) to be consistent with Policy 10 of the NPSET.

344. Transpower (S299.041) sought to amend ENG-P9 as follows:

> *(b) Avoid ~~incompatible~~ land use, buildings and structures that may directly affect or otherwise compromise the National Grid or result in reverse sensitivity effects on the National Grid;*
>
> *(c) Manage subdivision within the National Grid Subdivision Corridor to avoid subsequent land use activities from compromising the operation, maintenance, upgrading and development of the National Grid;*
>
> *[ ]*
>
> *(d) Maintain ongoing access for maintenance and upgrading works on the National Grid; and Avoid potential for reverse sensitivity effects on the National Grid.*

New Policies

345. The s42A Report identified five submission points and two further seeking to include new policy direction.

346. Manawa Energy (S438.033), sought a new policy that addresses and discourages establishing non-renewable energy activities. It considered the current wording encompassed non-renewable energy activities within the definition of '*energy activity*,' which does not align with international and national directives to discourage non renewables. It suggested the following wording:

> *Avoid developing non-renewable electricity generation activities on the West Coast and facilitate the replacement of non-renewable energy sources, including fossil fuels.*

347. Westpower (FS222.0181) supported this submission in part, to enable renewable electricity generation but considered the scope of the amendment was fundamental to the purpose of the pTTPP. NZEL (FS127.026) opposed this submission because it considered non-renewable energy sources will always be needed.

348. BEL (S451.034), supported by NZEL (FS127.012), sought an additional policy to be included as follows:

> *Avoid, radio, electric and magnetic fields that do not meet the applicable New Zealand or international standards or guidelines, or National Environmental Standards.*

[70] S190.050, S299.040, S451.033, S478.090, S486.018, S524.036, FS55.17, FS110.020, FS110.021

349. Westpower (S547.081, S547.082 and S547.083), supported NZEL (FS127.057, FS127.058, and FS127.059) and opposed by Kāinga Ora (FS58.021 in relation to S547.081), sought three new additional policies to be included as follows:

> *Manage activities in and around Significant Electricity Distribution Lines to:*
>
> *(a) Ensure the safe and efficient operation, maintenance, repair, upgrading and development of the lines are not compromised by subdivision, use and/or development;*
>
> *(b) Avoid incompatible land use;*
>
> *(c) Achieve compliance with the NZECP34:2001 and avoid health and safety risks from distribution lines; and*
>
> *(d) Avoid potential reverse sensitivity effects on distribution lines.*
>
> *Ensure that subdivision and development is adequately serviced including:*
>
> *(a) Supply of electricity using a method that is appropriate to the type of subdivision and/or development, including consideration of alternative methods on a case-by-case basis, and*
>
> *(b) Where new energy infrastructure is developed and/or installed, adequate provision is made for ongoing access, operation, and maintenance, including granting and reserving easements.*
>
> *Provide flexibility for energy activities, including energy aspects of infrastructure and critical infrastructure, to adopt new technologies that:*
>
> *(a) Improve access to, and efficient use of, networks and services;*
>
> *(b) Allow for the re-use of redundant services and structures where they are safe and operating to required standards;*
>
> *(c) Increase resilience, safety or reliability of networks and services;*
>
> *(d) Result in environmental benefits and/or enhancements; or*
>
> *(e) Promote environmentally sustainable outcomes including green infrastructure and the increased utilisation of renewable resources.*

350. Westpower sought to include these new policies to ensure the provision of significant electricity distribution lines, including relevant policies, and to adopt new technologies.

Section 42A Reports

ENG-P1

351. The s42A Report considered that '*provide for'* is a comparable policy directive to '*enable'* and directs the same outcome; and concluded it was unnecessary to provide further wording. It noted that the words '*provide for'* are consistent with ENG-01. However, after considering

evidence and statements from submitters at the hearing, the Addendum s42A Report changed this view and recommended including '*and enable'*.

352. The s42A Report considered it unnecessary to differentiate the specific energy activities within the Policy because the definition of 'Energy Activity' encompassed all relevant energy activities, and differentiation could create ambiguity.

353. The Reporting Officers rejected submission points seeking to address adverse effects in accordance with the natural environment and district-wide Chapters of the plan because, in their view, specifying chapters of the Plan limits and restricts any assessment, when the evaluation should be undertaken plan-wide.

354. The s42A Report did not support submission points to recognise the positive social, economic, cultural, and environmental benefits of renewable electricity generation and transmission. To do so, it considered, would be inconsistent with section 7 of the RMA, which requires particular regard to the benefits of using and developing renewable energy.

355. The s42A Report recommended retaining ENG-P1 as notified, except for including the words '*and enable'*.

ENG-P2

356. The s42A Report did not support submission points other than those by Westpower, amending ENG-P2 to remove references to the proposal and splitting clause (a) to provide clarity for plan users. It agreed that the Policy intends to manage adverse effects and recommended amendments to the wording to support that intent.

357. In the Addendum Report, in response to Manawa's evidence, the Reporting Officers accepted the Plan provisions needed to address non-renewable energy activities, including a policy and a rule directing avoidance of non-renewable energy activities.

ENG-P3

358. The s42A Report supported deleting the word '*minimise'* and replacing it with '*manage*' because it was more consistent with Policy 10 of the NPSET. It did not support the inclusion of the word '*incompatible*' before the word subdivision because doing so would limit the scope of the policy solely to incompatible subdivision use and development, where any subdivision use in development should be assessed.

359. The s42a Report accepted the request to delete the last portion of the sentence (following the word activities) because this was more consistent with Policy 10 of the NPSET. It recommended rejecting other submission points seeking amendments because these were inconsistent with Policy 10 of the NPSET. It considered there was no need to define '*minimise'* given the recommendation to replace it with '*manage*'.

ENG-P4

360. The s42A Report recommended rejecting the submission seeking to have this policy deleted because it considered that reliance on other district-wide chapters was insufficient. It also

considered this Policy was necessary to give effect to Policy 1 of the NPSET and Chapter 6 Policy 5 of the RPS.

361. The s42A Report supported the removal of the word '*minimise*' because it was inconsistent with the objectives of the NPSET and the RPS. It preferred '*manage'* because it aligned with the policy wording of the NPSET, including its objective, which seeks to manage adverse environmental effects. However, the s42a Addendum Report amended that recommendation to replace '*minimise*' with '*avoid remedy or mitigate'*, as sought by Manawa, to be consistent with the NPSREG.

362. The s42a Report did not consider it necessary to specify renewable electricity generation, transmission, and distribution within the Policy, as it considered this wording captured in the definition of 'Energy Activity' as defined in Part 1 of the pTTPP.

363. The s42A Report did not support removing the word 'communities' because energy activities can potentially adversely impact urban communities, and this should be considered. It noted that clauses (a) – (d) should be read as a whole and provide direction on how the effects of energy activities should be addressed. However, in the Addendum Report, the Reporting Officers accepted the evidence provided that deleting the '*communities'* was appropriate because the definition of environment in the RMA includes people and communities.

364. The s42A Report accepted in part the amendments sought by Westpower to clause (c) by recommending deleting '*elements*' and adding '*infrastructure and structures for operation'*.

365. The s42A Report did not support the inconclusion of '*sites and areas and cultural landscapes'* because it considered the submitter's justification for seeking this amendment insufficient, and no evidence had been provided in the submission to support the relief.

ENG-P5

366. The s42A Report did not support the submission from Forest & Bird, which sought the inclusion of the protection of natural character and outstanding and significant natural values and referencing the natural environment and District-Wide chapters of the plan.

367. The s42A Report agreed that the words 'transmission infrastructure' should be replaced with 'significant electricity distribution lines' because this was consistent with Policy 5 of the NPSET, as sought by Transpower. It also agreed that clause (a) required rewording to give effect to Chapter 6, Policy 3 of the RPS and provide consistency of wording and interpretation. However, the s42A Report did not accept all the amendments proposed by Westpower regarding '*function, location, technical, and operational constraints'*.

368. The s42A Report considered that use of the word '*manage*' was appropriate because it aligned with the policy of the NPSET, including its objective, which seeks to manage adverse environmental effects. It did not consider whether it is necessary, as Manawa sought, to reference renewable electricity rather than energy generally, because renewable electricity generation was captured in the definition of '*Energy Activity'* as defined in Part 1 of the pTTPP.

ENG-P6

369. The s42A Report recommended deleting the words '*small community and large scale'* because, as Manawa pointed out, no distinction is made between the varying scales.

ENG-P7

370. The s42A Report noted support for the Policy as notified, and recommended it was retained as notified. It did not support the amendments sought by Transpower and Forest & Bird.

371. The Addendum Report focused on the words '*minor upgrading'.* Still, it remained for the view the definition of '*upgrading*' was sufficiently broad enough to provide for all the matters listed by the submitters in support of defining '*minor upgrading'*. However, as a solution, it recommended deleting '*minor*' from clause (a) and making a consequential amendment to clause (b) by deleting '*other upgrades and'.*

ENG-P8

372. The s42A Report noted ENG-P8 deals with developing the National Grid in sensitive areas where upgrading could adversely affect both the areas and values of those areas. It recommended acceptance of the amendment to refer to Schedules 1- 8 rather than referring to the overlay chapters because that provided further clarity.

373. Initially, the s42A Report did not accept the extent of change sought by Transpower. However, after considering Ms Whitney's evidence, the Reporting Officers accepted that the relief sought would afford consistency of language in policy direction while giving effect to NPSET and NZCPS.

374. The Addendum Report recommended deleting references to *minor upgrading* to avoid confusing terms and clarify the rules.

ENG -P9

375. The s42A Report noted ENG-P9 addresses reverse sensitivity effects on the National Grid, manages subdivision within the National Grid subdivision corridor, and maintains access to the National Grid for maintenance and upgrading works. The recommendations in the s42A Report were amended in the Addendum, accepting submission points from Transpower and the evidence of Ms Whitney. It recommended deleting '*incompatible'* in clause (b) and amending the wording to clarify the avoidance of land-use, buildings and structures that may directly affect or otherwise compromise the National Grid is required. Similarly, managing subdivisions within the National Grid subdivision corridor was recommended for an amendment. It noted the relief sought was accepted because it would afford consistency of language and policy direction and give effect to NPSET Policy 10.

New Policies

376. The s42A Report recommendation rejected Manawa's request for a new policy to avoid developing non-renewable electricity generation activities and facilitate the replacement of non-renewable energy sources, including using fossil fuels in electricity generation. However, in the Addendum Report, following consideration of pre-hearing discussions and the pre-circulated evidence, the Reporting Officers accepted that the policy direction promoted by Manawa was necessary to give direction to consent assessments under section 104 of the

RMA. The Reporting Officers did not support an avoid policy for non-renewable energy sources without clear directions under section 6 of the RMA, and they noted the silence in direction in the NPSREG and RPS.

377. The s42A Report recommended rejecting BEL's request for a new policy focused on radio-electric magnetic fields that do not meet applicable New Zealand or international standards or guidelines, and the submitter had not provided sufficient rationale, and ENG-P4 appropriately managed those effects.

378. The s42A supported Westpower's request for a new policy to provide for significant electricity distribution lines, protection from incompatible land uses, and potential reverse sensitivity effects, given that this was not explicitly provided for. However, the other new policies requested were rejected primarily because the matters they addressed were already the focus of other existing policies.

Hearing and Submitter Evidence, including JWS

ENG-P1

379. Ms Styles highlighted that renewable energy is a matter of national significance; and that the pTTPP is required to have particular regard to the benefits to be derived from the use and development of renewable energy under s7(j) RMA and to give effect to the policy directions in the NPSREG, including to recognise and provide for renewable electricity generation activities. She considered that the notified version recommended to be amended by the Reporting Officers did not adequately give effect to the NPSREG or sufficiently provide for renewable electricity generation activity. She was critical of ENG-P1 because it mixed support for different energy activities with management of effects, and does not include a reference to renewable electricity generation activities. She also sought to replace the words '*provided for*' with the word '*enable'*.

380. Mr Kennedy challenged the s42A Report recommendation that it was not necessary to differentiate specific energy activities within ENG-P1 and other policies by including the words '*energy-related aspects of infrastructure' and 'critical infrastructure'* because the pTTPP definition of '*Energy Activity'* was sufficient. He stressed the submission points sought to ensure consistency of terms and provisions for the pTTPP.

381. Mr Lile sought to include '*and enable'* within ENG-P1. He considered the word enable to be more consistent with the NPSET and more readily linked to a permitted activity status than '*provide for'*.

ENG-P2

382. Ms Styles considered ENG-P2 was intended to give effect to the NPSREG to enable the development of new REG and the continuation of existing REG. This is clear, she said, from the specific use of REG wording in the sub-clauses and the inclusion of a reference to climate change obligations. By referring to '*energy activities'*, she considered that the Policy implies that it applies to non-renewable electricity generation. It was therefore contrary to meeting climate change obligations and irrelevant to other clauses. She considered that it resulted in an internal inconsistency within the Policy and was unsupported by any national direction.

383. Mr Kennedy sought the inclusion of a new clause (f) referencing consumer supply. He considered that the benefits of an effective electricity supply to the consumer is relevant, and it is appropriate to include them in a new clause. He also sought to amend the opening preamble of ENG-P2 by including the words '*managing the development and operation of';* and to amend clause (a) by splitting it into two parts.

384. Ms Inta did not support the s42A Report's recommended amendments and suggested some grammatical changes.

385. Ms Snoynik, for Forest & Bird, addressed the Addendum Report and sought deletion of '*particular'* because it was inappropriate to give higher consideration to energy activities than RMA s6 matters or where this regard would conflict with an RMA s7 matter. She noted that considering s7 benefits is restricted to benefits derived from using and developing renewable energy, not energy activity, as defined in the pTTPP. She submitted that both ENG-P2 and P3 have broader applications than just renewable energy and therefore require direction that adverse effects must be avoided, remedied or mitigated. On this basis, she considered the recommendations within both the s42A Report and Addendum Report were inappropriate.

ENG-P3

386. Ms Styles sought to delete '*minimise'* and replace it with '*avoid';* include '*incompatible'* before subdivision; delete '*energy*' and replace it with '*renewable electricity generation'*. She noted that Policy 3 relates to reverse sensitivity but that the Reporting Officers' assessment relied on the wording of the NPSET, which is not directly relevant to this Policy because Policy 4 deals with the National Grid and includes a reference to reverse sensitivity issues. She was firm in her view that avoiding reverse sensitivity is the appropriate direction for this Policy to give effect to Policy 3 of the NPSREG, which uses the word '*avoid*'. She considered the Policy needed to be clear and directive, and if the outcome sought is avoidance of reverse sensitivity, then the Policy needs to state this. She considered using another term, such as 'minimise' or 'manage', would underplay the importance of the requirement to avoid and does not provide sufficient direction.

387. Ms Styles clarified that she sought to include the term '*incompatible'* because this provided additional guidance on understanding the risk of reverse sensitivity effects. She considered its inclusion was intentional as it seeks to provide direction and ensure the policy does not apply to all activities seeking to be located close to REG, transmission, and distribution activities, thus recognising that some activities can appropriately be located near such activities. She considered including this word at a policy-level test for determining what subdivision, use, and development would lead to reverse sensitivity problems and what would not, was appropriate.

388. Ms Inta considered there was no need to include both adverse effects and reverse sensitivity in the Policy because reverse sensitivity means an adverse effect. She favoured the notified version of this Policy.

389. Mr Kennedy continued to seek the amendments sought by Westpower outlined in the s42A Report to ensure ENG-P3 gave effect to the RPS.

390. Mr Lile considered ENG-P3 was inconsistent with Policy 10 of the NPSET and sought to include the words '*activities to avoid'.*

391. Ms Whitney supported the s42A Report recommendations to amend to ENG-P3.

392. According to the JWS records, the planning experts agreed that ENG-P3 did not require the word '*adverse*' before the words reverse sensitivity.

ENG-P4

393. Ms Inta sought the deletion of '*minimise'* to be replaced with '*manage';* and the words '*urban amenity'* and *'recreational area'* recommended to be deleted by the s42A Report, be reinstated.

394. Mr Kennedy also sought deletion of '*minimise'* and its replacement with '*manage';* deletion of '*communities*'; and amendments to clauses (a) and (c).

395. Mr Lile noted that the s42A Report accepted BEL's request on ENG-P4.

396. Ms Snoyink highlighted that the Reporting Officers did not support deletions sought by Forest & Bird and considered that relying on the overview wording as an alternative, as suggested by Officers, was inappropriate, given it did not have the force of policy wording. In referencing the Addendum, she considered adding '*avoid, remedy or mitigate'* adverse effects, but thought that problematic because the assessment required consideration of the matters listed in the policy, and further limiting the policy to renewable electricity generation did not make that approach appropriate. She also noted that the matters listed were not the same requirements as those in the ECO Chapter or Chapter 7 of the RPS.

397. Ms Pull identified ENG-P4 clause (a) had incomplete wording and recommended adding '*sites of significance to Māori*' to assist implementation.

ENG-P5

398. Ms Styles sought deletion of '*energy'* and inclusion of '*renewable electricity generation, energy investigation, distribution, and transmission'* in ENG-P5 to ensure that the pTTPP gave effect to higher order documents which recognised and provided for renewable energy, as distinct from non-renewable energy.

399. Mr Kennedy sought several wording changes he considered consistent with other plan provisions and the wording in the RPS. He also considered that, given that significant distribution lines were already mapped within the pTTPP, ENG-P5 should not apply to these.

400. Mr Lile accepted the s42A Report's recommended changes.

401. Ms Whitney accepted the s42A Report's recommended amendments, as shown in Appendix 1.

402. Forest & Bird noted the same issues with ENG-P5 as outlined for ENG-P4.

403. The JWS records disagreement on wording for ENG-P5 but notes the matter was to be further addressed at the reconvened hearing.

ENG-P6

404. Ms Styles and Mr Kennedy noted the amendments sought in relation to ENG-P6 were supported in the s42A Report.

ENG-P7

405. Mr Lile supported ENG-P7 as notified.

406. Ms Whitney opposed the s42A recommendation of no amendments. She sought additional wording to be included in clause (c)(ii) to clarify the Policy applied to the National Grid and to reflect the policy directive within NPSET Policy 4.

ENG-P8

407. Ms Whitney partly supported the s42A recommendation to amend ENG-P8 and the recommendation not to accept Director General's submission. However, she continued to seek additional wording in clause (c)(ii) to clarify that this only applies to proposals for new National Grid infrastructure and major upgrades to the existing National Grid infrastructure. She considered this reflected Policy 4 of the NPSET.

ENG-P9

408. Ms Whitney supported the s42A recommendations to amend clause (f) but maintained Transpower's submission that further amendments were needed to ensure the effects of other activities on the National Grid were addressed and that ENG-P9 gave effect to NPSET Policies 2, 10, and 11.

New Policies

409. Ms Styles sought a new policy to avoid developing non-renewable electricity generation activities and a new associated rule that made such activities non-complying.

410. Mr Kennedy continued to request the three new policies sought in Westpower's submission, in particular he maintained that proposed policy on Significant Electricity Distribution Lines should include either the term '*avoid*' or '*protect*' in subclauses b and d in order to achieve the outcomes sought by the RPS.

411. The JWS records disagreement between the expert planners in relation to the new policies.

Reporting Officers' Reply Evidence

ENG-P1

412. The Reply noted '*provide for'* indicates that there is provision within the pTTPP via a consenting pathway for developing new renewable electricity generation, energy investigation, distribution and transmission activities and the '*enable'* indicates provision via

a permitted activity rule, which is more appropriately applied to the operation, maintenance, and upgrading of new renewable electricity generation, energy investigation, distribution, and transmission activities. Since ENG-P1 applies to both new and existing, the Reporting Officers recommended amending the provision as follows:

> *ENG-P1 Provide for and enable the development, operation, maintenance, and upgrading of existing and new electricity transmission, distribution, and renewable generation infrastructure and assets.*

ENG-P2

413. The Reply noted the Panel's query regarding the use of '*manage'* or '*avoid, remedy, or mitigate'* and which would be more appropriate and provide more flexibility. The Reporting Officers consider policies to be the course of action to achieve an objective, and they can be flexible or inflexible, broad or narrow. They noted that including '*avoid'*, '*remedy'*, or '*mitigate*' in policies provided for a wide range of options to achieve the objectives. They cautioned that the scope and intent of the policies should be carefully considered when determining appropriate policy language.

414. The Reply recommendation for ENG-P2 was to delete '*considering' and replace* it with '*manage',* reflecting the breadth of this policy. It considered that '*manage'* provided a better link with the related objective ENG-02, which partly concerned managing the adverse effects of energy activities. The Reply also supported Mr Kennedy's evidence to divide clause (a) into two parts, creating a new clause (b). Attachment 1 showed the following recommended amendments:

> *ENG-P2 ~~When considering proposals to develop and operate new and existing~~ When managing adverse effects from the ~~or~~ development of new energy activities or the operation, maintenance or upgrading of existing energy activities, have particular regard to the benefits ~~to be obtained from the proposal~~, including;*
>
> *(a) Maintaining or increasing security of renewable electricity supply ~~by diversifying the type and/or location of electricity generation~~;*
>
> *(b) Providing for diversity of the type and location of electricity generation;*
>
> *(c) Maintaining or increasing renewable electricity generation capacity while avoiding, reducing or displacing greenhouse gas emissions;*
>
> *(d) Economic, social, environmental or cultural wellbeing;*
>
> *(e) The contribution the proposal will have towards New Zealand meeting its renewable electricity generation targets;*
>
> *(f) Effective transmission and distribution of electricity supply;*
>
> *(g) Facilitation and use of renewable energy;*
>
> *(h) Security of electricity supply; and*
>
> *(i) Meeting New Zealand/Aotearoa me Te Waipounamu's climate change obligations.*

ENG-P3

415. In Reply, the Reporting Officers considered that changing the policy to strictly *'avoid reverse sensitivity effects'* would be inconsistent with Policy 10 of the NPSET, which seeks *'to the extent reasonably possible, manage activities to avoid reverse sensitivity effects'*. They considered *'manage'* was consistent with higher-order policy documents (e.g. Policy D, NPSREG).

416. The Reply, Attachment 1, recommended the following amendments:

> *ENG-P3 ~~Minimise reverse sensitivity effects from~~ Manage activities to avoid ~~adverse~~ reverse sensitivity effects from subdivision, use and development on renewable electricity generation ~~energy~~ activities ~~and protect energy activities from adverse effects to ensure their ongoing operation, maintenance, upgrade or development~~.*

ENG-P4

417. The Reply noted that Poutini Ngāi Tahu sought amendments to ENG-P4 to include references to '*Poutini Ngāi Tahu values, sites, areas and cultural landscapes'*. It noted that based on EWC and further discussions with Ms Pull, agreement had been reached on an alternative solution of adding '*Sites and Areas of Significance Māori*', which would ensure consistency with the matters (essentially RMA s6 matters) listed in Policy 4.

418. In response to the Panel's questions about why ENG-P4(a) did not refer to Schedules 1 – 8 and whether *'urban amenity'* could be a stand-alone clause, the Reporting Officers noted that submitters had not requested this specific relief. However, they considered that such a refinement was supportable because it did not change the scope of the policy and refined the language to ensure consistency across the pTTPP.

419. The Reply noted that clauses (a) to (d) of ENG-P4, incorporate a wide range of actions, ranging in significance from RMA s6 matters to implementing industry best practices. The Reporting Officers did not support the replacement of '*minimise'* with '*manage'* as '*avoid, remedy, mitigate'* affords the ability to apply a course of action appropriate to the matter being considered. Furthermore, the Reporting Officers noted that '*avoid, remedy, mitigate'* was consistent with NPSREG.

420. The Reply, Attachment 1, recommended the following wording for ENG-P4:

> *ENG-P4 Minimise, Avoid, remedy, mitigate adverse effects on ~~communities and~~ the environment from renewable electricity generation, energy investigation, distribution, and transmission ~~energy~~ activities by:*
>
> *(a) Having regard to the effect on urban amenity;*
>
> *~~(b)~~ Having regard to the effect on areas and values associated with identified in Schedules 1 – 8; ~~areas identified as having significant environmental values, urban amenity, areas of high recreational value, outstanding and high natural character areas, outstanding landscapes and features, Poutini Ngāi Tahu and heritage sites, and SNA;~~*
>
> *(c) Implementing industry best management practices around electrical safe distances;*

(d) Maintaining ongoing access to grid and distribution ~~elements~~ infrastructure and structures for operation, maintenance and upgrading works; and

(e) Avoiding exposure to health and safety risks.

ENG-P5

421. The Reply noted that ENG-P5 incorporates a wide range of courses of action, which range in significance scale. The Reporting Officers did not support the replacement of '*minimise'* with '*manage*' but considered that '*avoid, remedy, mitigate*' affords the ability to apply a course of action appropriate to the matter being considered and is consistent with NPSREG.

422. The Reporting Officers disagreed with Mr Kennedy's view that, because significant distribution lines are mapped, ENG-P5 did not apply to these, and noted ENG-P5 is an assessment policy which directs the consideration of resource consent for new significant electricity distribution lines.

423. The Reply, Attachment 1, recommended the following wording amendments:

ENG-P5 When ~~considering proposals to develop, operate, maintain and upgrade new and~~ avoid, remedy or mitigate adverse effects from the development of new or ~~development~~, the operation, maintenance or upgrading of existing renewable electricity generation, energy investigation, distribution and transmission ~~energy~~ activities by:

(a) Recognising their functional ~~constraints,~~ needs and operational ~~requirements~~; and

(b) Where new transmission infrastructure and major upgrades to transmission infrastructure are proposed, the extent to which any adverse effects have been minimised in the route, site, and method selection will be considered.

ENG-P6

424. The Reply, Attachment 1, recommended the following amendments:

ENG-P6 Provide for the development, upgrading, maintenance and operation of:

(a) A range of ~~small, community and large-scale~~ renewable electricity generation activities; and

(b) Activities that seek to investigate, identify and/or assess potential sites and energy sources for renewable electricity generation.

ENG-P7

425. The Reply, Attachment 1, recommended the following minor amendments to address the request from Manawa for a definition of '*minor upgrade'* and the evidence of Ms Whitney:

ENG-P7 Recognise and provide for the national, regional, and local benefits of the National Grid, including by:

(a) Enabling the operation, maintenance, and ~~minor~~ upgrading requirements of existing National Grid assets;

(b) Providing for ~~other upgrades~~ and the effective development of new National Grid assets; and

(c) When considering measures to avoid, remedy and mitigate adverse effects of National Grid activities, have regard to:

i. The technical and operational constraints of the National Grid; and

ii. The extent to which proposals have avoided, remedied and mitigated effects through the route, site and method selection.

ENG-P8

426. The Reply largely accepted the Transpower's amendments, which sought to provide for the National Grid's development by recognising functional and operational needs. The Reporting Officers recommend the wording was simplified by referencing Schedules 1-8; and amended to recognise that there will be circumstances when adverse effects cannot be avoided, and that where this occurs effects must be remedied or mitigated to the extent practicable. The Reply, Attachment 1 recommended the following amendments:

ENG-P8 Manage the adverse effects of the <u>development of the</u> National Grid by:

(a) Where appropriate, using substantial upgrades as an opportunity to reduce existing adverse effects.

(b) Seeking to avoid adverse effects on areas <u>and values</u> identified in Schedules <u>1 – 8</u>;

(c) Where the National Grid has a functional need or operational need to locate within the Coastal Environment, manage adverse effects by:

i. <u>Seeking to avoid</u> adverse effects on areas <u>and values</u> identified in ~~s~~<u>S</u>chedules <u>1 – 8</u> ~~Overlay Chapter areas~~ and where it is not practicable to avoid <u>because of functional needs or operational needs of the National Grid</u>, to remedy or mitigate;

ii. <u>Seeking to avoid</u> significant adverse effects on other areas of natural character, natural attributes and character of NFL and indigenous biodiversity values that meet the criteria in Policy 11(b) of the NZCPS 2010; and

iii. Recognise that there may be some areas within the sites and areas identified in Schedules <u>1 – 8</u> where avoidance of adverse effects is required to protect the identified values and characteristics.

iv. Remedy or mitigate any adverse effects from the operation, maintenance, upgrade or development of the National Grid which cannot be avoided, to the extent practicable.

(d) <u>Remedy or mitigate any adverse effects from the operation, maintenance, upgrade or development of the National Grid which cannot be avoided, to the extent practicable.</u>

ENG-P9

427. Concerning reverse sensitivity effects on the National Grid, the Reporting Officers reconsidered their earlier recommendation based on the evidence presented at the hearing and further discussions with the expert planners. They now recommended that the word '*incompatible'* should be retained to provide the ability to enable compatible subdivision, use and development in certain circumstances, which the Reporting Officers considered was sufficient to afford protection of the relevant infrastructure and to be consistent with Chapter 6, Policy 4 of the RPS.

428. The Reply also supported the amendments sought by Transpower to better provide for operational circumstances.

429. The Reply, Attachment 1, recommended the following amendments to ENG-P9:

> *ENG-P9 Manage activities within the National Grid Yard and the National Grid Subdivision Corridor to:*
>
> *(a) Ensure the safe and efficient operation, maintenance, repair, upgrading and development of the National Grid is not compromised;*
>
> *(b) Avoid ~~incompatible~~ land use, buildings and structures that may directly affect or otherwise compromise the National Grid;*
>
> *(c) Manage subdivision within the National Grid Subdivision Corridor to avoid subsequent land use activities from compromising the operation, maintenance, upgrading and development of the National Grid;*
>
> *(d) Achieve compliance with the NZECP34:2001 and avoid exposure to health and safety risks from the National Grid; and*
>
> *(e) Maintain ongoing access for maintenance and upgrading works on the National Grid, and*
>
> *(f) Avoid the potential for reverse sensitivity effects on the National Grid to the extent reasonably possible.*

New Policies PX1, PX2 and PX3

430. In Reply, the Reporting Officers acknowledged the pTTPP was silent on non-renewable electricity generation. They acknowledged that the NPSREG supports and promotes renewable energy only, but that no national direction required the avoidance of non-renewable electricity generation. As Manawa requested, they did not support an outright avoidance policy for non-renewable electricity generation due to a lack of higher-order statutory direction. However, they recommended an alternative new policy ENG-PX2 and an associated rule with a non-complying activity status.

431. The Reply, based on the evidence of Mr Kennedy and Ms Styles, supported the inclusion of three new policies as follows:

> *ENG-PX-1 Manage activities in and around Significant Electricity Distribution Lines to:*

(a) Ensure the safe and efficient operation, maintenance, repair, upgrading and development of the lines are not compromised by subdivision, use and/or development;

(b) Achieve compliance with the NZCEP 34:2001 and avoid health and safety risks from Significant Electricity Distribution Lines; and

(c) To protect the lines from potential reverse sensitivity effects.

ENG-PX-2 Discourage the development of non-renewable electricity generation activities by first avoiding adverse environmental effects, where avoidance is not practicable, adverse effects shall be remedied or mitigated.

ENG-PX-3 Ensure that subdivision and development is adequately serviced including;

(a) Infrastructure networks have sufficient capacity to accommodate the additional development, and require any necessary upgrades to be completed at the time of subdivision; and

(b) Infrastructure is installed at the time of subdivision, except for onsite infrastructure, which cannot be determined until the allotment is developed.

Hearing Panel's Evaluation

432. The Panel agrees that the words '*avoid, remedy or mitigate'* in a policy provide broad flexibility to meet the outcome of the related objective. We agree with the Reporting Officers that it is best practice to write an objective to provide a clear target of what policies should achieve, stating what is to be achieved, when, and where. We agree with the Reporting Officers that objectives need not repeat the wording of the Act. Policies should detail the course of action to achieve an objective and can be subject to the outcome of the objective, flexible, inflexible, broad, or narrow.

433. The inclusion of '*avoid, remedy, or mitigate*' provides a wide course of action to achieve objectives. The Panel has endeavoured to apply these outcomes throughout the ENG as well as INF and the TRN chapters.

ENG-P1

434. The Panel agrees with the Reporting Officers' reasoning regarding the circumstances in which the words '*provide for*' or '*enable*' are appropriate. The Panel also agrees that, given the breadth of ENG-P1, which covers existing and new activities, both *'provide for'* and '*enable*' are appropriate. The Panel recommends the amendments shown in Attachment 1 of the Reply.

ENG-P2

435. As notified, the Panel notes that ENG-P2 was concerned with the benefits of new and existing energy activities when considering proposals. However, the recommended amendments change the focus of the policy from '*When considering proposals*' to '*When managing adverse effects'*. The Panel considers this suggests that when managing adverse effects from a proposal a decision-maker should have 'particular regard' to the benefits concerning

offsetting any adverse effects, which is significantly different to having regard to the benefits of a proposal.

436. When considering an application for resource consent for a proposal, section 104 of the RMA requires a decision-maker to consider of the actual and potential environmental effects of the activity (s104(1)(a)), any positive effects of the activity to offset or compensate for any adverse effects (s104(1)(ab)), relevant statutory provisions (s104(1)(b)), and any other matter the consent authority considers relevant (s104(1)(c)). This requires separate considerations and does not allow for adverse effects to be managed or balanced by having regard to the benefits of a proposal when assessing adverse effects.

437. The NPSET (Policy 1) directs that decision-makers must recognise and provide for the national, regional, and local benefits of sustainable, secure, and efficient electricity transmission; environmental effects are managed under separate policies. The RPS is consistent with this direction.

438. The NPSREG directs that decision makers must recognise and provide for the national significance of renewable electricity generation activities by providing for the development, operation, maintenance and upgrading of new and existing renewable energy activities. It also requires decision-makers to provide and recognise the national, regional and local benefits relevant to renewable electricity generation.

439. The Panel considers that the intent of ENG-P2 should remain on the consideration of proposals, as notified, given that it is intended to give effect to the NPSREG and NPSET. The Panel generally agrees with Ms Styles that '*energy*' should be replaced with '*renewable electricity generation, energy investigation, distribution and transmission'* to give effect to national direction and the RPS. It also aligns with the clauses focused on renewable energy generation, transmission, and distribution. However, as discussed above in relation to ENG-O2, the Panel considered this should be changed slightly to '*renewable electricity generation, investigation, and distribution and transmission'* to give effect to the national direction of the NPSREG and NPSET, as well as the RPS.

440. There is no national direction to '*have particular regard to*' the benefits of all '*Energy Activities*', as defined in the pTTPP. However, now the recommended wording of ENG-P2 is focused on renewable energy generation, the Panel considers the words '*have particular regard to*' align with the wording of RMA s7(j), which requires decision-makers to '*have particular regard*' to the benefits to be derived from the use and development of renewable electricity. We accept this is appropriate and therefore reject Forest & Bird's submission (S560.448) to delete '*particular*'.

441. The Panel notes that the Reporting Officers have recommended the deletion of the words '*to be obtained from the proposal*', however we have been unable to find any submission that supports that deletion and therefore we have recommended it be retained.

442. The Panel accepts the Reporting Officers' recommendations to split clause (a) into two parts, as requested by Westpower. However, for the reasons outlined regarding the national direction, the Panel considers this should be '*renewable*' electricity generation.

443. The Panel agrees with the Reporting Officers that adding '*to the consumer*' to clause (e) is unnecessary.

444. The Panel also agrees with the Reporting Officer that it is not necessary to amend the policy to address cumulative effects on waterways, given that this would require assessment on a case-by-case basis. The Panel is also satisfied that the policy is sufficient to support micro-renewables and distributed energy generation.

445. The Panel notes that Mr Lile accepted 'and' and not 'or' as appropriate in the context of ENG-P2.

ENG-P3

446. Discussion at the hearing and questions from the Panel focused on whether it was necessary to include '*adverse'* reverse sensitivity effects. The Reporting Officers recommended deleting '*adverse*' and replacing '*Minimise reverse sensitivity effects from'* with '*Manage activities to avoid reverse sensitivity'* to give effect to Policy D of the NPS-REG and Chapter 6, Policy 4 of the RPS.

447. The Panel questioned the Reporting Officers at the hearing as to whether relying on the strategic directions in the plan would be possible if reverse sensitivity policies were added to the overarching chapter. The Reporting Officers acknowledged that reverse sensitivity is an important issue for the West Coast and supported including a policy in the Strategic Direction Chapter. However, the Reporting Officers considered that the ENG and INF Chapters should retain reverse sensitivity policies because a higher-order policy direction is more nuanced than what might be expected from a policy within the Strategic Direction Chapter. Furthermore, the Reporting Officers considered that resource consent applications should assess policies in a comprehensive manner.

448. The Panel agrees with the Reporting Officers' reasoning in the Reply that *'Managing activities to avoid reverse sensitivity'* is preferable to the notified ENG-P3 which sought to '*minimise*' reverse sensitivity effects. The Panel considers the Reply version provides more scope; and gives effect to Policy D of the NPS-REG and Chapter 6, Policy 4 of the RPS.

449. The Panel accepts the evidence of Mr Lile that to give effect to Policy 10 of the NPSET the Policy should also include '*and electricity transmission and distribution activities'*.

450. The Panel considers it appropriate to include 'incompatible' in relation to reverse sensitivity for the reasons outlined by Ms Styles and accepted by the Reporting Officer concerning ENG-P9.

ENG-P4

451. The Panel acknowledges that clauses (a) to (d) of ENG-P4 incorporate a wide range of courses of action, ranging in significance from RMA s6 matters to implementing industry best practices. The Panel agrees with the Reporting Officers that it is inappropriate to delete these, as requested by Forest & Bird, and considers that the Plan must be read as a whole in terms of managing adverse effects on RMA s6 matters.

452. The Reporting Officers did not support the replacement of '*minimise'* with '*manage*'. They recommended the use of '*avoid, remedy, mitigate*' because this affords the ability to apply a course of action appropriate to the matter being considered. The Panel agrees; however, we recommend that '*avoid, remedy or mitigate*' is appropriate.

453. The Panel accept that including the reference to Schedules One to Eight appropriately responds to Ms Pull's evidence seeking inclusion of SASM and we note that as a consequence of other recommendations relating to Ngāi Tahu submissions on the rules we have included Appendix 10 into this and other policies.

454. The Panel also note that as a consequence of submissions from Forest and Bird and the Director General our recommendations expand the consideration of areas not included in Schedules One to Eight and Appendix 10 so as to give effect to the WCRPS and the NPSIB and we have amended the policy (and ENG-P8) to enable consideration of those areas.

ENG-P5

455. Given the broad coverage of ENG-P5, the Panel agrees with the Reporting Officers that '*avoid, remedy, mitigate'* affords the ability to apply a course of action appropriate to the matter(s) being considered. We agree that '*manage*' is more constraining. Furthermore, the Reply noted that *'avoid, remedy, mitigate'* is consistent with NPS-REG, which we accept.

456. The Panel agrees with the Reporting Officers that the amendments requested by Forest & Bird are not necessary given the Plan provisions must be read as a whole when considering a proposal.

457. The Panel accepts the recommended amendments by the Reporting Officers, in response to Manawa, are appropriate given the direction of the NPSREG, NPSET and the RPS. Chapter 6, Policy 3 of the RPS relates to regionally and nationally significant electricity transmission, distribution and renewable electricity generation. We consider 'Energy Activities' is wider than this direction.

458. The Panel also agrees that Westpower's requested additional wording, while consistent with the wording of the RPS, is not necessary given the pTTPP definitions of 'functional need' and 'operational need'. The Panel recommends '*functional need or operational need'.*

ENG-P6

459. The Panel accepts the Reporting Officer's recommendation to accept Manawa's request to delete 'small, community and large scale' from ENG-P6, given that the words relating to size and scale are unnecessary in this context.

ENG-P7

460. The Panel agree with deleting '*minor*' as alternative relief to Manawa's request for a definition of '*minor upgrade'*; and deletion of '*other upgrades'* because this is unnecessary in the context.

461. The Panel considers that the evidence from Ms Whitney gives sufficient justification for the amendment to clause (c)(ii) sought by Transpower. We accept that this is consistent with Policy 4 of the NPSET and clarifies that it does not apply to existing transmission infrastructure.

462. For the reasons outlined above concerning ENG-P4 and ENG-P5, the Panel accepts the Reporting Officers' recommendation to reject the amendment requested by Forest & Bird.

ENG-P8

463. The Panel agrees with the amendments to ENG-P8 requested by Transpower, as accepted by the Reporting Officers. The amendments also recognise that there will be circumstances when adverse effects cannot be avoided. Hence, the policy seeks to remedy or mitigate them to the extent practicable, which we consider appropriate.

464. The Panel notes that the recommended amendments shown in Attachment 1 of the Reply differ slightly from the wording requested in the evidence of Ms Whitney. The Panel accepts Ms Whitney's evidence, including '*development and major upgrade*', which is consistent with the wording of the NPSET.

465. As referred to above, the Panel acknowledges the Forest & Bird's concern regarding significant natural values not identified in SNA and that this needs to be addressed in INF-P8. We consider this needs to be addressed on a plan-wide basis with subsequent consequential amendments made accordingly.

ENG-P9

466. The Panel agrees with the Reporting Officers that the word '*incompatible'* in clause (b) of ENG-P9 should be retained because it provides clarity and is consistent with RPS Chapter 6, Policy 4. However, the Panel noted that this change in recommendation was not reflected in Attachment 1 of the Reply. We accept this is an oversight given the Reporting Officers' evaluation.

467. The Panel also accepts Ms Whitney's evidence and the Reporting Officers' recommended amendments, which were recorded in the Reply.

New Policies

468. The Panel accepts the evidence and Reporting Officers recommendation supporting the inclusion of three new policies, as recommended in Attachment 1 of the Reply. The Panel recommends that these become new policies ENG-10, ENG-P11 and ENG-P12. We consider the amendments made to proposed ENG-10 to include '*protect*' in subclause c. addresses the concerns of Mr Kennedy.

469. The Panel adopts the Reporting Officers' RMA section 32AA evaluation of the new Policies at page 103 of the s42A Report. The Panel is satisfied that the section 32AA evaluation corresponds to the scale and significance of the recommended changes. We accept that, having considered the new policies' efficiency and effectiveness, the amendments are the most appropriate for implementing the objectives and are in line with the purpose of the objectives.

470. The Panel considers ENG-P11 is appropriate but does not consider reference to how adverse effects are addressed is required within the policy. The Panel therefore recommends the following wording:

Discourage the development of non-renewable electricity generation activities.

471. The Panel has considered the other new policies requested by BEL and Westpower and agrees with the Reporting Officers that these additional policies are not necessary to give effect to the RMA and higher-order statutory direction.

Hearing Panel's Recommendations

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

Energy Policies	
ENG – P1	Provide for **and enable**[71] the development, operation, maintenance and upgrading of existing and new electricity transmission, distribution and renewable generation infrastructure ~~and assets~~.[72]
ENG – P2	When considering proposals to develop and operate new and existing **renewable electricity generation, investigation, and distribution and transmission**[73]activities have particular regard to the benefits to be obtained from the proposal, including; a. Maintaining or increasing security of renewable electricity supply ~~by diversifying the type and/or location of electricity generation~~;[74] b. **Providing for diversity of the type and location of renewable electricity generation;**[75] c. Maintaining or increasing renewable electricity generation capacity while avoiding, reducing or displacing greenhouse gas emissions; d. Economic, social, environmental or cultural wellbeing; e. The contribution the proposal will have towards New Zealand meeting its renewable electricity generation targets; f. Effective transmission and distribution of electricity supply; g. Facilitation and use of renewable energy; h. Security of electricity supply; and i. Meeting New Zealand/Aotearoa me Te Waipounamu's climate change obligations.

[71] Buller Electricity Limited S451.025, Frank and Jo Dooley S478.082
[72] Manawa Energy Limited S438.00144
[73] Manawa Energy Limited S438.039
[74] Westpower S547.085
[75] Westpower S547.085

ENG – P3	~~Minimise reverse sensitivity effects from~~ **Manage activities to avoid adverse reverse sensitivity effects from incompatible**[76] subdivision, use and development on **renewable electricity generation and electricity distribution and transmission** ~~energy~~[77] activities. ~~and protect energy activities from adverse effects to ensure their ongoing operation, maintenance, upgrade or development~~[78]
ENG – P4	~~Minimise~~ **Avoid, remedy or mitigate**[79] adverse effects on ~~communities and~~ the environment from **renewable electricity generation, investigation, distribution and transmission** ~~energy~~[80] activities by: a. **Having regard to effects on urban amenity**;[81] b. Having regard to the **effect on areas of significant environmental values**[82] **and** values ~~associated with~~ **identified in Schedules One – Eight**[83] **and Appendix Ten**;[84] ~~areas identified as having significant environmental values, urban amenity, areas of high recreational value, outstanding and high natural character areas, outstanding landscapes and features, Poutini Ngāi Tahu and heritage sites, and significant natural areas~~; c. Implementing industry best management practices around electrical safe distances; d. Maintaining ongoing access to grid and distribution ~~elements~~ **infrastructure**[85] and structures for **operation,**[86] maintenance and upgrading works; and e. Avoiding exposure to health and safety risks.
ENG – P5	~~When considering proposals to develop, operate, maintain and upgrade new and~~ **Avoid, remedy or mitigate adverse effects from the development of new or the development, operation, maintenance or upgrading of** existing **renewable electricity generation, investigation, distribution and transmission** ~~energy~~[87] activities **by**: a. Recognise**ing** their functional ~~constraints~~ **need**[88] **o**r~~and~~ operational ~~requirements~~ **need**;[89] and b. ~~Where new transmission infrastructure and major upgrades to transmission infrastructure are proposed have regard to the extent to which any adverse effects~~ **Having regard to the extent to which**

[76] Manawa Energy Limited S438.040
[77] Manawa Energy Limited S438.040
[78] Manawa Energy Limited S438.040
[79] Manawa Energy Limited S438.042
[80] Manawa Energy Limited S438.042,
[81] Clause 16(2) First Schedule of the RMA
[82] Consequential amendment from Forest and Bird S560.0558, S560.458
[83] Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio and Te Rūnanga o Ngāi Tahu S620.084
[84] Consequential amendment from Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio and Te Rūnanga o Ngāi Tahu S620.087, S620.088, S620.089, S620.090
[85] Westpower S547.091
[86] Westpower S547.091
[87] Manawa Energy Limited S438.043, Buller Electricity S451.029, Frank and Jo Dooley S478.087
[88] Manawa Energy Limited S438.043
[89] Manawa Energy Limited S438.043

	any adverse effects of new significant electricity distribution lines[90] have been minimised in the route, site and method selection.
ENG – P6	Provide for the development, upgrading, maintenance and operation of: a. A range of ~~small, community and large scale~~[91] renewable electricity generation activities; and b. Activities that seek to investigate, identify and/or assess potential sites and energy sources for renewable electricity generation.
ENG – P7	Recognise and provide for the national, regional and local benefits of the National Grid, including by: a. Enabling the operation, maintenance and ~~minor~~[92] upgrading requirements of existing National Grid assets; b. Providing for ~~other upgrades and~~[93] the effective development of new National Grid assets; and c. When considering measures to avoid, remedy and mitigate adverse effects of National Grid activities, have regard to: i. The technical and operational constraints of the National Grid; and ii. The extent to which proposals **for new National Grid infrastructure or major upgrades to existing National Grid infrastructure**[94] have avoided, remedied and mitigated effects through the route, site and method selection.
ENG – P8	Manage the adverse effects of the **development and major upgrade of the**[95] National Grid by: a. Where appropriate, using substantial upgrades as an opportunity to reduce existing adverse effects; b. Seeking to avoid adverse effects on areas **of significant environmental values and the values**[96] identified in Schedules **One – Eight** [97]**and Appendix Ten;** [98] c. Where the National Grid has a functional **need** or operational need to locate within the Coastal Environment, manage adverse effects by: i. Seeking to avoid adverse effects on ~~Overlay Chapter~~ areas **and values**[99] **identified in Schedules One – Eight**[100] **and Appendix Ten** [101]and where it is not practicable to avoid **because of**

[90] Westpower S547.037
[91] Manawa Energy Limited S438.041
[92] Alternative relief Manawa Energy Limited S438.022
[93] Clause 16(2) First Schedule of the RMA
[94] Transpower Limited S299.039
[95] Transpower Limited S299.040
[96] Alternative relief Royal Forest and Bird Protection Society S560.458
[97] Transpower Limited S299.040
[98] Consequential amendment from Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio and Te Rūnanga o Ngāi Tahu S620.087, S620.088, S620.089, S620.090
[99] Transpower Limited S299.040 and alternative relief Royal Forest and Bird Protection Society S560.458
[100] Transpower Limited S299.040
[101] Consequential amendment from Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio and Te Rūnanga o Ngāi Tahu S620.087, S620.088, S620.089, S620.090

	functional needs or operational needs of the National Grid,[102] to remedy or mitigate; **and** ii. Seeking to avoid significant adverse effects on other areas of natural character, natural attributes and character of natural features and landscapes and indigenous biodiversity values that meet the criteria in Policy 11(b) of the NZCPS 2010; and d. Recognise that there may be some areas within the sites and areas identified in Schedules **One – Eight** [103] **and Appendix Ten**[104] where avoidance of adverse effects is required to protect the identified values and characteristics; **and** e. **Remedying or mitigating any adverse effects from the operation, maintenance, upgrade or development of the National Grid which cannot be avoided, to the extent practicable.**[105]
ENG – P9	Manage activities within the National Grid Yard and the National Grid Subdivision Corridor to: a. Ensure the safe and efficient operation, maintenance, repair, upgrading and development of the National Grid is not compromised; b. Avoid incompatible land use**, buildings and structures that may directly affect or otherwise compromise the National Grid;**[106] c. Manage subdivision **within the National Grid Subdivision Corridor**[107] to avoid subsequent land use activities from compromising the operation, maintenance, upgrading and development of the National Grid; d. Achieve compliance with the New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP 34: 2001) and avoid exposure to health and safety risks from the National Grid; ~~and~~ e. **Maintain ongoing access for maintenance and upgrading works on the National Grid; and**[108] f. Avoid**, to the extent reasonably possible, the**[109] potential for reverse sensitivity effects on the National Grid.
ENG– P0	**Manage activities in and around Significant Electricity Distribution Lines to:** a. **Ensure the safe and efficient operation, maintenance, repair, upgrading and development of the lines are not compromised by subdivision, use and/or development;** b. **Achieve compliance with the New Zealand Electrical Code of Practice for Electrical Safe Distances (NZCEP 34:2001) and avoid health and safety**

[102] Transpower Limited S299.040
[103] Transpower Limited S299.040
[104] Consequential amendment from Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio and Te Rūnanga o Ngāi Tahu S620.087, S620.088, S620.089, S620.090
[105] Transpower Limited S299.040
[106] Transpower Limited S299.041
[107] Transpower Limited S299.041
[108] Transpower Limited S299.041
[109] Horticulture New Zealand S486.018

	risks from Significant Electricity Distribution Lines; and c. **Protect the lines from potential reverse sensitivity effects.**[110]
ENG-P11	**Discourage the development of non-renewable electricity generation activities.**[111]
ENG-P12	**Ensure that subdivision and development is adequately serviced including:** **a. Infrastructure networks have sufficient capacity to accommodate the additional development, and requiring any necessary upgrades to be completed at the time of subdivision; and** b. **Infrastructure is installed at the time of subdivision, except for on- site infrastructure that cannot be determined until the allotment is developed.**[112]

4.6. Energy Rules

Submissions and Further Submissions

473. The s42A Report identified 18 submission points and seven further submission points[113] in relation to the Energy Standards and the relief sought, it was summarised on pages 83-84 of the s42A Report. All submission points sought changes to the rules, standards and or advice note wording.

474. The s42A Report identified six submission points and one further submission point[114] relating to **ENG-R1** and summarised the relief sought on page 85 of the s42A Report. Three supported the provisions and three sought changes to the rules, standards and advice note wording.

475. The s42A Report identified nine submission points and four further submission points[115] relating to **ENG-R2** and summarised the relief sought on pages 85-86. Five supported the provisions as notified and four sought changes supported by the further submissions.

476. The s42A Report identified six submission points and two further submission points[116] relating to **ENG-R3** and noted that all supported the provisions as notified. The Panel notes this is incorrect, as it excludes Forest & Bird's submission point (S560.119) opposed in part, which was opposed by Westpower (F222.0238)

[110] Westpower Limited S547.081
[111] Manawa Energy S438.033
[112] Westpower Limited S547.082
[113] S299.042, S229.051, S408.001, S438.046, S438.057, S451.035, S462.030, S538.023, S538.024, S547.095, S547.096, S547.097, S547.098, S547.450, S558.040, S558.450, S566.450, S567.050, FS127.033, FS127.034, FS127.045, FS127.067, FS127.068, FS127.088 FS222.049
[114] S190.051, S299.043, S438.048, S451.036, S478.093, S538.019, FS127
[115] S190.052, S299.044, S451.037, S478.094, S538.020, S547.099, S547.100, S547.101, S547.102, FSS190.054, S299.045, S451.039, S478.096, S538.022, S547.104, S547.105, S547.106, S560.120, S560.461, S560.462, FS127.003, FS127.016, FS127.074, FS127.075, FS127.089 127.069, FS127.070, FS127.071, FS127.072
[116] S190.053, S451.038, S478.095, S538.021, S547.103, S560.119, FS222.0238, FS127.073

477. The s42A Report identified 11 submission points and five further submission points[117] relating to **ENG-R4** and summarised the relief sought on pages 86-87 of the s42A Report. One supported the provisions as notified, and the other sought changes to the rule.

478. The s42A Report identified four submission points and three further submission points[118] relating to **ENG-R5** and summarised the relief sought on pages 87-89. Two supported the rule as notified, and two sought changes supported by the further submissions.

479. The s42A Report identified nine submission points and three further submission points[119] relating to **ENG-R6** and summarised the relief sought on pages 89- 90. One supported the rule as notified and the others sought changes supported by the further submissions.

480. The s42A Report identified 10 submission points and two further submission points[120] relating to **ENG-R7** and summarised the relief sought on pages 91-92. Two supported the provision and the others sought changes to the rule.

481. The s42A Report identified five submission points[121] relating to **ENG-R8** and summarised the relief sought on page 92. Four supported the provision as notified, and one sought to change the rule.

482. The s42A Report identified five submission points and two further submission points[122] relating to **ENG-R9** and the relief sought was summarised on pages 92-93. Two supported the rule as notified and the others sought changes supported by the further submissions.

483. The s42A Report identified five submission points and four further submission points[123] relating to **ENG-R10** and the relief sought was summarised on pages 93-94 of the s42A Report. Two supported the rule as notified and the others sought changes supported by the further submissions.

484. The s42A Report identified five submission points and four further submission points[124] in relation to **ENG-R11** and summarised the relief sought on page 94 of the s42A Report. Two supported the rule as notified, and the others sought changes supported by the further submissions.

485. The s42A Report identified five submission points and three further submission points[125] relating to **ENG-R12** and summarised the relief sought on pages 94-95. One supported the rule as notified, and the others sought changes supported by the further submissions.

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117 S190.054, S299.045, S451.039, S478.096, S538.022, S547.104, S547.105, S547.106, S560.120, S560.461, S560.462, FS127.003, FS127.016, FS127.074, FS127.075, FS127.089

118 S190.055, S438.049, S538.025, S560.121, FS127.035, FS222.0182, FS222.0239

119 S63.019, S190.056, S541.002, S478.059, S486.019, S524.037, S538.026, S547.107, S560.122, FS127.004, FS127.017, FS127.076

120 S63.020, S190.056, S299.046, S451.003, S478.060, S486.020, S538.027, S545.011, S546.011, S620.086, FS106.001, FS127.018

121 S190.058, S451.040, S478.097, S538.028, S547.109

122 S190.059, S560.123, S299.047, S438.050, S547.100, FS127.036, FS127.077

123 S190.060, S438.051, S538.029, S547.111, S560.124, FS127.005, FS127.037, FS127.078 FS222.0240

124 S190.061, S299.048, S538.030, S547.112, S547.113, FS127.079, FS127.080, FS222.0241, FS230.071

125 S190.062, S299.049, S538.031, S547.115, FS127.006, FS127.08, FS127.082

486. The s42A Report identified three submission points and one further submission point[126] relating to **ENG-R13** and the relief sought was summarised on page 95. Two supported the rule as notified, and the other sought a change, which was supported by the further submission.

487. The s42A Report identified four submission points and two further submission points[127] relating to **ENG-R14** and summarised the relief sought on pages 95-96. Two supported the rule as notified, and two sought changes, supported by the further submissions.

488. The s42A Report identified four submission points and three further submission points[128] relating to **ENG-R15** and summarised the relief sought on pages 96-97. Two supported the rule as notified, and two sought changes, supported by the further submissions.

489. The s42A Report identified three submission points and one further submission point[129] relating to **ENG-R16** and summarised the relief sought on page 97. Two supported the rule as notified, and one sought change, supported by the further submission.

490. The s42A Report identified three submission points and two further submission points[130] relating to **ENG-R17** and summarised the relief sought on pages 97-98. Two supported the rule as notified, and one sought change, supported by the further submissions.

491. The s42A Report identified two submission points relating to **ENG-R18** and noted on page 98 that these supported retaining the rule as notified.

492. The s42A Report identified five submission points and two further submission points[131] relating to **ENG-R19** and summarised the relief sought on page 98. Two supported the rule as notified, and the others sought changes, supported by the further submissions.

493. The s42A Report stated five submitters submitted on **ENG-R20**, with one in support of retaining the rule as notified and the others seeking changes. The Panel records that there were five submission points and four further submission points[132], with two seeking to retain the rule as notified, and the others sought changes, supported by the further submissions.

494. The Report identified several submissions seeking the addition of **new standards**. These are summarised below.

Section 42A Reports

126 S190.063, S538.032, S547.116, FS127.083

127 S190.064, S438.052, S538.033, S547.117, FS127.083, FS127.084

128 S190.065, S438.053, S538.034, S547.118, FS127.038, FS127.085, FS222.0184

129 S190.066, S438.054, S538.035, FS222.0185

130 S190.067, S438.055, S538.036, FS127.040, FS222.0186

131 S190.069, S299.050, S486.021, S524.038, S538.038, FS110.025, FS110.026

132 S547.120, S560.131, S190.070, S438.056, S538.039, FS127.087, FS222.0247, FS127.041, FS222.0187

495. The Reporting Officers opened with a planning summary statement that recorded agreement with submission points and noted that the notified ENG and INF overlap. They recommended amendments to ensure all aspects of energy activities are contained within the ENG Chapter.

496. The Reporting Officer noted several amendments were recommended to improve the provisions' effectiveness, efficiency, or clarity, including:

(a) Specifically referencing the types of energy activities, establishing context and scope of each provision;

(b) Introduction of a new policy to discourage non-renewable electricity generation activities and a new noncomplying rule;

(c) Clarification of the scope of upgrading and minor upgrading, including amendments to the rules; and

(d) Clarifying the scope and definition of small-scale, community-scale, and large-scale renewable electricity generation, including amendments to the rules.

Overall Energy Standards

497. The s42A Report did not support Westpower's (S547.096) request to reformat the rules to enable a more efficient assessment of compliance and for ease of use and implementation because the structure of the pTTPP had been established in accordance with the NPS.

498. The s42A Report did not support the relief sought by Buller Conservation Group (S552.043) to make all rules a discretionary activity because there was no specific reference to which standard they requested to change.

ENG-R1

499. The s42A Report rejected the amendment by BEL (S541.036) and Frank and Jo Dooley (S478.093), supported by NZEL (FS127.015) to provide for inclusion of revisions and updates of any relevant New Zealand Standards or National Environmental Standards because this would be needed in all provisions throughout the pTTPP and a plan change process is appropriate for responding to new or revised legislation.

500. The s42A Report accepted the BDC (S538.019) submission point that the heading of ENG-R1 is amended to '*Energy Activity Performance Standards*' because the inclusion of *'Permitted'* was unnecessary.

ENG-R2

501. The s42A Report rejected the Westpower's (S547.099) request, supported by NZEL (FS127), to include *'new works and/or upgrades'* clause (2) because it considered the scope of this was too broad and undefined, and there was potential for unintended consequences, particularly given this is a permitted activity standard. It did not address part of this submission point requesting adding '*or any new building works or upgrade to buildings that are undertaken within the existing building envelope'*.

502. The s42A Report supported the deletion of *'upgrade to an existing substation (zone)'* requested by Westpower (S547.100), supported by NZEL (FS127.070), because this was covered by clause (2). It accepted that landscaping should be limited to any substation located outside of the Industrial Zone, as substations are consistent with the purpose of the Industrial Zone; and therefore, recommended adding '*existing*' (S547.104 in part) and '*located outside the Industrial Zones*' (S547.101) to clause (3)(ii). However, it disagreed with the inclusion of '*earth bunds*' (S547.104 in part) because it considered this additional wording was unnecessary and was captured by '*landscaping*' in clause (3).

503. The JWS records that all the planning experts agreed to amend clause (3) by adding the words '*or upgrade to an existing substation (zone)'*.

ENG-R3

504. The s42A Report recommend ENG-R3 be retained as notified because of support for rule.

505. However, the Panel notes that the s42A Report did not address Forest & Bird's submission (S560.119), opposed by Westpower (FS222.0238), to include a requirement to meet the permitted vegetation clearance standards in the ECO Chapter. However, this is shown as rejected in Appendix 1 of the s42A Report.

506. The Addendum Report accepted Mr Lile's evidence (for BEL) requesting the replacement of *'Zone'* with '*Distribution*' in the heading for clarity.

ENG-R4

507. The s42A Report agreed with Transpower (S299.045) that there is an interpretation issue and supported the inclusion of *'new'* to provide clarification when interpreting this rule. Appendix 1 showed the recommended changes to the heading to address other submission points, removing the word '*existing*'.

508. The s42A Report accepted in part the submission points of BEL (S451.039) and Frank and Jo Dooley (S478.096), supported by NZEL (FS127.016), to include a point of measurement to clause (4) to improve clarity, efficiency and effectiveness of the standard. It did not support the amendment to clause (5) to provide for up to five additional poles because it considered it provided unnecessary restriction, and the submitters had not provided sufficient evidence to support such an amendment.

509. The s42A Report accepted BDC's (S538.022) request, supported by NZEL (FS127.003), to simplify the heading of the rule to '*Operation Maintenance, Repairs and Removal of Existing Above Ground Energy Activities'.* However, the Panel notes that the s42A Report Appendix 1 change does not replicate this submission, given that other amendments are recommended.

510. The s42A Report rejected the submission points of Westpower (S547.105), supported by NZEL (FS127.089), requesting replacement of '*three times that of the replaced pole'* with '*5 metres*' in clause (4) because they considered 5 metres was too large and could result in significant visual effects. It also rejected the request to allow an uncontrolled number of intermediate poles because of the potential for adverse visual and amenity effects. It noted that this issue is managed by the standards in clauses (2) and (3).

511. The s42A Report did not support Forest & Bird's (S560.461) submission point regarding the use of '*minor upgrading*' because this matter was addressed in relation to recommendations on definitions. It did not address the submitter's (S560.462) request to delete *'building and minor utility structure'* from the rule. However, this is shown as rejected in Appendix 1 of the s42a Report.

512. The Panel also notes that the s42A Report did not address Forest & Bird's submission (S560.119), opposed by Westpower (FS222.0238), to include a requirement to meet the permitted vegetation clearance standards in the ECO Chapter. However, this is shown as rejected in Appendix 1 of the s42A Report.

513. The Addendum Report supported the evidence of Ms Styles (for Manawa) seeking clarification of the meaning of the terms '*upgrading*' and '*minor upgrading*'. It therefore recommended consequential amendments to ENG-R4 to delete '*minor*' (as recommended in the s42A Report) and to add '*repair*'.

ENG-R5

514. The s42A Report accepted Manawa's (S438.049) request, supported by NZEL (FS127.035) and in part by Westpower (FS222.0182), to add '*repair'* into the heading because it is consistent with the Energy Policies. However, because of the recommended amendment to the definition of '*small scale'* in Section 6.2.2 of the s42A Report, it accepted the amendment sought by Manawa. Still, it considered this showed a gap concerning small-scale renewable energy generation. It therefore recommended to include a permitted activity standard for community-scale renewable electricity generation activities to address this gap.

515. The Addendum changed this recommendation replacing the notified heading with '*Renewable Electricity Generation Activity'*, and substantial changes to the rule to reflect this change in focus on community-scale REG.

516. The Addendum also recommended consequential changes to ENG-R15 to include new and existing large-scale REG activities.

ENG-R6

517. The s42A Report accepted Westland Milk Product's submission (S63.019) that ENG-R6 is too restrictive, with clause (2) imposing that any non-energy activity requires resource consent as a non-complying activity. It therefore recommended to delete clause (2) because this did not affect the directive of ENG-P3 and the NPSET. However, it did not support the inclusion of *'non-habitable industrial buildings'* due to the potential risks and complications associated with industrial buildings and the lack of evidence from Westland Milk Products to support this amendment.

518. In relation to the submission points[133] seeking that ENG-R6 be included within the zone provisions where significant distribution lines exist, the s42A Report considered there was a risk that the provisions contained in the ENG of the pTTPP would be missed and, therefore,

[133] S541.002, S478.059, S547.107, FS127.076.

rejected that amendment. It also noted that this would result in unnecessary cross-referencing and risk introducing inconsistency across the pTTPP, which is intended to be read in its entirety. It highlighted that significant lines are mapped, which it considered provided a sufficient trigger for plan users.

519. The s42A Report recommended rejecting Hort NZ's (S486.019) and Federated Farmers' (S524.019) request to delete clause (4) and rely on clause (5) because the 12-metre setback was consistent with Regulation 14 of the NESETA.

520. BDC (S538.026), supported by NZEL (FS127.004), sought to include an additional sub-clause under clause (3) for agricultural and horticultural, provided earthworks are undertaken to ensure no reduction of ground clearance distances from overhead lines. The s42A Report did not support this because the Earthworks Chapter includes limits for earthworks near the National Grid but not significant electricity distribution lines, which it noted was a gap in the pTTPP. It recommended a consequential amendment to the Earthworks Chapter to address; and therefore, no amendment was recommended to ENG-R6 to address the relief sought.

521. The s42A Report noted ENG-R6 is very restrictive, with any energy activity not achieving compliance with the standards defaulting to a non-complying activity. It recommended deleting clause (2) due to it being overly restrictive and not giving effect to the directive of ENG-P3 and the NPSET. It noted that based on this amendment, agricultural and horticultural activities can occur when compliant with clause (5) of ENG-R6.

522. Responding to Westpower's submission (S547.107), supported by NZEL (FS127.076), requesting to add '*and*' at the end of clause (3)(iv) and replace '*transmission'* with '*distribution'*, the s42A Report rejected the inclusion of '*and'* because clauses (3) and (4) are two standalone standards, which seek to manage two different effects - under conductors and within proximity to support structures. It did accept the replacement of '*transmission'* with '*distribution'* as this was consistent with the balance of the pTTPP and other higher order planning documents.

523. The JWS records the views of the planning experts in relation to the default activity status where compliance is not achieved and whether this should be non-complying or discretionary. The Reporting Officers and Mr Lile (for NZEL) considered this should be discretionary because significant electricity distribution lines do not have the same level of national protection as other non-complying activities. Mr Kennedy considered that, given the objectives and policies that relate to these significant electricity lines, it is appropriate default is non-complying, as notified.

ENG-R7

524. The s42A Report rejected Westland Milk Products (S63.020) and Isaac Construction Ltd (FS106) that sought ENG-R7 be amended to clause (iv) of standard (1) as follows: *'… Non-habitable industrial, farm or…'*, the inclusion of *'non-habitable industrial buildings'* due to the potential risks and complications associated with industrial buildings and the lack of evidence to support this amendment.

525. As to the Transpower submission, the Reporting Officers supported the relief sought because it is consistent with the NPSET and provides clarity to improve readability and application of

ENG-R7. In the Addendum, in response to Ms Whitney's evidence, the Reporting Officers recommended amendments to the clauses (1)(iv) and (2)(iii). It noted that submitters (S63.020, S486.020) had sought various amendments to clause (1)(iv) to include/exclude various activities but remained concerned that there appears to be limited justification for the listed activities which were not defined terms in the Plan.

526. The s42A Report recommended rejecting BEL (S451.003), opposed by Transpower (FS110.024), and Frank and Jo Dooley (S478.060), supported by NZEL (FS1270.18) to include this Rule within the zone provisions where significant distribution lines exist because there is a risk that the provisions contained in the ENG of the pTTPP would be missed. It considered that because the National Grid Yard is mapped this provided a sufficient trigger for plan users. Further, it noted that ENG-R7 is related to the National Grid Yard, not Significant Electricity Distribution Lines.

527. In relation to Hort NZ's (S486.020) request, opposed by Transpower (FS110.002), to delete '*produce packing facilities'*, the Reporting Officers agreed that the non-complying activity status is onerous and recommended that non-compliance be provided as a discretionary activity. It noted that at a discretionary activity status would allow for a complete and fulsome consideration of an activity and its associated effects; and allows the council to impose appropriate conditions of consent or decline resource consent if required. The Reporting Officers noted that this amendment was consistent with the recommendation for ENG-R6.

528. The s42A Report recommended rejecting the submissions of Martin & Lisa Kennedy (S545.011), opposed by Transpower (FS110.023), and Nick Pupich & Sandy Jefferies (S546.011) to replace the rule with the rules in the operative Grey District Plan in relation to the National Grid. It noted the proposed provisions are more nuanced and give effect to the NPS. It is considered that the standards in the pTTPP provided greater clarity and removed wording irrelevant within the ENG, such as the extent of earthworks, which is covered in the Earthworks Chapter.

529. The s42A Report accepted Poutini Ngāi Tahu's (S620.086) submission to correct the spelling of '*height'* in clause (2)(iii)(b). However, this correction was not shown in Appendix 1.

ENG-R8

530. The s42A Report recommended rejecting the BDC submission (S538.028) requesting to amend the cabinet size limit from 1.4m^2 to 10m^2 because Regulation 20 of the NESTF cabinets requires a footprint of 1.4m^2, and it is appropriate to be consistent with this maximum. It is considered that 10m^2, combined with the 2m height limit, would be too permissive.

531. The JWS records that the Reporting Officers did not support a change from 1.4m^2 to 10m^2 because a large-scale cabinet with consequent effects could result. It records that, as Mr Kennedy understood it, the change came about from a submission requesting a 10m^2 area limit when the pTTPP as notified, because the rule did not have a limit on area. Mr Kennedy was unclear on what basis a further reduced area is proposed, as none was requested. Mr Kennedy understands that 10m^2 is a current provision within the region.

ENG-R9

532. The s42A Report recommended rejecting Transpower's (S299.047) submission requesting amendments to enable rehabilitation within six months of the temporary activity ceasing, because it considered six months was too long to remove a temporary structure. It noted that it was necessary to set a time and recommend that the requirement for the site to be rehabilitated is within one month of the activity ceasing, which is consistent with Rule TEMP-R2.

533. The s42A Report recommended rejecting Manawa's submission (S438.050), supported by NZEL (FS127.036), because electricity generation is included in the 'Energy Activity' definition. It considered that the relief sought would limit the scope of ENG-R9, and it is noted that it may be necessary to establish a temporary transmission activity following a state of emergency.

534. The Addendum Report recommended adding a new clause (4) to address concerns that emergency back-up generators should be provided as a permitted activity.

ENG-R10

535. The s42A Report recommended rejecting the amendments sought by Manawa (S438.051), supported by NZEL (FS127.037), because it did not consider 4m^2 to be 'slimline' and a height of 10m would be excessive within some environments (such as the Residential Zone). It considered that the current wording gives effect to Policy G of the NPSREG, which requires district plans to provide for activities associated with the investigation.

536. The s42A Report recommended rejecting BDC's (S538.029) request, supported by NZEL (FS127.005), to delete ENG-R10 based on the provision for environmental and meteorological facilities within the INF Chapter. It considered that the Rule was necessary to give effect to the Overview, which states that the infrastructure rules do not apply to the ENG Chapter.

537. The s42A Report recommended ENG-R10 be retained as notified.

538. In response to the evidence of Ms Styles (for Manawa), the Addendum Report highlighted the Rule applied district-wide, across the full range of zones that seek different character and amenity outcomes. It remained concerned that a maximum height of 10m, as a permitted activity, may not be appropriate in all locations. As an alternative relief, the Reporting Officers recommended the inclusion of a new clause (3) that requires compliance with the relevant zone structure or building height limits. However, the Reporting Officers noted that these may well be subject to change following zoning hearings.

539. The Addendum also recommended changing the default activity status from non-complying to restricted discretionary when compliance with the standards is not achieved.

ENG-R11

540. The s42A Report did not support Transpower's (S299.048), opposed by Poutini Ngāi Tahu (FS41.041), request to add '*or otherwise not provided for*' to the heading of this rule because the amendment is considered unnecessary and does not improve the efficiency or effectiveness of the plan. However, in the Addendum Report, in response to Ms Whitney's evidence regarding substations, the Reporting Officers changed their recommendation to

accept this submission. However, this was not shown as a tracked change in Attachment 2 of the Addendum Report.

541. The s42A Report noted Poutini Ngāi Tahu opposed Transpower's request to amend the heading because the effects need to be assessed against the overlay chapters and not just Schedule 1-8.

542. Poutini Ngāi Tahu (S620.087, S620.088, S620.089, S620.090) sought the matter of discretion for Restricted Discretionary activities (ENG-R11, ENG-R12, ENG-R13 and ENG-R14) be amended to include the following matter of discretion: '*The degree to which the proposed activity will cause significant adverse effects on Overlay Chapter matters and sites listed in Appendix 10.'* The s42A Report considered this submission point concerning general matters for the ENG Chapter. The Reporting Officers believed that the reference to other chapters in the Overview provided for those values, which was sufficient for them to be considered.

543. The Addendum Report noted Poutini Ngāi Tahu's request to include a new matter of discretion concerning Poutini Ngāi Tahu values would be addressed within the Reply. It was recommended that the words 'areas and values listed in schedules 1-8 be added to clause (g), which was agreed to be added, following discussion with Ms Pull, ensuring adequate effects assessment. The Reporting Officers disagreed with Ms Pull's view that ENG-R11 was broad in its application. They considered the Rule had a narrow focus, resulting in an outcome unlikely to significantly impact the Poutini Ngāi Tahu values.

544. The s42A Report rejected Westpower's (S547.113) request, supported by NZEL (FS127.080), to delete clause (e). However, the Addendum Report changed position and accepted this deletion, considering Mr Kennedy's evidence that contamination is usually by way of discharge, which is generally managed through regional provisions.

545. The s42A Report accepted Westpower's request (S547.112), supported by NZEL (FS127.079), to add *'functional'* to clause (b).

ENG-R12

546. The s42A Report rejected Transpower's (S299.049) request to delete *'transmission and'* from the heading because there would be no default rule for the National Grid Yard if accepted. However, in the Addendum Report, having considered the evidence of Ms Whitney, the Reporting Officers recommended including *'and upgrading'* and adding '*not managed by the National Environmental Standards for Electricity Transmission Activities*' in ENG-R12.

547. The s42A Report supported BDC (S538) and NZ Energy's (FS127) submissions to amend the rule's heading, noting that ENG-R4 must be amended consequentially.

ENG-R13

548. The Reporting Officers accepted Westpower and NZ Energy's submission to include *'functional'* because it gives effect to the Energy objectives and policies and is consistent with the Energy standards.

ENG-R14

549. The Reporting Officers did not support Manawa's relief as sought because ENG-R5 requires a default rule. However, they did acknowledge that the heading of ENG-R14 refers to '*renewable energy investigation activity'*, which does not have a Permitted Activity standard reference. The Reporting Officers recommended the deletion of *'renewable energy investigation activity*' from the rule heading, as this could be captured by temporary energy activities or energy activities generally.

550. In the Addendum Report, in response to Ms Styles' evidence, the Reporting Officers considered that listing 'l*andscape measures'* as a matter of discretion in clause (e) was unhelpful as it is unclear what is expected or what would be achieved. They also considered clause (c) relating to benefits to the community needed refinement, but did not support Ms Styles' recommendation for clause (e) to provide an alternative.

551. The s42A Report accepted Westpower and NZEL submissions to amend clause (d) to include '*locational, technical'* because it gives effect to the Energy objectives and policies and is consistent with the energy standards.

ENG-R15

552. The s42A Report noted the amendment sought by Manawa (S438.053), supported by NZEL (FS127.038) and supported in part by Westpower (FS222.0184), to give effect to the NPSREG and deal with the circumstance of no rule providing for the maintenance, repair, operation and minor upgrading of existing renewable electricity generation activities. It agreed there was no permitted pathway for maintenance, repair, operation, or minor upgrading of existing renewable electricity generation activity, which reasonably should be provided for in the ENG rules. It recommended the inclusion of a new permitted activity rule for these activities.

553. The s42A Report noted that new large-scale renewable electricity generation activities would continue to be provided as a discretionary activity. It did not support the specific relief sought by Manawa to amend ENG-R15 because it considered this created unnecessary confusion and cross-referencing provisions. It noted that large-scale renewable electricity generation activities could have adverse effects that require management and assessment.

554. The s42A Report accepted Westpower's (S547.008), supported by NZEL (FS127.085), to add *'not meeting Permitted Activity standards*', which clarified ENG-R15 and ensured consistency with other energy rule standards (e.g., ENG-R11 – ENG-R14, ENG-R19).

555. In response to Ms Styles' evidence, the Addendum changed this position to recommend amendments to ENG-R15 to provide for new and existing large-scale REG not meeting the permitted activity standards and to remove the exclusion of wind, given the amendments proposed to ENG-R5 to include all REG activities.

ENG-R16

556. The s42A Report rejected the relief sought by Manawa (S438.054), supported by NZEL (FS127.039) and supported in part by Westpower (FS222.0185), to amend status of the rule from discretionary to restricted discretionary due to the lack of evidence provided by submitters to support their request and the risk of potential adverse effects associated with a

large-scale wind farm. It considered a discretionary activity status was appropriate and noted that ENG-R5 provides for small-scale wind farms as a permitted activity.

557. In response to Ms Styles' evidence, the Addendum changed this position to recommending deleting ENG-R16, as a consequential amendment to recommended amendments to ENG-R5 and ENG-R15.

ENG-R17

558. The s42A Report rejected the amendments sought by Manawa (S438.055), supported by NZEL (FS127.040) and supported in part by Westpower (FS222.01865), to replace '*energy*' with '*renewable energy generation'* due to the lack of evidence provided by submitters to support this request and the risk of potential adverse effects associated with a wind farm which does not comply with New Zealand Standards NZS6806:2010 Acoustics – Wind Farm Noise. It considered a non-complying activity status was appropriate and noted that ENG-R5 provided for small -scale wind farms as a permitted activity.

559. In the Addendum Report, in response to Ms Styles, the Reporting Officers agreed there was a need to integrate all of REG activities together with the same level of enablement. They recommended ENG-R17 be deleted, relying upon effects-based rules and zone bulk and location rules to manage potential effects.

ENG-R18

560. The s42A Report recommend ENG-R18 be retained as notified, given the submissions in support of this Rule.

ENG-R19

561. The s42A Report accepted Transpower's (S299.049) request to replace '*in and around*' with '*within*' the National Grid Yard to provide greater clarity and to amend the heading wording to be consistent with ENG-R6 and ENG-R7. This amendment was not shown correctly in Appendix 1 of the s42A Report.

562. The s42A Report rejected Hort NZ's request (S486.021), opposed in Transpower (FS110.026), and Federated Farmers' request (S524.038), opposed in part by Transpower (FS110.025) and supported by Hort NZ (FS55.20), to change the rule status from non-complying to restricted discretionary. However, it was considered a non-complying activity status was too onerous and recommended amending the rule activity status to discretionary.

563. However, in the Addendum Report, in response to Ms Whitney's evidence, the Reporting Officers changed their view and recommended retaining the notified non-complying activity status because of the direction of the NPSET. The Reporting Officers accepted that this would ensure consistency with the NPSET and the approach in other district plans. They also noted the discrepancy between the default activity status and rules providing for National Grid activities and activities within the National Grid.

564. The s42A Report did not specifically address Transpower and Hort NZ's request to delete *'Significant Electricity Transmission Lines*' from ENG-R19. However, Attachment 2 of the Addendum recommended that this be deleted. It recommended a new non-complying activity

Rule ENG-RX10 for activities in and around significant electricity distribution lines that do not comply with the permitted activity standards.

ENG-R20

565. The s42A Report rejected Manawa's request (S438.056), opposed by NZEL (FS127.041) and supported in part by Westpower (FS222.0187), seeking to delete '*energy*' and 'ENG-R14' so that REG activities are not included as non-complying activities. It considered there was a lack of evidence within the submission to support the requested amendment and potential adverse effects resulting from non-compliance with restricted discretionary activity standards. In their opinion, it is appropriate that a gateway test provides an assessment through the policy pathway.

566. The s42A Report rejected the Westpower (S547.120), supported by NZEL (FS127.087), to incorporate ENG-R20 within ENG-R18 due to the lack of evidence. It noted ENG-R18 was limited to energy activities generating electric or magnetic fields, whereas ENG-R20 deals with substations, transmission and distribution lines, structures and foundations, electricity cabinets, community-scale renewable electricity generation structures and temporary energy activities. On this basis, the Reporting Officers did not consider it appropriate to combine ENG-R18 and ENG-R20.

567. The s42A Report rejected the relief sought by Forest & Bird (S560.131) to add 'for activities that do not meet ENG-R15 and ENG-R16 because it would result in unnecessary duplication across the rules.

568. In response to the evidence of Ms Styles regarding non-renewable energy generation and the need for a new policy and a rule directing avoidance, in the Addendum Report, the Reporting Officers accepted that the relief sought would be consistent with national direction. They also recommended further amendments to refine references to 'Energy Activities' in the rules to remove the default non-complying activity status for REG activities because it would not give effect to NPSREG direction and is inconsistent with the standard approach taken to REG in other district plans.

569. Ms Styles also considered upgrades (that are not minor) and new REG activities (that are not domestic in scale) to be restricted discretionary activity.

New Standards

570. The s42A Report accepted Transpower's request (S299.051), supported in part by Forest & Bird (FS34.031), sought the insertion of a new non-complying activity rule to capture any energy activities not explicitly provided for, as follows:

> *ENG-RX: Any energy activity that is not permitted, controlled, restricted, discretionary, or discretionary.*
>
> *Activity Status Discretionary Activity status where compliance is not achieved: N/A*

571. The s42A Report considered this new rule would give clarity and direction to plan users. The Addendum included this as a new rule, ENG-RX-11.

572. Manawa (S438.057), and opposed by NZEL (FS.034), sought the insertion of a new non-complying activity rule to capture energy activities that do not involve renewable electricity generation, as follows:

> *ENG-RX: Non-renewable Electricity Generation Activities Activity Status Non-Complying*

573. The s42A Report rejected this because it considered it too onerous and inconsistent with the Energy objectives and policies. However, in response to Ms Styles' evidence, the Addendum changes this position by accepting Manawa's submission and recommends inserting a new Rule ENG-RX9.

574. BDC (S538.023) sought the insertion of a new permitted activity rule to provide for the operation, maintenance and repairs of existing below ground energy activities or provision for installation of new facilities, as follows:

> *ENG-RX: Installation of Above Ground Energy Activities*
>
> *Activity Status Permitted*
>
> *Where:*
>
> *(1) the performance standards in Rule INF-R1 are met;*
>
> *(2) these are located in a GRUZ-General Rural Zone or LINZ-Industrial Zone, and poles do not exceed a height of 25 metres and towers do not exceed a height of 15 metres; and*
>
> *(3) these are not an extension of existing overhead lines that involve no more than five poles in areas where services are already above ground provided that written approval from landowners within a 22 metre radius of new poles has been obtained and provided to Council within 10 working days before activities commencing.*

575. The s42A Report rejects BDC's submission because it considered Rule ENG-R4 sufficiently provided for these activities. However, it recommended a new rule for the construction of distribution lines and transmission lines not managed by NESET, which was shown in Appendix 1.

576. In response to Ms Whitney's evidence, the Addendum recommended further amendments to the new rule covering the construction of distribution and transmission lines by removing the reference to NESET because it does not apply to new National Grid transmission lines or electricity distribution assets. Attachment 2 of the Addendum showed this new rule as ENG-RX3.

577. Concerning ENG-RX-1, the JWS records that all expert planners agree to removing the reference to the NESET. It records that Mr Kennedy considered that distribution lines should be deleted but noted no corresponding discretionary rule. Mr Lile considers that distribution lines should remain in.

578. Westpower (S547.097), supported by NZEL (FS547.098), sought the insertion of a new permitted activity rule because ENG-R4 was silent as to when new lines are required to be placed underground or aboveground, as follows:

ENG-RX: Distribution Lines (including connection to consumers)

Activity Status Permitted

Where:

1) *New lines are underground where located in RESZ-Residential, or CMUZ-Commercial and Mixed-Use Zones; or*

2) *Existing above ground lines are located within the zones identified in (1) and are extended by no more than five poles; or*

3) *Are above ground within SASM sites within the zones identified in (1) to maintain the values of the SASM site; and (4) poles for above ground lines do not exceed a height of 25m.*

Activity status where compliance is not achieved: Restricted Discretionary.

579. The s42A Report accepted Westpower's submission. In response to evidence, the Addendum recommended amending the heading to '*New Customer Connections*' and changing 30mm to 36mm.

580. The JWS records agreement to amend the heading, but Mr Lile considered that this rule needed to stay in the ENG as not all new connections are made at the time of subdivision. It records that Mr Kennedy supported, including seven additional performance standards, and that he noted there is no corresponding discretionary rule.

581. Westpower (S547.098) sought the insertion of a new Permitted Activity standard to provide for large scale generation in the Industrial Zone, as follows:

ENG-RX: The construction, operation, maintenance and upgrade of community and large-scale energy activities excluding wind

Activity status Permitted

Where:

1) *Performance standards in Rule ENG-R1 are complied with;*

2) *The activity is located within the Industrial Zone; and*

3) *All buildings and generating structures comply with building coverage, height and setback requirements for the zone; and*

4) *Buildings and generating structures are screened by fencing and/or landscaping (including earth bunds) along any road frontage and the side boundary of a site that adjoins a RESZ-Residential, SET Settlement, OSZ-Open Space or MUZ-Mixed Use zone.*

Activity status where compliance is not achieved: Discretionary.

582. The s42A Report accepted in part Westpower's request but considered that applying the new rule should be limited to the General Industrial Zone instead of all Industrial zones. It noted

that industrial zones would capture the light industrial zone, which is predominantly located in undeveloped areas with a higher degree of amenity effects and requires greater management. Appendix 1 recommended adding a requirement for compliance with GIZ-R1 in clause (1); and replacing 'Industrial Zone' with 'General Industrial Zone'. However, the Addendum recommended deleting this new rule based on evidence, the EWC, and other recommended changes to the provisions.

583. Westpower (S547.119), supported by NZEL (FS127.086), sought the insertion of a new Non-Complying Activity standard to provide for activities that do not comply with ENG-R6, as follows:

> *ENG-RX: Activities in and around the Significant Electricity Distribution Lines that do not comply with Permitted Activity standards, Activity Status Non-Complying.*

584. The s42A Report rejected Westpower's request for this new rule to provide for activities that do not comply with ENG-R6 because it considered this was unnecessary, as activities that do not comply with ENG-R6 default to Rule ENG-R19. However, as requested, the Addendum appears to change this position and recommends a new rule, ENG-RX10, but as a discretionary activity rule.

585. NZEL (S463.001 and S463.002) and Inchbonnie Hydro Limited (S540.001 and S540.003), supported by NZEL (FS127.021 and FS127.022), sought to provide for existing Hydroelectric Infrastructure in a specific special zone and provide rules to support this, consistent with the RPS and NPSREG. The s42A Report rejected these submissions due to a lack of an RMA section 32 evaluation to support a Special Purpose Zone in this instance. It noted that under the mandatory direction of the NPS, a Special Purpose Zone must only be applied if it is impractical to manage proposed land use activities through another zone or combination of spatial layers. It considered the Energy provisions explicitly provide for such activity, therefore, Hydroelectric Infrastructure did not need a Special Purpose Zone.

Hearing And Submitter Evidence/Statements

Manawa Energy

586. In her opening remarks, Ms Styles noted that the pTTPP specifies that the INF rules do not apply to energy activities. She said that this separation is important to ensure that there is no unnecessary overlap in provisions for energy activities that also fit under the definition of infrastructure.

587. Ms Styles also addressed infrastructure scale issues, namely using terms such as '*small*' '*community*' or '*large scale*' in the rules. She contended these definitions should be removed and, if necessary, replaced with one definition of '*small and community scale*' to align with NPSREG Policy F, which encourages such activities.

588. Ms Styles also discussed renewable and non-renewable energy sources, seeking a clear separation between them and for the pTTPP to provide for REG specifically. She proposed a new rule for constructing, operating, maintaining, and upgrading community and large-scale renewable electricity generation activities. She also recommended an additional rule within

the ENG relating to non-renewable electricity generation activities, seeking to ensure those activities had a non-complying activity status.

589. Ms Styles detailed concerns relating to activity status and rule layout. She was concerned that the activity status applied to REG activities did not adequately give effect to the NPSREG and that the rule provisions were unnecessary and complex, which would, in turn, lead to confusion in the interpretation and application of the pTTPP. She was particularly concerned about the activity status structure, and she detailed in Appendix 4 an activity status structure she considered appropriate for REG activities. She considered Appendix 4 comparable to other district plans and gave effect to national guidance. She provided a helpful 'line-of-sight' table within Appendix 5 detailing how she considered the provisions should fit together to give effect to higher-order documents and national direction.

590. Regarding ENG-R5, Ms Styles noted a lack of analysis on the submission point seeking an increase in the permitted area/footprint for buildings, structures, and services associated with hydroelectricity generation to increase from the notified 25m^2 to 100m^2.

591. Concerning ENG-R10, which dealt with monitoring and meteorological facilities, Ms Styles sought an increase in the permitted scale for masts and towers. She recognised that the notified height restriction of 4m was very low and insufficient to provide meaningful investigations into meteorological conditions. Her preferred position was 10m.

592. Regarding the methods of discretion that apply to restricted discretionary activities for REG, Ms Styles noted that they could be better refined to reflect appropriate considerations. She used '*landscaping measures'* as an example, which she considered unhelpful because that term was unclear, as to what is expected to be achieved or what would be assessed. She refined these matters in her Appendix 3.

593. Ms Styles was critical of how the notified provisions treated wind farms differently from other forms of electricity generation, especially concerning noise generated by a wind farm. She noted that this difference was expressed by excluding wind from the permitted activity rule ENG-R5, discretionary activity rules ENG-R15 and ENG-R16 and the wind farm noise-specific non-complying activity ENG-R17. She believed placing a more restrictive activity status on wind farms was inappropriate, and she noted this differentiation is not common in other comparable district plans. She further stated that other activities that exceeded noise standards within the TTPP are not treated as non-complying but as restricted discretionary. Again, she noted that this approach to wind farm noise differs from that in comparable district plans.

Buller Conservation Group and Frida Inta

594. Ms Inta criticised many of the energy rules primarily because she considered the standards in those rules unduly permissive. In relation to the proposed new rules, she expressed concern about the lack of certainty regarding default status, where compliance with permitted activity was not achieved. She did not support the new permitted activity rule enabling the construction, operation, maintenance, and upgrade of community and large-scale energy activities, excluding wind. She considered that any large-scale energy activity should require a consent process.

Paul Finlay

595. Mr Finlay sought provisions in the pTTPP to enable the use of the DOC land, including National Park land, for a water inlet and tunnel irrigation and power generation scheme supplying the West Coast and other areas with electricity and irrigation water. He noted pTTPP provisions would need to include proven need be demonstrated along with acceptable reinstatement of such works, including bond requirements.

Martin and Lisa Kennedy

596. Mr Kennedy detailed his concerns about ENG-R7 regarding building structures and activities within the National Grid Yard. He was particularly concerned about the scope of the permitted activity standards, wanting to ensure that activities on his land would not be unduly constrained.

Buller Electricity Limited

597. Mr Lile's evidence on the energy rules supported recommendations and amendments included within the s42A Report. His evidence focused on a limited number of discrete matters that he considered would improve the workability and efficiency of the energy provisions. He noted that while BEL supported ENG-R3 as notified, '*Zone*' should be replaced with *'Distribution'* in the heading to clarify the difference between ENG-R2 and ENG-R3.

New Zealand Energy Limited

598. Mr David Inch and Mr Peter Mulvihill presented evidence through PowerPoint slides focusing on the power systems at the Turnbull River near Haast and the Fox Glacier. They noted these power schemes were included in Schedule 13 of RPS and that under RPS Rule 54, a separate criterion for re-consenting is provided. They requested the provision of a Special Purpose Zone or highlighting existing hydroelectric schemes as a scheduled activity within the pTTPP to be consistent with RPS. This would support the ongoing management of such schemes, further development, and new opportunities. They referenced other district plans that provided specific provisions for hydro schemes and queried whether these schemes should be scheduled under the pTTPP so they could become a controlled activity. A query also arose about whether a designation should cover these power schemes.

599. Mr Inch and Mr Mulvihill questioned whether the two power schemes highlighted should be recognised as RSI despite their small scale. They noted that the definition of RSI only captures schemes generating more than 1 MW, which would exclude these important community schemes. They also emphasised the power schemes at Griffen Creek, Harold Creek, and Littleman Creek, as well as extensions to the Turnbull Hydro Electric Scheme. They considered all these schemes to be exceedingly small and had minor impacts. They considered these were regionally significant for those who derive electricity from them and serve isolated settlements and tourism.

Transpower

600. Ms Whitney noted discussions with the Reporting Officers had resulted in many of Transpower's submission points being satisfied through amendments recommended by the

Reporting Officers in the Addendum. Her addendum evidence confirmed there were only two outstanding provision points and one point of clarification. The outstanding points related to Rule ENG-R4 clause (4) and Rule ENG-R7 clause (1)(iv), and a point of clarification about Rule ENG-RX3.

601. Ms Whitney explained the issue with Rule ENG-RX3 was that there is no clear, specific discretionary rule for the construction of new lines, so the concern was that the default non-complying activity rule ENG-R11 would apply. She understood the Reporting Officers had no concerns with a discretionary activity status and would support providing a specific discretionary role to provide clarity. She provided suggested rule drafting to address this.

602. Concerning ENG-R4, Ms Whitney explained that the West Coast region is unique in that it has a line that is not subject to NESETA (as the line was not owned and operated by Transpower when the NESETA came into effect). This line is the 110kv Dobson Tee A line, which runs from the Dobson substation east of Greymouth to Reefton and is significant in length, as shown in light blue in her Figure 1. She noted that ENG-R4 is very important to ensure an appropriate rule framework is provided in the pTTPP for Transpower to undertake work on the line to ensure safe and efficient electricity transmission (as required by the NPSET). She noted that apart from clause (4), she was comfortable with all the clauses within ENG-R4, noting that the majority aligned with the regulations within the NESETA. She explained the issue with clause (4) was clarifying what effect the standard sought to manage, and interpretation issues as to how the standard would be applied. Ms Whitney proposed two solutions that involved additional wording to clause (4).

603. Ms Whitney explained that the second outstanding issue related to the Reporting Officers' recommendation to delete clause (1)(iv) of ENG-R7, which excludes commercial greenhouses, protective canopies, wintering barns, produce packing facilities, and dairy and milking sheds. Having read the Hort NZ submission, she understood they sought to permit sorting and packing sheds and not to delete references to farm and horticultural buildings. Ms Whitney noted that, as outlined in the evidence of Ms Eng and Mr Shortland-Witehira, Transpower takes a risk-based approach to determining whether a particular type of building or structure may be safely located underneath high voltage conductors. She explained that such an approach included consideration of not just the scale of the building but also the intensity of the activity, the structure/typical construction material, and the extent of human occupation or use of the building. She noted when the building is used for longer durations; is more frequently accessed; is used by more people; and/or includes more sophisticated services (water, fibre, power supply); the effects in respect of disruption to the activities within the building (where Transpower needs to undertake maintenance or repair works) and risks associated with electrical hazards such as step and touch voltages and earth potential rise are more significant. In this way, she said a produce packing facility's characteristic can be distinguished from a (complying) hay barn or implement storage shed.

604. Ms Whitney provided alternative wording and explained the substantive change to the rule was to replace the term '*non-habitable farm or horticultural buildings or structures*' with '*Agriculture, pastoral/livestock farming, dairying and horticulture activities, and associated non habitable buildings and structures (meaning they are not usually occupied but may be accessed from time to time)*'. She said the latter is derived from the pTTPP definition of '*Agricultural, Pastoral and Horticultural Activities*' and therefore provided alignment to the terminology used in the pTTPP. She explained the second substantive change to the clause

was to provide guidance/clarification as to what is '*non habitable*' (i.e. meaning they are not usually occupied but may be accessed from time to time). The Panel questioned the need to include 'wintering barns' given that their use on the West Coast was very unlikely, and she considered that this should be deleted.

605. Ms Whitney supported amendment to the default non-complying rule ENG-R19 to make it clear activities not otherwise provided for are non-complying, as follows:

> *ENG-R19 Activities in ~~and around~~ the National Grid Yard ~~and between the Significant Electricity Transmission Lines~~, that do not comply with Permitted Activity standards or not otherwise provided for.*

Poutini Ngāi Tahu

606. Ms Viskovic's legal submissions acknowledged that including Poutini Ngāi Tahu values as a matter of control and discretion for all controlled discretionary activities would create an additional step requiring an extra level of analysis to be undertaken by the resource consent applicant. She submitted that this was acceptable because the potential effects on those values meant that any costs associated with undertaking this work are justified. She considered the plan provisions needed to include a reference to these values, particularly where the activity status was restricted discretionary.

607. Ms Viskovic noted that the pTTPP does not comprehensively map or identify all Poutini Ngāi Tahu values so there may be an impact/effect on those values through an activity that is not located within a managed overlay such as a site in areas of significance to Māori (**SASM**).

608. Ms Pull outlined the relevant statutory direction supporting recognition of Poutini Ngāi Tahu as tangata whenua and as holding rangatiratanga within the takiwā of Ngāi Tahu Whenua, including the Mana Whakahono a Rohe, which recognises the principles of Te Tiriti o Waitangi and the NTCSA and, among other things, seeks incorporation of those principles into Council planning instruments. She also referenced how the RPS gives effect to those statutory directions and agreements, concluding that one of the roles of pTTPP is to recognise those values.

609. Ms Pull noted that one of the pTTPP's roles is to recognise Poutini Ngāi Tahu values and cultural landscapes and to provide for these values and landscapes across all pTTPP provisions by giving effect to Part 2 of the RMA, the NPS, and the RPS. She considered the s42A Report failed to give effect to the RPS because it has focused primarily on enabling efficient infrastructure.

610. Although the term *'sensitive activities'* is used within the ENG (including a recommended addition to ENG-R7 in the s42A Report), Ms Pull noted Poutini Ngāi Tahu is primarily concerned about how this term will be applied in relation to the plan's noise provisions.

611. Ms Pull noted Poutini Ngāi Tahu seeks the addition of a new matter of control/matter of discretion to the controlled activity and restricted discretionary activity rules throughout the pTTPP to ensure that Poutini Ngāi Tahu values, as identified in the Tangata Whenua Chapter can be considered in decision making on any relevant resource consents. She provided a full breakdown of Poutini Ngāi Tahu values as identified in the Regional Planning documents at her Appendix Three. She further noted that the s42A Report for hearing topics one and two

recommended this submission point is considered on a case-by-case basis in relation to the relevant rules in each chapter.

612. Ms Pull clarified that Poutini Ngāi Tahu's further submissions on the rules in the ENG, INF and TRN Chapters were limited to including the overlay chapters and sites listed in Appendix 10 in the matters of discretion for rules ENG-R11-R14. She noted the section 42A Report did not support this relief.

613. Ms Pull disagreed with the reasons outlined in the s42A Report to reject the submission because:

(a) The use of '*and*' does not restrict an assessment; it is an addition to the other matters of discretion;

(b) When considering a restricted discretionary activity, the consent authority's assessment is limited to the matters of discretion in the specific rule; the chapter overview is not a consent consideration;

(c) Adding the ability to consider the impact on the sites identified in Appendix 10 in any of the other matters of discretion is not considered to be a duplication of the advice note at the front of the Chapter (which has no legal weight); and

(d) No rules in the pTTPP specifically apply to sites identified in Appendix 10, meaning that the other Chapters cannot consider the impact of an energy activity on those sites. Appendix Ten informs that the area has historical and cultural associations to be considered.

614. For these reasons, Ms Pull sought the inclusion within Rules ENG-R11-R14 of the following matter of discretion be added:

> *The degree to which the proposed activity will cause significant adverse effects on Poutini Ngāi Tahu values.*

615. In her addendum evidence, Ms Pull noted the limitation to '*significant*' adverse effects was about providing for and enabling energy activities as identified in Chapter 6 of the RPS, while balancing the objectives, polices and Method 5 of Chapter 3 in the RPS to add conditions to resource consents where appropriate to avoid, remedy or mitigate adverse effects on iwi values. She was critical that the Reporting Officers had not correctly applied all the relevant Chapters of the RPS when considering how to provide for Iwi values.

616. Ms Pull noted ENG-O2 includes a requirement to minimise adverse effects on communities and the environment, and that to achieve this, regard must be had to Policies P2, P4 and P8 relating to Poutini Ngāi Tahu culture and values. As set out in her Table 1 in Appendix 1, Ms Pull identified that restricted discretionary activities could impact Poutini Ngāi Tahu values. However, she noted that discretion did not address the requirement to minimise adverse effects on the environment as set out by ENG-O2 and only has regard to Poutini Ngāi Tahu values within the limits of the identified SASM areas. She noted the Energy Chapter restricted discretionary activities that used the threshold of *'significant*' were ENG-R11 and ENG-R14.

617. Ms Pull noted that the benefits of including the matter of discretion for Poutini Ngāi Tahu values are better implementation of the RPS, effective consideration of the Strategic Direction POU-O4 and improved cultural and environmental outcomes. She considered the costs would relate to a more detailed assessment being required on the potential cultural impacts and/or discussion with representatives of the relevant Rūnanga. However, given this is limited to only two ENG rules, which can potentially cause significant adverse effects on Poutini Ngāi Tahu values, then the cost is minimised and reasonable, as well as being efficient compared to the restoration of the values if damaged.

618. At the reconvened hearing, the Panel had a wide-ranging conversation with Ms Pull about including an additional matter of discretion for Rules ENG-R11 and ENG-R14. We discussed whether including a reference to Schedule 1-8 would suffice. Ms Pull considered there was a need to consider the effects of activities on sites not included in Schedules 1-8. She also considered that the reference to Poutini Ngāi Tahu in Chapter 3 would not be appropriate because Chapter 3 was very general in describing those values and how those values were impacted depending upon the nature of the application.

619. Discussion revolved around resource consent applicants needing to undertake or engage Poutini Environmental to undertake a cultural impact assessment and whether that approach would differ from applicants needing to undertake a landscape assessment. Discussion also explored the value of utilising advice notes to guide applicants regarding the Rule requirements.

Forest and Bird

620. Ms Snoyink's statement focused on the Addendum Report and Appendix 1. She provided comment on amended changes to Rules ENG R4, R5, R9, R15 and New Rules RX1, RX2, RX3 and RX9. Forest & Bird remain concerned the rules only address significant effects on identified values and do not give effect to the RMA and NZCPS.

Westpower

621. Mr Kennedy provided comprehensive and detailed evidence on many of the rules that Westpower had submitted upon and addressed submission points accepted, accepted in part and or rejected. The evidence also discussed further submissions made by Westpower. Attached to his evidence was Appendix 1, which provided a summary of the s42A Report recommendations relating to all Westpower submissions.

622. We invited Mr Kennedy to consider and respond to the Annotated s42A Report. He did so in writing on 8 December 2023. In relation to rules, he noted that a range of matters, including substations (zone), lines, generation, electricity cabinets, temporary activities, significant distribution lines, and aggregation of rules, were outstanding. He also provided a Westpower Network map and a marked-up version of the Energy provisions. He offered his preferred wording for plan provisions, dated 12 January 2023.

623. Regarding ENG-RX1, Mr Kennedy expressed concern that the recommended rule framework would force Westpower to underground all distribution lines to avoid a discretionary activity resource consent for the construction of new above-ground lines.

624. Before the reconvened hearing, the Panel issued several questions for discussion at that hearing. Mr Kennedy responded to a question relevant to Westpower, relating to ENG-R4(ii)(c), where the Panel noted that three new terms are introduced that do not appear anywhere else in the plan – *'earth wire', 'earth grid'* and *'earth peak'* ; and explored whether there was an alternative means of addressing the matter that did not introduce new terms and increase uncertainty. In response, Mr Kennedy recommended the following rewording:

> *(a) Wires and associated equipment, both above and below ground, for earthing (or grounding) required to ensure electrical safety to people and property. Such wires may also contain telecommunications lines.*

625. Mr Kennedy referenced his map of Westpower's assets and his marked-up version of the ENG rules. The Panel worked its way through the rules in sequence, asking questions of planners and asking the Reporting Officers to respond to matters within their reply.

626. In relation to new ENG-RX2, which permits the construction of distribution lines and transmission lines within the industrial zone, Mr Kennedy understood it to be acceptable for transmission lines. He noted there was no Westpower submission regarding transmission lines. However, he noted there was no corresponding discretionary rule.

627. Mr Kennedy noted that the new permitted activity rule for new distribution lines, including customer connections, as proposed by Mr Kennedy, included several performance standards to achieve permitted activity status. His document, dated 12 January 2024, contained additional comments on distribution and customer connections, the need for these performance standards, and removing the advice note from the standards.

Kair Lippiatt

628. Ms Lippiatt sought to amend ENG-R5 to ensure hydro generation is only permitted on rivers already modified by generation, mining, or other human modifications. She considered that where there is a proposal for installing hydro generation on a 'wild river', with no existing structures, this must be notified. She reasoned that even when water flow is removed from the river and piped to the generator this modifies the local flora and fauna environment.

Reporting Officers' Reply Evidence

ENG-R1- Energy Activity Performance Standards

629. The Panel noted at the reconvened hearing that many of the energy rules use compliance with ENG-R1 performance standard to trigger consent or a higher activity status and queried whether this one performance standard, formatted as a rule, could be deleted by incorporating it into any relevant rules.

630. The Reply considered that this amendment would improve the flow and readability of the pTTPP and recommended amendments to the rules accordingly. The Reporting Officers noted that although no submission point sought this amendment, they considered it a formatting change rather than a change in the rules' effect.

ENG-RX1 - Below Ground Energy Activities

631. The Reporting Officers noted in their Reply that establishing new distribution lines underground would ensure that potential effects would be mitigated, such that providing for these as a permitted activity was appropriate. They considered that new above-ground lines could result in adverse effects that warrant a discretionary activity status under new ENG – RX4.

632. Attachment 1 of the Reply recommended the following wording for new ENG-RX1:

> ***The construction, operation, maintenance and repair of Below Ground Energy Activities***
>
> ***Activity Status Permitted***
>
> *Where:*
>
> *An activity generating electric or magnetic fields does not exceed the maximum exposure level listed in the International Commission on Non-ionizing Radiation Protection Guidelines for limiting exposure to time-varying electric and magnetic fields (1Hz - 100 kHz) (Health Physics (6):818-836; 2010), and the recommendations from the World Health Organisation's monograph Environmental Health Criteria 238, June 2007.*
>
> ***Activity status where compliance not achieved: Non-complying***

ENG-RX3 – The construction of new distribution lines and transmission lines

633. In their Position statement, the Reporting Officers responded to Mr Kennedy's point that rule ENG-RX2 does not have a corresponding default discretionary activity rule. The Reporting Officers rechecked the recommended provisions and provided updated provisions in Attachment 2. Essentially, the Reporting Officers now recommend that ENG-RX2 be renumbered to ENG-RX3 and that the default activity status, where compliance was not achieved, is discretionary, as provided for by ENG-RX4.

634. The Reply noted that due to establishing a clear differentiation between the ENG and INF, the Reporting Officers had identified that the INF had a permitted activity rule (INF-R8) '*new network utility customer connections'.* They highlighted that with the recommended separation of the ENG and INF Chapters, this permitted activity would not be available to Energy Activities and that to address this, they recommended including new ENG-RX3.

635. In response to Westpower's request to include '*customer connections*' within the ENG-R4 or to amend the definition of '*minor upgrading*' to clarify that distribution lines included customer connections, the Reporting Officers considered that this was unnecessary because a connection is simply part of the distribution network and was sufficiently provided for by new permitted activity rule ENG-RX3.

636. Attachment 1 of the Reply maintained this recommendation. It recommended the following wording for new ENG-RX3:

> ***The construction of new distribution lines and transmission lines***
>
> ***Activity Status Permitted***
>
> *Where:*

1. *An activity generating electric or magnetic fields does not exceed the maximum exposure level listed in the International Commission on Non-ionizing Radiation Protection Guidelines for limiting exposure to time-varying electric and magnetic fields (1Hz - 100 kHz) (Health Physics (6):818-836; 2010), and the recommendations from the World Health Organisation's monograph Environmental Health Criteria 238, June 2007.*

2. *The line will comply with the requirements of NZECP 34:2001 3.*

3. *The construction or establishment of any tower, pole, mast, aerial, panel, element or dish operationally associated with electricity lines that have a maximum height above ground level of 7. 4.*

4. *Installation or modification of a sign at a height no greater than 2m above ground level and no larger than 1m² associated with an electricity network utility.*

Activity status where compliance not achieved: Discretionary

ENG-R5 Renewable Electricity Generation

637. In Reply, the Reporting Officers recommended further rewording the heading of the rule to apply to all REG activities and removing the detail and reference to '*small scale'*, in response to the evidence and statements at the hearing.

638. Attachment 1 of the Reply recommended the following wording for new ENG-R51:

Activity Status Permitted
Where:

1. ~~*Performance standards in Rule ENG – R1 are complied with.*~~***An activity generating electric or magnetic fields does not exceed the maximum exposure level listed in the International Commission on Non-ionizing Radiation Protection Guidelines for limiting exposure to time-varying electric and magnetic fields (1Hz - 100 kHz) (Health Physics (6):818-836; 2010), and the recommendations from the World Health Organisation's monograph Environmental Health Criteria 238, June 2007;***[134]
2. ***The construction, operation, maintenance, repair and upgrading of small and community scale renewable electricity generation shall comply with the following standards:***
   a. ~~*Solar panels do not exceed the permitted building height in the relevant zone by more than 0.25m vertically*~~
   b. ~~*Small scale wind turbines comply with NZS 6808:2010 Acoustics - Wind Farm Noise;*~~
      i. Wind turbines do not exceed 8m in height;
      ii Solar panels and any land-based structure, building or impermeable surface for hydroelectricity generation must comply with building height and scale performance standards:
         a. NOSZ – R1;
         b. OSZ – R1;
         c. SARZ – R1;

[134] Clause 16(2) of the First Schedule of the RMA

d. ***COMZ-R1;***
e. ***MUZ-R1;***
f. ***NCZ-R1;***
g. ***GIZ-R1;***
h. ***LIZ-R1;***
i. ***GRZ-R1;***
j. ***LLRZ-R1;***
k. ***MRZ-R1;***
l. ***GRUZ-R1;***
m. ***RLZ-R1;***
n. ***SETZ-R2;***
o. ***BCZ-R3;***
p. ***FUZ-R1;***
q. ***HOSZ-R1;***
r. ***MINZ-R3;***
s. ***MPZ-R1;***
t. ***PORTZ-R1;***
u. ***STADZ-R1; and***
v. ***SVZ-R1.***

3. ***The operation, maintenance, repair and upgrading of large-scale renewable electricity generation shall comply with building and structure, height and scale performance standards:*** ~~*not exceed: a footprint of 25m² and*~~

i. ***NOSZ – R1;***
ii. ***OSZ – R1;***
iii. ***SARZ – R1;***
iv. ***COMZ-R1;***
v. ***MUZ-R1;***
vi. ***NCZ-R1;***
vii. ***GIZ-R1;***
viii. ***LIZ-R1;***
ix. ***GRZ-R1;***
x. ***LLRZ-R1***
xi. ***MRZ-R1;***
xii. ***GRUZ-R1;***
xiii. ***RLZ-R1;***
xiv. ***SETZ-R2;***
xv. ***BCZ-R3;***
xvi. ***FUZ-R1;***
xvii. ***HOSZ-R1;***
xviii. ***MINZ-R3;***
xix. ***MPZ-R1;***
xx. ***PORTZ-R1;***
xxi. ***STADZ-R1; and***
xxii. ***SVZ-R1.***

1. ~~*Any building or structure must not be located within an existing esplanade reserve or strip*~~[135]

[135] Manawa Energy Limited S438.049

***Activity status where compliance not achieved**:*

*Restricted Discretionary where performance standard~~s 1 – 3 or 5 – 6 are~~ **is** not complied with. Discretionary where performance standard 2 is not complied with.*
~~Non-complying where with performance standard 4 is not complied with.~~

ENG-R6-Significant Electricity Distribution Lines

639. As notified, under ENG-R6, activities in and around significant electricity distribution lines defaulted to a non-complying activity. The s42A Report considered that the non-complying activity default was onerous and recommended a discretionary activity default.

640. The Reply detailed the reasons why the Reporting Officers supported a discretionary activity default for the following reasons:

(a) RPS Chapter 6 Objective 1 and associated policies 1, 2, 5 and 6 do not direct avoidance;

(b) RPS Chapter 6, Policy 4: Recognise that RSI is important to the West Coast's wellbeing needs to be protected from the reverse sensitivity effects arising from incompatible new subdivision, use and development, and the adverse effects of other activities, which would compromise the effective operation, maintenance, upgrading, or development of the infrastructure.; and

(c) NPS-ET, Policy 10 directs avoidance: In achieving the purpose of the Act, decision-makers must, to the extent reasonably possible, manage activities to avoid reverse sensitivity effects on the electricity transmission network and to ensure that operation, maintenance, upgrading, and development of the electricity transmission network is not compromised.

ENG-R7 - Buildings, Structures and Activities within the National Grid Yard

641. The Reply noted that Ms Whitney's evidence for Transpower had clarified the relief sought and had provided alternative wording in response to the s42A Report. The Reporting Officers considered that Ms Whitney's wording provided an appropriate balance to enable activities near the National Grid while protecting public health and safety.

642. The Reporting Officers also accepted Ms Whitney's view that because the rule protects the National Grid, the appropriate default activity status is non-complying, as notified.

643. Attachment 1 of the Reply recommended the following wording for ENG-R7:

Buildings, Structures and Activities within the National Grid Yard

Activity Status Permitted

Where:

1. *These are the following activities where they are also Permitted within the relevant zone and overlay:*

i. Fences less than 2.5m high;
ii. Alterations and additions to existing buildings and structures used for sensitive activities that do not involve an increase in the building or structure height or footprint;
iii. *Infrastructure undertaken by a Network Utility* ***operation*** ~~*Operator within a transport corridor*~~ *or any part of electricity* ***generation*** ~~*infrastructure*~~ *that connects the National Grid;*
iv ~~*Non-habitable farm or horticultural buildings or structures excluding commercial greenhouses, protective canopies, wintering barns, produce packing facilities, dairy and milking sheds*~~ ***Agriculture, pastoral/livestock farming, dairying and horticulture activities, and associated non habitable buildings and structures (meaning they are not usually occupied but may be accessed from time to time), excluding:***
a. Buildings and structures used for intensive indoor primary production,
b. Dairy and milking sheds
c. Commercial greenhouses
d. Produce packing facilities
e. Protective canopies; and
f. Wintering barns.

v. ***The activity is not a sensitive activity****;*
vi. An accessory building or structure associated with an existing residential activity that is less than 10m^2 and 2.5m in height;

2. All buildings, structures and activities permitted by 1. above must have:
i. A minimum vertical clearance of at least 10m below the lowest point of a conductor - or meet the electrical distances required by NZECP 34: 2001 under all transmission line and building operation conditions;
ii. Not result in the loss of vehicle access to a National Grid support structure;
iii. Be located ***at least 12 metres from the outer visible edge of a foundation of a National Grid transmission support structure*** ~~*National Grid Yard*~~ *except where it is:*
a. Infrastructure undertaken by a network utility operator, or any part of electricity infrastructure that connects the National Grid;
b. A fence not exceeding 2.5m in heigh that is located at least:
I. 6m from the outer visible edge of a foundation of a National Grid transmission line tower; or
II. 5m from the outer visible edge of a foundation of a National Grid transmission line pole;
c. An artificial crop protection structure or crop support structure not exceeding 2.5m in height and located at least 8m from a National Grid transmission line pole that:
I. Is removable or temporary to allow a clear working space of 12m from the pole for maintenance; and
II. Allows all weather access to the pole and sufficient area for maintenance equipment including a crane; or
d. A building or structure where Transpower has given written approval in accordance with clause 2.4.1 of NZECP34: 2001.

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

ENG-R9 – Temporary Energy Activities

644. Due to s42A Report recommendations to add a new non-complying activity rule for non-renewable energy activities that do not meet permitted, controlled or restricted discretionary activity rules, submitters identified concerns that back-up generators providing electricity supply in emergency circumstances would be caught by this rule and would unintentionally be non-complying activities.

645. To address this concern, the Reporting Officers recommended the insertion of a clause in ENG-R9 Temporary Activities to provide for back-up generators as a permitted activity. The Reporting Officers acknowledged that, although they are not technical electricity experts, they recommended a permitted activity standard based upon the partially operative Selwyn District Plan's (Appeals Version) permitted activity rule for electricity generators (EI-R16). They recommended the addition of new clause (4), as shown in Attachment 1 of the Reply, based on this provision.

646. NZEL and Westpower's evidence raising concern that the recommended provision was too restrictive (noise standards and hours) to provide the ability to meet community needs, the Reporting Officers considered that ENG-R9 offered the ability to utilise backup generators in emergency circumstances with unlimited noise and operational hours, which was extremely permissive. They noted that submitters had not provided alternative recommendations supported by technical evidence; and that in the absence of specific changes to the provisions to consider, the Reporting Officers confirmed their recommendation was appropriate, efficient and effective.

ENG-R11 and ENG-R14 The inclusion of 'Poutini Ngāi Tahu values' within the matters of discretion and control

647. After further considering Ms Pull's evidence in particular limiting relief to ENG-R11 and ENG-R14 as well as linking matters of control or discretion to refer to the '*Poutini Ngāi Tahu values as described in the Tangata Whenua Chapter'* the Reporting Officers remained concerned that the relief sought would increase the complexity of resource consents for restricted discretionary and controlled activities under these provisions, having particular regard to the nature of these activities and their potential effects.

648. The Reporting Officers also considered that an informed and accurate assessment of a proposal's effects on Poutini Ngāi Tahu values would require Ngāi Tahu input into all applications. The Reporting Officers noted POU-P9 (also identified at paragraph 4.11 of the Ngāi Tahu legal submission) identifies that Poutini Ngāi Tahu, as specialists in tikanga, are best placed to convey their relationship with their ancestral lands, water, sites, wāhi tapu and other taonga.

649. The Reporting Officers noted if the Panel are of a mind to include the matter of control/discretion as recommended by Ms Pull, they recommend that an information requirement clause be added to the listed rules, requiring that a cultural impact assessment must accompany any resource consent application. They considered that a clear information requirement affords clarity of process for plan users, further ensuring that potential cultural effects are assessed by Poutini Ngāi Tahu, as specialists in tikanga of the West Coast

650. The Reporting Officers also responded to Ms Pull's suggestion to include a notification advice note in the rules, like the Selwyn District Plan (Appeals Version), to notify plan users that consultation with iwi is required. The Reporting Officers agreed that a note identical to the above could afford direction to a plan user. However, it was the Reporting Officers' view that this solution would not be practical to resolve the abovementioned matters because Poutini Ngāi Tahu values are not explicitly identified or mapped, resulting in uncertainty for plan users. Furthermore, they noted that proposals must comply with the SASM Chapter requirements.

ENG-R11, ENG-R12, ENG-R13, ENG-R14-Impact on Overlay Matters, Matters of Control and Discretion

651. In their Position Statement, the Reporting Officers agreed with Ms Pull (for Poutini Ngāi Tahu) that *'Landscape Measures*' was unclear. They recommended its replacement with '*The effects of the proposal on the amenity, character and landscape values of the underlying Zone*" in rule ENG-R11 and ENG-R14.

652. In response to Ms Pull's request to add to the rules '*The management of impacts on Poutini Ngāi Tahu values as set out in the Tangata Whenua Chapter',* as a matter of discretion, the Reporting Officers considered that, the *'Poutini Ngāi Tahu values'* as described in the Tangata Whenua Chapter, was broad and would reduce the certainty to plan users that is otherwise afforded by a controlled or restricted discretionary activity status. They remained concerned that the wording sought would increase the complexity of resource consents for restricted discretionary and controlled activities under these provisions, particularly given the nature of these activities and their potential effects.

653. The Reporting Officers noted that the POU-P9, also identified at paragraph 4.11 of the Ngāi Tahu legal submission, identifies that Poutini Ngāi Tahu, as specialists in tikanga, are best placed to convey their relationship with their ancestral lands, water, sites, wāhi tapu and other taonga. They considered that an informed and accurate assessment of a proposal's effects on Poutini Ngāi Tahu values would require Ngāi Tahu input into all applications.

654. The Reporting Officers noted that if we were to include the recommended matter of discretion/criteria, they suggested adding an information requirement clause to these rules, requiring a cultural impact assessment to accompany any resource consent application.

655. The Reporting Officers noted that Ms Pull had identified that rules ENG R11-R14 had inconsistent language within matters of control or discretion, and referencing overlay matters. They agreed that consistent wording is effective and efficient, improving the plan users' readability. The Reporting Officers supported deleting the word '*significant*', and any necessary consequential amendments to ensure consistency of wording across these rules. They agreed, confirming in the Reply that specific reference to Schedules 1 – 8 would provide direction to plan users, be consistent with other provisions, and afford appropriate consideration of SASM.

ENG-R19

656. In Reply, the Reporting Officers change their recommended amendments to ENG-R19 from that shown in Attachment 2 of the Addendum, to remove reference to '*significant electrical transmission lines'* and to add '*or otherwise not provided for'* in recognition of the evidence and statements at the hearing.

New Rules

657. Attachment 1 of the Reply recommended the following wording for new permitted activity rule **ENG-RX1**:

> *The construction, operation, maintenance, and repairs of Below Ground Energy Activities*
> *Activity Status Permitted*

Where:

1. *An activity generating electric or magnetic fields does not exceed the maximum exposure level listed in the International Commission on Non-ionizing Radiation Protection Guidelines for limiting exposure to time-varying electric and magnetic fields (1Hz - 100 kHz) (Health Physics (6):818-836; 2010), and the recommendations from the World Health Organisation's monograph Environmental Health Criteria 238, June 200715;*

Activity status where compliance not achieved: Non-complying

658. Attachment 1 of the Reply recommended the following wording for new permitted activity rule **ENG-RX3**:

The construction of new distribution lines and transmission lines

Activity Status Permitted

Where:

1. *Electric and Magnetic fields – An activity generating electric or magnetic fields does not exceed the maximum exposure level listed in the International Commission on Non-ionizing Radiation Protection Guidelines for limiting exposure to time-varying electric and magnetic fields (1Hz - 100 kHz) (Health Physics (6):818-836; 2010), and the recommendations from the World Health Organisation's monograph Environmental Health Criteria 238, June 200716;*

2. *The line will comply with the requirements of NZECP 34:2001*

3. *The construction or establishment of any tower, pole, mast, aerial, panel, element or dish operationally associated with electricity lines that have a maximum height above ground level of 7.*

4. *Installation or modification of a sign at a height no greater than 2m above ground level and no larger than 1m² associated with an electricity network utility.*

Activity status where compliance not achieved: Discretionary

659. Attachment 1 of the Reply recommended the following wording for new discretionary activity rule **ENG-RX4**:

Renewable energy investigation

Activity Status Restricted Discretionary

Where:

1. *An activity generating electric or magnetic fields does not exceed the maximum exposure level listed in the International Commission on Non-ionizing Radiation Protection Guidelines for limiting exposure to time-varying electric and magnetic fields (1Hz - 100 kHz) (Health Physics (6):818-836;*

2010), and the recommendations from the World Health Organisation's monograph Environmental Health Criteria 238, June 2007;

Discretion is restricted to:

a. Impacts on resilience of the community to natural hazards and climate change;

b. The benefits of the proposal to Aotearoa New Zealand meeting its Climate Change and Greenhouse Gas targets;

c. The benefits of the proposal to the local and regional community and to resilience for Te Tai o Poutini/ the West Coast;

d. Functional, location, technical and operational constraints;

e. The effects of the proposal on the amenity, character and landscape values of the underlying Zone; and

f. The degree to which the proposed activity will cause adverse effects on areas and values listed in Schedules 1-8.

Activity status where compliance not achieved: Non-complying

660. Attachment 1 of the Reply recommended the following wording for new restricted discretionary activity rule **ENG-RX5**:

Temporary energy activities not meeting Permitted Activity standards

Activity Status Restricted Discretionary

Where:

1. An activity generating electric or magnetic fields does not exceed the maximum exposure level listed in the International Commission on Non-ionizing Radiation Protection Guidelines for limiting exposure to time-varying electric and magnetic fields (1Hz - 100 kHz) (Health Physics (6):818-836; 2010), and the recommendations from the World Health Organisation's monograph Environmental Health Criteria 238, June 200719;

Discretion is restricted to:

a. Impacts on resilience of the community to natural hazards and climate change;

b. The benefits of the proposal to Aotearoa New Zealand meeting its Climate Change and Greenhouse Gas targets;

c. The benefits of the proposal to the local and regional community and to resilience for Te Tai o Poutini/ the West Coast;

d. Functional, location, technical and operational constraints;

e. The effects of the proposal on the amenity, character and landscape values of the underlying Zone; and

f. The degree to which the proposed activity will cause adverse effects on areas and values listed in Schedules 1-8. Activity status where compliance not achieved: Non-complying.

661. Attachment 1 of the Reply recommended the following wording for new **ENG-RX6**:

Environmental monitoring and meteorological facilities associated with Energy Activities not meeting Permitted Activity standards

Activity Status Restricted Discretionary

Where:

1. An activity generating electric or magnetic fields does not exceed the maximum exposure level listed in the International Commission on Non-ionizing Radiation Protection Guidelines for limiting exposure to time-varying electric and magnetic fields (1Hz - 100 kHz) (Health Physics (6):818-836; 2010), and the recommendations from the World Health Organisation's monograph Environmental Health Criteria 238, June 2007;

Discretion is restricted to:

a. Impacts on resilience of the community to natural hazards and climate change;

b. The benefits of the proposal to Aotearoa New Zealand meeting its Climate Change and Greenhouse Gas targets;

c. The benefits of the proposal to the local and regional community and to resilience for Te Tai o Poutini/ the West Coast;

d. Functional, location, technical and operational constraints;

e. The effects of the proposal on the amenity, character and landscape values of the underlying Zone; and

f. The degree to which the proposed activity will cause adverse effects on areas and values listed in Schedules 1-8.

Activity status where compliance not achieved: Non-complying

662. Attachment 1 of the Reply recommended the following wording for new discretionary activity rule **ENG-RX4**:

Construction of distribution lines and transmission lines not meeting Permitted Activity Standards

Activity Status Discretionary Activity status where compliance not achieved: N/A

663. Attachment 1 of the Reply recommended the following wording for new discretionary activity rule **ENG-RX10**:

Activities in and around Significant Electricity Distribution Lines, that do not comply with Permitted Activity standards

Activity Status Discretionary Activity status where compliance not achieved: N/A

664. Attachment 1 of the Reply recommended the following wording for new non-complying activity rule **ENG-RX9**:

Non-renewable Electricity Generation

Activities Activity Status Non-complying

Note: This rule shall not apply to back up generators that do not comply with permitted activity standards of ENG-R9. Activity status where compliance not achieved: N/A

665. Attachment 1 of the Reply recommended the following wording for new non-complying activity rule **ENG-RX11**:

Any Energy Activity which is not a Permitted, Controlled, Restricted Discretionary or Discretionary Activity

Activity Status Non-complying Activity status where compliance not achieved: N/A

666. The Panel notes the Reporting Officers recommended two new rules ENG-RX4, which are different new rules. The Panel has relabelled the recommended new non-complying rule ENG-RXX4 to distinguish between these new rules.

Hearing Panel's Evaluation

Permitted Activities

ENG-R1

667. The Panel acknowledges that it sought commentary on whether ENG-R1 rule could be deleted and the performance standard incorporated into the relevant rules. Having reviewed the amendments proposed by the Reporting Officers in the Right of Reply we now consider the change overall is not appropriate and would create higher levels of confusion, particular in relation to activity status. For these reasons, the Panel recommends retaining Rule ENG-R1, as notified.

668. Notwithstanding the above, in reviewing the issue of ENG-R1 the Panel have noted that restricted discretionary activity rules ENG-R12, ENG-R13 and ENG R14 all refer to compliance with ENG-R1 and have a non-complying default position. We consider that these are errors noting that:

i. non-compliance with Electric and Magnetic fields is determined within ENG-R1; and

ii. the matters of discretion all require subjective assessments and there is nothing which would necessitate defaulting to a non-complying status.

ENG-R2

669. This rule was both the subject of submitter evidence and agreement recorded in the JWS regarding additional wording in clause (3). The Panel agree that other minor wording changes under clause 16(2) of the First Schedule of the RMA are appropriate to improve readability. The Panel considers the new wording albeit with a further minor amendment is appropriate because it clarifies the rule is for upgrading an existing substation, whether it is located within an industrial zone or outside an industrial zone and requires that adverse visual effects are appropriately managed by landscaping, protecting views from roads and existing residential buildings. The Panel recommends that it be clarified that the visual screening from any existing residential building be in terms of such buildings located '*adjacent*' to the Industrial Zone, otherwise the rule could have a wide-ranging requirement well beyond the area of potential amenity impact. Subject to that change, we recommend amending Rule ENG-R1, as shown in Attachment 1 of the Reporting Officers' Reply, with a further amendment to clause (3)(ii) being '*Industrial Zone*', not plural.

ENG-R3

670. The Reporting Officers' Reply recommended a minor change to delete the words *'This is'* from clauses (2) and (3). The Panel accepts this recommendation as appropriate to improve the rule without changing the intent.

ENG-R4

671. The Panel notes that this rule (as notified) permits operating existing and new transmission and distribution lines, maintaining, minor upgrading, strengthening, upgrading and replacing support structures and foundation not managed under NESETA.

672. The JWS records that all the planning experts, except Mr Kennedy, agreed that concerns about the term '*minor upgrade'* are resolved through the proposed deletion of *'minor*' in favour of the general term upgrading. There was agreement that, in the context of this rule, the extent of upgrading is provided for through the performance standards and limits on increases to scale, size and extent/number. The Reporting Officer's position remained that there should be no definition of minor upgrading, and that the definition of upgrade should instead be relied upon. The Panel notes, as mentioned above, that we have recommended a definition of '*minor upgrading*' be included in the Plan.

673. Mr Kennedy's view and the relief sought is detailed in the JWS. The Panel considers this requested amendment too detailed and unnecessary given the rule's wording.

674. The Panel agrees with the position of the planning experts recorded in the JWS and the Reporting Officers' recommendation that the definition of 'Upgrading', combined with standards in the rule, provides appropriate limits for upgrading distribution lines and transmission lines, with a clear permitted baseline for upgrading. We consider it not desirable to have multiple definitions for various scales of upgrade.

675. The Panel note that Ms Whitney, while supporting the rule, expressed a note caution in terms of the application of '*transmission lines*' as a defined term in the rule given the recommended definition defers to the NESETA because the West Coast was unique in having transmission lines which are not regulated by the NESETA. She said a solution would be to either retain the definition of Transmission line as notified, or to not hyper link it to the defined term within

rule ENG-R4. The Panel note that it is not possible to include the words '*Transmission Line*' without activating a hyperlink to the NESETA definition. We have resolved this issue by deleting the words transmission line within the rule and specifically identifying the Dobson Tee A line.

676. The Panel also accept the wording changes to the performance standards in clause (4) requested by Buller Electricity Limited and Frank and Jo Dooley and consider these provide clarification.

677. The Panel notes that Forest & Bird's request to delete '*building and minor utility structure'* from clause (2) was not addressed in the s42A Report. The Panel considers this is appropriate given it relates to distribution and transmission lines and includes structures. We agree that the reference to *'building or minor utility structure*' is not required.

678. The Panel recommends amending Rule ENG-R4, as shown in Attachment 1 of the Reporting Officers' Reply, with the exception that we consider clause 4 relating to replacement poles for distribution lines should be broken into two subclauses for clarity.

ENG- R5

679. As notified, the heading of this Rule relates to the construction, operation, maintenance, repair, and upgrade of renewable energy structures for small-scale use. Both *'small scale*' and *'large scale'* renewable energy definitions had capacity limits, and these attracted submissions seeking amendments to increase/decrease and delete capacity limits.

680. The Panel accepts the Reporting Officers' recommendation to remove capacity figures from both definitions and amend them to be consistent with the NPSREG. The primary concern regarding capacity figures is their accuracy. The Panel considers it preferable to implement the higher-order document while minimising debate about the numbers.

681. The Panel agrees with the Reporting Officers that Rule ENG-R5 establishes an appropriate permitted activity standard to manage the potential impacts of renewable electricity generation. We consider it is appropriate that, if an activity fails to comply with ENG-R5, small and community-scale generation activities will default to the restricted discretionary activity under Rule ENG-R14. This contrasts with large-scale generation activities, which will fall under the discretionary activity rule ENG-R15.

682. The Panel also supports including the pTTPP relevant zone building height and scale performance standards in the rule. This ensures that the activity will be appropriately regulated within the specified zone standards rather than setting height and scale performance standards separately, which is more conducive to a permitted activity status. We agree with Ms Styles that there was insufficient analysis regarding the submission to increase the permitted area or footprint for buildings, structures, and services associated with hydroelectric generation. Therefore, we consider this solution of referencing other zones for scale performance standards addresses that shortfall and is appropriate to deal with the effects of the activity within the context of the relevant zone.

683. However, the Panel considers it unnecessary to list all the potentially relevant zone rules in the rule and recommends simplifying it to add '*must comply with*' *the relevant performance standards in Rule R1 of the applicable zone or in the case of the:*

Settlement Zone - SETZ – R2

Buller Coalfield Zone BCZ – R3

Mineral Extraction Zone MINZ – R3

684. The Panel notes that this approach is also recommended for rule ENG-R10

685. In relation to wind turbine height, the Panel accept the evidence of Ms Styles and considers a small-scale wind farm would not exceed 8m in tower height and agrees with the amendment of this standard in clause (2)(b). We consider it is appropriate to clarify in the clause and recommend adding '*tower*' to the Reporting Officers' recommended wording for ENG-R5.

686. The Panel accept Ms Styles's evidence that the reference in clause (2) to the Acoustic Wind Farm Noise Standard should be deleted because it imposes a more restrictive activity status on wind farms, which is inappropriate and that such differentiation is uncommon in comparable district plans. We also accept her advice that other activities exceeding noise standards within the pTTPP are classified as restricted discretionary, rather than non-complying; and that such treatment of wind farm noise is inconsistent with similar district plans.

687. The JWS records that the appropriate activity status when compliance with standards is not achieved was discussed with the outcome being: restricted discretionary, where performance standard (1) is not complied with; discretionary, where performance standard (2) is not complied with; and non-complying, where performance standard (3) is not complied with. The Panel consider while this approach appropriately reflects the need for greater consideration of a proposal for the height and scale increase the activity status referred to in the JWS did not reflect the policy outcomes. As a result, we have made a consequential amendment to the default activity status for non-compliance with ENG-R5 provisions.

688. The Panel recommends amending Rule ENG-R5, as shown in Attachment 1 of the Reporting Officers' Reply.

ENG-R6 Activities in and around Significant Electricity Distribution Lines

689. In terms of the Reporting Officers recommendation to delete reference to Energy Activities in clause 2, the Panel are of the view that having retained the definition of Energy Activities there is no scope from the submissions received on this rule to delete this clause and we therefore recommend it be retained.

690. The Panel notes that the Reporting Officers' recommendation was to reclassify the default status of this rule from non-complying, as notified, to discretionary. The Reporting Officers and Mr Lile (as recorded in the JWS) agree that having a discretionary status allows for complete assessment of a proposal, including its suitability for conditions in and around significant electricity distribution lines. A discretionary status recognises some, but not all, activities will be acceptable in these locations.

691. In contrast, a non-complying status, as requested by Mr Kennedy, requires an assessment under the gateway test of RMA s104D. While the Panel acknowledges that this level of protection may not be required, particularly given that the NPSET does not apply to significant electricity distribution lines, the notified status is non-complying and no submitter has actually sought to change that status and indeed Westpower have sought it be retained and subsequently provided for in the non-complying rules. Put simply we do not consider there is scope to amend the notified non-complying status.

692. The Panel therefore recommends amending Rule ENG-R6, as shown in Attachment 1 of the Reporting Officers' Reply but that the status remain non-complying.

ENG-R7 Buildings, Structures, and Activities within the National Grid Yard

693. ENG-R7 provides for limited activities within the National Grid Yard as a permitted activity. Several submitters requested amendments to the standards to increase the range of permitted activities.

694. The Panel accepts the Reporting Officers recommendation to add a clause (1)(v) to the standards to exclude sensitive activities, as sought by Transpower (S299.046). However, the Panel considers the wording of clause (1)(iv) can be simplified by replacing '*Agriculture, pastoral/livestock farming, dairying and horticulture activities*' with '*Agriculture and horticulture activities*'.

695. The Panel accepts the Reporting Officer's recommendation to amend clause (1)(iii) as supported by Ms Whitney and considers that these amendments should also be made as a consequential change to clause (2)(iii)(a) for consistency.

696. The Panel considers that the NPSET provides sufficient policy direction to justify maintaining a non-complying activity status.

697. The Panel noted that the s42A Report did not address Poutini Ngāi Tahu's request (S620.086) to correct the spelling of '*height*' in clause (2)(iii)(b). The Panel accepts this submission point and recommends this is corrected.

698. The Panel recommends amending Rule ENG-R7, as shown in Attachment 1 of the Reporting Officers' Reply, with the minor amendments in the recommendation box below.

ENG-R8 Installation of Electricity Cabinets

699. This Rule deals with the installation of electricity cabinets. The key issue was the appropriate limit for the maximum dimensions of a cabinet for a permitted activity status.

700. BDC requested adding 10m^2. The Panel agrees with the Reporting Officers that this footprint, combined with the maximum 2m height, is too permissive for a permitted activity given the potential for adverse effects. The Panel considers a maximum area of 1.4m^2 appropriate, given that this is consistent with the NESTF, as recommended by the Reporting Officers.

701. The Panel has considered the concern raised by Mr Kennedy that BDC did not seek 1.4m^2 and questioned the scope for this amendment. We consider the BDC submission provides scope to consider an appropriate maximum cabinet size limit, and that it is open to the Panel to

determine what size is appropriate. The Panel is satisfied that other parties could make further submissions in relation to a maximum size limit and had the opportunity to respond to the limit proposed in the s42A Report.

702. The Panel notes that the Reporting Officers recommended 1.4m^2, which Mr Lile (for BEL) supported.

703. The Panel notes that where compliance is not achieved, the default activity status is restricted discretionary under Rule ENG-R13. We consider this to be appropriate to enable oversize cabinets and their effects to be assessed against the limited matters provided within Rule ENG-13. We consider this approach does not pose an unreasonable barrier for installing new, larger electricity cabinets and provides an appropriate balance.

704. The Panel recommends amending Rule ENG-R8, as shown in Attachment 1 of the Reporting Officers' Reply.

ENG – R9 Temporary Activities

705. The Panel agree with the Reporting Officers' recommendation to make wording changes to the standards to provide greater certainty as to what the scope and extent of '*temporary*' means within the context of the Rule and to provide for the use of backup generators.

706. The Panel is satisfied that the Reporting Officers have addressed concerns that back-up generators required in emergencies would inadvertently fall under Rule ENG-RX9 and be classified as non-complying activities if these are non-renewable energy activities. We received evidence regarding the operational duration of these generators and concur with the Reporting Officers' recommended wording, which allows generator use for testing, routine or scheduled maintenance, and emergencies.

707. The Panel consider the proposed new clause (4) provides appropriate limits for temporary activities and recognises this may be a longer period for emergencies. We note that the default position for activities not meeting INF-R9 is INF-R14 and in terms of standards to be met by back-up generators (hours and times of day) we consider as a consequential amendment there needs to be a further matter of discretion added to INF-R14 to address this. We have therefore recommended the following:

> *g. The level, hours of operation, duration and nature of the noise and any effects on the health and wellbeing of people*

708. The Panel agrees with the Reporting Officers that one month is a reasonable timeframe for removing any structure and rehabilitating the site after a temporary activity ceases.

709. The Panel recommends amending Rule ENG-R9 as shown below.

ENG – R10 Environmental Monitoring and Meteorological Facilities Associated with Energy Activities

710. While the Panel notes the reasoning provided by the Reporting Officers for retaining ENG-R10, we consider BDC has a point in that there is provision for environmental monitoring and

meteorological facilities within the Infrastructure Chapter and we see no need for the duplication and indeed the confusion that two separate rules will make.

711. The Panel agrees with the Reporting Officers that the Overview states that "*the Infrastructure Chapter rules and the Area Specific Provisions (Zone chapters) do not apply to energy activities".* However, we note that ENG-R10 actually requires that the "*all performance standards in Rule INF-R1 are complied with*" which seems in our view to contradict the Overview [emphasis added].

712. The Panel agrees with BDC that ENG-R10 is not necessary (and therefore proposed ENG-RX6 is not necessary) and that there is no specific need to single out environmental monitoring and meteorological facilities specifically for energy. We consider any such provision is better placed within the Infrastructure Chapter.

713. The Panel notes that BDC also have a submission on INF-R5 and INF-R6 requesting that no height or area standards are imposed and that the two rules be combined. We consider this provides sufficient scope to address the concerns of Manawa with regards the issue of height and we note that the default status for both INF-R4 and INF-R5 is already restricted discretionary which addresses their concerns on activity status.

ENG – RX1 Construction, Operation, Maintenance, Repairs, and Installation of Below Ground Energy Activities

714. The s42A Reporting Officers recommended accepting the BDC's submission (S538.023), which sought to include a new permitted activity rule for below-ground energy activities. They considered this addressed a gap in the notified Plan provisions.

715. The Panel notes Mr Kennedy's concern that Westpower would be required to place all new distribution lines underground due to the rule framework treating new lines as non-complying activities. While we note that the construction of new distribution lines and transmission lines is recommended to be permitted under new Rule ENG-RX3 which would address Mr Kennedy's concerns, we agree that ENG-RX1 could create uncertainty, and we are not convinced by its necessity.

716. The Panel is of the view that simply referencing '*above and below ground*' within the relevant rule headings would address BDC's concerns. While we acknowledge that almost all the standards will not be applicable to underground distribution and transmission facilities the amendments proposed will ensure a pathway for such facilities and we note that the earthworks provisions would still apply.

717. The Panel therefore recommends that proposed Rule ENG-RX1 is not include in the Plan and that amendments are made to Rules ENG-R4, ENG-RX3, ENG-R12 and ENG-RX4 to refer to both above and below ground distribution and transmission lines.

ENG – RX3 Construction of new distribution lines and transmission lines

718. New Rule ENG-RX3, as recommended in Attachment 1 of the Reply, permits the construction of new distribution lines and transmission lines subject to performance standards.

719. The JWS records disagreement between the planning experts on whether the rule should be amended to remove *'distribution lines'* because it is not subject to the NPSET. It records that Mr Kennedy (for Westpower) and Mr Lile (for BEL) considered *'distribution lines'* should stay in.

720. The Panel accepts and relies on Ms Whitney's evidence, which established the necessity for this new rule and its discretionary default status for constructing distribution lines, as a permitted activity. The Panel notes that the reporting officer's recommendation differs from Ms Whitney's in that it includes '*transmission lines*'. The Panel prefers the amendments recommended by Ms Whitney to amend ENG-RX3 by removing transmission lines and adding a new discretionary activity rule for new National Grid Assets and transmission lines not otherwise provided for, which is discussed below.

721. The Panel recommends amending Rule ENG-RX3, as shown in Attachment 1 of the Reporting Officers' Reply, with the minor correction shown in the recommendation box below

Other Rules

722. The Panel notes that three other permitted activity rules detailed in Attachment 2 to the Position Statement were not included within Attachment 1 of the Reporting Officers' Reply because those rules were no longer required based on evidence and statements received at the hearing, and the updated Reporting Officers' recommendations.

723. The Panel accepts the Reporting Officers' recommendation to reject the submissions seeking further new permitted activity rules. We are satisfied that the new rules recommended in Attachment 1 of the Reply address any gaps in the rule framework.

Restricted Discretionary Activities

ENG - R11 Substation (Zone and Distribution) Not Meeting Permitted Activity Standards

724. The Panel agree with the Reporting Officers' recommendation that clause (a) '*Landscape measures'* is unclear and should be replaced. The Panel notes at this point that as part of a Plan wide amendment stemming from a submission by Manawa (S438.100) reference to 'landscape measures' and 'landscape treatment' have been removed from the matters of discretion and replaced with 'measures to mitigate landscape effects' because this provides clarity. Similarly, we also support the inclusion of '*functional*" in clause (b).

725. The Panel agree with the Reporting Officers' recommendation to delete clause (e) because discharges are a matter for the Regional Council and do not have a place within a district plan.

726. The Panel agree with deleting the word '*significant'* from clause (g) because this aligns with other plan provisions and acknowledges that all adverse effects must be assessed. The Panel also agrees with the inclusion of references in clause (g) to '*areas and values listed in Schedules 1-8'* because this will provide more explicit guidance to plan users, maintain consistency with other provisions, and ensure appropriate consideration of significant values and areas identified, including SASM.

727. The Panel asked other planners for their views on Ms Pull's request to include Poutini Ngāi Tahu's values as a matter of discretion for Rules ENG-R11 to ENG-R14. Those who responded noted concerns about certainty relating to the potential breadth of issues to be considered and uncertainty as to what values existed where.

728. The Panel agree with the Reporting Officers' recommendation not to add an additional matter of discretion '*Poutini Ngai Tahu values'*, as requested by Ms Pull. Having reviewed the submission we consider that there is no scope available to us to implement what is being sought by Poutini Ngāi Tahu in that submission given it restricted to incorporating reference to Appendix Ten. We have considered this submission in relation to rules ENG R11 to ENG R14 and determine that the approach should be consistent Plan wide. We consider it is appropriate to include Appendix Ten in all four of the rules as requested. We also note new rules ENG-RX4, ENG-RX5 and RX6 includes reference to Schedules One to Eight and consider Appendix 10 Ten should be included as a consequential amendment.

729. The Panel notes the Addendum Report changed the s42A Report recommendation and accepted Transpower's (S299.048) request to add '*or not otherwise provided for*' to the end of the heading. We note this was not included in either Attachment 2 of the Addendum or Attachment 1 of the Reply. The Panel accepts this is an oversight and recommends adding the words to the heading as requested but has also included "*in another rule*" to make it clear and deleted the words Permitted Activity which are considered to be unnecessary. However, given this is the only rule applying to substations, we consider there should be a broad matter of discretion relating to adverse effects generally and not only those identified in Schedules One - Eight to give effect to the RMA.

730. Forest & Bird (S560.126), opposed by Westpower (FS22.0242), request changes to the matters of discretion to include adverse effects on overlay matters, areas meeting the significance criteria in Appendix 1 of the RPS, and NZCPS Policy 11, Policy 13 and Policy 15 matters. The Panel considers this matter can be addressed by ensuring that the effects on the underlying zoning are assessed where activities are of a larger scale. Accordingly, we have amended the relevant rules to address this.

731. The Panel notes that the concerns raised in Ms Whitney's evidence regarding ENG-11 are addressed by the recommended changes to the definition of Substation (Zone).

732. The Panel recommends amending ENG-R11, as shown in Attachment 1 of the Reporting Officers' Reply, with the additional changes in the recommendation box below.

ENG-R12 Operation, maintenance, repair and upgrading of distribution lines and transmission lines not managed by the National Environmental Standard for Electricity Transmission Activities or not meeting Permitted Activity standards

733. The Panel accepts the evidence of Ms Whitney and the Reporting Officers' recommended amendments to ENG-R12 to clarify that the rule applies to distribution and transmission lines not managed by the NESETA. We are satisfied these changes are consistent with the NPSET because the higher order direction distinguishes between different distribution lines and transmission lines.

734. The Panel accepts consequential amendments to the provision to provide consistency across the rules.

735. The Panel recommends amending Rule ENG-R12, as shown in Attachment 1 of the Reporting Officers' Reply.

ENG-R13 Installation of electricity cabinets not meeting Permitted Activity Standards

736. The Panel accepts consequential amendments to the provision to provide consistency across the rules.

737. The Panel recommends amending Rule ENG-R13, as shown in Attachment 1 of the Reporting Officers' Reply.

ENG – R14 The construction, operation, maintenance, repair and upgrading of small and community scale renewable electricity generation not meeting permitted activity standards Construction of distribution lines and transmission lines not meeting Permitted Activity Standards

738. The Panel accepts the Reporting Officers' recommendation to ensure the Rule covered repairs.

739. This rule also attracted discussion of minor upgrades and upgrading. The submission also sought to include the word 'small' to particularise the scale of community renewable electricity generation and distinguish it from 'large scale'. The Reporting Officers' recommendation was to deal with that issue via the definitions and by amending '*upgrade*' to '*upgrading*'.

740. The Panel accepts the Reporting Officers recommendation to amend clause (c) to include recognition of the benefits to the local and regional communities and resilience for the West Coast.

741. The Panel notes the Reporting Officers recommendation to clause (d) to add '*location, technical'* for consistency with other rules; and to replace *'landscape measures*'. However we Panel notes at this point that as part of a Plan wide amendment stemming from a submission by Manawa (S438.100) reference to 'landscape measures' and 'landscape treatment' have been removed from the matters of discretion and replaced with 'measures to mitigate landscape effects'.

742. Finally, the Panel accepts that the clause (f) requires consequential amendments to delete the word '*significant'* and add the words '*areas and values listed in Schedules One to Eight'.*

743. The Panel recommends amending Rule ENG-R14 as shown below.

ENG – RX4 Renewable energy investigation

744. The Panel note that the s42A report initially recommended, in response to Manawa's submission to delete ENG-14, that '*renewable energy investigation activity*' be deleted from the rule heading of ENG-R10 as it could be captured by temporary energy activities or energy activities generally. Subsequently, in the Addendum it was recommended that Renewable

energy investigation be introduced as a restricted discretionary activity, however there was no reasoning provided for that amendment.

745. As noted by Ms Styles energy investigation would most commonly be meteorological measurements which would be covered by ENG-R10.

746. Given other amendments, in particular our recommendation to delete ENG-R10 and rely upon rules in the Infrastructure Chapter, the Panel considers proposed ENG–RX4 is also not necessary, and we recommend it not be included in the Plan.

ENG-RX5 Temporary energy activities not meeting Permitted Activity standards

747. The Reporting Officers have proposed to separate out '*Temporary energy activities*' from ENG-R14 into a new restricted discretionary rule on their own (ENG-RX5). The Panel have been unable to establish any reason for this amendment within the material provided by the Reporting Officers, and we note the change simply appeared in their position paper dated 8th February 2024 without any explanation. Given that the assessment matters for ENG-R14 and ENG-RX5 duplicate each other the Panel see no reason for making this amendment and recommend that '*Temporary energy activities*' remain a part of ENG-R14.

<u>Discretionary Activities</u>

ENG–R15 New large scale renewable electricity generation activity and large-scale renewable electricity generation activity excluding wind not meeting Permitted Activity standards.

748. The Panel accepts the Reporting Officers' recommendation to amend ENG-R15 as a consequential amendment to the recommendation to amend ENG-R5 to apply to renewable electricity generation activities generally by deleting '*small scale'* and requiring compliance with the relevant zone building and structure height and scale performance standards. The Panel considers having one rule for new and existing large-scale REG, including wind, is appropriate.

749. The Panel considered Ms Styles evidence that upgrades (that are not minor) and new REG activities (that are not domestic in scale) should be treated as a restricted discretionary activity. While we have some sympathy for that approach, we consider the matters of discretion Ms Styles proposed are somewhat broad in their nature and this leads us to a conclusion that a discretionary status would be more appropriate. We acknowledge Ms Styles supports this as an alternative.

750. The Panel accepts the recommended wording for ENG-R15, shown in Attachment 1 of the Reporting Officers' Reply, but considers this can be simplified as follows:

> *New **<u>and existing</u>** large scale renewable electricity generation activity ~~and Large-scale renewable electricity generation activity excluding wind~~ not meeting Permitted Activity standards*

ENG-R16 Large-scale renewable electricity generation activity excluding wind

751. The Panel accepts the Reporting Officers' recommendation to delete ENG-R16 as a consequential amendment to the recommendation to amend ENG-R15 to include all large-scale renewable energy generation activities.

ENG-RX4 Construction of distribution lines and transmission lines not meeting Permitted Activity Standards

752. The Panel accepts the Reporting Officers' recommendation to a new rule ENG-RX4 at a discretionary activity status to address the construction of distribution lines not meeting the permitted standards. However, as addressed above in ENG-RX3 we agree with Ms Whitney that transmission lines should not be included in this rule and should be addressed separately.

ENG-RXX4 The construction of National Grid assets and transmission lines, not otherwise provided for

753. The Panel accepts Ms Whitney's evidence concerning the need for a new discretionary activity rule for new National Grid assets, including transmission lines, which is not otherwise provided for in the rules. This is a consequential amendment related to amending ENG-RX3 to only apply to distribution lines.

754. The Reporting Officers did not specifically address this; however, the Panel accepts Ms Whitney's evidence that the National Grid assets and transmission lines should have a separate discretionary activity rule given the direction of the NPSET.

755. The Panel recommends the following wording for new Rule ENG-RXX, based on Ms Whitney's version but with the inclusion of "*in another rule*" for clarity:

> ***The construction of National Grid assets, including transmission lines, not otherwise provided for in another rule.***
>
> ***Activity Status: Discretionary***

Non-Complying Activities

ENG - R17 Any energy activity which does not comply with New Zealand Standards NZS6808:2010 Acoustics - Wind Farm Noise

756. The Panel accepts the Reporting Officers' recommendation to delete ENG-R17 as a consequential amendment to the recommendation to amend ENG-R15 to include all large-scale renewable energy generation activities. The Panel is satisfied that the new Rule ENG-RX11 addresses any gap created by this deletion.

ENG - R18 Any energy activity generating electric or magnetic fields, that does not comply with Rule ENG - R1

757. The Panel recommend that ENG-R18 remain as notified.

ENG - R19 Activities in and around the National Grid Yard and between the Significant Electricity Transmission Lines, that do not comply with Permitted Activity standards.

758. The Panel accepts the evidence of Ms Whitney and the Reporting Officers that the policy direction of the NPSET supports a default activity status of non-complying to protect the National Grid. We consider that where buildings, structures and activities within the National Grid Yard cannot achieve compliance with permitted activity Rule ENG-R7, it is appropriate to consider the proposal under the gateway tests in RMA s104D.

759. The Panel noted the Reporting Officers' recommended amendments do not quite reflect the amendment sought by Transpower's (S299.049) to replace '*in and around*' with '*within*' the National Grid Yard. The Panel recommends making this correction. We also consider adding the words '*or not otherwise provided for*' will clarify the situation stemming from ENG-R7.

760. The Panel recommends amending Rule ENG-R19, as shown in Attachment 1 of the Reporting Officers' Reply, with minor amendments we now propose shown in the recommendation box.

ENG – R20 Energy Activities that do not meet Rules ENG - R12, ENG - R13 or ENG - R14.

761. Given the errors the Panel has identified in ENG-R1 we consider that reference to ENG-R12, ENG-R13 and ENG R14 in ENG-R20 is no longer necessary and we recommend it is deleted.

ENG – RX9 Non-renewable Electricity Generation Activities

762. The Panel accepts the Reporting Officers' recommendation to include new Rule ENG-RX to make non-renewable electricity generation activities a non-complying activity as requested by Transpower Limited (S299.051) (and supported by NZEL FS127.037). We agree with Ms Whitney that non-renewable electricity generation activities should not be included with REG activities. Given our findings in relation to the ENG Policies above, we consider it appropriate for any new non-renewable electricity generation activities to be considered under the gateway tests in RMA s104D, as a non-complying activity.

763. The Panel considers it appropriate to include '*Note: This rule shall not apply to backup generators that do not comply with permitted activity standards of ENG-R9*' as a consequential amendment to address concerns raised about the use of backup generators, particularly in emergency situations.

764. The Panel recommends adding new Rule ENG-RX9, as shown in Attachment 1 of the Reporting Officers' Reply.

ENG – RX10 Activities in and around Significant Electricity Distribution Lines, that do not comply with Permitted Activity standards

765. This new rule proposed by Westpower deals with activities in and around Significant Electricity Distribution Lines that do not comply with Permitted Activity standards. The issue was whether the activity status should be discretionary or non-complying. As discussed above, the Panel considers there is no scope to amend the status shown in ENG-R6 to discretionary from non-complying. The Panel recommends ENG-RX10 is a necessary insertion to address a gap in the provisions.

ENG – RX11 Any Energy Activity which is not a Permitted, Controlled, Restricted Discretionary or Discretionary Activity

766. The Reporting Officer's recommended a 'catch-all' non-complying activity status for Energy Activities not otherwise identified as Permitted, Controlled, Restricted Discretionary or Discretionary Activities. The amendment stems from a submission by Transpower, however the Panel notes, as pointed out by Ms Whitney in her evidence, that the submission sought a default discretionary rule for energy activities not otherwise provided for. While Ms Whitney said that there was no commentary provided on Transpower's submission, the Panel notes that the s42A Report at paragraph 321 did address the submission and recommended it be accepted and to ensure consistency across the Energy, Infrastructure and Transportation chapters recommended that the same rule be included in the Infrastructure and Transportation chapters.

767. What is unclear to the Panel is why the default position for this 'catch-all' rule became non-complying in the s42A Report. In our view there is no submission seeking a non-complying status and it is therefore beyond scope to include one. Further, there seems to be no justification provided for such an approach and we agree with Ms Whitney that a non-complying activity status does not give effect to the NPSET or the RPS.

768. The Panel recommends that a catch-all rule for Energy Activities be introduced as Rule ENG-RX11, as a Discretionary Activity. We consider the rule title can be simplified to "*Any Energy Activity not provided for in another rule*".

S32AA Evaluation for Rules

769. Section 32AA of the RMA requires a further evaluation to be undertaken in accordance with s32(1)-(4) if any amendment has been made to the proposal (in this case, TTPP) since the original s32 evaluation report was completed. Section 32AA requires that the evaluation be undertaken in a level of detail that corresponds to the scale and significance of the changes.

770. The Panel considers that the new and amended Rules will implement the policies and that they are the most appropriate when measured against the objectives considered as a whole. We consider the amended Rules efficient and effective for achieving the objectives.

Hearing Panel's Recommendation

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

Permitted Activities	
ENG - R1	**Energy Permitted Activity Performance Standards**
Activity Status Permitted Where: 1. Electric and Magnetic fields – An activity generating electric or magnetic fields does not exceed the maximum exposure level listed in the International Commission on Non-ionizing Radiation Protection Guidelines for limiting exposure to time-varying electric and magnetic fields (1Hz - 100 kHz) (Health Physics (6):818-836; 2010), and the recommendations from the World Health Organisation's monograph Environmental Health Criteria 238, June 2007.	

Activity status where compliance not achieved: Non-complying	
ENG - R2	**Substations (Zone)**
Activity Status Permitted Where: 1. All performance standards in Rule ENG - R1 are complied with; and 2. ~~This is t~~ [136]**T**he operation, maintenance, repair and upgrade **is** of an existing substation (zone) where any upgrades are undertaken within existing switchyards or buildings, in any zone; or 3. ~~This is a~~[137]**A** new substation (zone) **is** ~~or upgrade to an existing substation (zone)~~:[138] i. Located in an Industrial Zone; and ii. The substation will be visually screened from the road and any **existing**[139] residential building **located adjacent to the Industrial Zone**[140] by fencing and / or landscaping.	
Activity status where compliance not achieved: Restricted Discretionary	
ENG – R3	**Substations (Distribution)**
Activity Status Permitted Where: 1. All performance standards in Rule ENG - R1 are complied with; and 2. ~~This is~~ t [141]**T**he maintenance, repair, upgrade and operation **is**[142] of an existing distribution substation; or 3. ~~This is a~~ **A**ny[143] new distribution substation.	
Activity status where compliance not achieved: Restricted Discretionary	
ENG – R4	**~~Operating existing transmission and distribution lines, new distribution and transmission lines, maintaining, minor upgrading, strengthening, upgrading and replacing support structures and foundations~~ The operation, maintenance, repair and upgrading of distribution lines and 110kv Dobson Tee A line** [144] **above and below ground**[145] **not managed by the National Environmental Standard for Electricity Transmission Activities**
Activity Status Permitted Where: 1. All performance standards in Rule ENG - R1 are complied with; **and** 2. Any realignment, relocation or replacement of a network utility pole, pipe, tower, and structure, ~~building or minor utility structure~~ is within 5m of the alignment or location of the original existing pole, tower, **and** structure, ~~building or minor utility structure~~;[146]	

[136] Clause 16(2) of the First Schedule of the RMA
[137] Clause 16(2) of the First Schedule of the RMA
[138] Westpower S547.100
[139] Westpower S547.102
[140] Westpower S547.101
[141] Clause 16(2) of the First Schedule of the RMA
[142] Clause 16(2) of the First Schedule of the RMA
[143] Clause 16(2) of the First Schedule of the RMA
[144] Transpower Limited S299.045, Buller District Council S538.022, New Zealand Energy Limited FS127.003
[145] Buller District Council S538.023
[146] Royal Forest & Bird Protection Society S560.462

3. A replacement pole, tower, or structure does not exceed the height of the original pole, tower, or structure by more than 30 percent, measured from the top of the foundation; 4. **Specific to distribution lines,**[147] ~~T~~ **t**he diameter or width of the replacement pole **structures, at its widest point:**[148] a. does not exceed twice that of the replaced pole at its widest point; and b. where a single pole is replaced with a pi pole, the width of the pi pole structure must not exceed three times that of the replaced pole at its widest point; 5. Additional conductors or lines do not increase the number of conductors or lines by more than 100 percent of the original; 6. The footprint of the structure or building does not increase by more than 30 percent of the existing building or structure, excluding any pole or pi pole structure provided above; 7. The face area of a replacement panel antenna or the diameter of a replacement dish antenna does not increase by more than 20 percent; 8. There are no~~t~~ additional towers; and[149] 9. A pole is not replaced with a tower.	
Activity status where compliance not achieved: Restricted Discretionary	
ENG – R5	~~**The construction, operation, maintenance, repair and upgrade of renewable energy structure for small scale use**~~ **Renewable Electricity Generation Activity**[150]
Activity Status Permitted Where: 1. Performance standards in Rule ENG – R1 are complied with; and 2. ~~Solar panels do not exceed the permitted building height in the relevant zone by more than 0.25m vertically~~ **The construction, operation, maintenance, repair and upgrading of small and community scale renewable electricity generation shall comply with the following standards:** ~~3. Small scale w~~i. a. **Wind turbines do not exceed 8m in tower height**;~~Small scale wind turbines comply with NZS 6808:2010 Acoustics - Wind Farm Noise;~~[151] b. **Solar panels and any land-based structure, building or impermeable surface for hydroelectricity generation must comply with the relevant performance standards in Rule R1 of the applicable zone or in the case of the:** **Settlement Zone - SETZ – R2** **Buller Coalfield Zone BCZ – R3** **Mineral Extraction Zone MINZ – R3.** [152] 3. ~~Land based structure, building or impermeable surface for hydroelectricity generation must not exceed~~: ~~a footprint of 25m^2 and~~ **The operation, maintenance, repair and upgrading of large-scale renewable electricity generation shall comply with the relevant performance standards in Rule R1 of the applicable zone or in the case of the:**	

[147] Clause 16(2) of the First Schedule of the RMA
[148] Buller Electricity Limited S451.039, Frank and Jo Dooley 4S78.096, New Zealand Energy Limited FS127.016
[149] Clause 16(2) of the First Schedule of the RMA
[150] Manawa Energy Limited S438.049
[151] Manawa Energy Limited S438.049
[152] Manawa Energy Limited S438.049

	Settlement Zone - SETZ – R2 **Buller Coalfield Zone BCZ – R3** **Mineral Extraction Zone MINZ – R3.** [153]
6. ~~Any building or structure must not be located within an existing esplanade reserve or strip~~[154]	
Activity status where compliance not achieved: **Restricted Discretionary where this is new small and community scale renewable electricity generation subject to Rule ENG – R14** **Discretionary where this is new large scale renewable electricity generation subject to Rule ENG – R15** [155] ~~Restricted Discretionary where performance standards 1 - 3 or 5 - 6 are not complied with.~~ Non-complying where with performance standard 4 **1** is not complied with.	
ENG – R6	**Activities in and around the Significant Electricity Distribution Lines**
Activity Status Permitted Where: 1. Performance standards in Rule ENG - R1 are complied with; and 2. These are Energy Activities; 3. The following other activities are able to occur under the conductors where these are Permitted within the relevant zone and overlay: i. Fences less than 2.5m high; **or**[156] ii. Alterations and additions to existing buildings and structures used for sensitive activities that do not involve an increase in the building envelope; **or**[157] iii. Network Utilities within a transport corridor or any part of electricity infrastructure; **or**[158] iv. Structures used for agricultural and horticultural activities excluding buildings for sensitive activities; **and**[159] 4. The only buildings or structures erected within 12m of any support structure are: i. Network Utilities within a transport corridor; or ii. Any part of electricity infrastructure; **or**[160] iii. Fences more than 5m from the support structure and less than 2.5m in height; and 5. Structures and activities located near ~~transmission~~ **distribution**[161] lines must comply with the safe distance requirements in the NZECP 34:2001.	
Activity status where compliance not achieved: Non-complying	

[153] Manawa Energy Limited S438.049
[154] Manawa Energy Limited S438.049
[155] Consequential amendment Manawa Energy Limited S438.049
[156] Clause 16(2) of the First Schedule of the RMA
[157] Clause 16(2) of the First Schedule of the RMA
[158] Clause 16(2) of the First Schedule of the RMA
[159] Westpower S547.107
[160] Clause 16(2) of the First Schedule of the RMA
[161] Westpower S547.107

ENG – R7	Buildings, Structures and Activities within the National Grid Yard

Activity Status Permitted
Where:

1. These are the following activities where they are also ~~P~~**p**ermitted[162] within the relevant zone and overlay:
   i. Fences less than 2.5m high;
   ii. Alterations and additions to existing buildings and structures used for sensitive activities that do not involve an increase in the building or structure height or footprint;
   iii. Infrastructure undertaken by a Network Utility **operation** ~~Operator within a transport corridor~~ or any part of electricity **generation** ~~infrastructure~~ that connects the National Grid;
   iv. ~~Non - habitable farm or horticultural buildings or structures excluding commercial greenhouses, protective canopies, wintering barns, produce packing facilities, dairy and milking sheds~~ **Agriculture and horticulture activities, and associated non-habitable buildings and structures (meaning they are not usually occupied but may be accessed from time to time), excluding:**
      a. **Buildings and structures used for intensive indoor primary production;**
      b. **Dairy and milking sheds;**
      c. **Commercial greenhouses;**
      d. **Produce packing facilities;**
      e. **Protective canopies; and**
      f. **Wintering barns.** [163]
   v. **The activity is not a sensitive activity**; [164]
   vi. An accessory building or structure associated with an existing residential activity that is less than 10m^2 and 2.5m in height;
2. All buildings, structures and activities permitted by 1. above must ~~have~~[165]:
   i. **Have a** ~~A~~[166] minimum vertical clearance of at least 10m below the lowest point of a conductor
      - or meet the electrical distances required by NZECP 34: 2001 under all transmission line and building operation conditions;
   ii. Not result in the loss of vehicle access to a National Grid support structure;
   iii. Be located at least 12 metres from the outer visible edge of a foundation of a National Grid transmission support structure ~~National Grid Yard transmission support~~ except where it is:
      a. Infrastructure undertaken by a network utility **operation** ~~operator~~ or any part of electricity **generation** ~~infrastructure~~ that connects the National Grid;
      b. A fence not exceeding 2.5m in height**t**[167] that is located at least:
         i. 6m from the outer visible edge of a foundation of a National Grid transmission line tower; ~~or~~**and**[168]
         ii. 5m from the outer visible edge of a foundation of a National Grid

[162] Clause 16(2) of the First Schedule of the RMA
[163] Transpower Limited S299.046
[164] Transpower Limited S299.046
[165] Clause 16(2) of the First Schedule of the RMA
[166] Clause 16(2) of the First Schedule of the RMA
[167] Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio and Te Rūnanga o Ngāi Tahu S620.086
[168] Clause 16(2) of the First Schedule of the RMA

transmission line pole; **or**[169]

c. An artificial crop protection structure or crop support structure not exceeding 2.5m in height and located at least 8m from a National Grid transmission line pole that:
   I. Is removable or temporary to allow a clear working space of 12m from the pole for maintenance; and
   II. Allows all weather access to the pole and sufficient area for maintenance equipment including a crane; or
d. A building or structure where Transpower has given written approval in accordance with clause 2.4.1 of NZECP34: 2001.

Activity status where compliance not achieved: Non-complying

ENG – R8	**Installation of electricity cabinets**
Activity Status Permitted Where: 1. All performance standards in Rule ENG - R1 are complied with; and 2. The cabinet has a maximum height above ground level of 2m **and a maximum area of 1.4m²**.[170]	
Activity status where compliance not achieved: Restricted Discretionary	

ENG – R9	**Temporary Energy Activities**
Activity Status Permitted Where: 1. The temporary energy activity is for up to a period of 24 months following a national, regional or local state of emergency declaration; 2. All performance standards in Rule ENG - R1 are complied with; and 3. Any temporary structures are removed from the site ~~when operation ceases and the sites is rehabilitated~~ **and the site is rehabilitated within one month of the operation ceasing;**[171] 4. **The temporary energy activity is a back-up generator, provided this equipment is:** i. **Being tested and maintained for a period not exceeding 48 hours in duration; or** ii. **To provide back-up electricity during routine or scheduled maintenance for a period not exceeding 48 hours; or for longer than 48 hours where that use complies with the noise limits specified between 0700 hours and 2200 hours relevant to the underlying zone; or** iii. **For emergency purposes only and operates for a maximum of 12 months.**[172]	
Activity status where compliance not achieved: Restricted Discretionary	

~~**ENG – R10**~~	~~**Environmental monitoring and meteorological facilities associated with Energy Activities**~~

[169] Clause 16(2) of the First Schedule of the RMA
[170] Alternative relief to Buller District Council S538.028
[171] Transpower Limited S299.047
[172] Consequential amendment Chorus NZ Ltd, Spark NZ Trading Ltd, Vodafone NZ Ltd S663.021

~~**Activity Status Permitted**~~ ~~Where:~~ ~~1. All performance standards in Rule INF-R1 are complied with; and~~ ~~2. Monitoring equioment is not more than 4m in height and 25m^2 in area.~~
~~**Activity status where compliance not achieved**: Non-complying~~[173]

ENG – R10	**The construction of new distribution lines above or below ground**[174]
Activity Status Permitted **Where:** **1. All performance standards in Rule ENG - R1 are complied with; and** **2. The line will comply with the requirements of NZECP 34:2001;** **3. The construction or establishment of any tower, pole, mast, aerial, panel, element or dish operationally associated with electricity lines has a maximum height above ground level of 7m;** **4. The installation or modification of a sign is at a height no greater than 2m above ground level and is no larger than 1m^2 and is associated with an electricity network utility.**	
Activity status where compliance not achieved: Discretionary[175]	

Restricted Discretionary Activities	
ENG - R11	**Substations ~~(Zone and Distribution)~~ not meeting ~~Permitted Activity~~ standards, or otherwise not provided for in another rule**[176]
Activity Status Restricted Discretionary Discretion is restricted to: a. ~~Landscape measures~~ **Measures to mitigate landscape effects**;[177] b. Locational, technical**, functional**[178] and operational constraints; c. Impacts on resilience of the community to natural hazards and climate change; d. The benefits of the proposal to Aotearoa New Zealand meeting its Greenhouse Gas targets; e. ~~Impacts of contamination from the substation on any overlay;~~ [179] f. Benefits to the community from the substation; and g. The degree to which the proposed activity will cause ~~significant~~[180] adverse effects on **areas and values listed in Schedules One to Eight and Appendix 10** ~~Overlay Chapter matters~~.[181]	
Activity status where compliance not achieved: N/A	

[173] Buller District Council S538.029
[174] Buller District Council S538.023
[175] Transpower Limited S299.045, Buller District Council S538.023
[176] Transpower Limited S299.048
[177] Consequential Plan wide amendment to Manawa Energy Limited S438.100
[178] Westpower S547.112
[179] Westpower S547.113, FS127.080
[180] Royal Forest & Bird Protection Society S560.125
[181] Alternative relief Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio and Te Rūnanga o Ngāi Tahu S620.087, Royal Forest & Bird Protection Society S560.125

ENG – R12	**~~Operating existing transmission and distribution lines, new distribution and transmission lines, maintaining, minor upgrading, strengthening, upgrading and replacing support structures and foundations~~ Operation, maintenance, repair and upgrading of distribution lines and transmission lines above or below ground[182] not managed by the National Environmental Standard for Electricity Transmission Activities[183] not meeting Permitted Activity standards**
Activity Status Restricted Discretionary ~~Where:~~ 1. ~~Performance standards in Rule ENG - R1 are complied with~~;[184] Discretion is restricted to: a. Degree of non-compliance with Rule ENG - R4; b. Locational, technical, **functional**[185] and operational constraints; c. Benefits to the community; and d. The degree to which the proposed activity will cause ~~significant~~[186] adverse effects on **areas and values listed in Schedules One to Eight and Appendix 10** ~~Overlay Chapter matters~~. [187]	
Activity status where compliance not achieved: ~~Non-complying~~ **N/A**[188]	
ENG – R13	**Installation of electricity cabinets not meeting Permitted Activity standards**
Activity Status Restricted Discretionary ~~Where:~~ 1. ~~Performance standards in Rule ENG - R1 are complied with;~~[189] Discretion is restricted to: a. Locational, technical, **functional**[190] and operational constraints; b. The degree to which the proposed activity will cause ~~significant~~[191] adverse effects on **areas and values listed in Schedules One to Eight and Appendix 10** ~~Overlay Chapter matters~~; [192] and c. Benefits to the community.	
Activity status where compliance not achieved: ~~Non-complying~~ **N/A**[193]	

[182] Buller District Council S538.023
[183] Transpower Limited S299.049, Buller District Council S538.031, New Zealand Energy Limited FS127.006
[184] Clause 16(2) of the First Schedule of the RMA
[185] Consequential amendment Westpower S547.116, New Zealand Energy Limited FS127.083
[186] Royal Forest & Bird Protection Society S560.126
[187] Alternative relief Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio and Te Rūnanga o Ngāi Tahu S620.088, Royal Forest & Bird Protection Society S560.126
[188] Clause 16(2) of the First Schedule of the RMA
[189] Clause 16(2) of the First Schedule of the RMA
[190] Westpower S547.112
[191] Royal Forest & Bird Protection Society S560.127
[192] Alternative relief Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio and Te Rūnanga o Ngāi Tahu S620.089, Royal Forest & Bird Protection Society S560.127
[193] Clause 16(2) of the First Schedule of the RMA

ENG – R14	**The construction, operation, maintenance, repair and upgrading of small and community scale renewable electricity generation ~~structures, renewable energy investigation activity~~ and ~~-~~temporary energy activities not meeting Permitted Activity standards**
Activity Status Restricted Discretionary ~~Where:~~ 1. ~~Performance standards in Rule ENG - R1 are complied with;~~ [194] Discretion is restricted to: a. Impacts on resilience of the community to natural hazards and climate change; b. The benefits of the proposal to Aotearoa New Zealand meeting its Climate Change and Greenhouse Gas targets; c. **The ~~B~~ b**enefits **of the proposal** to the **local and regional** community **and to resilience for Te Tai o Poutini/ the West Coast**; d. Functional, **locational, technical**[195] and operational constraints; e. ~~Landscape measures~~ **Measures to mitigate landscape effects**; ~~and~~ f. The degree to which the proposed activity will cause ~~significant~~[196] adverse effects on **areas and values listed in Schedules One to Eight and Appendix 10** ~~Overlay Chapter matters~~ **and**[197] g. **The level, hours of operation, duration and nature of the noise and any effects on the health and wellbeing of people**.[198]	
Activity status where compliance not achieved: ~~Non-complying~~ **N/A**[199]	

Discretionary Activities	
ENG – R15	**New and existing ~~L~~large scale renewable electricity generation activity ~~excluding wind~~ not meeting Permitted Activity standards**[200]
Activity Status Discretionary	
Activity status where compliance not achieved: N/A	
~~**ENG – R16**~~	~~**Wind farm construction and operation**~~
~~**Activity Status Discretionary**~~ ~~Where:~~ ~~1. This complies with New Zealand Standard NZS6808:2010 Acoustics - Wind Farm Noise.~~	
~~**Activity status where compliance not achieved**: Non-complying~~[201]	

[194] Clause 16(2) of the First Schedule of the RMA
[195] Consequential amendment Westpower S547.117, New Zealand Energy Limited FS127.084
[196] Royal Forest & Bird Protection Society S560.128
[197] Alternative relief Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio and Te Rūnanga o Ngāi Tahu S620.090, Royal Forest & Bird Protection Society S560.128
[198] Consequential amendment Chorus NZ Ltd, Spark NZ Trading Ltd, Vodafone NZ Ltd S663.021
[199] Clause 16(2) of the First Schedule of the RMA
[200] Consequential amendment Manawa Energy Limited S438.049, Westpower S547.118
[201] Consequential amendment to the recommendations to amend ENG-R15

ENG – R16	**Construction of distribution lines above and below ground**[202] **not meeting Permitted Activity Standards**
Activity Status Discretionary	
Activity status where compliance not achieved: N/A[203]	
ENG – R17	**Construction of National Grid assets, including transmission lines, not otherwise provided for in another rule**[204]
Activity Status Discretionary	
Activity status where compliance not achieved: N/A	
ENG – R18	**Any Energy Activity not provided for in another rule**
Activity Status Discretionary	
Activity status where compliance not achieved: N/A[205]	

Non-complying Activities	
~~**ENG – R17**~~	~~**Any energy activity which does not comply with New Zealand Standards NZS6808:2010 Acoustics – Wind Farm Noise**~~
~~**Activity Status Non-complying**~~	
~~**Activity status where compliance not achieved**: N/A~~[206]	
ENG - R1~~8~~9	**Any energy activity generating electric or magnetic fields, that does not comply with Rule ENG - R1**
Activity Status Non-complying	
Activity status where compliance not achieved: N/A	
ENG - R~~19~~20	**Activities within ~~and around~~ the National Grid Yard ~~and between the Significant Electricity Transmission Lines,~~ that do not comply with Permitted Activity standards or are not otherwise provided for in a rule**[207]
Activity Status Non-complying	
Activity status where compliance not achieved: N/A	
~~**ENG – R20**~~	~~**Energy Activities that do not meet Rules ENG – R12, ENG – R13, or ENG – R14**~~

[202] Buller District Council S538.023
[203] Consequential amendment resulting from new Rule ENG-RX3 - Transpower Limited S299.045, Buller District Council S538.023
[204] Consequential Amendment stemming from Transpower Limited S299.045 regarding transmission lines
[205] Transpower Limited S299.051, Forest and Bird FS34.031
[206] Consequential amendment stemming from amendments to ENG-R15
[207] Transpower Limited S299.050

~~**Activity Status Non-complying**~~	
~~**Activity status where compliance not achieved**: N/A~~[208]	
ENG – R21	**Non-renewable Electricity Generation Activities**
Activity Status Non-complying[209] **Activity status where compliance not achieved: N/A** **Advice Note: This rule does not apply to backup generators that do not comply with permitted activity standards of ENG-R9 and ENG-14 applies.**[210]	
ENG – R22	**Activities in and around significant electricity distribution lines, that do not comply with permitted activity standards**
Activity Status Non-complying **Activity status where compliance not achieved: N/A**[211]	

5. INFRASTRUCTURE

5.1. Infrastructure – General/Whole Chapter

Submissions and Further Submissions

772. The s42A Report identified five submission points and two further submission points relating to general matters/whole INF Chapter.

773. David Ellerm (S581.012) supported the Energy, Infrastructure and Transport Chapters as notified, while the Director General (S602.036) was neutral on the INF Chapter as notified because they did not affect priority conservation values, biodiversity values, or their interests.

774. David Ellerm (S581.065) also sought the identification of the Te Kinga Potable Supply Bore, located on Lot 4 DP 3957, and the development of a Te Kinga Groundwater Source Protection Zone. Davis Ogilvie & Partners Ltd (FS154) and Cashmere Bay Dairy Ltd (FS142) opposed this amendment as there is no provision under the National Planning Standards for a new *'Groundwater Source Protection Zone'*. They considered that no scientific evidence had been provided to indicate that groundwater flows towards this privately owned bore, and water supply sources are already adequately protected by the WCRC (i.e., Rule 79 of the Regional Land and Water Plan) and the NES-SHDW.

775. Buller Conservation Group (S552.010) and Frida Inta (S553.010) sought to amend the infrastructure chapter to include general municipal waste and management.

[208] Consequential amendment stemming from errors identified in ENG-R1
[209] Manawa S438.057
[210] Consequential amendment Chorus NZ Ltd, Spark NZ Trading Ltd, Vodafone NZ Ltd S663.021
[211] Westpower S547.119

Section 42A Reports

776. The Reporting Officers, in recommending the rejection of David Ellerm's submission, considered it was out of scope of what can be considered within the pTTPP under the RMA and outside of the regulatory function prescribed to a territorial authority under section 31 of the RMA.

777. In terms of the Buller Conservation Group and Frida Inta submissions, the Reporting Officers considered they provided insufficient detail, and they encouraged clarification at the hearing.

Hearing and Submitter Evidence/Statements

778. Frida Inta, in responding to the s42A Report, considered that waste management should be provided for within the pTTPP because it was an issue for every household. She was unsure where the best place within the Plan was to locate provisions on waste. She also considered that the Plan should encourage zero waste and encourage the reducing, reusing and recycling.

Reporting Officer Reply Evidence

779. General matters/whole chapter issues did not receive further consideration in the Reply

Hearing Panel's Evaluation

780. The Panel agrees that the submission by David Ellerm is out of scope for the reasons advanced by the Reporting Officers, Davis Ogilvie & Partners Ltd and Cashmere Bay Dairy Ltd.

781. Regarding Ms Inta's views on waste management, we consider the focus of the Infrastructure Chapter is at a higher level than the more detailed and specific approach she requested.

Hearing Panel's Recommendation

782. The Panel does not recommend any changes in response to submissions.

5.2. Definitions

Submissions and Further Submissions

783. There were several submitters[212] and further submitters who submitted on various definitions. The submission points and further submission points were summarised in the s42A Report at paragraphs 345 to 357. The Panel has considered the relevant submissions and further submissions received and adopted the summaries provided within the s42A Report.

784. Submitters supported notified definitions, seeking retention; others sought amendments, and others sought the addition of new definitions, notably '*Land transport infrastructure*' and '*telecommunications kiosk*.'

[212] S442.003, S442.006, S442.015, S476.004, S476.007, S476.011, FS110.007, S478.06, S581.007, FS222.069, S538.051, S538.052, S488.001, S608.507, S608.514, S608.516, S608.517, S608.520, S608.521, S608.522

785. We record submissions and evidence were received in the context of the Energy Chapter regarding the definition of '*minor upgrades* and *upgrading'*. This matter is also relevant to the Infrastructure Chapter, as '*upgrade'* is used within the INF rules. We discuss this issue when considering the Reply below.

Section 42A Report

786. David Ellerm (S581.007) sought a new definition of '*infrastructure*'. Westpower (FS222.069) opposed this submission because '*infrastructure'* was already defined in the pTTPP. The Reporting Officers agreed with Westpower and did not support David Ellerm's submission request.

787. WCRC (S488.001) sought the insertion of a definition of '*resilience infrastructure'* in alignment with the Infrastructure Funding and Financing Act 2020. The Reporting Officers did not support the relief sought as this is appropriately provided for by the '*natural hazard mitigation structure*' definition within the pTTPP.

788. GDC (S608.512) sought to amend the definition of '*wastewater'* to include the generation of greywater or blackwater. They also sought to amend the definition of '*height'* to include the specified reference points from which height would be measured i.e. existing ground level.

789. The Reporting Officers rejected the relief sought because the National Planning Standards specify the definition of '*wastewater'* and '*height'*, and following mandatory direction 14, these definitions may not be amended.

790. BDC (S538.007, S538.051) sought a definition to be provided for '*telecommunication kiosk'*, as follows:

> *means any structure intended for public use to facilitate telecommunications and includes boxes or booths for telephone, video or internet services.*

791. The Reporting Officers supported the relief sought, as they considered this was a unique term that may not be familiar to a layperson.

792. BDC (S538.008, S538.052) and GDC (S608.516) sought a definition to be provided for '*small cell utility'*. The Reporting Officers rejected the relief sought as a small cell utility was provided for and defined by the NESTF, and in their opinion, it was unnecessary to duplicate this definition.

793. BDC (S538.053) sought a definition to be provided for '*omnidirectional whip'*. The Reporting Officers rejected the relief sought as the NESTF does not refer to that term.

794. GDC (S608.517) sought a definition for '*Land Transport Corridor',* which was referred to once in under INF-R12. Considering the one instance of use, the Reporting Officers recommend amending INF-R12 to remove it and replace it with *'within legal road boundaries'* to be consistent with the pTTPP overall.

795. KiwiRail (S442.004) sought a definition be provided for '*Land Transport Infrastructure'* to ensure the pTTPP is interpreted correctly, as follows:

> means the infrastructure, goods and services facilitating transport on land by any means. This includes coastal shipping and all fixed components of a transportation system, including roadways and bridges, railways, ports, cycle trails and other physical elements.

796. The Reporting Officers agreed that a definition for '*land transport infrastructure'* should be included to delineate between the Infrastructure and Transport chapters. However, they did not support the inclusion of coastal shipping because they considered this was not related to land and '*goods and services'* was too broad a term. The Reporting Officers recommended the following definition:

> Any infrastructure, building, equipment or devices that support the movement of people and goods by land, including:
>
> (a) Cycle facilities including cycleways, cycle parking, cycle hire stations and cycle maintenance stands;
>
> (b) Pedestrian facilities and accessways, including footpaths, footways and foot bridges;
>
> (c) Railway tracks, bridges, tunnels, signalling, access tracks, retaining walls and facilities;
>
> (d) Roads including carriageways, pavements, bridges, tunnels, retaining walls, underpasses, overpasses, verge and berms;
>
> (e) Lighting, signals, signs and control structures and devices associated with intelligent transport systems including vehicle detection systems (electronic vehicle identification and infra-red vehicle occupancy counters), incident detection, emergency telephones, cables and ducting;
>
> (f) Safety devices including hand rails, bollards, cameras, road markings, rumble strips, barriers, fences, speed tables and speed cushions and traffic separators;
>
> (g) Other traffic control devices including traffic islands, level crossings, pedestrian crossings, roundabouts and intersection controls, traffic and cycle. monitoring devices;
>
> (h) Parking control devices;
>
> (i) Site access including vehicle crossings;
>
> (j) Street and rail furniture, artworks, passenger shelters and ticketing and tolling facilities;
>
> (k) Ancillary equipment and structures associated with public transport systems including seats, shelters, real time information systems and ticketing facilities, bicycle storage and cabinets; and
>
> (l) Stormwater management facilities, ventilation structures, drainage devices and erosion control devices.

797. Westpower (S547.028) sought an advice note be added to clause (d) of the '*Infrastructure'* definition to alert plan users to the fact that electricity activities are provided for in the Energy Chapter and that reference should be made to the '*Energy Activities'* definition in that regard. The Reporting Officers rejected this request because they considered the pTTPP is intended to be read in its entirety, and these chapters would be assessed where required.

798. NZDF (S519.003) sought to amend the definition of '*infrastructure*' to include '*defence facilities'*, as the NZDF is undertaking a nationwide project to ensure strategic defence facilities and infrastructure are appropriately recognised and provided for in district plans. The

Reporting Officers agreed that defence facilities should be provided for; however, they did not support the amendment to the *'infrastructure'* definition because this would be inconsistent with section 2 of the RMA, which defines '*infrastructure*'. They noted that providing for infrastructure and defence facilities within the INF Chapter, where applicable would be appropriate. They also noted that defence facilities were not excluded from the current provisions, with the Temporary Activities Chapter also providing for the activities described by the NZDF.

799. For completeness, the Panel note that Mr Kennedy, in his evidence considered the Westpower submission points, which were referenced in the recommendations summary as 'rejected', were not considered in the s42A Report's text. We consider the issue concerning *Infrastructure* is addressed in the s42A Report, as we have noted above, and the issue relating to '*Network Utility Operator'* is addressed in the Addendum Report (paragraphs 63-64).

Hearing and Submitter Evidence/Statements

800. Having considered the s42A Report recommendation relating to a new definition for '*land transport infrastructure'*, Ms Grinlinton-Hancock for KiwiRail recorded in her tabled statement that coastal shipping should be included within the definition because KiwiRail's relief was based on the definition of '*Land Transport and Infrastructure'* within the West Coast Regional Land Transport Plan 2021-2031. She stated that coastal shipping required land-based infrastructure, and she therefore considered it important that this reference was included within the definition.

801. Ms Inta made comments on some of the definitions however, the Panel notes she did not make any submission on these definitions. Similarly, Ms Pull commented on definitions, but we note Poutini Ngāi Tahu did not submit on any definitions relevant to the INF Chapter.

802. Mr Kennedy focused on seeking to add an advice note to the definition of '*Infrastructure'* to assist plan users in navigating and interpreting the plan given the wide range of terms, definitions and provisions for similar activities.

803. NZDF in a tabled statement did not support the s42A Report recommendation. They noted that there is no requirement to limit what is defined as '*infrastructure*' in the pTTPP, to the definition of '*infrastructure*' in Section 2 of the RMA. They noted there are a number of plans across New Zealand (such as the Auckland Unitary Plan and the Selwyn District Plan) that have used the RMA definition of '*infrastructure*' as a base, and expanded the definition to include other infrastructure, such as defence facilities. NZDF noted that defence facilities are nationally and regionally significant, playing an important role in both military training and civil defence.

Reporting Officer Reply Evidence

804. The Reporting Officers did not support Mr Kennedy's proposed new advice note under the infrastructure definition, considering that it was the role and purpose of the "How the Plan Works" Chapter to provide navigation direction. They considered the Overview of both the Energy and Infrastructure chapters clarified the scope of each chapter. They recommended rejecting Westpower's submission, but provided the following wording if the Panel were to disagree with their recommendation:

Note:

Electricity activities are addressed in the Energy Activities Chapter of the Plan.

805. The Reporting Officers noted that the definition of '*Infrastructure'* as notified did not correctly reflect the RMA definition, as clause (k) of the definition reads:

> *k. facilities for the loading or unloading of cargo or passengers carried by sea, including a port related commercial undertaking as defined in section2(1) of the Port Companies Act 1988.*

Hearing Panel's Evaluation

806. For the reasons advanced by the Reporting Officers in their various reports, the Panel generally agree with the recommendations regarding amendments to the definitions relating to the Infrastructure Chapter.

807. The amendment to the definition of '*Infrastructure*' highlighted by the Reporting Officers in the Reply addresses an error in the notified Plan and we recommend this is corrected by including the missing clause (k) and making existing clause (k) clause (l) to reflect the RMA. In our view, adoption of the RMA definition within the Plan also addresses some of Ms Pull's concerns.

808. The Panel accepts there is no requirement for a definition of '*Land Transport Corridor*', as sought by GDC. While we acknowledge the Reporting Officers suggested amendment to INF-R12 may overcome the need for such a definition, we consider due to our recommendation in the Transport Chapter to include a definition of '*Transport Corridor*' it is more efficient and pragmatic to simply delete the word '*Land*' from INF-R12, which ensures that GDC's concerns are addressed.

809. The Panel agrees with the Reporting Officers conclusions in relation to the WCRC, GDC and BDC submissions on '*resilience infrastructure'*, '*wastewater*' and '*height*', '*small cell utility'* and '*omnidirectional whip'* respectively and recommends these be rejected. The Panel notes there is no definition of '*wastewater*' in the Interpretation Chapter under Part 1 of the Plan. The issue lies with the e-Plan as the word '*wastewater'* has been hyperlinked automatically to a definition because '*wastewater*' is a standard National Planning Standards definition. We understand this is to be corrected in the e-Plan and do not recommend any change.

810. The Panel agrees with BDC regarding the need for a definition of '*telecommunication kiosk*' and recommends it be included.

811. In relation to the KiwiRail submission seeking a definition for '*Land Transport Infrastructure*', the Panel acknowledges the definition provided by the Reporting Officers. We agree that a definition could clearly delineate between the Infrastructure and Transport chapters. We have also given consideration to the issue of coastal shipping raised by Ms Grinlinton-Hancock and the West Coast Regional Land Transport Plan 2021-2031. We note that the definition of '*Land Transport'* in that document means:

> *(a) transport on land by any means,*

(b) the infrastructure, goods and services facilitating that transport. The definition also includes coastal shipping.

812. The Panel notes that the TTPP has no jurisdiction in relation to coastal shipping itself, however, we consider Ms Grinlinton-Hancock has a point in relation to land-based infrastructure associated with coastal shipping. We therefore recommend that a definition for '*Land Trasport Infrastructure*' be included in the Plan and it be amended to be the same as the RMA definition to read as follows:

> Any infrastructure, building, equipment or devices that support the movement of people and goods by land **or water**, including:
>
> (m) Land based Port facilities

813. In relation to the NZDF submission, the Panel notes we have recommended that defence facilities are included in the definition of Regionally Significant Infrastructure, which addresses the concern raised.

814. The Panel disagrees with Mr Kennedy that a new advice note cross referencing the Energy Chapter is necessary.

Hearing Panel's Recommendation

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

INFRASTRUCTURE	has the same meaning as in section 2 of the RMA (as set out below) means … k. **facilities for the loading or unloading of cargo or passengers carried by sea, including a port related commercial undertaking as defined in section 2(1) of the Port Companies Act 1988;** [213] **l.** anything described as a network utility operation in regulations made for the purposes of the definition of network utility operator in section 166.
TELECOMMUNICATION KIOSK	**means any structure intended for public use to facilitate telecommunications and includes boxes or booths for telephone, video or internet services.**[214]
LAND TRANSPORT INFRASTRUTURE	**Means any infrastructure, building, equipment or devices that support the movement of people and goods by land or water, including:**

[213] RMA First Schedule, clause 16
[214] Buller District Council S538.007 & S538.051

	(a) **Cycle facilities including cycleways, cycle parking, cycle hire stations and cycle maintenance stands;** **(b)** **Pedestrian facilities and accessways, including footpaths, footways and foot bridges;** **(c)** **Railway tracks, bridges, tunnels, signalling, access tracks, retaining walls and facilities;** **(d)** **Roads including carriageways, pavements, bridges, tunnels, retaining walls, underpasses, overpasses, verge and berms;** **(e)** **Lighting, signals, signs and control structures and devices associated with intelligent transport systems including vehicle detection systems (electronic vehicle identification and infra-red vehicle occupancy counters), incident detection, emergency telephones, cables and ducting;** **(f)** **Safety devices including hand rails, bollards, cameras, road markings, rumble strips, barriers, fences, speed tables and speed cushions and traffic separators;** **(g)** **Other traffic control devices including traffic islands, level crossings, pedestrian crossings, roundabouts and intersection controls, traffic and cycle monitoring devices;** **(h)** **Parking control devices;** **(i)** **Site access including vehicle crossings;** **(j)** **Street and rail furniture, artworks, passenger shelters and ticketing and tolling facilities;** **(k)** **Ancillary equipment and structures associated with public transport systems including seats, shelters, real time information systems and ticketing facilities, bicycle storage and cabinets;** **(l)** **Stormwater management facilities, ventilation structures, drainage devices and erosion control devices; and** **(m)** **Land based Port facilities.**

5.3. Overview

Submissions and Further Submissions

816. There were five submission points[215] received on the text of the Infrastructure Overview detailed in paragraphs 358 to 363 in the s42A Report. The Panel has considered the relevant

[215] S140.011, S299.052, S560.132, S560.463, S608.500, S663.007

submissions and further submissions received and adopted the summaries provided within the s42A Report.

Section 42A Reports

817. GDC (S608.500) sought the correction of grammatical errors, regarding the bullet point for transport ('*in an around*'). The Reporting Officers accepted this submission request for reasons of planning efficiency and accuracy.

818. GDC (S608.009) sought the Overview remove reference to '*Site or Area of Significance to Māori'* because it had requested to remove the overlay and have the sites reassessed. Poutini Ngāi Tahu (FS41.2) opposed this submission on the basis cross-referencing within the Plan was essential for clarity. As there are specific rules concerning infrastructure activities in the SASM Chapter, the Reporting Officers considered it was appropriate to retain the reference within the Overview.

819. Transpower (S299.052), Forest & Bird (S560.132), and Chorus NZ Ltd, Spark NZ Trading Ltd and Vodafone NZ Ltd (S663.007) sought clarification regarding the activities addressed within the INF Chapter to avoid confusion. Transpower specifically requested wording to ensure that National Grid activities are addressed in the Infrastructure Chapter. Chorus NZ Ltd, Spark NZ Trading Ltd and Vodafone NZ Ltd specifically requested wording to outline that the zone chapters do not apply. The Reporting Officers accepted the rationale provided by these submitters to amend the Overview to clarify the activities covered within the INF Chapter.

Hearing and Submitter Evidence/Statements

820. Forest & Bird had considered the Reporting Officers amended Overview wording but remained concerned that the scope of the chapter was still not clear because:

(a) The Overview refers to regionally significant infrastructure but does not explain what aspects of RSI are addressed in this chapter.

(b) The "*range of specified infrastructure*" addressed in the INF Chapter is not set out and can only be determined by subtracting the activities addressed in other chapters from the definition of '*Infrastructure*'.

(c) The definition for '*Energy activities*' remains uncertain and that definition is relied on to understand the scope of the Infrastructure Chapter.

821. Forest & Bird considered that the INF Overview needed to be written to explain the scope of the chapter and how it addresses the differences with the Energy Chapter using different terms. As the Panel understood it, the breadth of infrastructure captured by the term "*Energy activity*" and the scope of the INF Chapter were the concerns for Forest & Bird.

Hearing Panel's Evaluation

822. For the reasons advanced by the Reporting Officers, we recommend the Overview is amended as detailed below. We acknowledge the concerns of Forest and Bird and note that we have recommended a definition Regionally Significant Infrastructure be included in the Plan which

goes some way towards addressing those concerns. Further, we consider sufficient clarity has now been provided around '*specified infrastructure activities*' and '*Energy activities*'.

Hearing Panel's Recommendation

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

Infrastructure - Te Tūahanga

Overview

Infrastructure is critical to the social, cultural and economic wellbeing of people and communities, including providing for their health and safety, and has national, regional and local benefits. The West Coast Regional Policy Statement requires specific recognition and protection of regionally significant infrastructure.

While infrastructure is often seen as a necessary and normal part of urban and rural environments, it can also have adverse effects on surrounding land uses and the environment. The sustainable management of natural and physical resources requires a balance between the effects of different land uses.

However, infrastructure also needs to be protected, where possible, from encroachment by incompatible activities that may result in reverse sensitivity effects. Some infrastructure has specific operational and functional needs that need to be accommodated for its operation.

Infrastructure includes a range of structures, services and activities as defined in Definitions – Ngā Tautuhinga.[216] The Infrastructure Chapter contains the objectives, policies, rules for managing a range of specified Infrastructure activities**, such as three waters, telecommunications networks and radio communication networks**.[217] Port Activities are however managed in the Port Zone and Airport Activities are managed in the Airport Zone. The Infrastructure Chapter also does not apply to energy activities **nor National Grid activities**[218] as these are addressed in the Energy Chapter nor does it apply to Transport Activities that are addressed in the Transport Chapter.

The Area Specific Provisions (Zone chapters) do not apply to the Infrastructure activities managed in the Infrastructure chapter. The Overlay chapters and other District-Wide rules do apply where relevant.

Other relevant Te Tai o Poutini Plan provisions

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

- **Transport** - the Transport chapter sets out the requirements for activities in and around transport corridors that may be relevant to infrastructure.
- **Overlay Chapters** - the Overlay Chapters have provisions in relation to Sites and Areas of Significance to Māori; Ecosystems and Indigenous Biodiversity; Natural Features and

[216] Chorus NZ Ltd, Spark NZ Trading Ltd, Vodafone NZ Ltd S663.007
[217] Chorus NZ Ltd, Spark NZ Trading Ltd, Vodafone NZ Ltd S663.007
[218] Transpower Limited S299.052

Landscape; Natural Character and Margins of Waterbodies; Natural Hazards; Historic Heritage, Notable Trees and the Coastal Environment. Where an infrastructure activity is located within an overlay area (as identified in the planning maps) then the relevant overlay provisions apply.

- **General District Wide Matters -** provisions in relation to Activities on the Surface of Water and Earthworks in particular may be relevant to infrastructure activities.
- **Subdivision** - The Subdivision chapter sets out the requirements for the development of new infrastructure and connections as part of subdivision activities.
- **Financial Contributions** - The Financial Contributions chapter sets out the requirements for contributions of costs for activities which impact on infrastructure.

5.4. Objectives

Objectives as a whole

Submissions and Further Submissions

824. Nine submissions were received on the Infrastructure objectives, as a whole. Several submitters supported the infrastructure objectives as notified and others requested amendments to some provisions.

825. These submissions are detailed in s42A Report at paragraphs 364 to 368. The Panel has considered the relevant submissions and further submissions received and adopts the summaries provided in the s42A Report.

Section 42A Reports

826. BDC (S538.040) sought that reference to '*utility'* was removed from the objectives and policies as the definition of *'infrastructure'* encompasses network utility operations, therefore, references to *'utility'* were unnecessary. The Reporting Officers agreed that using the term '*utility'* within the Infrastructure Chapter may result in uncertainty and potential for misinterpretation by plan users, as it is captured by the definition of *'infrastructure'*. They supported BDC and RNZ's request and recommended amending policies INF-P4 and INF-P6 to address this.

827. RNZ (S476.044) sought that the objectives better recognise the following:

a) The critical contribution that infrastructure and network utility operations make to the social, economic and cultural well-being of the West Coast;

b) The technical and operational constraints that limit the geographic location in which network utilities in general can operate, particularly in relation to land use, subdivision and development; and

c) The need to avoid reverse sensitivity effects on network utilities to benefit the community.

828. The Reporting Officers did not support these submissions for the following reasons:

a) INF-O1 already recognises the contribution of infrastructure and network utilities on the West Coast;

b) INF-O5 provides for infrastructure and network utilities' functional and operational needs; and

c) INF-O3 affords appropriate protection of network utilities.

Hearing and Submitter Evidence/Statements

829. No specific evidence was received on the above matters.

Hearing Panel's Evaluation

830. The Panel agree with the Reporting Officers' recommended changes to INF-P4 and INF-P6 for the reasons advanced within the s42A Report. We note that these amendments are shown in the relevant policies themselves below.

831. The Panel accepts the conclusions of the Reporting Officers with regards the submissions of RNZ and further submission of NZEL and recommends these be rejected.

Hearing Panel's Recommendations

832. The Panel recommend no changes to the Objectives in response to submissions on the objectives as a whole. However, we agree with BDC that the word '*utilities*' is superfluous given this is included within the definition for '*Infrastructure*' and therefore recommend this is deleted from INF-O1 and INF-O2.

Objectives

Submissions and Further Submissions

INF-01

833. There were nine submission points[219] who submitted on Objective INF-O1. Several submitters supported INF-O1 as notified, however, the Panel notes there are recommended amendments in response to submissions as outlined below.

834. Forest & Bird (S560.135) sought that INF-O1 be amended as follows:

> *…to meet the needs of the West Coast/Te Tai o Poutini, where adverse effects can be appropriately managed in accordance with the Natural Environment and District Wide chapters of this Plan*.

835. BDC (S538.040) and RNZ (FS141.015) sought to amend INF-O1 to ensure the infrastructure meets both current and future needs.

[219] S538.040, S190.072, S442.020, S450.024, S476.014, S519.009, S560.135, S608.501, S663.009, FS141.015

INF-O2

836. Six submitters[220] submitted in support of Objective INF-O2. GDC (S608.502) sought for INF-O2 to be amended to clearly define '*incompatible*' in terms of the protection of utilities and infrastructure

INF-O3

837. There were four submission points[221] on INF-O3, which were mainly in support. GDC (S608.503) sought that INF-O3 be amended to clearly define this section as to where the onus is put (i.e., on the developers when subdividing).

INF-O4

838. There were eight submission points[222] in support of Objective INF-O4. Forest & Bird (S560.136) sought INF-O4 be amended as follows:

> *To consider natural hazard and biodiversity resilience and impacts of climate change in infrastructure location, design and provision*.

INF-O5

839. There were nine submission points[223] on Objective INF-O5.

840. Forest & Bird (S560.137) sought to amend INF-O5 as the RPS provides specific direction for considering biodiversity adverse effects as follows:

> *...~~minimised~~ avoided, remedied, and mitigated in accordance with the Natural Environment and District Wide chapters of this Plan, while recognising:*

841. RNZ (FS141.017) and KiwiRail (FS236.007) opposed the Forest & Bird submission as they considered '*minimise*' a more appropriate term because this recognised the importance of infrastructure and it would not always be possible to '*avoid, remedy or mitigate'* the effects of infrastructure.

842. Poutini Ngāi Tahu (S620.091) sought amendment to Objective INF-O5 to clarify that effects on the environment include Poutini Ngāi Tahu values and to ensure consistency with Policy INF-P2. They sought a further subclause as follows:

> *Poutini Ngāi Tahu requirements for discharge of wastewater to land*

843. Forest & Bird (S560.136), RNZ (FS141.017), and KiwiRail (FS236.007) sought to include the word '*needs"* after the word functional in clause (a).

[220] S190.073, S442.021, S450.025, S476.015, S519.010, S608.502, FS34.047
[221] S190.074, S450.026, S608.503, S663.011
[222] S190.075, S442.022, S450.027, S560.136, S608.504, S612.008, S663.012, FS34.052
[223] S190.074, S442.023, S450.028, S476.016, S519.011, S560.137, S608.505, S620.091, S663.013, FS141.017, FS236.007

Section 42A Reports

844. The Reporting Officers rejected the amendment sought by Forest & Bird on INF-O1 because they considered that specifying particular chapters of the pTTPP would limit and restrict the assessment and consideration required. They noted the Plan should be read in full and that the Infrastructure Chapter Overview provided guidance regarding what other chapters are to be read. They considered it would be a duplication to include it under specific standards.

845. In terms of the submission by BDC to amend INF-O1 to ensure infrastructure provides for both '*current and future needs',* the Reporting Officers were supportive of the wording requested.

846. In response to the GDC request to clearly define '*incompatible'* in INF-O2, the Reporting Officers noted that the pTTPP lacked provisions to enforce INF-O2, specifically what defines '*incompatible*'. For that reason, they recommended deleting '*incompatible*' which would be consistent with INF-P3.

847. The Reporting Officers considered that no amendment was required to INF-03. They noted in response to the GDC submission that the intent of the objective was the efficient and proficient use of infrastructure, which was achieved by coordinating the provision of utilities and infrastructure. Further, they noted that INF-P4 and INF-P5 enforce INF-O4; and that this policy direction was given effect to by both private development in accordance with Subdivision Chapter provisions and public development in accordance with the infrastructure provisions. They considered the relief sought by GDC would reduce the scope and intent of INF-03, consequently reducing the scope of standards that could be imposed.

848. The Reporting Officers did not support Forest & Bird' request to provide for '*biodiversity*' within INF-O4. In their opinion, the district-wide ECO Chapter would apply and provided sufficient direction on this matter. They considered Forest & Bird had not provided specific reasoning to outline the issue with INF-O4 and why this amendment was required. The Reporting Officers did accept the inclusion of *'location',* which was a key factor when considering how infrastructure may be affected by natural hazards and climate change.

849. In response to Forest & Bird's requested amendment to INF-O5, the Reporting Officers considered the district-wide ECO Chapter would apply to all activities and the pTTPP was intended to be read as a whole document. In their opinion, '*avoid, remedy or mitigate'* was inconsistent with the RPS, and therefore they did not support this amendment.

850. The Reporting Officers did not support the relief sought by Poutini Ngāi Tahu to INF-O5 because they considered INF-P2 provided appropriate recognition for Poutini Ngāi Tahu values. Further, they noted that INF-O5 was clear and provided a proper direction as an objective, setting out a direction for the effects on the environment. It is supported by INF-P2, which provides details as required.

851. While there is no discussion in the s42A Report of the submissions seeking to include the word '*needs*' INF-05 as sought by submitters, the word was included in the changes shown to INF-O5. However, when considering submission points[224] and evidence on other provisions that

[224] Manawa (S438.044), NZ Energy (FS127) at paragraph 217 of the s42A Report

included the words operational and or functional the Reporting Officers supported the inclusion of the word '*needs*' as doing so was consistent with the National Planning Standards.

Hearing and Submitter Evidence/Statements

852. Forest & Bird considered it was important to ensure appropriate wording was used to distinguish between and capture different types of infrastructure in provisions to give effect to higher order documents, including the NPSET, NPSREG, the NZCPS and the RPS, to effectively manage adverse effects and locational considerations.

853. Mr Leckie's legal submissions[225] noted that, while not directly relevant to Bathurst's relief, Bathurst supported consistent language where functional and operational needs formed part of the plan provisions. He noted these were defined in the National Planning Standards and that definition encompasses technical and locational needs.

854. Forest & Bird agreed that the ECO Chapter should be relied on with respect to adverse effects of ENG, INF and TRN activities on ecosystems and indigenous biodiversity. Ms Snoyink noted their submission sought to ensure that provision for activities in these chapters was made in the context of recognising that adverse effects would need to be "*avoided, remedied or mitigated*". She considered using these words provided for integration and avoided potential conflicts with provisions in other chapters. She noted their submission sought to replace the word "*minimise*" with "*avoid, remedy or mitigate".*

855. Ms Snoyink was critical of the Reporting Officers' approach, where in some circumstances they considered '*minimising'* as an alternative to '*avoiding, remedying or mitigating'*, and in other circumstances equated '*minimise*' with *'avoid, remedy or mitigate'*. She noted in paragraph 173 of the s42A Report in relation to ENG provisions they considered '*minimise*' reflected that there were scenarios where it was not possible or practical to avoid, remedy or mitigate all effects from energy activities. Also, in paragraph 175, she noted that the Reporting Officers consider that "*the RMA requires adverse effects on communities and the environment of activities to be minimised.*" She disagreed with these approaches.

856. Ms Snoyink noted that at paragraph 385, of the s42A Report concerning INF-O5, the Reporting Officers considered that "*In our opinion, 'avoid, remedy or mitigate' is inconsistent with the RPS and we therefore do not support this amendment."* She considered that it was not clear how they had reached that conclusion. However, she said, presumably it related to their interpretation of RPS Chapter 6 Regionally Significant Infrastructure provisions. However, even on that basis, she considered "*such reasoning does not stack up".* She noted that RPS Chapter 6 specifically states that *"All relevant provisions in this RPS must be considered in managing the adverse effects of RSI activities*." She considered this meant that any Plan provisions giving effect to the RPS provisions for RSI must be in the context of addressing adverse effects as directed under other chapters of the RPS, including Chapter 7 Ecosystems and Indigenous Biological Diversity. She noted all three effects management measures *"avoid, remedy or mitigate"* were relevant in this context. She noted '*Infrastructure*' as defined by the RMA, was broader than RSI (as defined by the RPS) and that INF-O5 refers to "*the adverse*

[225] Legal Submissions for Bathurst dated 13 November 2023 paragraphs 16 to 17

effects of infrastructure on the environment …". She noted RMA section 5 requires *"avoiding, remedying or mitigating*" adverse effects of activities on the environment.

857. Ms Snoyink noted in the updated Addendum s42A Report suggested that "*avoid, remedy or mitigate*" was not appropriate in Objective ENG-O2 because objectives should be directing an outcome sought and because of the wording of objectives in the NPSREG. She said Forest & Bird's position was that adverse effects being "*avoided, remedied or mitigated*" was a more appropriate outcome than "*minimised*". The former, she contended, was consistent with the RMA and the latter was uncertain as to how adverse effects would be "*avoided, remedied* or mitigated". She considered this uncertainty was reinforced in the case of INF-O5 by the lack of INF policy direction to "*avoid, remedy or mitigate*" adverse effects of infrastructure activities on the environment.

858. Ms Pull detailed how provisions of the RPS Chapter 3, notably Policies 2 and 3, recognised and provided for Ngai Tahu values, particularly in managing discharges, including wastewater. She noted the RPS provisions record that discharge to land, particularly when the discharge was sewage effluent, was preferred where practicable and where the effects are less than if the discharge were to water. Building on those provisions and to give effect to the RPS, she considered the pTTPP would need to include provisions relating to the cultural impacts of discharges.

859. Ms Pull sought that INF-O5 be amended to include Ngāi Tahu requirements for wastewater discharge to land as a new clause. She noted that the s42A Report recommended rejection because INF-P1 and INF-P2 recognised the importance of the wastewater discharge issue for Poutini Ngāi Tahu. However, Ms Pull noted these policies exist to implement infrastructure objectives, which are focused on the efficiency and positive effects of infrastructure rather than recognising or providing for environmental considerations.

860. Ms Pull recognised that INF-O5 aimed to minimise adverse environmental effects while recognising infrastructure needs and positive effects. However, she said it only stated '*environment'*, which she considered was an extensive term and it was unclear whether it included cultural wellbeing in this context. She further noted that INF-P2 clauses (a), (e) and (f) essentially repeated INF-O5 with the same wording, leaving the assumption that clause (c), which refers to Poutini Ngāi Tahu values, wis not connected to objective INF-O5. She therefore sought an amendment to INF-O5 to recognise Poutini Ngāi Tahu values, clarify that INF-O5 considers the well-being of communities in Te Tai o Poutini, and provide more clarity on the link between INF-O2 and the clauses of INF-P2.

861. Ms Pull sought was that INF-O5 was amended as follows:

> The adverse effects of infrastructure on the environment are minimised, while recognising:
>
> a. The functional and operational needs of infrastructure
>
> b. Poutini Ngāi Tahu requirements for discharge of wastewater to land; and
>
> c. The positive effects of infrastructure may be realised locally, regionally, or nationally.

Reporting Officers' Position Statement and Reply Evidence

INF-01

862. The Reporting Officers made no further recommendations in Reply.

INF-02

863. The Reply Report noted that the s42A Report recommendation and position discussed in the hearing was that the retention of the word '*incompatible*' in ENG-O3, ENG-P9 and INF-O2 was not supported due to the limitation of the scope of the objective or policy and the potential uncertainty of what was incompatible.

864. However, the Reporting Officers detailed their reconsideration of this recommendation[226] in light of the evidence presented[227] at the hearing and further discussions in EWC. They recommended that the word '*incompatible*' be included in these provisions, as it would provide the ability to enable compatible subdivision, use and development in specific circumstances, which they understood to be sufficient to afford protection of the relevant infrastructure. Furthermore, they considered retention of the word '*incompatible'* was consistent with RPS Chapter 6, Policy 4.

INF-03

865. The Reporting Officers made no further recommendations in Reply.

INF-04

866. The Reporting Officers made no further recommendations in Reply.

INF-05

867. The Reporting Officers stated that "*further to evidence and discussions at the hearing, we consider that replacing the term 'minimise' with 'manage' will provide a clear target whilst ensuring consistency with the Energy Chapter. Further manage can be achieved via avoidance, remediation or mitigation*." The Panel notes, however, that no wording change to that effect was shown in Attachment 1 of the Right of Reply.

868. Following EWC, the Reporting Officers and Ms Pull met online to conference outstanding issues raised by the Poutini Ngāi Tahu submission in relation to the Energy, Infrastructure and Transport chapters that were not addressed at the EWC. The outcome of that meeting was that Ms Pull produced a Position Paper, in which, among other things, she provided proposed wording for an amended INF-05.

869. The Reporting Officers (in their Position Statement of 8 February 2024) altered their position from that held in the s42A Report to acknowledge that the RPS requires district councils to manage land use, referring to Chapter 8 Policy 2, Chapter 8, Methods 2 and 3, and Objective 2 of Chapter 3. They noted that these provisions reference Ngai Tahu's preference for discharges to land over water where practicable; and also provide direction to district councils to consult and include in district plan policies, rules, guidelines and other information to avoid,

[226] Right of Reply Section 3.2 paragraph (18) page 6.
[227] Evidence of Stephanie Styles, paragraphs 7.1 - 7.4

remedy or mitigate the adverse effects of land use activities and management practices on water quality. The highlighted the subject of the direction to consult was to avoid, remedy or mitigate adverse effects originating from land and freshwater use on cultural values associated with fresh and coastal water, including by identifying significant mahinga kai and other taonga areas.

870. To give effect to the RPS, the Reporting Officers recommended amending INF-O5 as follows:

> The adverse effects of infrastructure on the environment are, minimised including (but not limited to) the adverse effects of land use activities and management practices on the Poutini Ngāi Tahu cultural values associated with fresh and coastal water, while recognising:
>
> a) The functional needs and operational needs of infrastructure; and
>
> b) That positive effects of infrastructure may be realised locally, regionally, or nationally.

871. The Reporting Officers noted that this wording differed from that detailed in Ms Pull's Position Paper but considered their wording reflected the RPS, whilst maintaining the intent of the objective.

872. The Reply Report confirmed this position.

Hearing Panel's Evaluation

INF-01

873. The Panel accepts the reasoning set out in the s42A Report[228] to reject the Forest & Bird submission to specifying particular chapters in INF-O1. We accept the BDC submission to add '*current and future needs'* to the objective which aligns with s5 of the RMA.

INF-02

874. The Panel accepts the reasoning, as set out in the Reply Report,[229] to reject the GDC submission to deal with the alleged uncertainty as to the meaning of the word '*incompatible'* by deleting it from the objective. We agree with the evidence of Ms Styles on this matter generally and the revised position of the Reporting Officers and recommend the word '*incompatible*' is retained.

INF-03

875. The Panel accepts the reasoning set out in the s42A Report[230] to reject the GDC submission.

INF-04

876. The Panel agree with Forest & Bird and Mr Leckie that the language in the plan provisions needs to be consistent and that it must also give effect to the National Planning Standards.

[228] S42A Report paragraphs 371 -372, page 113.
[229] Right of Reply paragraph 18, page 6
[230] S42A Report paragraph 378, page 114

The inclusion of the word '*location*' in INF-O4 enables consideration of the effects of a proposal on location and enables consideration of any technical and operational needs of a proposal that may have constrained or limited locational options due to those needs.

877. The Panel accepts the reasoning set out in the s42A Report[231] not to include biodiversity in INF-O4 as sought by Forest & Bird. We consider this objective is specific to natural hazards and associated infrastructure provision.

878. The Panel recommend accepting in part the Forest & Bird submission as a result of the above.

INF-05

879. The Panel agree in this context, retention of the word '*minimise'* within the objective is appropriate because it recognises the importance of infrastructure and that it will not always be possible to '*avoid, remedy or mitigate'* the effects of infrastructure.

880. The Panel agrees with the recommendation to include the word '*needs*' as it gives effect to the National Planning Standards and assists in making the objective clear.

881. The Panel agree with the Reporting Officers' revised recommendation and associated reasoning to address the Poutini Ngāi Tahu submission on discharge of wastewater to land. We consider the Reporting Officers' recommended wording better reflects the focus of the RPS provisions than that of Ms Pull. For example, she uses the word "*requirements*," which lacks clarity. Also, we consider the use of the word "*requirements*" is at odds with the RPS language, which uses words such as "*preference*" and "*where practicable*".

Panel's Recommendation

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

INF – O1	To enable the safe, efficient and sustainable development, operation, maintenance and upgrading of ~~utilities and~~ infrastructure, to meet the **current and future** needs of the West Coast/Te Tai o Poutini. [232]
INF – O2	To protect ~~utilities and~~ [233]infrastructure from the adverse effects of incompatible subdivision, land use and development.
INF – O3	To ensure the efficient provision and use of infrastructure for communities by co-ordinating the provision of utilities with subdivision, use and development of land.

[231] S42A Report paragraph 382, page 114
[232] Buller District Council (S538.040), Radio NZ (FS141.015)
[233] Buller District Council (S538.040)

INF – O4	To consider natural hazard resilience and impacts of climate change in infrastructure **location,**[234] design and provision.

INF – O5	The adverse effects of infrastructure on the environment are minimised, **including (but not limited to) the adverse effects of land use activities and management practices on the Poutini Ngāi Tahu cultural values associated with fresh and coastal water,**[235] while recognising: a. The functional **need** and operational needs[236] of infrastructure; and b. That positive effects of the infrastructure may be realised locally, regionally, or nationally.

5.5. Infrastructure Policies as a whole

Submissions and Further Submission

883. There were four submission points[237] in support of the infrastructure policies collectively.

884. RNZ (S476.045) sought that the infrastructure policies be amended to better recognise:

a) The critical contribution that infrastructure and network utility operations (such as RNZ's facilities) make to the social, economic and cultural wellbeing of the district, as well as health and safety;

b) The technical and operational constraints that limit the geographic location in which network utilities in general, and RNZ's facilities in particular, cooperate, particularly in relation to land use, subdivision and development; and

c) The need to avoid reverse sensitivity effects on network utilities for the benefit of the community.

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885. The Reporting Officers did not recommend amendments based on the RNZ submission because they considered that INF-P1 recognises the importance of infrastructure, INF-P2 recognises technical and operational needs, and INF-P3 recognises reverse sensitivity.

Hearing Panel's Evaluation and Recommendation

886. The Panel accepts the Reporting Officers' analysis and reasons. We do not recommend any changes in response to submissions on the policies as a whole.

Submissions and Further Submissions

[234] Forest and Bird (S560.136)
[235] Te Runanga o Ngai Tahu, Te Runanga o Ngati Waewae, Te Ruinanga o Makaawhio (S620.091)
[236] Forest and Bird (S560.137), Radio NZ (FS141.017), KiwiRail (FS236.007)
[237] S558.472, S566.472, S567.052, S574.472

INF-P1

887. There were eight submission points[238] on INF-P1, of which five were in support.

888. RNZ (S476) sought that INF-P1 be amended as follows:

> …utilities and infrastructure, <u>in particular critical infrastructure.</u>

889. Forest & Bird (S560.138) sought that INF-P1 be amended as follows because the RPS did not require the provision of RSI in all cases, nor for infrastructure in general:

> Recognise ~~and provide for~~ the positive social, economic, cultural and environmental benefits from the development, continued operation, and upgrading of utilities network and infrastructure.

890. RNZ (FS141.014) opposed this submission as it considered the inclusion of '*provide for'* was important.

891. GDC (S608.506) sought to amend Policy INF-P1 to provide for the maintenance of utilities and infrastructure to give effect to Objective INF-O1.

INF-P2

892. There were ten submission points[239] on Policy INF-P2 of which three were in support.

893. RNZ (S476.018) seek INF-P2 be amended as follows:

> The positive effects of infrastructure, <u>in particular critical infrastructure</u>;

894. This amendment is requested to support RNZ's relief sought in relation to the definition of *'critical infrastructure'*. RNZ specifically considers that INF-P2 ought to address the importance of critical infrastructure.

895. Forest & Bird (S560.139) sought Policy INF-P2 be amended as follows:

> Manage the design and location of network utilities and infrastructure, ~~including when sited in overlays,~~ in a way that considers:
>
> a. … ;
>
> b. <u>Whether there are alternative locations or a functional need to locate within an Overlay area or any Significant Natural Area (being areas meeting criteria in Appendix 1 of the WCRPS, whether mapped in the Plan or not);</u>
>
> c. Resilience <u>of the natural environment and of the infrastructure</u> to natural hazards and climate change;
>
> d. …

[238] S190.078, S442.023, S450.028, S476.016, S519.011, S560.137, S608.505, S663.013, FS141.014
[239] S190.079, S442.025, S476.018, S560.139, S594.003, S602.035, S608.507, S612.009, S620.411, S663.015, FS141.018, FS141.019, FS149.098

e. The need to minimise avoid, remedy, or mitigate adverse effects on the environment in accordance with the Natural Environment and District Wide chapters of this Plan.

f. …

896. Forest & Bird considered that '*minimise*' (in clause (e) above) was insufficient to give effect s5 of the RMA, which required adverse effects to be avoided, remedied, and mitigated on the environment. RNZ (FS141) oppose the relief sought by Forest & Bird as they considered '*minimise*' to be a more appropriate term, as it recognised the importance of infrastructure and also that it will not always be possible to '*avoid, remedy or mitigate'* the effects of infrastructure.

897. The Director General (S602.035) seek that the schedules, SNA and the overlay chapter areas were referred to concerning adverse environmental effects.

898. Janie Cook (S594.003) sought deletion of Policy INF-P2 as they considered homeowners would lose the right to consume rain that falls on their property

899. Chorus NZ Ltd, Spark NZ Trading Ltd, Vodafone NZ Ltd (S663.015) sought deletion of clause (a) and replacement with '*operational need and functional need'* to reflect the National Planning Standards and the pTTPP definitions.

INF-P3

900. There were seven submission points[240] on Policy INF-P3, of which of which five were in support.

901. KiwiRail (S442.026) and RNZ (FS141.020) sought Policy INF-P3 be amended to provide for maintenance, repair, upgrading, removal and development of infrastructure because the current wording did not apply to all activities (i.e., rail activities) and it was limited to the operation (i.e., operation of the rail network). Kāinga Ora (FS58.033) opposed this submission as they considered that this would result in the requirement for subdivision, use and development to manage reverse sensitivity effects from planned or unplanned future infrastructure, rather than the infrastructure provider needing to assess the effects at the time of planning or development. They considered that this provision should only require the management of reverse sensitivity effects from the current operations.

902. RNZ (S476.019) and NZDF (FS31.008) sought that INF-P3 be amended to specifically reference '*critical infrastructure'* and strengthen the policy wording to replace '*manage*' with '*avoid*'. The submitters considered that it is important to provide more stringent wording, as reverse sensitivity can have a significant effect on infrastructure, which is difficult to address once the effect arises. Kāinga Ora (FS58.034) opposed this submission as it considers that the requirement to avoid reverse sensitivity effects from all subdivision, use and development was too onerous and went beyond what was required in the RPS.

INF-P4

[240] S190.080, S450.030, S476.019, S519.013, S608.508, S663.016, FS31.008, FS58.033, FS58.034, FS58.084, FS58.085, FS141.020

903. There were six submission points[241] on Policy INF-P4, of which four supported the policy.

904. BDC (S538.041) sought to amend Policy INF-P4 to ensure that subdivision and development were serviced to meet '*current and future'* needs and to include '*Water Service Entity*' as one of the listed parties with whom infrastructure could be vested.

905. Forest & Bird (S560) sought Policy INF-P4 be amended as follows:

> Ensure that subdivision and development ~~is~~ can be adequately serviced including:
>
> In site selection and design considerations, assessing the adverse effects of subdivision and development as well as adverse effects of services when determining whether the subdivision or development should occur in that location in the first place; and that adequate services includes:

906. Forest & Bird sought this amendment because they considered that before subdivision and development, there should be consideration of constraints, including where adverse effects on natural values could and should be avoided.

INF-P5

907. There were seven submission points[242] received on Policy INF-P5, of which five supported the policy as notified.

908. Poutini Ngāi Tahu (S620.093) sought Policy INF-P5 be amended to provide for onsite treatment, in addition to detention, as this aligned with Poutini Ngāi Tahu values and safeguards the community wellbeing.

INF-P6

909. There were six submission points[243] on Policy INF-P6, all in support of the policy as notified.

New Policy

910. Te Mana Ora (S190.077) sought an additional policy be included as follows:

> Minimise the risk of adverse effects by subdivision, development and activities on drinking water sources through a Drinking Water Source Protection Zone.

911. This new policy was sought in accordance with the NES-SHDW along with a Drinking Water Source Protection Zone which would ensure any drinking water supply was protected from potential adverse effects. The policy was supported by GDC (FS1.340) but not the overlay.

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INF- P1

[241] S190.081, S450.031, S538.041, S560.140, S612.010, S620.412, S663.017
[242] S190.082, S442.027, S450.032, S608.510, S612.011, S620.092, S620.093
[243] S190.083, S442.028, S476.020, S560.141, S608.511, S663.018

912. The Reporting Officers did not support Forest & Bird's requested amendments to Policy INF-P1 because they considered them inconsistent with the RPS. They considered that the issue of including critical infrastructure sought by RNZ had already been addressed in their s42A Report.

913. In terms of the GDC amendment to introduce '*maintenance*' into the policy the Reporting Officers supported the relief sought and recommend its inclusion.

INF-P2

914. The Reporting Officers did not support RNZ's submission to include critical infrastructure within the policy due to adopting the definition for RSI.

915. In respect of the Forest & Bird submission and the related submission of the Director General, the Reporting Officers did not support the amendment to provide for biodiversity within INF-P2, noting that the district-wide ECO Chapter applied to all activities. Further, they noted the Infrastructure Chapter Overview provided guidance regarding other chapters to be read, and therefore it would be a duplication to include it under specific standards.

916. The Reporting Officers also considered '*manage*' more appropriate than '*minimise*' and '*avoid, remedy or mitigate*' becasue this provided greater certainty, was consistent with the approach taken throughout pTTPP, and aligned with the RPS.

917. In response to Janie Cook's submission, the Reporting Officers considered that the policy did not specifically limit the ability for landowners to have onsite rainwater tanks, so they recommended rejecting the submission.

918. In response to the submission from Chorus NZ Ltd, Spark NZ Trading Ltd, Vodafone NZ Ltd the Reporting Officers supported this submission to make amendments that would ensure consistency of language with definitions and the Energy Chapter, which will improve the Plan's effectiveness and efficiency.

INF-P3

919. The Reporting Officers did not support KiwiRail and RNZ and agreed with Kāinga Ora because the relief sought was inconsistent with the RPS (specifically Policy 4.5 and 4.8).

920. In relation to the amendments sought by RNZ and NZDF, the Reporting Officers did not support the changes proposed. They agreed with Kāinga Ora that '*manage*' provided appropriate policy direction because the RPS required protection, not avoidance, which was overly restrictive.

921. The Reporting Officers did not support the inclusion of '*critical infrastructure'* as sought by RNZ as the definition of infrastructure already encompasses critical infrastructure. They considered it was unnecessary to provide further wording within the policy to include this. They also noted that temporary military activities are provided for in the TEMP Chapter and considered it more appropriate that defence facilities continue to be managed in accordance with each zone's provisions.

922. The Reporting Officers recommended no amendments to the notified version of INF-P3.

INF-P4

923. The Reporting Officers supported BDC's request to include '*current and future'* needs because this was consistent with RPS Chapter 6, Policy 1. However, they considered it was not appropriate to include reference to '*Water Service Entity'* because it did not align with the policy wording (which did not refer to specific providers) and this entity did not currently exist.

924. The Reporting Officers did not support Forest & Bird's amendment because they considered the Subdivision Chapter policies SUB-P1 and SUB-P2 already addressed these matters, and the relief would result in unnecessary duplication of policy direction.

INF-P5

925. The Reporting Officers recommend retaining INF-P5 as notified. They did not support the Poutini Ngāi Tahu submission considering the current wording of INF-P5 already allowed for onsite treatment and detention and in their opinion no change was required.

INF-P6

926. The Reporting Officers recommended retaining INF-P6 as notified.

New Policy

927. The Reporting Officers did not support adding a new policy because they considered they did not have sufficient information, technical evidence or a section 32 evaluation to support the relief sought. Furthermore, they believed that the INF policies support the provision of safe drinking water. They left the matter open for Te Mana Ora to provide further information through evidence to support the relief sought.

Hearing and Submitter Evidence/Statements, including EWC

INF-P1

928. None of the submitters on INF-P1 presented evidence or appeared at hearings.

INF-P2

929. Ms Grinlinton-Hancock, for KiwiRail, opposed the Reporting Officers' recommendation to amend clause (a) to replace "*locational, technical and operational constraints*" with "*operational need and functional need*", relying on the reasons provided by Ms Heppelthwaite's evidence[244] for the Introduction and General Provisions and Strategic Direction hearing. Essentially, Ms Grinlinton-Hancock supported a more nuanced approach to operational and functional need and further considered these tests were more appropriately located in Part 2 Natural Environmental Values.

[244] Statement of Evidence of Catherine Heppelthwaite 2 October 2023 at 9.24 – 9.27

930. Ms Snoyink, for Forest & Bird, outlined preference and reasons for utilising '*avoid, remedy, and mitigate*' rather than using the word '*minimise*' within provisions such as clause (f) of INF-P2. She considered the interrelationship between the chapters and did not consider it was appropriate to rely on chapter overviews to provide guidance regarding what other chapters were to be read and considered when a proposal was being assessed. Forest & Bird sought to amend clause (b) to explicitly provide for that linkage.

931. Ms Inta supported retention of '*minimise*' in this policy because she considered it provided better protection than '*manage*' and wanted to see it retained.

932. Mr Horne, for the Telecommunication companies, noted the Reporting Officers supported their submissions on INF-P2.

INF-P3

933. Ms Grinlinton-Hancock disagreed with the Reporting Officers' position that KiwiRail's submission was inconsistent with RPS and noted RPS Chapter 6 Policies 4 and 8 were relevant. She suggested the RPS policy direction supported accepting the submission.

INF-P4

934. No submitter evidence was received on INF-P4.

INF-P5

935. Ms Pull agreed that if all development must comply with policies INF-P4 and INF-P5, stormwater treatment was covered in INF-P4. However, she sought clarification within INF-P5 regarding the required acceptable level of flooding risk and considered both policies should be amended to reference the treatment of stormwater.

INF-P6

936. No submitter evidence was received on INF-P6.

New Policy

937. No submitter evidence was received on the requested new policy.

Reporting Officers' Reply Evidence and Position Statement

INF-P1

938. INF-P1 was not addressed further in the Reply. The s42A recommendation remained unchanged.

INF-P2

939. In responding to evidence presented and discussion at the hearing regarding consistency with other Reporting Officers, the Reporting Officers, recommend that '*minimise*' in clause (f) be replaced with '*avoid, remedy, mitigate*' and that the Forest & Bird submission be accepted.

Furthermore, they considered that the range of potential adverse effects on the environment was very wide, and the wider action reflected this scope. However, the Panel notes this recommended change was not shown in Appendix 1 of the Reply.

940. The Reporting Officers also included the word "*all*' immediately before "*overlays*" in the Reply version of the amended Plan provisions to clarify that INF-P2 applied to all overlay chapters.

INF-P3

941. The Reply indicated that the Reporting Officers considered '*manage*' to be appropriate in INF-P3 as this was consistent with their recommendation for ENG-P3.

INF-P4

942. INF-P4 did not receive further consideration in Reply.

INF-P5

943. The Reports Officers did not alter their s42A Report recommendation to retain INF-P5 as notified. In Reply, they noted that no submissions have been received seeking to change '*minimise*' in this policy and as such considered there was no scope to recommend changes.

INF-P6

944. The Report Officers did not alter their s42A Report recommendation to retain INF-P6 as notified.

New Policy

945. The Reply did not address the inclusion of a new policy further.

Hearing Panel's Evaluation

946. In terms of the broader RNZ submission, the Panel agrees with the Reporting Officers that INF-P1, INF-P2 and INF-P3, collectively, sufficiently address the matters raised by RNZ. We agree and do not recommend any specific amendments in response to this submission.

INF-P1

947. The Panel have considered the deletion of '*provide for*' as sought by Forest and Bird. While we accept that '*provide for*' is utilised in the WCRPS specifically for energy supply (which is given effect to in the Energy Chapter), we agree that the WCRPS does not require the provision of Regionally Significant Infrastructure in all cases. In this context we note that Method 2 under Chapter 6 of the WCRPS refers to "*Through regional and district plan rules … recognise the positive benefits of RSI*". We therefore consider in relation to the Infrastructure Chapter '*provide for*' in INF-P1 should be removed.

948. We agree with the Reporting Officers reasoning and subsequent recommendations in relation to INF-P1 and recommend including '*maintenance*', as sought by GDC.

INF-P2

949. The Panel accept the recommendation to include '*all*' before reference to the overlays to clarify all overlays apply and consider this is an appropriate RMA Schedule 1, clause 16 in response to our questions that will improve clarity. While we agree with the Reporting Officers' reasons for rejecting both the Forest & Bird and Director General submission points and for explicitly including within the policy a reference to overlay areas and significant natural areas, the Panel notes that this change may in part address the concerns of Forest and Bird in relation to the overlays.

950. The Panel consider the amendment to clause (a) is appropriate and prefer '*operational need and functional needs*' over the notified '*locational, technical and operational constraints'* given the former terms are defined in the Plan. We also note that '*location*' is already covered in the opening paragraph. We consider the word '*technical*' is ambiguous and unclear and is encompassed by '*operational need and functional need*'. The Panel notes that alignment with the National Planning Standards also supports the recommended amendments and we do not consider a more nuanced approach, as sought by Ms Grinlinton-Hancock, is needed. We therefore agree with the Reporting Officers reasons within the s42A Report for accepting the telecommunications companies' submission to amend clause (a).

951. In terms of clause (f), the Panel agree with the revised recommendation of the Reporting Officers to replace '*minimise*' with '*avoid, remedy or mitigate*' to ensure consistency across the Plan. We consider this change addresses the concerns of Forest & Bird.

952. The Panel accepts the Reporting Officers' recommendation to reject Janie Cook's submission point for the reasons provided in the s42A Report.

INF-P3

953. The Panel considers INF-P3, as notified, assumes the utility or infrastructure is in place and that it is the potential reverse sensitivity effects from new subdivision, use and development that must be managed. Based on this intent, we agree with the Reporting Officers and Kainga Ora that the policy covers existing infrastructure, not new or proposed. We also agree that the word '*manage*' is preferred over '*avoid*' because avoid means not allowing, which excludes the ability to assess measures to manage potential reverse sensitivity effect. We consider that the assessment aspect of the policy is important and needs to be retained. We therefore recommend no changes to INF-P3.

INF-P4

954. The Panel agree the Reporting Officers' recommendation to accept in part the BDC submission and reject the submission of Forest & Bird, for the reasons set out in the s42A Report. We recommend deleting the words '*network utility*' from clause (i) in response to BDC's request.

INF-P5

955. The Panel accept the Reporting Officers' recommendation to retain INF-P5 as notified, for the reasons set out in s42A Report. We have considered Ms Pull's evidence but do not find the reasons outlined for amending the policy compelling. We consider that when an application

for resource consent is processed, both policies will need to be considered. Therefore, we consider stormwater treatment is provided for in both INF-P4 and INF-P5.

INF-P6

956. The Panel recommends the wording of this policy is retained as notified, except for recommending deleting the words '*network utilities*', sought by BDC.

New Policy

957. The Panel agree with the Reporting Officers' recommendation not to include a new policy, for the reasons set out in the s42A Report.

Hearing Panel's Recommendation

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

INF – P1	Recognise ~~and provide for~~[245] the positive social, economic, cultural and environmental benefits from the development, continued operation, **maintenance,**[246] and upgrading of ~~utilities and~~[247] infrastructure.
INF – P2	Manage the design and location of ~~utilities and~~ [248]infrastructure, including when sited in **all**[249] overlays in a way which considers: a. ~~Locational, technical and operational constraints~~ **Operational need and functional need**;[250] b. Resilience to natural hazards and climate change; c. Poutini Ngāi Tahu requirements for discharge of wastewater to land; d. Benefits of co-location of infrastructure; e. That positive effects of infrastructure may be realised locally, regionally, or nationally; and f. The need to ~~minimise~~ **avoid, remedy and mitigate**[251] adverse effects on the environment.
INF – P3	Manage reverse sensitivity effects from subdivision, use and development, on ~~utilities and~~ [252]infrastructure to ensure their safe, secure and efficient operation.
INF – P4	Ensure that subdivision and development, is adequately serviced **to meet the current and future needs**[253] including:

[245] Forest and Bird (S560.138)
[246] Grey District Council, S608.505
[247] Buller District Council (S538.040)
[248] Buller District Council (S538.040)
[249] RMA First Schedule Clause 16
[250] Chorus NZ Ltd, Spark NZ Trading Ltd, Vodafone NZ Ltd, S663.015
[251] Forest and Bird (S560.139)
[252] Buller District Council (S538.040)
[253] Buller District Council (S538.041)

	a. Safe and efficient vehicle access; b. Drinking water compliant with Safe Drinking Water Standards; c. Adequate water supply for firefighting; d. Treatment and safe disposal of stormwater that does not result in increased flooding and erosion risk; e. Treatment and safe disposal of wastewater with a preference for land-based treatment; f. Supply of electricity and telecommunications using a method that is appropriate to the type of development, location and character of the area including consideration of off-grid supply / wireless /satellite; g. Connections are made to wastewater, water supply and stormwater systems where they are available and there is capacity; h. Where new infrastructure is developed, that there is adequate provision for ongoing maintenance either by the vesting of the infrastructure in the relevant Council, or in the case of papakainga developments, that an ongoing hapū entity may be responsible for maintenance; and i. Financial contributions are provided where additional or upgraded ~~network utility~~[254] infrastructure is required to service development.
INF – P5	Minimise the effect of stormwater run-off associated with development activity, including requirements for onsite detention, upgrades to pump networks and roadside drainage networks where necessary, to reduce flooding risk to roads and property.
INF – P6	Provide flexibility for ~~network utilities~~ **<u>infrastructure</u>** to adopt new technologies that:[255] a. Improve access to, and efficient use of, networks and services; b. Allow for the re-use of redundant services and structures where they are safe and operating to required standards; c. Increase resilience, safety or reliability of networks and services; d. Result in environmental benefits and enhancements; e. Promote environmentally sustainable outcomes including green; or infrastructure and the increased utilisation of renewable resources.

5.6. INFRASTRUCTURE RULES

<u>Submissions and Further submissions</u>

All Standards and Notes to the Rules

[254] Buller District Council S538.041
[255] Buller District Council S538.041

959. Forest and Bird (supported by Poutini Ngāi Tahu)[256] sought to ensure that it was clear that the requirements of the Infrastructure Chapter, as well as other identified chapter plan provisions, needed to be complied with. Forest and Bird also sought that each of the restricted discretionary activities include an additional matter of discretion relating to the adverse effects on natural values.

960. BDC (S538.053) sought a different format for the performance standards without providing details.

961. Paul Finlay (S408.002) (supported by NZEL (FS127.046) sought that the performance standards provide for monitoring buildings and equipment to detect the movement of the plates and the Alpine Fault.

962. Forest & Bird (S560.134) sought that Advice Notes (2), (3) and (4) be amended to clarify the matters covered by the Infrastructure Chapter and those in other chapters.

963. Chorus NZ Ltd, Spark NZ Trading Ltd, Vodafone NZ Ltd (S663.019) sought that Advice Note (2) be amended to reflect that the NESTF does not regulate all new poles and antennas.

Permitted Activities

INF-R1

964. There were eight submission points[257] on Rule INF-R1, mostly in support.

965. BDC (S538.053) sought that the heading of Rule INF-R1 be amended to '*Infrastructure ~~Permitted~~ Activity Performance Standards'*.

INF-R2

966. Eight submission points[258] supported INF-R2 as notified.

967. Forest & Bird (S560.142) sought that INF-R2 be amended to a controlled activity to allow the Council to assess capacity.

968. Poutini Ngāi Tahu (S620.094) sought the addition of an advice note directed at controlling the volume of waterborne contaminants, litter, and sediments.

969. GDC (S608.512) sought clarification of what buildings are required to connect to reticulated services and proposed the inclusion of '*or structure in which human wastewater is generated*'

INF-R3

[256] S560.143, S560.144, S560.145, S560.146, S560.147, S560.148, S560.149, S560.150, S560.151, S560.152, S560.153, S560.154, S560.155, S560.156,S560.157, S560.158, S560.159, S560.160, S560.161, S560.162, S560.162, S560.163, S560.164,7 FS41.42, FS41.043, FS41.044, FS41.045, FS41.046, FS41.047, FS41.048, FS41.049, FS41.109, FS41.110, FS41.111, FS41.112, FS41.114, FS41.115, FS41.116, FS41.117, FS41.118, FS41.119, FS41.120

[257] S109.001, S190.085, S476.021, S538.042, S558.483, S566.483, S567.053, S574.483

[258] S190.086, S450.033, S538.043, S558.494, S566.494, S567.054, S574.494, & S612.012

970. Five submission points[259] supported Rule INF-R3 as notified.

971. BDC (S538.044) sought deletion of Rule INF-R3 because it was not relevant to the region. The Panel notes that this submission does not appear to have been covered in the s42A Report because it was assessed as a submission in support.

INF-R4

972. There were eight submission points[260] in support of INF-R4 as notified.

973. BDC (S538.045) sought INF-R4 be amended by deleting references to *'Activities'* and *'activity'* to provide consistency with the rule framework.

974. Chorus NZ Ltd, Spark NZ Trading Ltd, Vodafone NZ Ltd (S663.021) sought an additional clause to provide an increased period of 12 months for construction/re-construction activity.

INF-R5

975. Te Mana Ora (S190.089) supported Rule INF-R5 as notified.

976. WCRC (S488.008) (supported by NZEL (FS127.048)) sought that INF-R5 be amended to increase the height from 4m to 10m because 4m was unreasonable given the current provision of 30m in the Rural Zone and the minimal environmental effects of hydrology monitoring structures and aerials in remote locations.

977. BDC (S538.046) sought to incorporate the words '*environmental monitoring equipment*' into INF-R6 (meteorological facilities). BDC considered the reference to '*extreme weather event monitoring'* was unnecessary as it was captured within '*environmental monitoring'*.

INF-R6

978. There were five submission points[261] supporting Rule INF-R6 as notified.

979. BDC (S538.047) sought that INF-R6 be amended to give effect to the relief sought concerning INF-R5 as follows:

> Navigational aids/beacons, environmental monitoring equipment and Meteorological Facilities Activity Status Permitted ~~Where:~~
>
> ~~(1) These are located in a RURZ Zone or INZ – Industrial Zone~~.

INF-R7

980. There were seven submission points[262] supporting Rule INF-R7 as notified.

[259] S190.087, S558.505, S566.505, S567.055, S574.505
[260] S190.088, S442.029, S476.022, S558.516, S566.516, S567.056, S574.516, S608.513
[261] S190.090, S558.527, S566.527, S567.057, S574.527
[262] S190.091, S476.022, S558.538, S566.538, S567.058, S574.538, S663.022

981. KiwiRail (S442.030) sought to amend INF-R7 to ensure it applied to *'rail infrastructure'*, as it considered it was essential to capture rail activities within the permitted activity rule.

982. BDC (S538.048) sought to amend the heading of INF-R7 to '*Operation, maintenance, repairs and extension of existing network utilities'*.

983. GDC (S608.515) sought that INF-R7 be amended to exclude standard (5) from standard (7) to provide clarity.

INF-R8

984. There were six submission points[263] in support of Rule INF-R8 as notified.

985. BDC (S538.049) sought to remove the advice note relating to connections involving a heritage item and insert a new reference in the Energy Chapter that directs plan users to Rule INF-R8 when considering customer connections for electricity service.

INF-R9

986. There were six submission points[264] in support of Rule INF-R9 as notified.

987. BDC (S538.050) sought that INF-R9 be deleted and inserted into the Energy Chapter because it encompassed the electricity lines and telecommunication poles or towers. BDC suggested moving the electricity component to the Energy Chapter and removing the reference to telecommunications.

988. Frida Inta (S553.043) sought that INF-R9 be changed to a discretionary activity becasue it would allow a cell phone tower to be built without resource consent.

INF-R10

989. There were seven submission points[265] and one further submitter who supported Rule INF-R10 as notified.

INF-R11

990. There were nine submission points[266] received on Rule INF-R11. Several submitters supported INF-R11 as notified.

991. The Telecommunication Companies (S663.027) sought to include an additional standard to align with the NESTF as follows:

> the volume (including any ancillary equipment) but not including any cabling) is not more than 0.11m^3.

[263] S190.092, S558.549, S566.549, S567.059, S574.549, S663.024
[264] S190.093, S558.560, S566.560, S567.060, S574.560, S663.025
[265] S190.094, S558.571, S566.571, S567.061, S574.571, S663.026, S663.028, FS98.001
[266] S190.095, S558.582, S566.582, S567.062, S574.582

INF-R12

992. Te Mana Ora (S190.096) supported Rule INF-R12 as notified.

993. Several submitters (S558.593, S566.593, S567.063 & S574.593) sought that INF-R12 be amended to be more enabling and provide clarity.

994. The Telecommunication Companies (S663.029) sought that the heading of INF-R12 be amended to cover equipment that did not meet the permitted standards of the NESTF, as follows:

> New telecommunications poles, new antenna attached to poles and new antenna attached to a building not regulated by the NESTF, or regulated equipment not meeting the permitted standards of the NESTF.

995. The Telecommunication Companies also sought a 20m height limit for CMUZ – Commercial and Mixed-Use Zone (other than the NCZ – Neighbourhood Centre Zone) and a 25m height limit for the INZ – Industrial Zone to provide more consistency with the standards in other district plans and to better reflect the ability of these zones to absorb the effects of infrastructure.

Controlled Activities

INF-R13

996. There were seven submission points[267] in support of Rule INF-R13 as notified.

997. GDC (S608.518) sought to delete clause (4) from INF-R13 or include a separate clause because it referred to the requirements for dish antennae in zoned land and Rule INF-R13 was specifically for road reserve.

INF-R14

998. There were six submission points[268] supporting Rule INF-R14 as notified.

999. GDC (S608.519) sought that INF-R14 specify the requirements for the width of the panel antenna in the RESZ and SETZ if the limit was not 0.8m, so as to provide clarity on the width of the panel in these two zones. GDC noted the rule limited panel antennas to 0.8m in width, excluding those in the RESZ and SETZ.

Restricted Discretionary Activities

INF-R15

1000. There were seven submission points[269] supporting Rule INF-R15 as notified.

[267] S190.097, S538.054, S558.604, S566.604, S567.064, S574.604, S663.030
[268] S190.098, S538.055, S558.615, S566.615, S567.065, S663.031
[269] S190.099, S538.056, S558.626, S566.626, S567.066, S574.626, S663.032

INF-R16

1001. There were six submission points[270] supporting Rule INF-R16 as notified.

1002. BDC (S538.057) sought significant amendments to INF-R16 to include provisions relating to onsite stormwater management, wastewater, and water services.

INF-R17

1003. Te Mana Ora (S190.101) supported Rule INF-R17 as notified.

1004. BDC (S538.058) sought deletion of Rule INF-R17 because it was irrelevant to the region.

INF-R18

1005. Te Mana Ora (S190.102) supported INF-R18 as notified.

1006. BDC (S538.059) sought the deletion of INF-R18, seeking navigational aids and beacons to be permitted activities.

INF-R19 and INF-R20

1007. Te Mana Ora (S190.103 & S190.104) supported Rule INF R19 and Rule INF-R20 as notified, and Toka Tū Ake EQC (S612.014) supported INF-R19 as notified.

1008. BDC (S538.060 & S538.061) sought the deletion of INF-R19 and INF-R20 because environmental, extreme weather event monitoring and meteorological facilities should be provided for as permitted activities.

INF-R21

1009. There were three submission points[271] in support of Rule INF-R21 as notified.

INF-R22

1010. There were seven submission points[272] in support of Rule INF-R22 as notified.

INF-R23

1011. There were seven submission points[273] in support of Rule INF-R23 as notified.

Discretionary Activities

INF-R24

[270] S190.100, S558.637, S566.637, S567.067, S574.637, S612.013
[271] S190.105, S612.015, S620.095,
[272] S190.106, S538.062, S558.648, S566.648, S567.068, S574.648, S663.033
[273] S190.107, S538.063, S558.659, S566.659, S567.069, S574.659, S663.034

1012. There were six submission points[274] in support of Rule INF-R24 as notified.

INF-R25

1013. There were seven submission points[275] in support of Rule INF-R25 as notified.

INF-R26

1014. There were eight submission points[276] in support of Rule INF-R26 as notified.

1015. KiwiRail (S442.031) sought that INF-R26 be amended to provide for '*rail infrastructure'*.

1016. GDC (S608.523) sought that INF-R26 be amended to remove reference to *'minor'* as there is no other allowance for upgrading these structures.

INF-R27

1017. There were eight submission points[277] in support of Rule INF-R27 as notified.

Non-Complying Activities

INF-R28

1018. There were eight submission points[278] in support of Rule INF-R28 as notified.

New Rules/Standards

1019. GDC (S608.624) sought the insertion of a new permitted activity rule as follows:

> INF-R13 New lighthouses, navigational aids and beacons Activity Status Permitted
>
> Where:
>
> (1) This meets the performance standards in Rule INF-R1. Activity status where compliance not achieved: Restricted Discretionary.

1020. Branch 49 (Westland) of the New Zealand Association of Radio Transmitters Inc. (S109.001) noted that Rule INF-R1(2) states that Radio Frequency Fields shall not exceed the maximum exposure level of the general public in New Zealand Standard NZS 2772.1:1999 Radiofrequency fields - Maximum exposure levels - 3kHz to 300 GHz. They pointed out that that the Amateur General User Radio Licence lists permitted frequencies up to 1000 GHz; and therefore, questioned whether INF-R1(2) should be amended. They suggested a new section specifically for Amateur Radio Communications as a permitted activity as follows:

> Amateur Radio Communications.

[274] S190.108, S558.670, S560.165, S566.670, S567.070, S574.670
[275] S190.109, S538.064, S558.681, S560.166, S566.681, S567.071, S574.681
[276] S190.110, S476.024, S538.065, S558.692, S560.167, S566.692, S567.072, S574.692
[277] S190.111, S476.025, S538.066, S558.703, S560.168, S566.703, S567.073, S574.703
[278] S190.112, S476.026, S538.067, S558.714, S560.169, S566.714, S567.074, S574.714

(1) Amateur Radio Communication means that communication permitted by the General User Licence (Radio) (ZZ) for Amateur Radio Operators – issued Pursuant to Regulation 9 of the Radiocommunications Regulations 2001 ("Regulations") made under section 116(1)(b) of the Radiocommunications Act 1989 for the transmission of radio waves by amateur radio operators in New Zealand, for the purpose of communications in the amateur radio service in accordance with the applicable terms, conditions and restrictions of such licence. Operators must have: [1] a current General Amateur Operator's Certificate of Competency (GAOC), and [2] a callsign.

(2) The following equipment shall be permitted under Amateur Radio Communications:

a. A single tower with a maximum height of 25 metres.

b. Four supplementary poles each having a maximum height of 15 metres, or including an antenna or lightning spike, 20 metres

c. A transmission building (including ancillary buildings) with a maximum area of 250 square metres. This shall apply in cases where transmission equipment is not located in an existing building, such a house or shed/garage.

(3) The following equipment attached to or erected on the existing tower and buildings or at the site on a permanent basis (in addition to the masts referred to above:

a. Radio communication antennas including whip, grid, yagi, dipoles and panels or similar, and ancillary equipment, but no single dish or panel antenna shall have a solid frontal surface area greater than 7 square metres or 2.5 metres in diameter in the case of dish antenna unless otherwise coming within the abovementioned sections and/or Regulations.

(4) Any beacon or repeater established per the abovementioned Regulations shall be allowed.

a. Where such repeater or beacon is permanently established and colocated in the premises of another qualifying operator/service (such as Kiwirail, Chorus, Department of Conservation etc) it shall meet any necessary conditions as agreed with that operator/service - such as not creating any unwanted interference with the operation of the transmission equipment of the other operator/service.

(5) Temporary or emergency operation of radio transmission equipment and antenna systems shall be permitted for a period of 7 days without notification – so long as no undue interference is created. Periods of operation longer than 7 days should be notified to the Regional/District Council concerned, with the reason for the temporary/emergency operation provided an indication of timeframe the communication is needed.

a. With respect to any temporary or emergency operation of amateur radio equipment, the amateur radio operator(s) involved shall comply with any lawful direction from any officer if the Regional/District Council and/or Police or Civil Defence Officer.

1021. Poutini Ngāi Tahu (S620.096) sought a new rule for systems that discharge wastewater to water as a non-complying activity.

1022. Frank and Jo Dooley (S478.092) and Chorus NZ Ltd, Spark NZ Trading Ltd, Vodafone NZ Ltd (S663.020) sought a new rule to allow underground lines and backup electricity generators as a permitted activity.

1023. Transpower (S299.051) and Forest & Bird (FS34.031) sought a new standard/rule to capture any energy activities not explicitly provided for within the Plan.

Section 42A Reports

1024. The Reporting Officers opened with a planning summary statement noting that they had recommended relatively minor changes to the Plan provisions to improve clarity, efficiency, and effectiveness. They noted the outstanding matters related to the amendment of Rule INF-05, including Poutini Ngai Tahu requirements for wastewater discharge to land and Rule INF-R2, which covered reticulated connections, particularly the certification that capacity was available.

New Standards for Permitted and Restricted Discretionary Activities

1025. The Reporting Officers rejected the Forest and Bird request (supported by Poutini Ngāi Tahu) that permitted and restricted discretionary activities include new standards, including an additional matter of discretion to allow for consideration of natural values, and requiring other provisions in other chapters, including the values of zone overlays and district-wide chapters to be met. They noted the pTTPP was intended to be read in its entirety, and other chapters and provisions would be assessed. They also considered the overview already provided guidance that other chapters must be read and considered, so, adding further provisions would be, in their view, unnecessary duplication. The Reporting Officers considered Advice Notes (2), (3), and (4) did not need to be amended as they were clear and address the relevant matters covered by the infrastructure chapter.

1026. The Reporting Officers were open to the submission to include monitoring equipment for movement of the Alpine fault. However, they noted that they had insufficient technical evidence and no section 32 evaluation to support the relief sought.

1027. The Reporting Officers recommended accepting the relief sought by Chorus NZ Ltd, Spark NZ Trading Ltd, Vodafone NZ Ltd to amend Advice Note (2) because it was consistent with the NESTF. The Addendum Report addressed Mr Horne's pre-circulated evidence and recommended amendments to Advice Note (2) to accommodate the relief sought.

1028. The Reporting Officers considered that Advice Notes (2), (3) and (4) were clear and appropriately addressed matters relevant to the Infrastructure Chapter; and therefore, recommended rejecting Forest & Birds submission.

INF-R1

1029. The Reporting Officers recommended accepting BDC's requested amendment to the rule heading, agreeing that the inclusion of '*Permitted*' was unnecessary and would be consistent with the recommendation made for equivalent Rule ENG-R1.

INF-R2

1030. The Reporting Officers recommended rejection in part of the Forest & Bird submission because they considered providing for the activity as a controlled activity created an unnecessary burden and cost to applicants seeking a consent that could not be declined based on capacity. They recommended an amendment to INF-R2 to enable connections as a permitted activity where certification was provided from the relevant Council that capacity was available. They also recommended that additional matters of discretion be added to INF-R16 to address the appropriate scale of activities.

1031. The Reporting Officers did not support the relief sought by Poutini Ngāi Tahu because they considered this issue a regional council function related to water quality.

1032. Regarding GDC's submission, the Reporting Officers accepted that the current wording of INF-R2 was unclear and recommended amendments to include '*certification*'.

INF-R3

1033. The Reporting Officers recommend retaining Rule INF-R3 as notified.

INF-R4

1034. The Reporting Officers did not support the BDC submission because they considered the inclusion of '*activity*' was needed to ensure Rule INF-R4 read correctly, and its retention was consistent with the Temporary Activities Chapter.

1035. The Reporting Officers did not support the relief sought by Chorus NZ Ltd, Spark NZ Trading Ltd, Vodafone NZ Ltd because it was part of construction or reconstruction and the Energy Chapter and INF-R7 would apply addressing the concern. They considered this amendment would result in unnecessary duplication.

INF-R5 and INF-R6

1036. The Reporting Officers did not agree with increasing height as sought by WCRC considering that within an area of 25m^2 it could result in structures of a significant scale, and there was no evidence to support such an amendment.

1037. The Reporting Officers accepted BDC's request to combine INF-R5 and INF-R6 because this was consistent with the Energy Chapter. They noted the resulted in a consequential amendment to Rule INF-R18 and Rule INF-R20.

1038. The Addendum Report responded to submitter evidence with the Reporting Officers agreeing to delete INF-R19 and make consequential amendments to Rule INF-R6. They noted that this was consistent with the recommendation made in relation to Rule ENG-R10.

INF-R7

1039. The Reporting Officers did not support KiwiRail's requested relief because rail infrastructure was appropriately provided for within the Transport Chapter.

1040. The Reporting Officers supported the relief sought by BDC to amendment the heading of INF-R7 on the basis that it simplified it for ease of reference. They noted that based on this, they had recommended consequential amendments throughout the Energy Chapter to ensure consistency in the pTTPP.

1041. The Reporting Officers rejected GDC's request to excluded standard (5) from standard (7) because they considered this would result in a gap in the standard.

INF-R8

1042. The Reporting Officers agreed with the BDC submission but recommended that the rule be removed and inserted into the Energy Chapter to remove the duplication with Rule INF-R2.

INF-R9

1043. The Reporting Officers rejected BDC's request to delete INF-R9 and insert it in the Energy Chapter. They considered the current wording was clearly limited to telecommunications and it was necessary to retain this to ensure the telecommunication component could be reinforced.

1044. The Reporting Officers did not support Frida Inta's request to alter the rule status to discretionary, as they considered Rule INF-R9 was consistent with the General Residential Zone and Industrial Zone outcomes defaulting to discretionary.

INF-R10

1045. The s42A Report recommended retaining Rule INF-R10 as notified.

INF-R11

1046. The Reporting Officers supported the Telecommunication Companies' request to amend and align Rule INF-R11 with the NESTF.

INF-R12

1047. The Reporting Officers did not support the submissions that sought amendments to INF-R12 to make it more enabling because no specific relief was provided.

1048. The Reporting Officers supported the Telecommunication Companies' request to increase the height limit of poles and antenna to 20m in the Commercial and Mixed-Use Zone (CMUZ) because this was consistent with the relevant zone chapters in the pTTPP. However, they did not support increasing the height limit to 25m in the Industrial Zone because this was inconsistent with Rule GIZ-R1.

INF-R13

1049. The Reporting Officers recommended rejecting the GDC's request to delete clause (4) or to include a separate clause because it referred to the requirements for dish antennae in zone. They noted Rule INF-R13 was specifically for road reserve and INF-R14 applies to zoned land, so they considered the Plan already addressed the issue.

INF-R14

1050. The Reporting Officers did not support the relief sought by GDC relating to clarifying the width of panel antenna in a RESZ or SETZ zone due to a lack of technical evidence on the need for such a change. They recommended retaining Rule INF-R14 as notified.

INF-R15

1051. The Reporting Officers recommended retaining Rule INF-R15 as notified.

INF-R16

1052. The Reporting Officers did not support the relief sought by BDC. They considered the amendment requested would completely change the intent of the rule, as notified, which addressed connections to reticulated services.

INF-R17

1053. The Reporting Officers did not support the deletion of Rule INF-R17, as sought by BDC, because was linked to INF-R3 and it could provide a gap in future if deleted.

INF-R18, INF-R19 and INF-R20

1054. Given the recommended amendments to INF-R5 and INF-R6, the Reporting Officers recommended the deletion of Rule INF-R18 and Rule INF-R20 and the amendment of Rule INF-R19. However, the Panel notes that Attachment 1 to the s42A Report retained INF-R18 as notified, with no amendments, but deleted INF-R20 and amended INF-R19. This is discussed further below.

1055. In relation to Rule INF-R19, the Addendum Report noted that both WCRC and BDC considered Rule INF-R19 should be deleted as a consequence of other recommended changes because if no permitted conditions were breached there was no basis for a restricted discretionary rule. The Reporting Officers agreed and supported deleting Rule INF-R19 but considered consequential amendments were required to Rule INF-R6 to be consistent with Rule ENG-R10. They therefore recommended adding new clauses to Rule INF-R6 to require compliance with height limits for structures or buildings in the relevant zone provisions. They noted this rule could change following the zone hearings.

INF-R21, INF-R22, INF-R23, INF-R24 and INF-R25

1056. The Reporting Officers recommend retaining rules INF-R21, INF-R22, INF-R23 INF-R24 and INF-R25 as notified.

INF-R26

1057. The Reporting Officers did not support the relief sought by KiwiRail because they considered rail infrastructure was appropriately provided for in the Transport Chapter. They did support the GDC amendment to remove '*minor*' in the heading because they considered it provided clarity and removed unnecessary wording.

INF-R27 and INF-R28

1058. The Reporting Officers recommended retaining rules INF-R27 and INF-R28 as notified.

New Rules

1059. Transpower (S299.051) and Forest and Bird (FS34.031) sought a new rule to capture any energy activities not specifically provided for within the Plan at a discretionary status. The Reporting Officers recognised that the notified Plan lacked such a catch-all rule and

recommended that the submissions were accepted. They recommended that the same rule be included in the Infrastructure and Transportation Chapters but at a non-complying status.

1060. The Reporting Officers did not support GDC's request for a new rule for new lighthouses, navigation aids and beacons because they considered these were already provided for within rules INF-R6 and INF-R19.

1061. The Reporting Officers accepted Branch 49 (Westland) of the New Zealand Association of Radio Transmitters Inc. request to include a new permitted activity rule for Amateur Radio Communications; however, this was not included in the amendments to the provisions.

1062. The Reporting Officers did not support Poutini Ngāi Tahu's request for a new rule for systems that discharge wastewater to water because they considered this was regional council function.

1063. The Reporting Officers did not support the submissions by Frank and Jo Dooley and Chorus NZ Ltd, Spark NZ Trading Ltd, Vodafone NZ Ltd, which sought a new rule to allow underground lines and backup electricity generators as a permitted activity because they considered Temporary Activity and Energy Chapter rules provided for underground lines and backup electricity generators.

Hearing and Submitter Evidence/Statements, including EWC

1064. Mr Horne, for the Telecommunication Companies, noted the s42A Report had not correctly set out the change in the Plan provisions, within Appendix 1, after recommending acceptance of their submission. He provided further wording to give effect to the relief sought. He disagreed with the Reporting Officers' response to the requested amendment to INF-R4 that rules INF-R7 or TEMP-R2 would provide relief. He highlighted the evidence of Mr McCarrison, Mr Kantor and Mr Clune detailing how temporary telecommunications facilities work and providing examples at Norsewood and Queenstown. He noted that they explain why INF-R2, INF-R4, INF-R4 and TEMP-R2 did not cover all situations entirely; and that the requested change to INF-R4 to provide for up to 12 months for the deployment of a temporary facility while an existing site was being reconstructed or replaced was required to ensure existing service disruption was minimised.

1065. Mr Horne considered permanent standby backup generators should be specifically provided for by INF rules as a permitted activity, noting that the district-wide noise rules would continue to apply. He noted the intent of the submission was for fixed standby generators rather than temporary generators that may for example be moved to a site during a natural disaster. He considered it was not necessary to include a permanent stand-by generator in the temporary activity provisions, and he supported adding wording for a 12-month period in Rule INF-R4.

1066. Mr Horne noted that Rule INF-R9 appeared to provide for telecommunication lines generally, notwithstanding that the standards were only relevant to above ground lines. He said that if this was the correct interpretation then no further change to the Plan would be necessary.

1067. Mr Horne addressed the Reporting Officers' position on Rule INF-R12 in relation to retaining a 20m height limit for poles and antennas in the Industrial Zone. He noted that their reasoning would be inconsistent with heights in the GIZ as provided by GIZ-R1. He referred to both his

experience with telecommunication projects and the evidence provided by Mr McCarrison, Mr Kantor and Mr Clune that a margin was required above local obstructions, such as buildings, to enable line of sight for effective coverage. He noted a height limit of 20m may result in telecommunication facilities being unable to provide coverage. He considered a height limit of 25m in the Industrial Zone would incentivise the Companies to utilise those zones to secure better height and coverage compared to other urban zones with higher amenities. He therefore considered a height of 25m appropriate, reasonable and standard within district plans; and would be consistent with INF-P2 by recognising operational and functional needs and recognising the benefits of the service provided while appropriately managing adverse effects on the environment using zones enabling larger and utilitarian building forms commonly associated with industrial activities.

1068. Mr Horne considered Rule INF-R14 did not make sense and noted the reference to the NESTF clause was incorrect. He also noted the rule standards addressed equipment in residential and industrial settlements and industrial zones where the NESTF did not regulate new poles and antennas. He considered the scope of the rule needed amendment but not the proposed standards and their intent. He considered clause 16 of the First Schedule RMA would be available to ensure the rule made sense and was workable without seeking to change the actual controlled activity envelope provided within the rule.

1069. Ms Pull, for Poutini Ngāi Tahu, challenged the Reporting Officers' response to the submission on INF-R2 that the amendment be declined as providing water quality was a regional council function. She referenced clause 3.5 of the NPS-FM to support her view that district councils have a role in addressing and providing for water quality. To resolve matters, she recommended that INF-R2 be amended to include an advice note as follows:

> Capacity for the purpose of this rule includes volume and the ability for the network to control the amount of water-borne contaminants, litter and sediments as set out in the consents for the network.

1070. Ms Pull position statement (dated 2 February 2024) records that conditional agreement was reached with the Reporting Officers to use an advice note regarding the water quality issue.

1071. In legal submissions for Poutini Ngāi Tahu, Ms Viskovic highlighted their strong desire for treated wastewater to not be discharged into water and sought that the Plan recognised this position to assist in deterring discharges into water. She submitted this could be achieved by providing planning support for the elements of wastewater discharge projects regulated through the district plan where the proposed project was for a discharge to land.

1072. Ms Pull contended that Poutini Ngāi Tahu values should be included as an additional matter of control or discretion for Rules INF-R13 to INF-R23. She noted Poutini Ngāi Tahu supported Forest and Bird's submission, particularly where that enhanced consideration of those values.

1073. Ms Viskovic acknowledged that including an additional matter of control/discretion would require an additional level of analysis to be undertaken by an applicant but considered the potential effects on Poutini Ngāi Tahu values was justified. In responding to questions from the Panel as to whether s104(1)(c) meant that the relief was not in fact necessary, she noted that the matters that can be considered in relation to controlled and restricted discretionary activities were specifically constrained by sections 104A and 104C respectively. She noted the

Plan did not comprehensively map or identify all Poutini Ngāi Tahu values and that the key concern was potential effects on Poutini Ngāi Tahu values (for example an adverse effect on mahinga kai) not located within identified SASM. She considered Ms Pull's refinement of the matter of discretion to only reference "*significant adverse effects*" on Poutini Ngāi Tahu values would limit the circumstances in which this matter of discretion would be engaged, while ensuring that the strategic direction objectives and policies in the Poutini Ngāi Tahu Chapter were achieved

1074. In her Addendum evidence, Ms Pull provided Table 2 identifying the relevant controlled and restricted discretionary rules that relate to activities that could potentially impact Poutini Ngāi Tahu values. She concluded that the rule which reached the threshold of '*significant*' potential effects on Poutini Ngāi Tahu values was INF-R16. She said the benefits of including Poutini Ngāi Tahu values as a matter of discretion included better implementation of the RPS, effective consideration of the Strategic Direction POU-O4 and improved cultural and environmental outcomes. She noted the costs of undertaking a more detailed assessment of environmental effects and/or discussion with representatives of the relevant rūnanga only applied to the one rule identified and therefore the additional cost was minimised and reasonable, was efficient compared to restoration of the values if damaged. Ms Pull's proposed matter of discretion was as follows:

> <u>The management of impacts on Poutini Ngāi Tahu values as set out in the tangata whenua chapter.</u>

1075. Ms Pull noted the Reporting Officers acknowledged infrastructure could adversely affect cultural values if not inappropriately managed but that despite this, they opposed amending the controlled activity and discretionary activity rules as sought by Poutini Ngai Tahu.

1076. In relation to INF-R17, Ms Pull did not agree with the Reporting Officers approach of relying on the Overview to alert Plan users that other chapters may be engaged. She considered that the principles of the Te Tiriti o Waitangi and Poutini Ngāi Tahu values needed to be woven across the entirety of the Plan and not only considered within the context of the Māori Chapters.

1077. In relation to the overlays, Ms Pull noted that the Poutini Ngāi Tahu submission was limited to including the overlay chapters and/or sites listed in Appendix Ten. She identified several rules, including INF-R23, that contained inconsistent language in terms of matters of control or discretion in referencing overlays.

1078. Ms Inta noted concern about the lack of standards in Rule INF-R6, despite not making a submission on this rule. She also sought Rule INF-R9 be changed to a discretionary activity so that building a cell phone tower required a resource consent.

1079. WCRC's tabled statement noted it supported deletion of clause (1) because if it was retained meteorological facilities would only be permitted activities in the Rural Zone and the Industrial Zone and in the Natural Open Space Zone on conservation land and other zones it would be a restricted discretionary activity. WCRC considered this would be unnecessarily onerous.

1080. WCRC also provided context and examples to support their submission on Rule INF-R5 to increase the height limit to 10m for environmental monitoring and extreme weather event

monitoring facilities, noting that the lattice rainfall monitoring towers at alpine sites were between 3-4m in height but there were four alpine repeater towers which were between 9-10m tall and that at lowland sites, poles and posts with solar panels, antennae and a telemetry cabinet were up to 10-12m tall.

1081. KiwiRail accepted the Reporting Officers' position on INF-R7 that rail infrastructure was appropriately provided for within the Transport Chapter. KiwiRail also accepted this position for INF-R26.

Reporting Officers' Reply Evidence

General

1082. At the hearing the Panel questioned the language used within various rules in relation to compliance with Rule INF-R1. We highlighted inconsistent language in the standards, such as some rules requiring "*All performance standards in Rule INF - R1 are complied with*", while other rules require "*This meets the performance standards in Rule INF – R1*". The Reporting Officers agreed there was an inconsistency and recommended the former wording be used with amendments made using RMA Schedule 1 clause 16 (2).

INF-R2 and INF-R16

1083. The Reporting Officers recommended rewording and amending Rule INF-R2 and Rule INF-R16 as follows:

INF-R2 ~~Connections to w~~Water, wastewater, stormwater ~~and reticulated~~ systems

Activity Status Permitted

Where:

1. **Any proposed allotment or activity is located within 50m of a public reticulated water, wastewater or stormwater system:**

   a) The proposed allotment or activity shall be provided with a connection to the reticulated system; and

   b) ~~The building is serviced by, and~~ **Certification is provided from the relevant local authority that** capacity exists within the reticulated water supply, wastewater or stormwater **system** ~~networks~~ **to service the proposed allotment or activity**.

Note: Certification shall confirm that the system has the capacity to accommodate the additional connections, including confirmation that volume and treatment of the reticulated systems will continue to comply with resource consent requirements.

2. Any proposed allotment or activity is located further than 50m of a public reticulated water, wastewater or stormwater system.

Advice Note: Any discharge to land and/or water may require a discharge permit from the West Coastal Regional Council under the relevant regional plan.

Activity status where compliance not achieved: Restricted Discretionary

INF-R16 ~~Connections to w~~Water, wastewater and stormwater reticulated system not meeting Permitted Activity standards.

Activity Status Restricted Discretionary Matters of ~~control~~ **discretion**:

a) Level of flood hazard mitigation through stormwater control;

b) Any requirement for pre-treatment, retention or detention of stormwater or wastewater prior to discharge to the reticulated system;

c) Provision of drinking water connections in accordance with NZS 4404: Code of Practice for Land Development and Subdivision Infrastructure and Council Engineering Standards;

d) Provision for wastewater connections in accordance with NZS 4404: Code of Practice for Land Development and Subdivision Infrastructure and Council Engineering Standards.

e) Scope and scale of proposed activity and potential demand on reticulated services.

f) Cumulative effects on reticulated systems.

g) Any adverse effects on areas and values listed in Schedules 1-8.

Advice Note: Any discharge to land and/or water may require a discharge permit from the West Coastal Regional Council under the relevant regional plan.

1084. The Reporting Officers noted the purpose of INF-R2 was to ensure developers connected to reticulated services when they were available. They considered whether the permitted activity status for this rule was appropriate given the uncertainty as to capacity and the need for the Council to certify that capacity was available. They noted that, as notified, the rule did not include consideration of the proximity between the subdivision and the service; and that it applied to all zones. In assuming connection to a reticulated service was either not taken up or unavailable, they noted all onsite systems throughout the region would require a resource consent via the default rule INF-R16, which would lead to a duplication between the pTTPP and the West Coast Regional Land and Water Plan Rule 79, (On-site discharge of sewage effluent) and Rule 81 (Stormwater discharge). They acknowledged the scope to amend this was limited but considered the recommend rewording of both INF-R2 and INF-R16 overcame the issues identified by including three new matters of discretion in INF-R16.

1085. In terms of Ms Pull's suggested matter of control or discretion, the Reporting Officers expressed concerns that the relief sought would increase the complexity of resource consents for restricted discretionary and controlled activities, noting that Ngai Tahu's involvement would be needed as specialists in tikanga in all applications. They suggested that if the Panel were of a mind to include such matters, that an advice note also be included that a cultural impact assessment would need to accompany any resource consent application. They also noted Ms Pull had, during the reconvened hearing, offered a further solution of including a notification advice note to notify Plan users that consultation with iwi was required.

1086. The Panel note the recommended provision in Reply included '*Any adverse effects on areas and values listed in Schedules 1-8*' as a matter of discretion, which seemed to stem from the Reporting Officers agreeing with Ms Pull that specific reference to Schedules 1–8 would provide direction to plan users, be consistent with other provisions and afford appropriate consideration of SASM. However, the Panel notes Rule INF-R16 was not mentioned in the Reply as one of the rules to which this was recommended to apply.

INF-R4

1087. The Addendum Report records that the Reporting Officers now accepted the relief sought by the Telecommunication Companies to include a new clause in INF-R4 to add wording addressing the 12 months for reasons outlined in Mr Horne's evidence.

INF-R6

1088. The Reporting Officers recommended amendments to Rule INF-R6 within their Addendum Report to be consistent with amendment recommended for Rule ENG-R10. They recommended the rule require compliance with the structure or building height limits in relevant zone provisions.

INF-R8

1089. Subsequent to their s42A Report, which recommended that the INF-R8 be deleted and inserted into the Energy Chapter, the Reporting Officers further considered the differentiation between the Energy and Infrastructure Chapters. They identified that in the Infrastructure Chapter had permitted activity Rule INF-R8 "*new network utility customer connections*" and that with the separation of chapters this permitted activity would not be available to Energy Activities. They noted that Westpower had sought the inclusion of customer connections within their proposed definition of '*minor upgrading'* to clarify that distribution lines included customer connections. Further, they said that evidence at the hearing and further clarification during the EWC led them to reach the conclusion that separate provisions for customer connections were not necessary because a connection was simply part of the distribution network and sufficiently provided for by permitted activity Rule ENG-RX3 (now ENG-R10).

INF-R9

1090. In response to Mr Horne, the Reporting Officers indicated in the Addendum Report that they considered underground lines were provided for as a permitted activity under Rule INF-R9. However, subsequent to this, the Reporting Officers included the addition of a further requirement without explanation in Attachment 1 of the Reply, as follows:

> <u>The activity is located below ground.</u>

INF-R12

1091. Attachment 1 of the Reply included two further changes to Rule INF-R12 by recommending amending clauses (1) and (2) to delete "*This*" from the beginning of both clause and replace it with "*The telecommunication pole or antenna*", in response to the Panel's queries, to make it clearer by identifying the structures. Thye also recommended amending clause (2)(i)(c) to change the height limit in the General Industrial Zone (GIZ) to 25m, as sought by the Telecommunication Companies.

1092. The Addendum Report responded to Mr Horne's evidence for the Telecommunication Companies relating to including activities not regulated by NES-TF in the heading to the rule. The Reporting Officers did not support amending INF-R12 but instead recommended a new rule to achieve the same outcome and be easier for plan users to understand the rule cascade as follows:

INF – RX2 New telecommunications poles and antennas meeting the permitted standards of the NES-TF

Activity Status Permitted

Where:

1. This meets the performance standards in Rule INF–R1.

Activity status where compliance not achieved: Various

INF-R17, INF-R19, and INF-R20 Landscape Measures: Matters of Control or Discretion

1093. The Reporting Officers agreed with Ms Pull that the wording "*landscape measures*" as a matter of discretion was unclear. They noted that their recommendations included the replacement of "*landscape measures*" with "*The effects of the proposal on the amenity, character and landscape values of the underlying Zone*". They therefore supported the amendment of Rule INF-R17 to include this wording to afford consistency across the provisions.

1094. The Reporting Officers recommended rules INF-R19 and INF-R20 be deleted.

INF-R13, INF-R14, INF-R15, INF-R22 and INF-R23 'Visual Effect' Matters of Control or Discretion.

1095. The Reporting Officers noted that Ms Pull considered the reference in the matters of discretion to '*visual effects in particular on amenity values*' was unclear. She had recommended adding '*including attributes*' to ensure that the effects on Poutini Ngāi Tahu values would be included as a matter of control and/or discretion. While the Reporting Officers did not support Ms Pull's recommendations, considering that "*attributes*" was attached only to cultural and recreational in terms of the definition of amenity values in the RMA, they concluded that separate criterion for '*visual effects*' and '*effects on amenity values*' would avoid the potential to muddle visual and amenity effects, whilst enabling amenity values to be considered including cultural attributes. They recommended the following wording:

a) Visual effects;

b) Effects on amenity values in particular of the locality and streetscape;

1096. In Reply, the Reporting Officers considered removing the extra words qualifying amenity values to resolve potential interpretation issues. They recorded their agreement to do so, leaving the additional wording for inclusion to be '*Effects on Amenity values'.*

Impacts on Overlay Matters, Matters of Control and Discretion

1097. In response to Ms Pull's concern regarding inconsistent language in the Plan within matters of discretion, the Reporting Officers supported consistency of wording across these rules and proposed the following words:

The degree to which the proposed activity will cause adverse effects on areas and values listed in Schedules 1-8.

New Rules

1098. In terms of the new rule requested for backup generators, the Reporting Officers changed their position within the Addendum and agreed with Mr Horne that no rules within the Temporary activities chapter provided for permanent backup generators. They therefore supported the inclusion of a new rule to provide for backup generators.

Hearing Panel's Evaluation

Notes to the Rules and Additional Standards

1099. The Panel agree with Mr Horne that the notified pTTPP does not correctly explain the relationship between the NESTF and the Plan. We accept his suggested amendments to Advice Note (2) appropriately explain that relationship and therefore recommend it is amended as shown below.

1100. The Panel agrees with Forest and Bird that consideration of effects on natural values should be a matter of discretion/control for the restricted discretionary and controlled activity rules where appropriate. We consider this should be '*Effects on indigenous biodiversity'* rather than natural values. This acknowledges that not all significant natural values are yet identified within the Plan (where adverse effects must be avoided) and significant adverse effects on indigenous biodiversity must be addressed by applying the effects management hierarchy. We consider this in relation to each of the relevant rules below.

1101. In all other respects, we accept the Reporting Officer's recommendation to reject submissions that sought amendment to the Notes and inclusion of additional standards for the reasons set out in s42A.

1102. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends that the relevant submission point identified in the footnotes below is accepted and recommends the following changes to the **Infrastructure Rules Note**:

Infrastructure Rules

Note:

1. There may be a number of Plan provisions that apply to an activity, building, structure and site. In some cases, consent may be required under rules in this Chapter as well as rules in other Chapters in the Plan. In those cases**,**[279] unless otherwise specifically stated in a rule, consent is required under each of those identified rules. Details of the steps Plan users should take to determine the status of an activity is provided in General Approach.
2. The installation and operation of telecommunications facilities (such as cabinets, antennas, poles, small cell-units and telecommunications lines) undertaken by a telecommunications facility operator are controlled **in some instances**[280] by the Resource Management (National Environmental Standards for Telecommunications Facilities) Regulations 2016, separate to Te Tai o Poutini Plan. Te Tai o Poutini Plan

[279] RMA Schedule 1 Clause 16(2)
[280] Chorus NZ Ltd, Spark NZ Trading Ltd, Vodafone NZ Ltd S663.019

applies where these telecommunications facilities **are either not covered by the Regulations, are covered but do not meet permitted standards of the Regulations, or**[281] are located within the following overlays:

a. Outstanding Natural Features
b. Outstanding Natural Landscapes
c. Outstanding Coastal Natural Character
d. High Coastal Natural Character
e. Significant Natural Areas
f. Sites and Areas of Significance to Māori
g. Sites and Areas of Historic Heritage
h. Notable Trees

3. Infrastructure includes the Ports and Airports, the specific provisions for these utilities are within the Port Zone and Airport Zone provisions.
4. Provisions relating to energy activities and associated infrastructure are contained in the Energy Chapter and provisions for transport infrastructure are contained in the Transport Chapter.

Permitted Activities

General Matters

1103. The Panel agrees with the Reporting Officers that separating the criterion for '*visual effects'* and '*effects on amenity values'* would avoid confusion and enable amenity values to be considered including cultural attributes. We acknowledge that the Reporting Officers also agreed with the removal of the extra words which qualifying amenity values and that the matter of control/discretion be simply '*effects on amenity values'*. We consider this will ensure potential interpretation issues do not arise.

1104. The Panel notes that the Reporting Officers' and Ms Pull's recommended amendment responds to submissions by Forest and Bird and Poutini Ngāi Tahu in relation to notified rules INF-R13, INF-R14, INF-R15, INF-R22 and INF-23. However, we do not consider those submissions provide sufficient scope to make the amendments recommended by the Reporting Officers. We agree that the wording, as notified, is unclear and is inconsistent the language used in the RMA in relation to the definition of '*amenity values*'. We therefore rely on RMA Schedule 1, clause 16(2) to recommend that the relevant matters of control/discretion in each rule be amended as follows:

a) Visual effects ~~in particular on the amenity values of the locality and streetscape~~;

b) **Effects on amenity values;**

INF-R1

1105. The Panel agree with BDC that the word '*Permitted'* in the rule heading is superfluous given the words '*Permitted Activities*' begin this section of Rules. We recommend it is deleted.

[281] Chorus NZ Ltd, Spark NZ Trading Ltd, Vodafone NZ Ltd S663.019

1106. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends that the relevant submission point identified in the footnote below is accepted, and recommend the following changes to **Rule INF-R1**:

Permitted Activities	
INF - R1	**Infrastructure ~~Permitted~~[282] Activity Performance Standards**
Activity Status Permitted Where: 1. Electric and Magnetic fields - An activity generating electric or magnetic fields does not exceed the maximum exposure level listed in the International Commission on Non-ionizing Radiation Protection Guidelines for limiting exposure to time-varying electric and magnetic fields (1Hz - 100 kHz) (Health Physics (6):818-836; 2010), and the recommendations from the **World Health Organisation**'s monograph Environmental Health Criteria 238, June 2007; and 2. Radio Frequency Fields - An activity generating radio frequency fields does not result in radio frequency field levels that exceed the maximum exposure level of the general public in New Zealand Standard **NZS 2772.1:1999 Radiofrequency fields - Maximum exposure levels** - 3kHz to 300 GHz.	
Activity status where compliance not achieved: Non-complying	

INF-R2

1107. The Panel understands that the purpose of Rule INF-R2 is to have subdivisions and developments connect to services where they are available. We use the word 'available' in this context to mean the services are both available and have sufficient capacity to service the demand. We agree that, as worded, Rule INF-R2 is problematic by effectively making any building not connected to services a restricted discretionary activity, regardless of location or zone. We consider it is unlikely this was the intent of the rule (although we cannot be certain) and agree with the Reporting Officers and Ms Pull that its purpose was more likely to require connection to reticulated services where there was the ability for such connection.

1108. The Reporting Officers have identified that they consider scope to amend INF-R2 is limited. Nevertheless, they have proposed a rewrite of the rule including introduction '*water*' and providing a distance of 50m from services within which the activity status is permitted provided certification from the local authority is obtained; and that beyond a distance of 50m a connection would not be required.

1109. The Panel agree that scope is limited with Forest and Bird's submission seeking a controlled activity status providing the greatest level of scope available. In this context, our view is that a rewrite of the rule or its deletion is beyond the scope available to us; and we do not consider, based on the limited information before us, that a controlled activity status is appropriate. We have considered whether use of RMA, Schedule 1, clause 16(2) is appropriate but conclude that describing the amendments proposed as an alteration of minor effect, or a minor error would be stretching use of the clause. Even if we are wrong on this view, we have concerns

[282] Buller District Council S538.053

that the 50m distance proposed is not supported by evidence providing the rationale for that distance and could potentially lead to the ability for urban style development to not need to connect to services. In our view, such an outcome has not been appropriately assessed, and parties have not had sufficient opportunity to comment.

1110. In conclusion, the Panel agree that the INF-R2 needs to be reconsidered, however, we consider this must be achieved via a plan change, which looks into the various options and appropriately assesses these. Given lack of scope enabling change to INF-R2, we have no option but to recommend INF-R2 is retained as notified. However, we consider our recommended amendments to the heading of Rule INF-R16 (now INF-R14) below should be made under RMA Schedule 1, clause 16(2).

INF – R2	**Connections to <u>water,</u> wastewater, stormwater ~~and~~ reticulated systems** [283]
Activity Status Permitted Where: 1. The building is serviced by, and capacity exists within the reticulated water supply, wastewater or stormwater networks.	
Activity status where compliance not achieved: Restricted Discretionary	

INF-R3

1111. The Panel notes that BDC sought to delete INF-R3 on the basis that it was not relevant to the region. As we understand, it there is at least one gas pipeline in the Te Kinga/Iveagh Bay area which operates through the road reserve. On this basis, we recommend that **Rule INF-R3** is retained as notified.

INF – R3	**Maintenance and operation of existing gas pipeline under 2,000 kilopascals**
Activity Status Permitted Where: 1. The pipeline is located underground and is not on or within a natural waterbody, except where it is: a. Attached to and/or incorporated within an existing bridge structure; or b. Within an existing attached conduit or duct; and 2. Any realignment, relocation or replacement of a pipeline is within: a. An existing easement in favour of the pipeline; and b. Is within 12 metres of the existing alignment or location.	
Activity status where compliance not achieved: Discretionary	

INF-R4

[283] RMA Schedule 1, clause 16(2)

1112. For the reasons outlined in Mr Horne's evidence and supported by the Reporting Officers, we accept the inclusion new clause (2)(iii) to provide temporary activities for 12 months as part of construction or re-construction activity is an appropriate outcome.

1113. The Panel notes that for consistency reasons an amendment has been made to the activity status where compliance is not achieved with the standards. Non-compliance with Rule INF-R1 is non-complying, however, is indicated in INF-R4 as discretionary. We consider this is an error and can be corrected using RMA Schedule 1, clause 16 (2).

1114. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends that the relevant submission point identified in the footnote below is accepted, and recommend the following changes to **Rule INF-R4**:

INF – R4	**Temporary Network Activities**
Activity Status Permitted Where: 1. The temporary network is operated by a network utility operator; 2. The temporary network activity is: i. For up to a period of 24 months following a national, regional or local state of emergency declaration; or ii. For up to a period of four weeks to provide for additional capacity; ~~and~~ **or** iii. **For a period of up to 12 months as part of construction or re-construction activity; and**[284] 3. All performance standards in Rule INF-R1 are complied with; and 4. The utility must be removed from the site when operation ceases and the site reinstated.	
Activity status where compliance not achieved: **Non-complying where standard 3 is not complied with.** Discretionary **where standards 1, 2 and 4 are not complied with**[285]	

INF-R5 and INF-R6

1115. The Panel notes that our recommendation in the Energy Chapter that Rule ENG-R10 (dealing with environmental monitoring and meteorological facilities) is not necessary and that any such provision is better placed within the Infrastructure Chapter to avoid duplication. We note that our recommendation on Rule ENG-R10 also recognises that there is sufficient scope to address the concerns of Manawa in relation height limits and their concern about the activity status within a revised Rule INF-R6.

1116. The Panel agree with the BDC that Rule INF-R5 and Rule INF-R6 should be combined, resulting in the deletion of Rule INF-R5 and consequential amendments to other rules. In that context, we agree that Rule INF-19 and Rule INF-20 should be deleted and that this also necessitates consequential amendments to Rule INF-R6, in relation to compliance with the relevant zone provisions. For the reasons contained within the BDC submission and s42A Report, we recommend Rule INF-R5 is deleted.

[284] Chorus NZ Ltd, Spark NZ Trading Ltd and Vodafone NZ Ltd S663.021
[285] RMA Schedule 1, clause 16(2)

1117. In terms of INF-R6, the Panel notes that the deletion of INF-R5 means the heading of INF-R6 requires amendment to include '*environmental monitoring'*. We also accept the Reporting Officers' recommendation that the rule should require compliance with the relevant underlying zone structure or building height limits. However, consistent with other recommendations we have made, we consider this should reference other zones provision to ensure the effects of the activity are addressed within the context of the relevant zone.

1118. For the reasons advanced by BDC and WCRC, we recommend that clause (1) in the notified version of INF-R6 is deleted.

1119. The Panel notes that the consequential amendments to INF-R6 would go some way to addressing the concerns of WCRC and Manawa in relation to the height limit and scale for monitoring equipment given that they become zone based.

1120. For consistency with Rule INF-R1, the Panel recommends amending the activity status to non-complying, where compliance with standard (1) is not achieved. We consider this is an error that can be corrected as an RMA Schedule 1, clause 16 (2) amendment.

1121. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends that the relevant submission points identified in the footnotes below are accepted or accepted in part, and recommend that **Rule INF-R5** is deleted and that **Rule INF-R6** is amended as follows:

~~**INF – R5**~~	~~**Environmental monitoring and extreme weather event monitoring facility**~~
~~**Activity Status Permitted**~~ ~~Where:~~ ~~1. Monitoring equipment is not more than 4m in height 25m^2 in area.~~	
~~**Activity status where compliance not achieved**: Restricted Discretionary~~ [286]	
INF – R~~6~~5	**Navigational aids/beacons, environmental monitoring equipment and**[287] **Meteorological facilities**
Activity Status Permitted Where: ~~1. These are located in a RURZ - Rural Zone or INZ - Industrial Zone.~~ **1. All performance standards in Rule INF-R1 are complied with;** **2. Monitoring equipment is not more than 25m^2 in area; and** **3. Monitoring equipment complies with the relevant zone performance standards in Rule R1 of the applicable zone or in the case of the:** • **Settlement Zone - SETZ – R2**	

[286] Buller District Council S538.046
[287] Buller District Council S538.047

• **Buller Coalfield Zone - BCZ – R3** • **Mineral Extraction Zone - MINZ – R3**[288]
Activity status where compliance not achieved: **Non-complying where standard 1 is not complied with.** Restricted Discretionary **where standards 2 and 3 are not complied**[289]

INF-R7

1123. The Panel agree with the BDC submission and the Reporting Officers recommendation to amend the heading to this rule to clarify what the rule addresses.

1124. During the hearing, the Panel raised questions about the readability of clause (2), particularly the use of the word '*These*.' The Reporting Officers agreed that the word could be replaced with '*The network utilities*' rather than utilising a word that does not identify what the standard applies to. We support the amendment to clause (2) and consider it resolves the uncertainty arising from the use of the word '*these'* as notified; and consider this is consequence of the amended heading.

1125. For consistency with Rule INF-R1, the Panel recommends amending the activity status to non-complying, where compliance with standard (1) is not achieved. We consider this is an error that can be corrected as an RMA Schedule 1, clause 16 (2) amendment.

1126. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends that the relevant submission points identified in the footnotes below are accepted, and recommend that **Rule INF-R7** is amended as follows:

INF – R~~7~~6	**~~Installation, extension, maintenance, operation, upgrade and repair of lines, underground pipelines and ancillary vehicle access tracks erected by a Network Utility Operator~~ Operation, maintenance, repair and extension of existing network utilities**[290]

[288] Buller District Council S538.047, Grey District Council S608.514, Manawa Energy Limited S438.051
[289] RMA Schedule 1, clause 16(2)
[290] Buller District Council S538.048

Activity Status Permitted Where: 1. All performance standards in Rule INF-R1 are complied with; 2. ~~These~~ **The network utilities**[291] are not gas pipelines regulated under Rule INF - R3; 3. Where any realignment, relocation or replacement of a network utility pole, tower, structure, building or minor utility structure is within 5m of the alignment or location of the original existing pole, tower, structure, building, or minor utility structure; 4. A replacement pole, tower or structure does not exceed the height of the original pole, tower, or structure by more than 30 percent, measured from the top of the foundation; 5. The diameter or width of the replacement pole does not exceed twice that of the replaced pole at its widest point, and; where a single pole is replaced with a pi pole, the width of the pi pole structure must not exceed three times that of the replaced pole at its widest point; 6. Additional conductors or lines do not increase the number of conductors or lines by more than 100 percent; 7. The building footprint or the footprint of the structure does not increase by more than 30 percent of the existing building or structure, excluding any pole or pi pole structure provided for in 4 above; 8. The largest face area of a replacement panel antenna or the diameter of a replacement dish antenna does not increase by more than 20 percent; 9. There are no additional towers; and 10. A pole is not replaced with a tower. **Advice Note:** 1. Where the activities undertaken under this rule are located within an Outstanding Natural Feature or Landscape, earthworks associated with the activity are Permitted under Rules NFL - R6 and NFL - R8.
Activity status where compliance not achieved: **Non-complying where standard 1 is not complied with.** Discretionary **where standards 2-10 are not complied with.**[292]

INF-R8

1127. The Panel agrees that Rule INF-R8 addresses connections to electricity networks and therefore its placement in the Infrastructure Chapter is incorrect. We recommend it is deleted, as sought by BDC.

1128. The Panel notes the Reporting Officers revised position with regards the need for the rule to be inserted into the Energy Chapter, where they now consider this unnecessary because a connection is simply part of the distribution network and sufficiently provided for by new permitted activity rule ENG-R10. We have looked at this closely and agree that a connection to electricity network would fall under Rule ENG-R10.

[291] Consequential amendment from Buller District Council S538.048
[292] RMA Schedule 1, clause 16(2)

1129. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends that the relevant submission point identified in the footnote below is accepted, and recommend that **Rule INF-R8** is deleted as follows:

~~**INF – R8**~~	~~**New Network Utility Customer Connections**~~
~~**Activity Status Permitted**~~ ~~Where:~~ ~~1. The connection does not include a new tower;~~ ~~2. The connection does not exceed three additional poles; and~~ ~~3. The diameter of conductors, lines or cables does not exceed 30mm.~~ ~~**Advice Note:** Where the connection is to a heritage item identified in Schedule One resource consent is also required under Rule HH - R5.~~	
~~**Activity status where compliance not achieved**: Discretionary~~[293]	

INF-R9

1130. The Panel do not agree with BDC that Rule INF-R9 belongs in the Energy Chapter. The rule refers to infrastructure associated primarily with telecommunications and therefore we consider the Infrastructure Chapter is the appropriate location for it.

1131. The Panel accept with the Reporting Officers response to Frida Inta's submission. We agree that cell phone towers located within the GRUZ- General Rural Zone or the INZ- Industrial Zone should be permitted activities because that is consistent with the outcomes for those zones.

1132. The Panel acknowledge Mr Horne's comments that Rule INF-R9 appears to provide for telecommunication lines generally, notwithstanding that the standards are only relevant to above ground lines. He said that if this was the correct interpretation then no further change to the Plan would be necessary. We note that the Reporting Officers in their Addendum appear to agree with Mr Horne's interpretation, nevertheless, in the Reply they recommended adding a new clause "*The activity is located below ground*".

1133. The Panel accept this new clause clarifies the rule provides for underground lines as a permitted activity and recommend it is added.

1134. The Panel recommend amending clause (1) to be consistent with other similar provisions.

1135. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends that the relevant submission point identified in the footnote below is accepted or accepted in part, and recommend that **Rule INF-R9** is amended as follows:

INF – R~~9~~7	**New Lines, Telecommunication Poles or Towers**
Activity Status Permitted Where: 1. ~~This meets the~~ **All** performance standards in Rule INF - R1 **are complied with**;[294]	

[293] Buller District Council S538.049
[294] RMA Schedule 1, clause 16(2)

2. This is located in a GRUZ - General Rural Zone or INZ - Industrial Zone; 3. Poles do not exceed a height of 25m; **and** 4. Towers do not exceed a height of 15m; **or** 5. **The activity is located below ground.**[295]
Activity status where compliance not achieved: Non-complying where standard 1 is not complied with. Discretionary where standards 2-4 are not complied with.

INF-R10

1136. The Panel recommend retaining **Rule INF-R10** as notified, except for making consistency changes to the wording of clause (1) using RMA Schedule 1, clause 16 (2) as follows:

INF – R~~10~~8	**New Telecommunications Kiosk**
Activity Status Permitted Where: 1. ~~This meets the~~ **All** performance standards in Rule INF - R1 **are complied with**; and [296] 2. The maximum height is 3.5m and gross floor area is 1.5m^2.	
Activity status where compliance not achieved: Non-complying where standard 1 is not complied with. Restricted Discretionary where standard 2 is not complied with	

INF- R11

1137. For the reasons set out in Mr Horne's evidence and in the Reporting Officers' reports, the Panel agree with the addition of a new clause (2). We recommend a consequential amendment to the default status to address the new clause to make non-compliance with the new standard discretionary.

1138. For consistency with Rule INF-R1, the Panel recommends amending the activity status to non-complying, where compliance with standard (1) is not achieved. We consider this is an error that can be corrected as an RMA Schedule 1, clause 16 (2) amendment.

1139. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends that the relevant submission points identified in the footnotes below be accepted, and recommend that **Rule INF-R11** is amended as follows:

INF – R~~11~~9	**New Small Cell Utility**
Activity Status Permitted Where: 1. ~~This meets the~~ **All** performance standards in Rule INF – R1 **are complied with; and**[297]	

[295] Chorus NZ Ltd, Spark NZ Trading Ltd, Vodafone NZ Ltd S663.020
[296] RMA Schedule 1, clause 16(2)
[297] RMA Schedule 1, clause 16(2)

2. **The volume (including any ancillary equipment but not including any cabling) is not more than 0.11m³.**[298]
Activity status where compliance not achieved: Non-complying **where standard 1 is not complied with. Discretionary where standard 2 is not complied with**[299]

INF- R12

1140. For the reasons set out in Mr Horne's evidence, the Panel agree with the Telecommunication Companies' amendment to the heading of INF-R12 to reflect the permitted standards of the NES-TF. We also agree that the height for the Commercial and Mixed Use Zone should be increased to 20m and the General Industrial Zone increased to 25m. We agree that both zones are the type of zone within which to locate larger telecommunications facilities where practical and that this is consistent with Policy INF-P2 in terms of recognising operational need and functional need, and positive effects for the community, whilst appropriately managing adverse effects.

1141. The Panel recommend amending clauses (1) and (2) and consider it resolves the uncertainty arising from the use of the word '*This*' as notified and can be seen as partly addressing the concerns of BDC.

1142. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends that the relevant submission points identified in the footnotes below be accepted and accepted in part, and recommend that **Rule INF-R12** is amended as follows:

INF – R1~~2~~0	**New telecommunications poles, new antenna attached to poles and new antenna attached to a building not regulated by the NES-TF or regulated equipment not meeting the permitted standards of the NES-TF**[300]
Activity Status Permitted Where: 1. ~~This~~ **The telecommunication pole, or antenna**[301] is located within a ~~land~~[302] transport corridor; and i. The combined height of the pole and antenna does not exceed: a. 15m in a RESZ - Residential Zone, SETZ - Settlement Zone or CMUZ - Commercial and Mixed Use Zone; b. 20m in an INZ - Industrial Zone; or c. 35m in all other zones. ii. A panel antenna: a. Does not exceed a width of 0.7m; and	

[298] Chorus NZ Ltd, Spark NZ Trading Ltd, Vodafone NZ Ltd S663.027
[299] Consequential amendment from Chorus NZ Ltd, Spark NZ Trading Ltd, Vodafone NZ Ltd S663.027
[300] Chorus NZ Ltd, Spark NZ Trading Ltd, Vodafone NZ Ltd S663.029
[301] Buller District Council S538.053
[302] Grey District Council S608.517

b. When in a ~~land~~ [303]transport corridor a formed legal road, fits within an envelope of 3.5m in length and 0.7m in diameter;

iii. A dish antenna does not exceed a diameter:
  a. Within a railway corridor of:
    I. 1.2 ~~m~~etres in a GRUZ - General Rural Zone or INZ - Industrial Zone;
    II. 0.9m in a CMUZ - Commercial and Mixed Use Zone
  b. Outside of a railway corridor:
    I. 1.2m outside of RESZ - Residential Zones and the SETZ - Settlement Zone

iv. Omni directional "whip" or dipole antennas do not exceed:
  I. 1.6m in vertical length;
  II. 60mm in diameter; and
  III. 1.5m in horizontal length.

v. A headframe does not exceed the following:
  I. 2.5m in diameter in RESZ - Residential Zones and the SETZ - Settlement Zone;
  II. 6m in diameter in all other zones (including unformed legal road).

2. ~~This~~ **The telecommunication pole, or antenna**[304] is located outside a ~~land~~[305] transport corridor:
  i. The combined height (network utility) of a telecommunications pole and antenna does not exceed:
    a. 15m in a RESZ - Residential Zone, ~~CMUZ - Commercial and Mixed Use Zone~~ or SETZ - Settlement Zone;
    b. **20m in a CMUZ - Commercial and Mixed Use Zone**;[306]
    c. 20m in a ~~IN~~**LIZ – Light** Industrial Zone **or 25m in a GIZ – General Industrial Zone**;[307]
    d. 25m in all other locations, or 30m where there are two or more users of the same pole.
  ii. A panel antenna does not exceed a width of 0.7m;
  iii. A dish antenna does not exceed a diameter of 1.2m;
  iv. Omni directional "whip" or dipole antennas do not exceed:
    a. 1.6m in vertical length;
    b. 60mm in diameter; and
    c. 1.5m in horizontal length
  v. A headframe does not exceed:
    a. 2.5m in diameter in RESZ - Residential Zones and SETZ - Settlement Zones;
    b. 6m in diameter in all other zones.
  vi. A new panel antenna face does not exceed 1.5m^2, and a new dish antenna does not exceed 1.2m; and
    a. The antenna does not exceed a height of 5m above the point of attachment to the building, and is not attached to a building in the RESZ - Residential Zones or SETZ - Settlement Zone, except where the antenna is attached at least 15m above ground level.

[303] Grey District Council S608.517
[304] Buller District Council S538.053
[305] Grey District Council S608.517
[306] Chorus NZ Ltd, Spark NZ Trading Ltd, Vodafone NZ Ltd S663.029
[307] Chorus NZ Ltd, Spark NZ Trading Ltd, Vodafone NZ Ltd S663.029

Activity status where compliance not achieved: Restricted Discretionary

New Rule

1143. The Panel agree with Mr Horne that permanent stand-by generators would not necessary be covered by the temporary activity provisions in Rule INF-R4 or the Temporary Activity provisions. We agree that permanent standby backup generators should be specifically provided for in the rules as a permitted activity and note that the Reporting Officers now consider that appropriate and have proposed a new rule.

1144. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends that the relevant submission points identified in the footnotes below be accepted and accepted in part, and recommend that **new rule INF-R11** be added as follows:

INF–R11	**Back-up Generators**
Activity Status Permitted **Where:** **1. All performance standards in Rule INF–R1 are complied with; and** **2. The equipment is:** **a. being tested and maintained for a period not exceeding 48 hours in duration; or** **b. to provide backup electricity during routine or scheduled maintenance for a period not exceeding 48 hours; or for longer than 48 hours where that use complies with the noise limits specified between 0700 hours and 2200 hours relevant to the zone; or** **c. for emergency purposes only and operates for a maximum of 12 months.**	
Activity status where compliance not achieved: Non-complying where standard 1 is not complied with. Discretionary where standard 2 is not complied with. [308]	

New Rule

1145. The Panel considers the Reporting Officers proposed new rule for new telecommunication poles and antennas meeting the permitted standards of the NES-TF is not necessary because it is already addressed in the NES-TF and additionally, Rule INF-R1 requires all infrastructure activities to meet the standards.

1146. For the reasons outlined the Panel recommends no new rule is added.

Controlled Activities

INF-R13

[308] Chorus NZ Ltd, Spark NZ Trading Ltd, Vodafone NZ Ltd S663.020

1147. The Panel agree with GDC in relation to clause (4), which seems to have been misunderstood by the Reporting Officers. The rule relates to new telecommunications poles and antennas within road reserve and therefore the reference to zones is of limited value. We consider deleting clause (4) would create an inconsistency between panel antenna, which are controlled by clause (3), and dish antenna, which then would not be controlled. We consider a more appropriate approach is to utilise the least restrictive requirement of a diameter of 0.9m in clause (4) and delete the references to zones, as recommended below.

1148. The Panel recommends the same amendment to Rule INF-R13 relating to visual effects and amenity values, as previously discussed.

1149. The Panel considers adding a new matter of control relating to '*Effects on indigenous biodiversity*' in response to Forest and Birds submission is unnecessary in the context of this rule.

1150. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends that the relevant submission points identified in the footnotes below are accepted or accepted in part and recommends the following changes to **Rule INF-R13**, (including consequential renumbering), as follows:

Controlled Activities	
INF – R1~~3~~2	**New telecommunications poles and antennas in road reserve (regulated by Regulations 26 or 28 of the NES-TF that do not meet the permitted activity standards in Regulations 27 or 29 of the NES - TF)**
Activity Status Controlled Where: 1. The permitted activity combined height (network utility) of a telecommunications pole and antenna is exceeded by a maximum of 1m; 2. The telecommunications pole permitted activity notional envelope i**s**[309] exceeded by a maximum of 1m in height up to 4.5m; 3. A panel antenna does not exceed a width of 0.8m; 4. A dish antenna does not exceed a diameter of **0.9m**. ~~i. 0.6m in a RESZ - Residential Zone or SETZ - Settlement Zone;~~ ~~ii. 0.9m in all other zones.~~[310] Matters of control are: a. Visual effects;~~ in particular on the amenity values of the locality and streetscape~~ b. **Effects on amenity values**;[311] c. Potential impacts on the operation, maintenance and upgrade of other network utilities.	
Activity status where compliance not achieved: Restricted Discretionary	

INF-R14

[309] Grey District Council S608.518
[310] Grey District Council S608.518
[311] RMA Schedule 1 Clause 16(2)

1151. The Panel agree with Mr Horne that the heading of the rule as it stands is problematic and that RMA Schedule 1, clause 16(2) is available because the alterations are of minor effect and correct minor errors in the rule as drafted relating to the NES-TF. We also recommend including his suggested new advice note to clarify the relationship with Rule INF-R12.

1152. The Panel agree with GDC that it is unclear what the requirements are for panel antenna width within the RESZ or SETZ given their exclusion from the 0.8m requirement. We accept that clarity is required in this instance. We recommend removing the exclusion to address GDC's concerns.

1153. The Panel considers adding a new matter of control relating to '*Effects on indigenous biodiversity'* in response to Forest and Birds submission is unnecessary in the context of this rule.

1154. The Panel recommends the same amendment to Rule INF-R14 relating to visual effects and amenity values, as previously discussed.

1155. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends that the relevant submission point identified in the footnote below is accepted or accepted in part, and recommend the following changes to **Rule INF-R14** (including consequential renumbering):

INF-R14~~3~~	**New telecommunications poles and antennas not in road reserve (regulated by Regulations ~~30, 32 or~~ 34 of the NES - TF that do not meet the permitted activity standards in Regulations ~~31, 33~~ or 35 or subject to Rule INF-R10(2) and not meeting the permitted activity standards)**[312]
Activity Status Controlled Where: a. In the GRUZ - General Rural Zone or an INZ - Industrial Zone, the height does not exceed 30m, or 35m where two or more operator's utilities are on the same pole; b. A panel antenna does not exceed a width of 0.8m ~~(excluding those in a RESZ - Residential Zone or SETZ - Settlement Zone)~~;[313] c. A dish antenna does not exceed a diameter of: i. 0.6m in a RESZ - Residential Zone or SETZ - Settlement Zone; ii. 2m in all other zones. Matters of control: a. Visual effects; ~~in particular on the amenity values of the locality and streetscape~~ b. **Effects on amenity values**. [314] **Advice Note:** **For activities subject to Rule INF-R10, this rule only applies in regard to the specific alternative standards set out above.**[315]	

[312] RMA Schedule 1 Clause 16(2)
[313] Grey District Council S608.519
[314] Consequential amendment from the change to the heading of the rule
[315] RMA Schedule 1 Clause 16(2)

Activity status where compliance not achieved: Restricted Discretionary

Restricted Discretionary Activities

INF-R15

1156. The Panel notes that this rule was mistakenly been included in the Restricted Discretionary Activities section in the Reporting Officers Reply, rather than in the Controlled Activities, as per the notified Plan. We have therefore corrected this.

1157. The Panel considers adding a new matter of control relating to '*Effects on indigenous biodiversity'* in response to Forest and Birds submission is unnecessary in the context of this rule.

1158. The only amendment to Rule INF-R15 is that relating to visual effects and amenity values as previously discussed.

1159. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommend the following changes to **Rule INF-R15** (including consequential renumbering):

INF-R1~~5~~4	**New telecommunications cabinets (regulated by Regulation 19 of the NES – TF that do not meet the permitted standards in Regulations 20, 31 or 22)**
Activity Status Restricted Discretionary Where: a. A single telecommunications cabinet does not have a footprint exceeding 2.5m^2 or a height (network utility) of 2m; and b. A group of telecommunications cabinets does not have a footprint exceeding 3m^2. Matters of control: a. Visual effects;~~ in particular on the amenity values of the locality and streetscape~~ b. **Effects on amenity values**. [316]	
Activity status where compliance not achieved: Restricted Discretionary	

INF-R16

1160. The Panel note that Rule INF-R16 was amended initially in the s42A Report by adding two new matters of discretion as clause (e) and (f) relating to scale of the activity and the cumulative effects. While there is no specific cross-reference to a submission that sought to include these new matters of discretion, it appears the Reporting Officers used Forest and Bird's submissions on Rule INF-R2 seeking for it become a controlled activity to provide for these matters of discretion in INF-R16. [317] We also note there is a generic Forest and Bird submission on the restricted discretionary rules to amend the matters of discretion in each rule to include adverse effects on natural values, including those not yet identified on overlays, and the

[316] Consequential amendment
[317] Section 42A Report, paragraph 425

requirement to manage those effects in accordance with the Natural Environment and District-Wide chapters of the Plan.

1161. The Panel considers that given the significant problems we have identified with Rule INF-R2 and this rule, it would be inappropriate to add any new matters of discretion. We consider the issues raised by Forest and Bird submission (supported by Poutini Ngāi Tahu's further submission) in relation to the assessment of effects on natural values and cultural values should be considered when this rule is reviewed.

1162. However, given this rule will remain until it is reviewed, the Panel recommends the heading to the rule include '*water*' as it forms part of the matters of discretion; and '*and*' is deleted to improve clarity. We see these amendments are RMA Schedule 1, clause 16(2) matters.

1163. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends that the relevant submission points identified in the footnote below are accepted in part, and recommend the following changes to **Rule INF-R16** (including consequential renumbering):

Restricted Discretionary Activities	
INF-R1~~6~~5	**Connections to <u>water</u>, wastewater and stormwater ~~and~~ reticulated systems not meeting Permitted Activity standards**[318]
Activity Status Restricted Discretionary **Discretion is restricted to:** a. Level of flood hazard mitigation through stormwater control; b. Any requirement for pre-treatment, retention or detention of stormwater or wastewater prior to discharge to the reticulated system; c. Provision of drinking water connections in accordance with NZS 4404: Code of Practice for Land Development and Subdivision Infrastructure and Council Engineering Standards; **<u>and</u>**[319] d. Provision for wastewater connections in accordance with NZS 4404: Code of Practice or Land Development and Subdivision Infrastructure and Council Engineering Standards. **Advice Note:** Any discharge to land and/or water may require~~d~~[320] a discharge permit from the West Coastal Regional Council under the relevant regional plan.	
Activity status where compliance not achieved: N/A	

INF-R17

1164. The Panel note that Ms Pull considered '*Landscape measures*' to be unclear and uncertain as to whether those words include cultural landscape. The Reporting Officers agreed and recommended those words be deleted and replaced with:

[318] RMA Schedule 1, clause 16(2)
[319] RMA Schedule 1, clause 16(2)
[320] RMA Schedule 1, clause 16(2)

The effects of the proposal on the amenity, character and landscape values of the underlying Zone.

1165. The Panel acknowledge that the issue of the wording '*landscape measures*' arose in other hearings and that it had been opposed by Manawa (S438.100). We note that landscape architects Mr Bentley and Ms Gilbert, in the Natural Landscapes and Features hearing stream, agreed that the wording was ambiguous and unclear. In the Natural Landscape and Features Chapter Recommendation Report the Panel recommends replacing '*Landscape measures*' with *'Measures to mitigate landscape effects*' throughout the Plan to provide clarity and ensure consistency. We recommend the same wording is used to replace '*Landscape measures'* in Rule INF-R17 (now Rule INF-R15).

1166. The Panel recommends clause (1) is deleted, noting that compliance with Rule INF-R1 in the reciprocal Rule INF-R3 was not required. We consider this an RMA Schedule 1, clause 16(2) matter.

1167. As discussed above, the Panel recommends including a new matter of discretion relating to '*Effects on indigenous biodiversity*' as requested by Forest and Bird. We consider it is not necessary to add a matter of discretion in relation to the overlays as other chapters have provisions addressing these significant values.

1168. In response to BDC, the Panel consider rule remains relevant in that it addresses the existing gas pipeline and any new gas pipelines.

1169. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends that the relevant submission points identified in the footnote below are accepted in part, and recommend the following changes to **Rule INF-R17** (including consequential renumbering):

INF-R1~~7~~6	**New underground gas pipeline up to 2,000 kilopascals and ancillary above ground stations and equipment**
Activity Status Restricted Discretionary Where: ~~1. Performance standards in Rule INF - R1 are complied with;~~[321] **1.** The gas pipeline will be underground. Discretion is restricted to: a. ~~Landscape measures~~**Measures to mitigate landscape effects**;[322] b. Locational, technical and operational constraints; ~~and~~ c. Benefits to the community**; and** d. **Effects on indigenous biodiversity.**[323]	
Activity status where compliance not achieved: Discretionary	

INF-R18, INF-R19 and INF-R20

[321] RMA Schedule 1 Clause 16(2)
[322] Consequential Plan wide amendment to Manawa Energy Limited S438.100
[323] Forest and Bird S560.158

1170. The Panel recommend deleting INF-R19 and INF-R20 and agree coverage for those rules is adequately provided for in amended INF-R18. As a consequence of deleting INF-R19 and INF-R20, we recommend including '*environmental monitoring equipment and Meteorological facilities*' in the heading for INF-R18.

1171. As with INF-R17, the Panel recommends replacing '*landscape measures*' with *'Measures to mitigate landscape effects*' as a consequential Plan-wide amendment.

1172. As discussed above, the Panel recommends including a new matter of discretion relating to '*Effects on indigenous biodiversity'* as requested by Forest and Bird. We consider it is not necessary to add a matter of discretion in relation to the overlays as other chapters have provisions addressing these significant values.

1173. For consistency with Rule INF-R1, the Panel recommends amending clause (1) and the activity status to non-complying, where compliance with standard (1) is not achieved. We consider this is an error that can be corrected as an RMA Schedule 1, clause 16 (2) amendment.

1174. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends that the relevant submission points identified in the footnotes below are accepted and accepted in part, and recommend the following changes to **Rule INF-R18** (including consequential renumbering) and the deletion of **Rule INF-R19** and **Rule INF-R20**:

INF-R1~~8~~7	**Lighthouses, navigational aids and beacons, environmental monitoring equipment and Meteorological facilities[324] not meeting Permitted Activity standards**
Activity Status Restricted Discretionary Where: **1. All ~~P~~p**erformance standards in Rule INF-R1 are complied with.[325] Discretion is restricted to: a. ~~Landscape measures~~ **Measures to mitigate landscape effects**;[326] b. Locational, technical and operational constraints; ~~and~~ c. Benefits to the community**; and** d. **Effects on indigenous biodiversity.** [327]	
Activity status where compliance not achieved: Non-complying	

~~**INF-R19**~~	~~**Environmental monitoring and extreme weather event monitoring and meterological facilities not meeting Permitted Activity standards**~~

[324] Consequential amendment resulting from the deletion of INF-R19 and INF-R20, Buller District Council S538.060 & S538.061
[325] RMA Schedule 1 Clause 16(2)
[326] Consequential Plan wide amendment to Manawa Energy Limited S438.100
[327] Forest and Bird S560.158

~~**Activity Status Restricted Discretionary**~~ ~~Discretion is restricted to:~~ ~~2. Impact on the resilience of the community to natural hazards and climate change;~~ ~~3. Benefits to the community;~~ ~~4. Locational, technical and operational constraints; and~~ ~~5. Landscape measures.~~	
~~**Activity status where compliance not achieved**~~: N/A[328]	
~~**INF-R20**~~	~~**Meteorological facilities in rural and industrial zones not meeting Permitted Activity standards**~~
~~**Activity Status Restricted Discretionary**~~ ~~Discretion is restricted to:~~ ~~a. Locational, technical and operational constraints; and~~ ~~b. Landscape measures.~~	
~~**Activity status where compliance not achieved**~~: N/A[329]	

INF-R21

1175. The Panel recommends **Rule INF-R21** is retained as notified, except for consequential renumbering, as follows:

INF-R~~21~~8	**Community Wastewater Treatment Facility in the Community Living Precinct**
Activity Status Restricted Discretionary Where: 1. This is located in accordance with a Concept Plan in Appendix Eight; 2. Disposal of treated effluent is through a land based effluent system. Discretion is restricted to: a. The design of the wastewater treatment plant and land based disposal method; b. Effects on Poutini Ngāi Tahu values within or adjacent to the site; c. Natural hazards or geotechnical ~~constraints~~ **considerations**;[330] d. Effects on natural character, landscape, water quality and ecosystems; e. Any requirements arising from meeting the **NZS 4404: Code of Practice for Land Development and Subdivision Infrastructure** or the Council Engineering Standards. **Advice Note:** 1. A Discharge Consent under the West Coast Regional Land and Water Plan may also be required. 2. Applicants are encouraged to jointly lodge applications for consent under the Regional Plan and TTPP provisions at the same time to enable efficient processing.	
Activity status where compliance not achieved: Discretionary	

INF-R22

[328] Buller District Council S538.060
[329] Buller District Council S538.061
[330] Consequential amendment stemming Natural Hazards recommendation

1176. The Panel recommends amending Rule INF-R22 relating to visual effects and amenity values as previously discussed.

1177. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends the following changes to **Rule INF-R22** (now renumbered INF-R20):

INF-R19	**New Telecommunications Kiosk not meeting Permitted Activity Standards**
Activity Status Restricted Discretionary Discretion is restricted to: a. Visual effects; ~~in particular on the amenity values of the locality and streetscape~~ b. **Effects on amenity values**.[331]	
Activity status where compliance not achieved: N/A	

INF-R23

1178. The Panel recommend amending Rule INF-R23 relating to visual effects and amenity values as previously discussed.

1179. As discussed above, the Panel recommends amending clause (d) to include adverse effects on indigenous biodiversity in addition to the reference to the overlay chapters.

1180. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends that the relevant submission points identified in the footnote below are accepted in part, and recommend the following changes to **Rule INF-R23** (now renumbered INF-R21):

INF-R2~~3~~0	**New Telecommunications Poles and Antennas attached to Poles and cabinets not meeting Permitted or Controlled Activity Standards**
Activity Status Restricted Discretionary Discretion is restricted to: a. The functional and operation needs of, and benefits derived from the network utility; b. Visual effects; ~~in particular on the amenity values of the locality and streetscape~~ c. **Effects on amenity values**;[332] d. ~~significant~~**A**~~a~~dverse effects on ~~the values and attributes~~ **indigenous biodiversity and Overlay Chapter matters**. ~~adverse effects on of scheduled overlay chapter areas~~;[333] e. The potential impacts on the operation, maintenance and upgrade of other network utilities.	
Activity status where compliance not achieved: N/A	

[331] RMA Schedule 1 Clause 16(2)
[332] RMA Schedule 1, clause 16(2)
[333] Forest and Bird S560.164

INF-R24

1181. The Panel recommend **Rule INF-R24** is retained as notified with the consequential re-numbering.

Discretionary Activities	
INF–R21	**New Community Wastewater treatment facility or New Community Reticulated Water Treatment Plant not provided for as a Controlled or Restricted Discretionary Activity**
Activity Status Discretionary	
Activity status where compliance not achieved: N/A	

INF-R25

1182. The Panel recommend **Rule INF-R25** is retained as notified with the consequential re-numbering..

INF–R22	**Maintenance and operation of existing gas pipeline or new pipelines and ancillary facilities up to 2,000 kilopascals not meeting Permitted or Restricted Discretionary Standards**
Activity Status Discretionary	
Activity status where compliance not achieved: N/A	

INF-R26

1183. The Panel recommend amending the heading to INF-R26 by deleting the word '*minor*' from the title to provide clarity and remove unnecessary wording. We also agree with the Reporting Officers in relation to KiwiRail's submission and consider rail infrastructure is appropriately provided for in the Transport Chapter.

1184. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends that the relevant submission point identified in the footnote below is accepted, and recommend the following changes to **Rule INF-R26**:

INF–R23	**Installation, extension, maintenance, operation, ~~minor~~ upgrade and repair of lines, poles and towers erected by a Network Utility Operator not meeting Permitted Activity standards**[334]
Activity Status Discretionary	
Activity status where compliance not achieved: N/A	

INF-R27

[334] Grey District Council S608.523

1185. The Panel recommend **Rule INF-R27** is retained as notified with the consequential re-numbering.

INF–R24	**Temporary Network Activities and New Network Utility Customer Connections not meeting Permitted Activity standards**
Activity Status Discretionary	
Activity status where compliance not achieved: N/A	

INF–RX1

1186. The Reporting Officer's recommended a 'catch-all' non-complying activity status for Energy Activities not otherwise identified as Permitted, Controlled, Restricted Discretionary or Discretionary Activities. The amendment responds to a submission by Transpower, however, the Panel notes, as pointed out by Ms Whitney in her evidence, that the submission sought a default discretionary rule for energy activities not otherwise provided for. While Ms Whitney said that there was no commentary provided on Transpower's submission, the Panel notes that the s42A Report (paragraph 321) addresses the submission and recommended it be accepted; and to ensure consistency across the Energy, Infrastructure and Transportation chapters recommended that the same rule be included in the Infrastructure and Transportation chapters.

1187. What is unclear to the Panel is why the default position for this 'catch-all' rule became non-complying in the s42A Report. In our view, there is no submission seeking a non-complying status and it is therefore beyond scope to include one. Further, there seems to be no justification provided for such an approach and we agree with Ms Whitney that a non-complying activity status does not give effect to the NPSET or the RPS.

1188. The Panel recommends that a catch-all rule for the Infrastructure Chapter is added as new discretionary activity Rule INF-R28. We consider the rule title can be simplified to "*Any Energy Activity not provided for in another rule*".

1189. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends that the relevant submission point identified in the footnote below is accepted, and recommend the following **new Rule INF-R25**:

INF–R25	**Any Infrastructure Activity not provided for in another rule**
Activity Status Discretionary	
Activity status where compliance not achieved: N/A [335]	

INF-R28

1190. The Panel recommend **Rule INF-R28** is retained as notified.

[335] Consequential amendment from Transpower S299.051

Non-complying Activities	
INF–R26~~8~~	**Any infrastructure activity which does not meet with Performance Standards in Rule INF - R1, or any rule which refers to those standards, in relation to Electric Fields, Magnetic Fields or Radio Frequency Fields**
Activity Status Non-complying	
Activity status where compliance not achieved: N/A	

Other New Standards and Rules

Amateur Radio communications

1191. The Panel accept that a rule addressing Amateur Radio communications is appropriate and we have reviewed the provisions in other recent district plans, including Porirua, Napier and Waimakariri. All have differing rules at a permitted status, however we note that the scale of structures being sought by Branch 49 in their submission are in excess of the provisions we have seen in those other plans.

1192. The Panel's concern is that the scale of structures proposed by Branch 49 may not be appropriate in certain zones or in certain locations and that no detailed analysis on this has been undertaken or is before us. We consider that 25m towers and 250m^2 transmission buildings are not insubstantial structures.

1193. For these reasons, the Panel recommends rejecting the submission by Branch 49, however, we consider this is a matter that requires further investigation and should be addressed through a subsequent plan change.

New lighthouses, navigational aids and beacons.

1194. GDC sought the insertion of a new permitted activity to provide for new lighthouses, navigational aids and beacons.

1195. The Panel agree with the Reporting Officers that Rules INF-R6 and INF-R19 already provide for the relief sought and further note Rule INF-R18 addresses the default activity. We therefore do not recommend a new permitted activity rule and reject the GDC submission.

Waste Water Discharge Rule

1196. Poutini Ngāi Tahu sought a new rule for systems that that address the discharge wastewater into water as a non-complying activity.

1197. The Panel agrees with the Reporting Officers discharges of wastewater to land or water are regulated by the WCRC and does not require management in the pTTPP. We therefore do not recommend a new permitted activity rule and reject the Poutini Ngāi Tahu submission.

Section 32AA Evaluation for Infrastructure Chapter Recommended Amendment

1198. Given the level of recommended changes, the Panel has undertaken an evaluation of the recommended amendments to provisions since the initial s32 evaluation was undertaken, in accordance with s32AA of the RMA.

1199. The Panel considers the amendments proposed will create consistency across the chapters and improve the effectiveness of the Plan by aiding in plan interpretation and administration. We consider the Plan will be easier for plan users to understand, resulting in it being more efficient and effective than the notified provisions in achieving the objectives of the pTTPP.

1200. The Panel considers the benefits of the changes are improved consistency and ease of interpretation. The Panel acknowledge that some activity types may now require consent, which will be an additional cost for those activities in certain circumstances, as part of consenting processes. Conversely, some activities will now be permitted, and costs are avoided.

1201. The Panel considers there is a risk of not acting in that there would be a range of inconsistencies within the provisions which will be difficult and potentially impossible in meet. We have not identified any risks from acting.

6. TRANSPORT

6.1. TRN General/Whole Chapter

Submissions and Further Submissions

1202. Suzanne Hills (S443.016) sought that the Transport (**TRN**) Chapter be reviewed to enable a significant reduction in regional transport emissions.

1203. Rocky Mining Ltd (S474.030) and Papahaua Resources Ltd (S500.019) sought recognition of the importance of efficiently and effectively using and operating the transport network.

1204. Foodstuffs (S464.005), supported by Martin & Co Westport Ltd, and Lumberland Building Market Westport (FS140), sought that the Transport chapter remove the emphasis on amenity.

1205. Jane Neale (S262.006) sought disability access to be provided in all areas.

1206. In multiple submission points KiwiRail (S442) sought that the TRN Chapter include a series of new rules, standards and figures to protect the sightlines of railway level crossings.

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1207. Responding to Suzanne Hills, the s42A Report considered that the proposed provisions support alternative modes of transport and the consolidation of development, which will contribute to reducing transport emissions.

1208. Responding to Rocky Mining Ltd and Papahaua Resources Ltd, the s42A Report considered objective TRN-O1 afforded appropriate recognition of the transport network.

1209. Responding to Foodstuffs, the s42A Report considered that, given that the pTTPP did not provide for amenity standards, the TRN Chapter should include the consideration of amenity given it is important for transport and the experience of transport users.

1210. Responding to Jane Neale, the s42A Report did not support the relief sought because disability access and parking are required in accordance with the Building Code.

1211. Responding to KiwiRail, the s42A Report agreed that railway level crossing sightlines and design should be considered. However, it noted insufficient technical evidence and lack of a S32 evaluation to support the relief sought.

Hearing Panel's Evaluation

1212. The Panel accepts the Reporting Officers' evaluation and reasoning not to change the provisions concerning issues raised in submissions and further submissions made on general matters.

1213. The Panel note the evidence of Ms Michelle Grinlinton-Hancock for KiwiRail responded to the lack of information to support the submission point relating to railway level crossings. We consider this matter in relation to the specific provision below.

Hearing Panel's Recommendation

1214. No changes to the TRN Chapter are recommended in response to submissions and further submissions on general matters.

6.2. TRN Definitions

Submissions and Further Submissions

1215. Buller District Council (BDC) (S538.005 and S538.009) sought a definition to be provided for '*transport corridor*'. NZTA Waka Kotahi (S450.004 and S450.010) supported the definitions of '*heavy vehicle'* and '*vehicle crossing'* as notified. KiwiRail (S442.014) sought a definition to be provided for '*transport network'* as follows:

> *Means all rail, public roads, public pedestrian, cycle and micro-mobility facilities, public transport and associated infrastructure.*

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1216. The s42A Report agreed with BDC that a definition for '*transport corridor'* should be provided because the term is used in several standards and needed to be clearly defined in its extent. It recommended it be referred to as '*land transport corridor'* to be consistent with the pTTPP and ensure that it is not confused with coastal transport.

1217. The s42A Report disagreed with the KiwiRail submission, considering it unnecessary to provide a definition of '*transport network'* because this is appropriately summarised in the overview of the Transport Chapter.

Hearing Panel's Evaluation

1218. The Panel notes that GDC (S608) sought a definition of 'Land Transport Corridor' be included which we have addressed in the Infrastructure Chapter. BDC's request is for a definition for '*transport corridor*' while KiwiRail sought a definition be provided for '*land transport infrastructure*' which is also discussed in the Infrastructure Chapter.

1219. We note the Reporting Officers' recommendation to include a new definition for '*land transport corridor*' appears to be as a consequential amendment to their recommendation to include a new objective that uses the term and appears at odds with the recommendation in their recommendation in the Infrastructure Chapter not to provide a definition. The Panel recommends not including a new objective (see below) and therefore consider there is no scope to make a consequential amendment in relation to adding the two new definitions recommended by the Reporting Officers.

1220. The Panel has therefore limited its consideration to BDC's request for a definition for '*transport corridor*'. We agree with the submitter that including a definition is helpful given the term is used in the rules. We note that this would pick up any situations in the Plan where '*land transport corridor*' is used and as such consider there is no need for a definition of '*land transport corridor'* as a result. We have made minor amendments to the wording requested.

1221. The Panel consider the request by KiwiRail (S442.014) for a new definition for '*transport network*' is a useful addition to the Plan. We have also made minor amendments to the wording requested.

Hearing Panel's Recommendation

1222. Subject to our consideration of Part 2 of the RMA, the Panel recommends including a new definition for '*land transport corridor'* to assist with Plan clarity:

TRANSPORT CORRIDOR[336]	**Means the legal road or rail corridor from the adjacent property boundary on one side of the legal road or rail corridor to the adjacent property boundary on the other side.**
TRANSPORT NETWORK[337]	**Means all rail; public roads; public pedestrian, cycle and micro-mobility facilities; public transport; and associated infrastructure.**

6.3. TRN Overview

Submissions and Further Submissions

[336] Buller District Council S538.005
[337] KiwiRail S442.014

1223. There were nine submission points and three further submission points[338] identified in the s42A Report in relation to the TRN Overview and it notes two submissions supported the strategic overview as notified.

1224. HNZPT (S140.012) sought to amend the '*Other relevant Te Tai o Poutini Plan provisions'* section of the Overview to provide for historic heritage under the Overlay Chapters heading.

1225. Karen Lippiatt (S439.013) sought to amend paragraph 1 of the Overview to emphasise active transport.

1226. Forest & Bird (S560.170) sought the deletion of the first sentence of paragraph 2 and clarification of the relationship between the Transport chapter and other chapters. They considered that the scope and relationship of the Transport chapter to other chapters was unclear.

1227. Grey District Council (GDC) (S608.009), opposed by Poutini Ngāi Tahu (FS41.3), sought removal of performance standards referencing Sites and Areas of Significance to Māori (**SASM**) and deletion of '*Sites and Areas of Significance to Māori*' from the Overlay section of the Overview; and requested identified sites be reassessed.

1228. GDC also (S608.010) sought clarification on how the wording in the Overview corresponds to standard best practices in the planning sector.

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1229. The s42A Report supported the relief sought by HNZPT because providing for historic heritage under the overlay chapters would ensure consistency across the pTTPP.

1230. The s42A Report did not support the amendments sought by Karen Lippiatt because it considered this would alter the scope and intent of the Overview. It also did not support the changes sought by Forest & Bird because it considered the Overview, particularly the "*Other relevant Te Tai o Poutini Plan Provisions*" section, provided sufficient clarity of the relationship between chapters.

1231. The s42A Report supported GDC's request to remove the reference to SASM in the TRN Chapter performance standards because it considered the Sites and Areas of Significance to Māori Chapter manages the effects of activities in proximity to SASM. Appendix 1 of the s42A Report showed this as recommended for deletion from the overview section. However, contrary to this Appendix 2 of the s42A Report recommends rejecting S608.009 and accepting FS41.003.

1232. The s42A Report invited GDC to provide further information on how the wording of the Overview corresponds with best planning practices. Nothing further was provided.

Hearing and Submitter Evidence/Statements

[338] S140.012, S190.113, S439.013, S560.466, S560.467, S560.468, S560.469, S608.009, S608.537, FS41.3, FS230.0374, FS230.0435

1233. Ms Pull highlighted Poutini Ngāi Tahu's general support of how the notified pTTPP used cross-referencing to relevant provisions within the Overviews to clarify the relationship between chapters. However, she noted inconsistencies in the recommendations of the s42As reports for different chapters of the Plan and in what should or shouldn't be cross-referenced.

1234. Ms Pull noted the SASM Chapter included provisions that relate to Energy, Infrastructure and Transport and therefore she supported cross-referencing to SASM included in the Overview under the heading Overlay Chapters. She considered the s42A Report consideration of the further submission was incorrect (paragraph 520) and did not accurately reflect the request to retain references to the SASM on the performance standards.

1235. In support of her position, Ms Pull noted that the National Planning Standards include a mandatory direction[339] that states:

> *The chapters under the energy, infrastructure and transport heading must include cross-references to any energy, infrastructure and transport provisions in a Special purpose zones chapter or sections*

1236. Ms Pull also referred to mandatory direction five which states:

> *Tangata whenua/mana whenua content must be integrated throughout the policy statement or plan where the local authority determines it appropriate.*

1237. Ms Pull noted the s42A Report recommended adding '*Historic Heritage*' to the overlay chapters and highlighted the RMA definition of '*Historic Heritage'* includes SASM, which is why the SASM Chapter is in the Historical and Cultural Values section of the Plan.

1238. Ms Grinlinton-Hancock's tabled evidence for KiwiRail, accepted the s42A Report recommendation to not alter the Overview as sought in submission.

Reporting Officer Reply Evidence

1239. The issue of SASM being referenced within the Overview under the heading of overlay chapters was not discussed in Reply and the tracked changes to the provisions showed the Reporting Officers continued to recommend *'Sites and Areas of Significance to Māori'* be deleted from the Overview.

Hearing Panel's Evaluation

1240. The Panel disagrees with the Reporting Officers and recommends retention of the reference in the Overlay Chapters section of the Overview to '*Sites and Areas of Significance to Māori'* for the reasons advanced by Ms Pull in her evidence. We consider this is consistent with cross referencing throughout the Plan. The Panel recommends rejecting GDC's submission point S608.009 and accepts Poutini Ngāi Tahu's further submission point FS41.3.

[339] National Planning Standards (2002) Mandatory Direction 6, page 32

1241. The Panel agrees with the Reporting Officers that it is appropriate to add '*Historic Heritage*' and consider this will achieve Plan consistency.

1242. The Panel considers the overview wording appropriately acknowledges a range of transport modes.

Hearing Panel's Recommendations

1243. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends that the relevant submission points identified in footnotes below are accepted or accepted in part, and recommends the following changes to the **TRN Overview**:

Transport - Te Tūnuku

Overview

The West Coast/Te Tai o Poutini has an extensive road and rail network with a growing number of shared pathways. It is essential that people and goods are safely and efficiently transported to destinations through a multimodal transport network that enables all users to meet their economic, social and cultural needs.

The Transport Chapter contains all the objectives, policies and rules for managing the land transport corridors and the works and activities that occur within them. The Plan encourages safe, efficient and cost-effective transport corridors to support the movement of people, goods and services through integrated, accessible, and well-connected transport corridors.

Transport Performance Standards are contained in Appendix One: Transport Performance Standards. The Plan uses the One Network Roading Classification System (ONRCS). This national system divides roads into categories based on how busy they are, whether they connect to important destinations, or if they are the only route available. The ONRCS is used to specify the key standards for the design and construction of infrastructure. To support safety and connectivity, Te Tai o Poutini Plan also requires minimum design standards in respect of driveways, vehicle access points, visibility, road widths and other transport related infrastructure while also requiring on-site parking in appropriate places.

Land use and subdivision are managed to protect the land transport corridors from incompatible activities that could undermine the provision of an integrated, responsive, and sustainable transport system. The Transport Chapter is linked to the Part 2 – District-[340]Wide Matters to ensure transport corridor works maintain the anticipated amenity, heritage, environmental, and cultural values. The risk from natural hazards is also considered.

The transport provisions apply to each zone identified in the Planning Maps and Part 3 - Area Specific Matters section of the Plan. The land use zoning is to be extended to the centreline of land transport corridors.

[340] RMA First Schedule Clause 16

Provisions for Ports and public Airports/Heliports are included within the Port Zone and Airport Zone respectively.

Other relevant Te Tai o Poutini Plan provisions
It is important to note that in addition to the provisions in this chapter, a number of other Part 2: District-**W**~~w~~ide[341] Matters chapters also contain provisions that may be relevant for energy activities, including:
Noise - The Noise Chapter contains the provisions for managing reverse sensitivity effects relating to noise sensitive activities establishing next to the state highways.
Signs - The Signs Chapter contains the provisions for signs, including those within the transport corridors.
Light - The Light Chapter contains the provisions for artificial outdoor light, including that within transport corridors.
Subdivision - The Subdivisions **C**~~c~~hapter[342] sets out the requirements for the development of new transport connections.
Financial Contributions - The Financial Contributions **C**~~c~~hapter[343] sets out the requirements for contributions of costs for activities which impact on the local roading network.
Overlay Chapters - The Overlay Chapters have provisions in relation to Sites and Areas of Significance to Māori; **Historic Heritage**;[344] Ecosystems and Indigenous Biodiversity; Natural Features and Landscape**s**;[345] Natural Character and Margins of Waterbodies; Natural Hazards; and the Coastal Environment. Where a transport activity is located within an overlay area (as identified in the planning maps) then the relevant overlay provisions apply.

6.4. Transport Objectives

Submissions and Further submissions

1244. The s42A Report identified 12 submission points[346] on the TRN objectives collectively and noted eight submission points supported the objectives as notified.

TRN-01

1245. The s42A Report identified 10 submission points and five further submission points[347] relating to TRN-O1 and noted six submission points supported TRN-O1 as notified.

1246. TiGa Minerals and Metals Ltd (S493.026), WMS Group (HQ) Ltd and WMS Land Co. Ltd (S599.002 and S599.030) and Birchfield Coal Mines Ltd (S601.024) sought TRN-O1 be retained but moved to 'Connections and Resilience' under the Strategic Directions Chapter to recognise

341 RMA First Schedule Clause 16
342 RMA First Schedule Clause 16
343 RMA First Schedule Clause 16
344 Heritage New Zealand S140.012
345 RMA First Schedule Clause 16
346 S538.082 S181.003, S493.025, S538.068, S558.718, S563.005, S564.008, S566.718, S567.075, S574.718, S577.008, S599.029, S601.023
347 S190.114, S442.032, S450.034, S464.039, S493.026, S599.002, S599.030, S608.524, S614.020, S615.020, FS68.011, FS72.011, FS144.011, FS147.011, FS218.013

the critical role of transport infrastructure. Katherine Crick (FS68.011) and Mike Spruce (FS218.013) opposed the relief sought by TiGa Minerals and Metals Ltd.

TRN-02

1247. The s42A Report identified 11 submission points and five further submission points[348] and noted four submissions points supported TRN-O2 as notified.

1248. NZTA Waka Kotahi (S450.035) sought to replace '*minimise*' with '*mitigate*' because minimise can be interpreted in a way that would be a disproportionately onerous to the requirement to manage adverse effects.

1249. Foodstuffs (S464.040), supported by Martin & Co Westport Ltd and Lumberland Building Market Westport (FS140.019), sought deletion of TRN-O2 or amendment as follows:

> *To provide for the safe and efficient operation of the land transport infrastructure, while managing adverse effects on the surrounding environment*

1250. TiGa Minerals and Metals Ltd (S493.027), WMS Group (HQ) Ltd and WMS Land Co. Ltd (S599.031) and Birchfield Coal Mines Ltd (S601.025) sought the deletion of TRN-O2 or amendment as follows:

> *To ~~manage the effects~~ provide for the safe and efficient operation of land transport infrastructure ~~on the character, landscape and amenity of the towns, settlements and rural areas and minimise~~ while managing adverse effects on the surrounding environment.*

1251. Four further submissions opposed this amendment (FS147.005, FS72.005, FS77.14 and FS144.005) opposed this amendment.

1252. Two submitters sought the replacement of '*minimise*' with alternative wording. Forest & Bird (S560.172) sought its replacement with '*avoid, remedy or mitigate following the Natural Environment and District Wide chapters of this Plan*'. GDC (S608.525) sought its replacement with '*mitigate*'.

TRN-03

1253. The s42A Report identified 16 submission points and six further submission points[349] and noted eight submissions points supported TRN-O3 as notified.

1254. Herenga ā Nuku Aotearoa Outdoor Access Commission (S274.002) sought that TRN-O3 be amended to ensure accessibility, safety, connectivity and amenity are provided for all

[348] S65.002, S190.115, S450.035, S464.040, S493.027, S560.172, S599.031, S601.025, S608.025, S614.021, S615.021, FS140.019, FS147.005, FS72.005, FS77.14, FS144.005

[349] S65.003, S190.116, S274.002, S439.014, S442.033, S450.036, S456.006, S464.005, S464.041, S493.028, S500.020, S599.032, S601.026, S608.526, S614.022, S615.022, FS53.10, FS68.012, FS72.012, FS147.012, FS140.020, FS218.014

transport users, rather than giving less importance to cyclists and pedestrians and only providing for amenity.

1255. Karen Lippiatt (S439.014), supported by Herenga ā Nuku Aotearoa, Outdoor Access Commission (FS53.10) sought to amend TRN-O3 to replace '*consider*' with '*provide for'* so as to provide more emphasis on active transport.

1256. Six submission points (S464.005, S464.041, S493.028, S500.020, S599.032 and S601.026, supported by FS140.020) sought that TRN-O3 be amended to remove reference to '*amenity*' because it is inappropriate to introduce a requirement to consider amenity in relation to land transport infrastructure. Several further submitters (FS68.012, FS72.002, FS72.006, FS147.006, FS53.12, FS53.13 FS77.15 FS218.014 and FS144.006) opposed this amendment because the overlays are an important and essential sustainable management tool and ensure compliance with higher order statutory instruments.

TRN-04

1257. The s42A Report identified seven submission points[350] supporting TRN-O4 as notified. The reasons provided include:

- Improved resilience to hazards and climate change has good public health outcomes for people and communities;
- Encourages a resilient transport network to natural hazards and climate change; and
- Recognises the provision of emergency and core infrastructure services.

TRN-05

1258. The s42A Report noted six submissions supported TRN-O5 as notified.

New Objectives

1259. TiGa Minerals and Metals Ltd (S493.025), WMS Group (HQ) Ltd and WMS Land Co. Ltd (S599.029) and Birchfield Coal Mines Ltd (S601.023) sought two new objectives to give effect to the RPS, as follows:

> *To provide for the safe, effective and efficient operation and use of land transport infrastructure to enable the movement of goods and people across the region.*
>
> *Land transport corridors and land transport infrastructure are protected from incompatible land use activities and subdivision development, where these are defined as critical infrastructure.*

[350] S190.117, S442.034, S450.037, S608.527, S612.016, S614.023, S615.023

1260. Four further submissions opposed these new objectives (FS147.003, FS72.020, FS144.021 and FS144.018).

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TRN-01

1261. The s42A Report did not support moving TRN-01 to the Strategic Direction Chapter because it considered CR-O1 – CR-O4 (as notified) already afford appropriate strategic direction and TRN-O1 refines this for the purpose of the TRN Chapter.

TRN-02

1262. The s42A Report did not support replacing '*minimise*' with '*manage*' as sought by NZTA Waka Kotahi because this was inconsistent with the recommendations for the ENG Chapter and INF Chapter. It considered '*minimise*' provided greater certainty and was consistent with the approach taken plan wide. However, the Panel notes that the submitter sought '*mitigate*'.

1263. The s42A Report did not support deletion of TRN-02 or its amendment because it considered this would be inconsistent with the recommendations for the equivalent objectives in the ENG and INF Chapters. It also considered the proposed wording aligned with the methods outlined in the RPS, which seek to provide for safe and efficient operation of regionally significant infrastructure, including land transport infrastructure. However, contrary to these recommendations (s42A Report paragraphs 530 and 531), Appendix 1 of the s42A Report showed amendments to TRN-02, including deleting '*manage the effects*' and adding '*provide for the safe and efficient operation'.* It also showed the words *'on the character, landscape and amenity of the towns, settlements and rural areas'* as deleted.

1264. The Reporting Officers' Position Statement (paragraph 31) records they had considered Ms Pulls' evidence disagreeing with their recommendation to delete references to character, landscape and amenity but retained the s42A Report recommendation.

1265. The s42A Report also did not support the amendment sought by Forest & Bird and GDC to replace '*minimise*' with '*avoid, remedy or mitigate'* as they considered that '*avoid, remedy or mitigate'* is too general for an objective. Further, it considered this would be inconsistent with the recommendations for the equivalent objectives in the ENG and INF Chapters.

TRN-03

1266. The s42A Report considered the current wording of TRN-O3 did not give less importance to cyclists and pedestrians and noted it specifically highlights their importance. It did not support the relief sought by Herenga ā Nuku Aotearoa Outdoor Access Commission.

1267. The s42A Report supported replacing '*consider*' with '*provide for'* because it considered this would strengthen the amenity requirement within the TRN Chapter and gives effect to s7 of Part 2 of the RMA which provides for amenity.

1268. The s42A Report did not support removing reference to *'amenity'* because this is an important consideration for transport and the experience of transport users. It noted that without amenity effects the objective would be redundant and would not give effect to RMA s7.

TRN-04

1269. The s42A Report recommended retaining TRN-O4 as notified.

TRN-05

1270. The s42A Report recommend retaining TRN-O5 as notified.

New Objectives

1271. The s42A Report did not support the first proposed new objective because it considered the issue was already appropriately addressed within the notified objectives. It supported the second new objective because it considered this would ensure consistency with ENG and INF Chapters (ENG-O3 and INF-O3) and it was appropriate to provide an objective related to reverse sensitivity effects.

Hearing and Submitter Evidence/Statements

1272. Ms Alex Hansby and Ms Alex Booker provided a short legal memorandum on behalf of Birchfield Coal Mines Ltd, Papahaua Resources Ltd, Rocky Mining Ltd, TiGa Minerals and Metals Ltd, WMS Group and WMS Land Co, confirming no evidence or legal submissions would be provided, but noted that questions were welcome. The memorandum repeated the submission points relevant to this part of our recommendations (TRN-01, TRN-02, TRN-03 and proposed New Objectives). These points are recorded above.

1273. Ms Snoyink, for Forest & Bird, challenged the Reporting Officers' reasons for relying on the Overview to guide what other chapters may apply and for rejecting its relief for TRN-02. She noted that the Overview, while helpful, did not influence the interpretation of provision wording. She was concerned that if there was no direction to avoid, remedy, mitigate, or alternative measures, such as minimise as directed in the TRN chapter, could be read to override the direction of other chapter provisions regarding how adverse effects are to be addressed. She also reiterated Forest & Birds request to replace '*minimise*' with '*avoid, remedy or mitigate*.'

1274. Mr Stuart Pearson, for NZTA Waka Kotahi, advised that the agency accepted the recommendations in the s42A Report on all the objectives.

1275. Ms Pull's evidence challenged the s42A Report recommendation to amend TRN-02 by deleting references to effects on character, landscape, and amenity of towns, settlements, and rural areas. She considered that in determining if the TTPP is giving effect to the RPS, the Plan must be read as a whole, and that cultural, historic, and amenity values need to be considered. She considered that if the s42A Report's recommended deletions were supported, none of the TRN objectives would allow for consideration of the potential effects of transport on cultural and amenity values in the surrounding environment.

1276. Ms Pull's position statement (1 February 2024) records the Reporting Officers agreed with her criticisms of TRN-02 and, in theory, agreed to retain references to '*character, landscape, and amenity*' within the objective to provide clarity on what is meant by the word '*environment*'.

Reporting Officer Reply Evidence

1277. No further changes to the TRN objectives were shown in Attachment 1 of the Reporting Officers' Reply.

Hearing Panel's Evaluation

1278. TRN-02, TRN-O3 and new TRN-06 are the only amendments recommended by the Reporting Officers to the objectives. The Panel accept the Reporting Officers' recommendation to retain **TRN-O1, TRN-O4 and TRN-O5** as notified.

1279. In relation to **TRN-02**, the Panel notes that the Reporting Officers mistakenly considered replacing that '*minimise*' with '*manage*'.

1280. The objective, as notified, sought to manage effects of land transport infrastructure on character, landscape and amenity of towns, settlements and rural areas, and to minimise adverse effects on the environment. The Panel considers this is unnecessarily complicated and should be simplified. We prefer the amended objective proposed by Foodstuffs (South Island) Properties Limited and Foodstuffs South Island Limited, which uses clear and concise wording.

1281. The Panel notes that Poutini Ngāi Tahu did not submit on TRN-O2, or any TRN objectives.

1282. In relation to **TRN-03**, the Panel accepts the Reporting Officers' recommendation to replace '*consider*' with '*to provide for'* in relation to amenity, for the reasons provided in s42A Report.

1283. The Panel agree with the Reporting Officers' reasoning to reject the first of the two proposed **new objectives** because it would lead to duplication. However, we consider including proposed new Objective TRN-O6 could result in a perverse outcome where lighting, footpaths, signage and cycleways would be required to be protected from reverse sensitivity effects from land use activities, which would be inconsistent with the RPS. We also note there is no policy which would implement this proposed objective. We therefore disagree with the Reporting Officers and recommend not including this proposed objective; and reject the submission points requesting this. We consider the Reporting Officers concerns regarding reverse sensitivity are provided for under TRN-O2.

Hearing Panel's Recommendations

1284. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends that the relevant submission points identified in footnotes below are accepted or accepted in part, and recommends the following changes to the **TRN Objectives**:

Transport Objectives	
TRN– O1	To recognise and provide for the critical role land transport infrastructure plays in supporting communities including emergency services, and economic activity on the West Coast/Te Tai o Poutini.
TRN – O2	To ~~manage the effects~~ **provide for the safe and efficient operation** of land transport infrastructure ~~on the character, landscape and amenity of the towns, settlements and rural areas and minimise~~, **while managing** adverse effects on the

	environment.[351]
TRN – O3	To enable accessibility, safety and connectivity of land transport infrastructure and ~~consider~~**to provide for**[352] the amenity of all transport users, including pedestrians and cyclists.
TRN– O4	To encourage resilience within the transport network to natural hazards and climate change reflecting its vital role in community wellbeing and economic activity.
TRN – O5	To ensure that the provision of safe and efficient parking, loading and access is consistent with the character, scale and intensity of the zone, the roading hierarchy and the activity being undertaken.

6.5. Transport Policies

1285. The s42A Report identified 11 submission points[353] relating to the Transport policies collectively and noted four submissions supported the policies as notified.

TRN-P1

1286. The s42A Report identified 10 submission points and one further submission point[354] in relation to TRN-P1 and noted four submissions supported it as notified. BDC (S538.069), supported by NZTA Waka Kotahi (FS62.003), sought to amend TRN-P1 to recognise road classification under the most current National Transport Network classification system.

1287. Two submission points (S450.039 and S608.529) sought to replace '*minimise*' with '*mitigate*' to align with TRN-O2 and because mitigate is considered more appropriate in managing adverse effects.

1288. Four submission points (S464.042, S493.030, S599.033 and S601.028) sought the deletion of clause (c) from TRN-P2 because it provides for amenity, which is not considered relevant to land transport infrastructure.

TRN-P2

1289. The s42A Report identified four submission points[355] relating to TRN-P2 and noted two supported it as notified.

[351] Foodstuffs South Island) Properties Limited and Foodstuffs South Island Limited S464.040
[352] Karen Lippiatt S439.014
[353] S181.003, S493.029, S538.068, S538.069, S558.719, S566.719, S567.076, S574.719, S599.033, S601.027, S613.012
[354] S65.004, S190.119, S442.036, S450.039, S456.007, S464.042, S493.030, S599.034, S601.028, S608.529, FS62.003
[355] S190.120, S442.037, S450.040, S608.530

1290. KiwiRail (S442.037) sought to amend TRN-P2 to include '*rail level crossings*' to ensure that rail level crossings are considered in addition to intersections and State Highways.

1291. NZTA Waka Kotahi (S450.040) sought to amend TRN-P2 to delete clause (c) because it considered it achieved similar outcomes to clause (a) and resulted in repetition.

TRN-P3

1292. The s42A Report identified four submission points[356] relating to TRN-P3 and noted three submission points supported TRN-P3 as notified.

1293. KiwiRail (S442.038) sought to amend TRN-P3 to restrict buildings, structures, planting, or other visual obstructions within the sightlines of rail level crossings.

TRN-P4

1294. The s42A Report identified four submissions[357] relating to TRN-P4 and noted three submission points supported it as notified.

1295. KiwiRail (S442.039) sought to amend TRN-P4 to strengthen the wording and requirement to achieve safety at all rail crossings, not just at grade-level crossings.

TRN-P5

1296. The s42A Report identified five submission points[358] supporting TRN-P5 as notified.

TRN-P6

1297. The s42A Report identified four submission points[359] supporting TRN-P6 as notified.

TRN-P7

1298. The s42A Report identified six submission points[360] relating to TRN-P7 and noted four submissions supported TRN-P7 as notified. Herenga ā Nuku Aotearoa Outdoor Access Commission (S274.007) sought to amend TRN-P7 to include an additional clause supporting increased cycling and walking.

1299. NZTA Waka Kotahi (S450.004) recommended reviewing the rules and standards relating to cycle parking facilities to better align with TRN-P7.

TRN-P8

[356] S190.121, S442.038, S450.041, S608.531
[357] S190.122, S442.039, S450.042, S608.532
[358] S65.005, S190.123, S442.040, S450.043, S608.533
[359] S65.006, S190.124, S450.044, S613.012
[360] S65.007, S190.125, S274.007, S439.015, S608.534

1300. The s42A Report identified 10 submission points[361] supporting TRN-P8 as notified. NZTA Waka Kotahi (S450.046) sought TRN-P8 be amended to delete clause (c) as it repeats (b).

TRN-P9

1301. The s42A Report identified four submission points[362] supporting TRN-P9 as notified.

New Policies

1302. TiGa Minerals and Metals Ltd (S493.029), WMS Group (HQ) Ltd and WMS Land Co. Ltd (S599.033) and Birchfield Coal Mines Ltd (S601.027) sought the insertion of a new policy to protect and enable vital land transport links. This request for a new policy was opposed by three further submissions (FS147.004, FS72.004 and FS144.004).

1303. NZTA Waka Kotahi (S450.048) sought the insertion of a new policy reflecting the high trip-generating standards. Foodstuffs (FS107.001) opposed this submission in part, unless it appropriately recognised activities (such as supermarkets) with operational and functional needs, and where customers require using a vehicle for shopping. BDC (FS149.003) agreed with NZTA Waka Kotahi that the policy framework did not specifically address high trip-generating activities but considered that adopting TRN-S14 was inappropriate, and that instead, a specific policy should be developed.

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TRN-P1

1304. The s42A Report agreed with the relief sought by BDC and NZTA Waka Kotahi because it would provide consistent wording throughout the pTTPP. It agreed that including the reference to the classification system was appropriate given there was no policy direction supporting this within the performance standards.

1305. The s42A Report did not support replacing '*minimise'* with '*mitigate'* because they considered minimising effects was appropriate to give effect to TRN-O2.

1306. The s42A Report did not support submissions seeking the deletion of clause (c) because it considered amenity is an important consideration for transport and the experience of transport users. It also noted that the inclusion of amenity in this policy also affects TRN-03.

TRN-P2

1307. The s42A Report agreed TRN-P2 should include a provision for rail, particularly given the wording of TRN-P3, which explicitly provides for rail level crossings. The Addendum Report, Attachment 1 (meeting notes at item 3 Vehicle Crossing) records TRN-P2 refers to the design, and that this matter should flow to the rules and standards. The Reporting Officers considered

[361] S65.008, S190.126, S450.046, S456.008, S558.727, S566.727, S567.084, S574.727, S608.535, S613.012
[362] S190.127, S450.047, S456.009, S608.536

there was a gap in the rules due to the absence of design standards. This matter is discussed further in relation to Appendix One: Transport Performance Standards below.

1308. The s42A Report agreed that clauses (a) and (c) overlapped, but they recommended refining clause (c) so that both could be retained.

TRN-P3

1309. The s42A Report did not support KiwiRail's request to include '*restricting*' because this was too onerous, and KiwiRail had not provided a s32 evaluation to support this amendment. It considered that structures and planting were essentially caught by '*other visual obstructions*'; and therefore, this amendment would be unnecessary.

TRN-P4

1310. The s42A Report agreed with KiwiRail that the words '*carefully consider'* do not provide strong enough policy direction and that the inclusion of '*ensure*' improves the policy's readability.

TRN-P5 and TRN-P6

1311. The s42A Report acknowledged the submissions in support and recommended retention of both policies as notified.

TRN-P7

1312. The s42A Report supported the relief sought by Herenga ā Nuku Aotearoa Outdoor Access Commission because this aligned with the NPSUD, which aims to provide for connectivity, specifically active mode networks, within new development.

1313. In relation to cycle parking facilities, the s42A Report agreed that the standards were unclear and could be amended to better align with TRN-P7, particularly TRN Table 5. In response to submission S538.088, it recommended that the heading of TRN Table 5 is amended to improve clarity.

TRN-P8

1314. The s42A Report agreed that clauses (b) and (c) had duplicate content and recommended that clause (c) was deleted.

TRN-P9

1315. The s42A Report recommend retaining TRN-P9 as notified.

New Policies

1316. In relation to the first new policy sought by TiGa Minerals and Metals Ltd, WMS Group (HQ) Ltd and WMS Land Co. Ltd, and Birchfield Coal Mines Ltd, the s42A Report did not support its inclusion because it considered the matters were appropriately addressed within the notified objectives and policies. However, contrary to this recommendation (paragraph 566), the new policy was included in Appendix 1 of the s42A Report as TRN-P10. Appendix 2 recommends

rejecting the requests for a new policy and accepting the further submissions opposing this new policy.

1317. The wording of new policy TRN-P10 in Appendix 1 of the s42A Report reflected the new policy requested except it replaced '*protect and enable*' with '*provide*', as follows:

> *Recognise and provide for the function of land transport infrastructure to ensure the safe and efficient movement of people and goods.*

1318. The s42A Report supported NZTA Waka Kotahi's request to include a new policy to reflect high trip-generating standards because the policy framework did not specifically address this identified gap. However, it considered adopting TRN-S14 was inappropriate, and recommended development of a specific policy. It noted agreement that the TRN Chapter did not appropriately provide a policy for high trip generation activities and that the Plan should provide guidance. However, it did not support the submitter's proposed wording because it would more appropriately be included as an assessment criterion and repeated TRN-R14. The Reporting Officers therefore recommended alternative wording for new TRN-P11 as follows:

> *Only allow high traffic generating activities where these activities support the safe, efficient and effective use of transport infrastructure, as demonstrated through an integrated transport assessment (ITA). All ITAs should be completed by a suitably qualified and experienced transport professional.*

1319. In addition to this new policy, the Reporting Officers also recommended including the above assessment criteria (TRN S14) in TRN-R12.

Hearing and Submitter Evidence/Statements

1320. Ms Booker's legal submissions highlighted her client's submission points.

1321. Mr Pearson (for NZTA Waka Kotahi) confirmed that the s42A Report recommendations were acceptable and either addressed the submission points or provided sufficient explanation as to why the changes sought are not required.

1322. Ms Grinlinton-Hancock (for KiwiRail) provided detailed evidence and diagrams on level crossings for both approach and restart sightlines in relation to TRN-P3. She outlined the purpose of sightlines for managing risks at rail crossings. She noted KiwiRail had statutory powers to remove vegetation and other obstructions under the Railways Act 2005 but stressed the need to exercise the power meant that a compromise of sightlines had already occurred. She sought to avoid that outcome, noting the relief sought meant sightlines would apply at the development point, minimising the risk of obstructions. She noted that sight lines rules and standards are regularly included in district plans, automatically.

1323. Ms Grinlinton-Hancock responded to the reasons stated in the s42A Report for rejecting the KiwiRail relief, noting that the sight line controls affect only a small portion of land near a rail crossing. She stressed that obstructing sightlines could significantly affect road and rail users and obstructions should be by '*restricting*' rather than just '*considering*' by their location, as suggested in the s42A Report. She added that '*restricting*' does not mean prohibited, but conveys clearly that buildings, structures, planting, and other visual obstructions should not

generally be located within sightlines. She added that including the words '*structures and plantings'* clarified what an obstruction might be for plan users.

1324. Ms Grinlinton-Hancock provided a detailed s32 analysis of the KiwiRail relief, noting that relief would affect TRN-P3 and gives effect to Policy 6.4 of the RPS, which protects RSI from reverse sensitivity effects. She also noted that the relief included two new rules dealing with sightlines at railway level crossings and sight triangles.

Reporting Officer Reply Evidence

1325. In Reply, the Reporting Officers recommended replacing '*minimise*' with '*mitigate*' in TRN-P2(b). However, they considered there was no submission to replace '*minimise'* in TRN-P1(c) and concluded there was no scope for change.

1326. Attachment 1 of the Right of Reply showed new policy TRN-10.

Hearing Panel's Evaluation

1327. In relation to **TRN-P1**, the Panel disagrees with the Reporting Officers that there is no scope to address use of '*minimise*' in clause (c). We note submission points from NZTA Waka Kotahi (S450.039) seeking replacement with '*mitigate*'; and Foodstuffs (S464.042), TiGa (S493.030), WMS (S599.034) and Birchfield (S601.028) seeking deletion of clause (c). We consider these submissions provide scope for amendments.

1328. The Panel assumes the Reporting Officers have confused the submission points relating to TRN-P1 with TRN-P2. We acknowledge there is no submission seeking to replace '*minimise*' with '*mitigate*' in relation to TRN-P2(b). We therefore reject the Reporting Officers recommendation to amend TRN-P2(b) shown in Attachment 1 of the Reply because this is not within the scope of submissions.

1329. We agree with the BDC and NZTA Waka Kotahi request and the Reporting Officers' recommendations to add clause (d) to TRN-P1 because this issue was omitted from the notified version of the Plan and needs coverage. However, we have deleted the words '*most current*' because it must refer to the National Transport Classification in effect at the time of notification.

1330. In relation to **TRN-P2**, the Panel recommends retaining clause (c) to implement TRN- 02 and agree that including '*separation of*' and '*rail level crossings*' is appropriate to improve clarity and to provide complete coverage.

1331. In relation to **TRN-P3**, the Panel accept the evidence of Ms Grinlinton-Hancock's and agree that the language used must be very clear. We consider her recommended wording achieves this clarity. We acknowledge safety at rail crossings is a significant issue and accept protecting critical sightlines will assist in achieving safety. We agree that adding '*structures, planting*' is appropriate to maximise user safety at road and rail crossings.

1332. In relation to **TRN-P4**, the Panel accept KiwiRail's request to amend TRN-P4 to provide more directive language by rewording the provision and deleting the words '*carefully consider*' and replacing them with '*ensure*', which is a much higher and appropriate threshold given the policy context.

1333. In relation to **TRN-P7**, the Panel agree with adding a new clause (c) to TRN-P7 because the amendment addresses providing for connectivity, which was omitted from the notified Plan. We accept connectivity between subdivisions and communities is an important consideration in relation to transport and consider its inclusion assists in giving effect to TRN-03.

1334. In relation to **TRN-P8**, the Panel accepts the recommendation to delete clause (c) to remove duplication with clause (b), which provides for the functional and operational requirements of activities covering all clause (c) matters.

1335. Despite the Reporting Officers conflicting recommendations, the Panel considers a **new policy**, such as TRN-P10, is necessary, primarily because all the other policies have a discrete focus. We note that this new proposed policy is much wider in its ambit, addressing safety and efficiency for the entire transport infrastructure, which was not covered by the notified Plan. We agree with the Reporting Officers that the requested '*recognise, protect and enable*' (as requested by submitters) is not appropriate. We consider '*recognise and provide for*' is consistent with the language used in the RPS in relation to regionally significant infrastructure. However, we recommend rewording the new policy to recognise the function of land transport infrastructure and to provide for the efficient and safe transport of people and goods.

1336. The Panel agrees that a **new policy TRN-P11** is required to address the identified gap in relation to high trip generation activities. We also agree with the Reporting Officers that the wording proposed by NZTA Waka Kotahi is more appropriately included as assessment criteria. We note the Reporting Officers also recommend an amendment to TRN rules to utilise some of this recommended wording, which is addressed below. However, we recommend the last sentence as proposed be included in the relevant rule and standards.

Hearing Panel's Recommendation

1337. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends that the relevant submission points identified in footnotes below are accepted or accepted in part, and recommends the following changes to the **TRN Policies:**

Transport Policies

TRN – P1	The road and rail **transport** networks shall**:** ~~:~~ [363] a. Be maintained or enhanced to provide safe and efficient transportation; b. Consider the needs of all transport users and modes of transport; ~~and~~[364] c. Minimise effects on adjoining properties including the impacts of vibration, noise and glare**; and**[365] d. **Recognise the different functions and design requirements for**

[363] RMA First Schedule Clause 16
[364] RMA First Schedule Clause 16
[365] RMA First Schedule Clause 16

	each road classification under the National Transport Network classification system.[366]
TRN – P2	Vehicle crossings and associated access will~~:~~ [367] a. Be designed and located to provide for safe, effective and efficient movement to and from sites; b. Minimise potential conflicts between vehicles, pedestrians and cyclists on the adjacent road network; and c. Manage **separation of** vehicle access to and from sites adjacent to intersections, **rail level crossings,** and where State Highways meet.[368]
TRN – P3	Maximise user safety at road and rail level crossings by ~~considering the location of~~ **restricting** buildings**, structures, planting** and other visual obstructions within sightlines.[369]
TRN – P4	~~Ensure any new r~~Road and pedestrian rail level crossings ~~carefully consider~~ ensure the safety of road users, pedestrians, and the effective and efficient operation of the regions rail network.[370]
TRN – P5	Control vehicle access to sites adjacent to all road **and** ~~/~~[371]rail level crossings to improve safety for road users on the approach to level crossings.
TRN – P6	Enable provision of electric vehicle and bicycle charging stations.
TRN – P7	Support increased cycling and walking by: a. Requiring larger developments to provide bicycle parking; ~~and~~ b. Providing for off-road pedestrian and bicycle facilitates to complement facilities located within the road network; **and** c. **Providing for connectivity within, between and across subdivisions and communities.**[372]
TRN – P8	Manage the number, location and type of parking and loading spaces, including bicycle parking and electric car charging spaces to support the

[366] Buller District Council S538.068
[367] RMA First Schedule Clause 16
[368] KiwiRail S442.037
[369] KiwiRail S442.038
[370] KiwiRail S442.039
[371] RMA First Schedule Clause 16
[372] Herenga a Nuku Aotearoa Outdoor Access Commission S274.007

	following: a. The safe, efficient and effective operation of the transport network; b. The functional and operational requirements of activities; ~~c. The recognition of different activities having different trip characteristics;~~[373] c. The use of sustainable transport options including cycling and walking; d. Provision of safe access and egress for vehicles, pedestrians and cyclists; e. Avoid or mitigate potential conflicts between vehicles, pedestrians and cyclists; f. Mitigation of stormwater contamination from vehicles through treatment of stormwater from large areas of car parking; **and**[374] g. Provision for flexible approaches to parking, including more efficient use of parking spaces, and reduce incremental and individual parking provision.
TRN – P9	Require parking and loading areas to be designed so that reverse manoeuvring of vehicles onto or off the road does not occur in situations which will compromise: a. The safe, effective and efficient operation of roads including State Highways; or b. Pedestrian access and amenity; or c. Safe and functional access.
TRN – P10	**Recognise the function of land transport infrastructure and provide for the safe and efficient movement of people and goods.** [375]
TRN – P11	**Only allow high traffic generating activities where these activities support the safe, efficient and effective use of transport infrastructure, as demonstrated through an integrated transport assessment (ITA).**[376]

6.6. Transport Rules

Submissions and Further Submissions

1338. KiwiRail (S442.041) supported the **Advice Note** advising plan users that they need approval from KiwiRail where any crossing will intersect with the rail corridor.

1339. BDC (S538.070) sought **Advice Note 2** be amended to replace '*road opening'* with '*relevant road controlling*' to alert plan users that additional approvals may be necessary for activities within the road reserve/transport corridor.

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373 NZTA Waka Kotahi S450.046
374 RMA First Schedule Clause 16
375 TiGa Minerals and Metals Ltd S493.029, WMS Group HQ Ltd and WMS Land Co Ltd S599.033 and Birchfield Coal Mines Ltd S601.027
376 NZTA Waka Kotahi S450.048

1340. GDC (S608.538) sought the **Advice Notes** be amended to ensure no ambiguity. Based on GDC's submission, the specific relief sought was limited to amending Advice Note 2 as follows:

> *A road works permit is required prior to w~~W~~orks undertaken in a road reserve / transport corridor or areas subject to a District Council designation ~~also require road opening approval from the relevant District Council.~~*

1341. The s42A Report identified sixteen submission points and five further submission points[377] in relation to the **Transport Standards** and noted all submission points sought changes to the rules, standards, and/or advice note wording.

1342. The s42A Report identified eleven submission points and one further submission point[378] relating to **TRN-R1** and noted one supported the provisions, and ten sought changes to the wording of the rules and standards.

1343. The s42A Report identified nine submission points and one further submission point[379] relating to **TRN–R2** and noted five supported the provisions, and four sought changes to the wording of the rules and standards.

1344. The s42A Report identified fourteen submission points and three further submission points[380] relating to **TRN–R3** and noted one supported the provisions, and sixteen sought changes to the wording of the rules and standards.

1345. The s42A Report identified four submission points[381] relating to **TRN–R4** and noted one supported the provisions, one sought deletion and three sought changes to the wording of the rules and standards.

1346. The s42A Report identified six submission points and one further submission point[382] relating to **TRN–R5** and noted one supported the provisions, and six sought changes to the wording of the rules and standards.

1347. The s42A Report identified twelve submission points[383] relating to **TRN–R6** and noted six supported the provisions, and six sought changes to the wording of the rules and standards.

1348. The s42A Report identified ten submission points and one further submission point[384] relating to **TRN–R7** and noted seven supported the provisions and two sought changes to the wording of the rules and standards.

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[377] S474.031, S500.020, S560.171, S560.173, S560.174, S560.175, S560.176, S560.177, S560.178, S560.179, S560.180, S560.181, S560.182, S560.183, S442.041, S538.070, S608.538, S456.013, FS230.0364, FS230.0365, FS230.0366, FS230.0367, FS230.0368

[378] S190.051, S299.043, S438.048, S451.036, S478.093, S538.019, FS127

[379] S190.129, S450.050, S538.072, S558.722, S560.174, S566.722, S567.079, S574.722, S608.451, FS149.005

[380] S190.030, S450.051, S538.073, S538.074, S558.723, S558.724, S560.175, S566.723, S566.724, S567.080, S567.081, S574.723, S574.724, S608.542, FS1.383, FS1.385, FS149.006

[381] S190.131, S450.052, S538.075, S608

[382] S190.132, S274.008, S439.016, S450.053, S538.076, S560.176, FS53.8

[383] S190.133, S450.054, S474.023, S536.067, S538.077, S558.726, S560.177, S566.726, S567.083, S574.726, S608.544, S613.013

[384] S190.134, S450.055, S538.079, S558.725, S560.178, S566.725, S567.082, S574.725, S608.545, S612.017, FS230.0364

1349. The s42A Report identified six submission points and one further submission point[385] relating to **TRN–R8** and noted three supported the provisions, and four sought changes to the wording of the rules and standards.

1350. The s42A Report identified ten submission points and one further submission point[386] relating to **TRN–R9** and noted eight supported the provisions, and two sought changes to the wording of the rules and standards.

1351. The s42A Report identified ten submission points and two further submission points[387] relating to **TRN–R10** and noted seven supported the provisions, and four sought changes to the wording of the rules and standards.

1352. The s42A Report identified nine submission points and one further submission point[388] relating to **TRN–R11** and noted six supported the provisions, and two sought changes to the wording of the rules and standards.

1353. The s42A Report identified nine submission points and six further submission points[389] relating to **TRN–R12** and noted two supported the provisions, and ten sought changes to the wording of the rules and standards.

1354. The s42A Report identified eight submission points[390] relating to **TRN–R13** and noted one supported the provisions, and seven sought changes to the wording of the rules and standards.

1355. The s42A Report identified six submission points[391] and three further submission points relating to **TRN–R14** and noted one supported the provisions, and the remainder sought changes to the rules and standards' wording and/or deletion.

1356. The s42A detailed **New Standards** sought by submitters, identifying BDC (S538.078), sought the insertion of a new standard to provide for trip generation as a Permitted Activity where appropriate, as follows:

> *Trip Generation Activities*
>
> *Activity Status: Permitted*
>
> *Where: (1) The activity complies with the thresholds listed in Table TRN-6a those submitters who sought those new standards.*

1357. NZTA Waka Kotahi (S450.336) sought to insert a **new standard** in the Transport chapter that requires resource consent for any new activity or change in land use where the activity will

[385] S190.135, S450.056, S538.080, S560.179, S608.546, S612.018, FS230.0365
[386] S190.136, S450.057, S538.081, S558.728, S560.180, S566.728, S567.085, S574.728, S608.547, S612.019, FS230.0366
[387] S190.137, S439.017, S456.010, S538.082, S558.729, S560.181, S566.729, S567.086, S574.729, S608.548, FS127.002, FS230.0309
[388] S190.138, S538.083, S558.730, S560.182, S566.730, S567.087, S574.730, S608.549, S613.014, FS230.0367
[389] S190.139, S443.017, S450.058, S456.011, S491.010, S538.084, S560.183, S573.011, S608.550, FS1.165, FS64.008, FS104.012, FS230.0368, FS231.015, FS232.013
[390] S190.140, S450.059, S538.085, S558.731, S566.731, S567.088, S574.731, S608.551
[391] S190.141, S538.086, S566.732, S567.089, S574.732, FS104.013, FS231.016, FS232.014

have direct access to the State Highway network. Waka Kotahi sought that this activity be provided as a restricted discretionary activity, with the safe and efficient operation of the State Highway network and traffic effects included as matters of discretion.

1358. WMS Group (HQ) Ltd and WMS Land Co. Ltd (FS231.014) and Birchfield Coal Mines Ltd (FS232.012) opposed the NZTA Waka Kotahi submission as unnecessary, and unconnected from adverse effects and is appropriately covered under the access and trip generator standards. BDC (FS149.007) partially supported the relief NZTA Waka Kotahi sought because a new standard should differentiate between activities using an existing vehicle crossing and a new vehicle crossing. GDC (FS1) opposed the relief sought by Waka Kotahi as they considered a 'catch-all' approach unreasonable. Further, they considered that many use-related changes do not exacerbate effects. Likewise, there are many new activities with less than minor effects.

1359. The s42A Report identified one submission[392] that supported **Appendix One: Transport Performance Standards** as notified. GDC (S608.845) sought to include the standards with **Appendix One: Transport Performance Standards** within the TRN Chapter, rather than as a separate Appendix. Sixteen submission points[393] sought that **Appendix One: Transport Performance Standards** be amended to be less onerous, more consistent and correct errors. One submission (S360.058) sought **Appendix One: Transport Performance Standards** to be amended to enable development.

1360. The s42A Report identified KiwiRail (S442.042) as supporting **TRN S1** as notified; and GDC (S608.850 and S608.851) supporting TRN S2 and TRN S3 as notified; and Rocky Mining Ltd (S474.024) as supporting **TRN S14** as notified. The s42A identified a submission from BDC (S538.088) that sought to reformat **TRN S7**, amend the **TRN S12** table, and delete **TRN S14.** NZTA Waka Kotahi (S450.339) sought to retain **TRN S10**.

1361. The s42A Report identified several submitters (S65.055, S82.001, S101.017, S129.004, S355.007, S356.003, S377.013, S443.018, FS.028 and FS77.8) relating to **TRN S14** within Appendix One, who sought that **TRN S14** be amended to consider the cumulative effects of truck movements associated with heavy mineral concentrate or any other extraction associated with large bulk carrier vehicle movements.

1362. Fire and Emergency (S573.013) sought the insertion of a new standard as follows:

> ***TRAN-S15*** *– Firefighting Access*
>
> *As follows:*
>
> *1. Any access to a site located in an area where no fully reticulated water supply system is available, or having a length greater than 50 metres when connected to a road that has a fully reticulated water supply system including hydrants, must be designed to accommodate a fire appliance design vehicle of*

[392] S599.158

[393] S516.160, S558.709, S558.721, S563.167, S564.176, S566.709, S566.721, S574.709, S574.721, S577.140, S614.233, S614.234, S614.235, S615.233, S615.234, S615.235

at least 2.5 metres wide and 13 metres long and with a minimum gross mass of 25 tonne.

1363. As to amendments to the **Tables and Figures within Appendix One**, the s42A Report identified submissions from BDC (S538.088) that sought the following amendments:

- **TRN Figure 1**: show distance 'y' on Figure 1;
- **TRN Tables 4 and 5** – amend the first heading of the tables to read: 'Total number of vehicle spaces provided';
- **TRN S7** – reformat the last three bullet points; and
- **TRN S12**: amend Table 6 that follows the standard.

1364. The s42A Report identified further submissions from BP Oil NZ Ltd, Mobil Oil NZ Ltd and Z Energy Ltd (FS64.007) that supported BDC's proposed amendment to the trip generation thresholds to relate to gross floor area as opposed to filling pumps at service stations, as service stations do not generate a significant number of new trips as they are predominantly vehicles using the road network on their way to another destination. It noted that this would result in a consequential amendment to TRN-R12.

1365. The Ministry of Education (S456.012) requested that the '*Education—Schools*' qualifier in **TRN Table 6** be increased from 30 as notified to 100 students. Kāinga Ora (FS58.016) supported the Ministry of Education's submission for matters unrelated to transport (financial contributions), and for these reasons, the Reporting Officers disregarded that submission.

1366. NZTA Waka Kotahi (S450.334, S450.0335, S450.338 and S450.339) sought that Appendix One: Transport Performance Standards retain **TRN Tables 1 and 3, TRN Figure 1 and TRN S10.** They sought amendments as follows:

- Include the Transport Standards within the chapter rather than in an appendix;
- Amend the table or add a new table to recognise the local road accessway separations from a state highway;
- Include new transport standard for state highway vehicle crossings requiring the approval of Waka Kotahi;
- Amend TRN Table 6 to include drive-throughs;
- Elevate the assessment criteria to form a new policy for the assessment of high trip-generating activities; and
- Clarify the meaning of hvm/d.

Section 42A Reports

1367. In relation to **Transport Standards**, the s42A Report did not support deleting the amenity assessment because they considered it an important consideration for transport and the experience of transport users. It noted it was appropriate to include effects on amenity given the recommended wording of TRN-O3.

1368. The s42A Report did not support an new additional standard added to all permitted activities requiring adherence to standards in other chapters of the pTTPP, including ECO, NC, NFL and CE because it considered specifying particular chapters of the pTTPP limits and restricts the assessment, when the pTTPP should be read in full and the TRN Chapter overview guides other chapters to be read. It concluded a new standard would result in duplication with specific standards.

1369. The s42A Report rejected Forest & Bird's request to include an additional matter of discretion to allow for consideration of natural values and Poutini Ngāi Tahu's further submission to incorporate the values of any zone, overlays and district wide chapters, such as SASM, as matters of discretion in each rule. It considered this would be inconsistent with the TRN objectives and policies, and the overall format of the pTTPP. It noted the TRN Overview provided guidance as to other relevant chapters and that given this it would be duplication to include it under specific standards.

1370. The s42A Report agreed with BDC and GDC that the **Advice Notes** needed to be amended to ensure no ambiguity.

TRN-R1

1371. The s42A Report agreed with some of the amendments sought by BDC, such as the inclusion of 'TRN-S12' because compliance with this standard is necessary (as clause (2) sets down the applicable parking, loading, and queuing standards) but it did not support the balance of the relief sought.

1372. In response to GDC's concerns regarding referencing 'The Auckland Design Guide for Stormwater Management' in the advice note, the s42A Report requested further information to justify any amendment.

1373. The s42A Report agreed with Fire and Emergency and BDC to increase the minimum driveway width from 3 to 3.5 metres to allow for fire appliance access. The amendment is found not in TRN-R1 but in TRN S3. Despite this acceptance, Appendix 1 of the s42A Report did not reflect this recommended amendment. The Panel recommends this.

TRN-R2

1374. The s42A Report agreed with NZTA Waka Kotahi that reference to designations within the heading and clause (2)(c) of TRN-R2 was unnecessary duplication of functions and methods, and recommended deletion. It noted the deletion resulted in the GDC relief concerning TRN-R2 and TRN-R3 no longer being relevant. It agreed with BDC's request to simplify the heading wording to clarify that it covers the maintenance and repair of the existing land transport corridor.

TRN-R3

1375. The s42A Report supported the deletion of clause (c), as sought by NZTA Waka Kotahi and BDC, because the reference to designations duplicated functions and methods.

1376. The s42A Report did not support an amendment to TRN-R3 to allow for works to be undertaken if written consent has been provided by the road controlling or requiring authority, because third-party approval is *ultra vires* and beyond the scope of the pTTPP.

TRN-R4

1377. The s42A Report accepted NZTA Waka Kotahi's request to delete the rule because a designation's effect is to provide for activities otherwise managed through the pTTPP. It agreed with the submitter that it was appropriate to include a new discretionary activity standard for any new transport corridor for subdivision and development before the vesting of assets. It noted that given the recommended deletion of TRN-R4**,** the relief sought by BDC and GDC to remove reference to designations was no longer relevant.

TRN-R5

1378. The s42A Report did not support amending TRN-R5 to include all legal roads because that amendment would be limiting compared to the notified wording. It did not support amendments to encourage active transport routes because this is not clearly defined in the pTTPP, and the amendment would result in ambiguity. Amendments seeking to limit the scope of tracks to unformed legal road reserves and strips were not supported because the relief sought results in further wording to provide examples of the types of activities, which is unnecessary and results in lengthy standard headings.

TRN-R6

1379. The s42A Report supported replacing '*land transport authority'* with *'road controlling authority'* to provide clarity. It noted Straterra (S536.067) had not provided evidence to support the relief that 30 vehicle movements per day was unworkable, and no alternative number of heavy vehicle movements was provided.

1380. The s42A Report supported amending the heading of TRN-R6 by deleting the reference to the transport corridor because it made more sense and improved readability. It did not support the amendment seeking to restrict the location of charging stations, considering this to be too limited and to provide unnecessary restrictions to the activity.

1381. The s42A Report did not support deleting clause (2) of **TRN-R6** because it ensures that charging stations remain of a size and scale that is consistent with other network utilities and seeks to maintain amenity, which consequently reduces the opportunity for adverse effects.

TRN-R7

1382. The s42A Report supported adding two new matters of discretion because new clause (f) is more directive than clause (c), and new clause (g) is more specific than clauses (a) and (b). In addition to these amendments, the Panel notes that BDC also sought to amend clause (d) by deleting the word '*flood'* and replacing it with '*future natural'*, which were not addressed in the s42A Report. However, Appendix 1 of the s42A Report included the change sought to clause (d) without deleting '*flood*' and did not identify it as an amendment to the notified provisions.

1383. The s42A Report made no further recommendations for change. It recommended rejecting the submission by GDC that the impact on the road controlling authority and existing infrastructure is unclear.

TRN-R8

1384. The s42A Report noted a consequential amendment to the heading to removing references to the designation. It supported the inclusion of an additional new clause to consider the effects of the safe and efficient operation of the road. However, that recommendation is not included in Appendix 1, nor is the recommendation to amend clause (b) to delete '*flood*' and replace it with *'future natural'* included. A new clause (c) '*Outcome of consultation with the relevant roading authority'* is proposed but the s42A Report does not discuss this new clause.

TRN-R9

1385. The s42A Report supported deleting the word '*system'* as it creates confusion in clause (a). It supported adding design and suitability to the matters of discretion. However, the Panel notes this recommendation is not included in Appendix 1, nor is the recommendation to amend clause (d) to provide for all future natural hazard mitigation.

TRN-R10

1386. The s42A Report supported deleting the reference to '*over 1000m above sea level'* in clause (a) because this was unnecessary wording. It did not support including a reference to '*active transport routes*' because these are not defined in the pTTPP. It did not support the Poutini Ngāi Tahu's request to broaden assessment considerations beyond visual impacts to include effects on cultural heritage and natural environment values because this would be limiting and the District-Wide chapters should manage the impact on cultural and natural environment values.

TRN-R11

1387. The s42A Report supported amendments to the rule heading to correspond with the permitted activity rule TRN-R6 and recommended deleting '*in the transport corridor'.* It supported adding '*safety and efficiency*' to clause (a) but did not support deleting clause (b) because it is an action to contact the relevant transport agency. It recommended replacing the '*transport agency*' with '*road authority'* for consistency across the pTTPP. It did not support the inclusion of amenity effects in this rule because TRN-R11 gives effect to TRN-P6, not TRN-P9, which provides scope for consideration of amenity effects; and such an amendment would be inconsistent with the policy framework.

TRN-R12

1388. The s42A Report did not support amending it to explicitly reference heavy vehicle movements because it considered those movements were already covered within clause (a) of the rule, which refers to high trip-generating activities transport assessment requirements.

1389. The s42A Report disagreed that there was an issue with the clarity of the activity status caused by the lack of clear delineation between TRN-R12 and TRN-R14. It considered that if the activity complied with TRN-R12, it would be a restricted discretionary activity; and if not, it

would become fully discretionary under TRN-R14. It concluded this lack of clarity claim was not made out, so there was no basis to amend TRN-R12.

1390. The s42A Report concluded amending TRN-R12 to provide for vehicle movements to and from the site was no longer required due to other amendments to TRN-R12.

1391. The s42A Report agreed, in part, with the BDC submission to amend TRN-R12 but rejected the part that sought to delete TRN-R14 because TRN-R14 provided for activities that do not comply with TRN-S12. The balance part of the BDC submission in relation to TRN-R12 was supported.

1392. While Fire and Emergency (S573) opposed TRN-R12 in part, the s42A Report did not support that submission but noted it was agreed that emergency service facilities should have no limit on traffic movements. It noted that the need was addressed by excluding emergency traffic movements from Table TRN6.

1393. The s42A Report accepted that a new policy was needed because this rule refers to *'high trip activities'*. It recommended the new policy TRN-P11, which is addressed above.

TRN-R13

1394. The s42A Report agreed to delete the advice note requiring notification because retention created an onerous outcome, potentially requiring every subdivision creating a new road to be vested to be notified. It preferred to rely on s95 of the RMA rather than retain the notification advice note. It agreed that the wording *'not meeting Permitted Activity standards*' was unnecessary in the rule heading because the linked rule, TRN-R4 (permitted activity rule), was recommended for deletion.

1395. The s42A Report noted the GDC submission (S608.551) sought clarification on the requirements for Council when considering the creation of a new road, formed or unformed but considered there was no evidence to assist in evaluating the submission.

TRN-R14

1396. The s42A Report did not support deleting this rule because it provided for activities that do not comply with TRN-R12.

TRN-RXX

1397. In common with other chapters, a new catch-all rule was proposed to ensure that if an activity is neither permitted nor discretionary, it is non-complying. The rule stemmed from a submission from Transpower on the Energy Chapter and the Reporting Officer's acknowledged that it would afford clarity and direction for plan users who are not familiar with the provisions of the RMA. They recommend accepting the submission, and to ensure consistency across the Energy, Infrastructure and Transportation chapters the same rule be included in the Infrastructure and Transportation chapters. The Panel notes that reporting officers for other chapters recommended the same catch all rule because, as notified, such a rule was not included.

New Standards

1398. BDC (S538.078) seek the insertion of a new standard to provide for trip generation as a Permitted Activity where appropriate, as follows:

> ***Trip Generation Activities***
>
> *Activity Status: Permitted*
>
> *Where:*
>
> *(1) The activity complies with the thresholds listed in Table TRN-6.*

1399. The s42A Report recommend a permitted activity standard for activities not identified as High Trip Generating in Table TRN-6, noting this amendment would cause consequential amendments. However, Appendix 1 of the s42A Report did not include clause (1) as requested by BDC.

1400. The s42A Report did not support NZTA Waka Kotahi's (S450.060) request to insert a new standard in the Transport Chapter to require resource consent for any new activity or change in land use where the activity will have direct access onto the State Highway network. It considered many changes of use would not exacerbate effects and that many new activities have less than minor effects. It also considered that the high trip-generating activity standards would address this matter. It concluded that it was too onerous to require resource consent as a restricted discretionary activity for every activity gaining access.

Appendix One: Transport Performance Standards

1401. In terms of Appendix One: Transport Performance Standards, the Reporting Officers supported limited amendments. GDC had sought that the Appendix be included within the Transport chapter itself, but the Reporting Officers rejected this because they considered the chapter appropriately referenced the Appendix and no change was needed.

1402. A number of submitters sought changes, corrections and deletions to the standards and tables. The Reporting Officers rejected most of these due to a lack of evidence in support. They did support minor amendments, some of which were not included within Appendix 1 to the s42A Report.

1403. The s42A Addendum Report (Attachment 1: Meeting Notes) in relation to vehicle crossings records that the design standards within the tables needs to be clarified, and that illustrative figures would benefit plan users. The meeting notes record that there are gaps within these tables that require clarification, and a range of updates are proposed to address these.

1404. The s42A Report supported amending TRN S3 to increase the driveway width to 3.5m from 3m, as sought by Fire and Emergency (S573.013), but that amendment was not included in Appendix 1 to the s42A Report. They also supported amending **Tables 4** and **5** to include "*vehicle*" after the word "of" within both tables' titles, as sought by BDC.

1405. The s42A Addendum Report in Attachment 1 in response to the Waka Kotahi evidence included notes of an online meeting held on 23 November 2023 between the Reporting Officers and Robert Swears and Stuart Pearson, both from Waka Kotahi. The notes record Waka Kotahi's recommended approach of utilising equivalent car movements (ECM) within **TRN Table 6,** along with traffic effect assessment information (TIA or ITA) and noted that the

Reporting Officers were open to further work to establish a set of provisions relating to ECMs before completing their Reply.

1406. The Reporting Officers supported a BDC submission in amending **TRN S12** by deleting the words '*formed'* and *'sealed'* and including the word *metaled* within the first right-hand box and replacing metaled with '*formed*' and '*sealed*' in the second right-hand box**.** BDC also sought the replacement of the word '*less*' with the word '*more*' within the third right-hand box. While the Reporting Officers accepted this amendment, it was not included within Appendix 1 to the s42A Report.

1407. The Reporting Officers supported amending **TRN S14** clause (4) to clarify the meaning of '*hvm/d'* replacing it with '*heavy vehicle movements per day'*.

Hearing and Submitter Evidence/Statements

1408. The evidence summaries below refer only to areas of outstanding matters of disagreement between the submitter and the recommendation of the Reporting Officers.

1409. Ms Grinlinton-Hancock for KiwiRail (S442.043) sought two new rules for sight lines at railway level crossings and level crossing sight triangles, along with accompanying illustrative diagrams of those sight lines. She provided proposed text for the new rules and included a s32AA analysis of the new rules. She highlighted KiwiRail sought to amend TRN Table 1 (vehicle access design standards and minimum site distances for vehicle access points to the state highway) to include rail crossing sight lines, including diagrams.

1410. Ms Booker, in legal submissions responding to the s42A Report, remained concerned that the recommended reference to TRN Table 6 rather than TRN S14 could result in all new activities requiring resource consent being caught in the catch-all '*other activities not listed in this table'*, through compliance with TRN Table 6. She sought a permitted activity rule for activities not exceeding the thresholds in TRN Table 6, the amendment of TRN-R12 to apply to activities exceeding TRN Table 6 thresholds, delete reference to TRN S14, and delete TRN-R14. She noted support for the recommended rejection of NZTA Waka Kotahi's proposal to insert a new transport standard requiring resource consent for any new activity or change in land use where access to the State Highway network occurs.

1411. Mr Leckie's legal submissions highlighted concerns with TRN-Table 6, High Trip-Generating Activities. He initially detailed the relationship between Appendix One and the rules, noting that as notified, mining and quarrying are identified as high-trip-generating activities if there are more than 30 heavy vehicle movements daily. He recorded that if more than 30 heavy vehicle movements occur, Standard TRN S14 sets out the requirements for a high trip generating activity transport assessment. He noted that Rule TRN-R12 provided for establishing a new high trip generating activity, or the expansion of an existing activity listed in TRN-Table 6 that complies with the requirements of Standard TRN S14, as a restricted discretionary activity.

1412. Mr Leckie's submissions sought to ensure that the TRN provisions were consistent with the intended objectives and provisions of both BCZ and MINZ and did not unintentionally restrict anticipated activities in these zones. To achieve that result, he submitted TRN Table 6 required amendment by including additional words as follows:

Mining and Quarrying

*>30 heavy vehicle movements **to or from** the site per day*

1413. Mr Leckie disagreed with the s42A Report recommendation to reject the relief due to amendments made to TRN-R12 due to other submissions. He noted TRN Table 6 had not been amended, and the rule still referred to the table, so the interpretation issue remained unresolved. He noted that both the BCZ and MINZ plan provisions clarified that heavy vehicle movements exclude heavy vehicle movements within a site and highlighted the Reporting Officers agreed with him. He contended that the amendment sought to TRN Table 6 would resolve inconsistency and interpretation conflicts.

1414. Additionally, Mr Leckie noted that Rule BCZ-R3 provided for a maximum of 50 heavy vehicle movements per day, Rule MINZ-R3 provided for 30, and Rule TRN-R12 provided for 30. He considered it was unclear which rule would take precedence. Bathurst, he said, preferred 50. He also considered it was unclear if the Plan intended that one vehicle movement equated to a trip to and from a site and requested clarification. He referred to Ms Hunter's evidence provided in hearing Topics 1 and 2, which made it clear that if there was a specific rule within a Special Purpose Zone, then it should apply above the more general transport provisions.

1415. Post Mr Leckie's submissions, the Panel notes that substantial changes arising from expert witness conferencing were recommended to TRN Table 6 and the traffic assessment of heavy vehicle movements.

1416. Ms Snoyink's statement focused on the s42A Addendum Report and Appendix One. She noted Forest & Bird remained concerned that the rules only address significant effects on identified values and did not give effect to the RMA and NZCPS.

1417. Mr Pearson, for NZTA Waka Kotahi, noted that for a new vehicle crossing to a state highway a restricted discretionary activity status was not required, provided the crossing met the performance standards recognised in Rule TRN-R1. However, he considered an additional performance standard should be included to provide further clarity.

1418. Mr Pearson also addressed high trip-generating activities, noting that amendments sought to TRN Table 6 included providing for drive-through facilities and reducing the number of heavy vehicles used for mining and quarrying. He said traffic volumes should be based on equivalent car movements (**ECM**) per day rather than heavy vehicle movements per day.

1419. Referencing Mr Swears' expert advice, Mr Pearson noted that using ECM as a standardised approach for identifying assessment thresholds in TRN Table 6 would simplify when traffic assessments are required and would capture all activities. He also considered using ECM would improve clarity and consistency when assessing transport effects, ensuring the correct mitigations are appropriately managed, and the effects associated with different activities and vehicle types are provided.

1420. Mr Swears noted that the pTTPP did not include a definition of ECM and provided proposed wording to address the relief sought by BDC to include one. He noted the s42A Report commented on the BDC submission but did not make a recommendation. The Panel notes this omission was subsequently addressed in the s42A Addendum Report.

1421. The BDC submission stated as follows:

> *Council also seeks the inclusion of a statement that sets down the equivalent car movements so that the number of vehicle movements can be determined when heavy vehicle movements are involved.*
>
> *As a general comment, the Council notes that trip generation limits are incorporated into the performance standards across the Plan. For example, Home Businesses, Community Facilities, and Mining Activities in the Rural Zone all have vehicle movement limits.*
>
> *Any trip-generating standards in other chapters need to be reviewed to ensure consistency with the Transport Performance Standards.*

1422. The Panel notes the NZTA Waka Kotahi submission (page 59) also raised the issue of utilising ECM to more accurately allow assessment of heavy vehicles when applying TRN Table 6 and its related standards and rules.

1423. Mr Pearson pointed out that amendments to rules in specific zones that refer to light and heavy vehicles would be needed. He identified GRZ-R5, LLRZ-R5, MRZ-R5, GRUZ-R9, RLZ-R8, SETZ-R9 and MINZ-R3. He directed the Panel to Mr Swears' evidence (paragraph 33), where he provided an example of using ECM. Mr Pearson noted that the approach simplified identifying trip generation thresholds for when transport assessments may be required. He noted the approach did not use specific activities with different qualifier thresholds but instead relied on ECM that apply to all activities and how different vehicle trip generation impacts different road hierarchies. He highlighted applying this approach determined whether a traffic impact assessment or an integrated transport assessment was required.

1424. Mr Pearson considered that using ECM provided clarity and would capture any activity adversely affecting the transport system. He also referenced the two proposed transport assessment requirements - Basic Assessment and a Full Integrated Assessment, as set out in the amended TRN S14. He considered these proposed assessments removed potentially onerous requirements by ensuring that the assessment was fit for purpose, for the varying level of effects an activity may have.

1425. Mr Pearson went on to note the linkage between TRN Table 6 and TRN S14 and proposed new Policy TRN-PX, and the evidence of Mr Swears that the new Policy needed to reference the use of both '*Traffic impact assessments*' and *'Integrated transport assessments'*, so that whichever is appropriate can be used.

1426. Subsequent to the hearing, Mr Pearson (supplementary statement dated 5 December 2023) considered that, while there was scope to make some changes to TRN Table 6, there was no specific submission point broadly seeking modifications to all the thresholds related to the activities listed in the table. However, despite this, he considered there was benefit in revisiting the thresholds in Table 6 for when a transport assessment (whether basic or full) is required.

1427. Mr Pearson also provided alternate options to be used in the Transport Performance Standard provisions for the assessment criteria for high trip generating activities. He referenced the

partially operative Selwyn District Plan (within the amended transport provisions) and the Thames Coromandel District Plan.

1428. Mr Pearson disagreed with the Foodstuffs further submissions (FS107) because he considered the operational and functional need for supermarkets should be recognised and that these types of activities needed to be assessed, and where required, their effects on the transport network evaluated via traffic assessments.

1429. Mr Pearson addressed vehicle crossings, detailing amendments to TRN-R1, including new vehicle crossing designs (Diagrams C and E) for the state highway network. He provided a new table (new Table TRN-4) to be referenced within TRN-R1, which links to the diagrams providing details on the accessway type. If included, Mr Pearson considered that effects associated with access to and from the state highway would be addressed by ensuring adequate standards, including sight distances, vehicle access separation, and vehicle crossing design standards. He noted the new table could also apply to local roads as well. The diagrams, by identifying the extent of the areas to be sealed, assist in ensuring loose material and or mud from the access road will not migrate onto the carriageway of the adjoining road, avoiding, for example, the risks loose gravels pose for motorcyclists.

1430. Mr Pearson noted the s42A Report had not responded to NZTA Waka Kotahi's submissions to amend TRN Table 3, which deals with the separation of accessways. Assuming amendments were made to TRN Table 3, he provided Figure 1 in his evidence to accompany that amended table to provide clarity. Mr Swears' evidence in section 5, Separation of Accessways, also addressed this issue.

1431. Mr Swears supported amendments to TRN Table 3 but provided Figure 5 as an alternative to Mr Pearson's Figure 1. He discussed the difference between the two options and had reservations regarding the lengths described in the inset table of Figure 5.

1432. Following the hearing, Mr Swears provided a memorandum (dated 5 December 2023) updating the Panel on the accessway separation matter. He provided two tables accompanying his Figure 5, which provided separation distances. One option was based on the nature of the traffic using the accessway, such as heavy vehicles; the other option was based on land use/zoning. He did not record a preference for either option. He also revisited the transport assessment to assess the effects of a land use activity on the transportation network and provided three additional tables.

1433. Mr Swears also revisited the content of the transport assessment. After considering sources for that assessment, he noted it was desirable for NZTA Waka Kotahi to provide simple but clear guidance to the Region. Based on terminology that is commonly used, he considered it would be best to refer to the 'Basic' assessment as a '*Basic Integrated Transport Assessment*' or as a '*Traffic Impact Assessment*'; and to refer to the 'Full' assessment as either a '*Full Integrated Transport Assessment*' or as an '*Integrated Transport Assessment*'

1434. Within his supplementary statement, Mr Pearson included a new table for vehicle crossing standards for rural environments where the speed limit is 70 km/h or greater with associated changes to TRN-R1, new figures including the vehicle crossing designs, amendments to both TRN Table 1 and TRN Table 3, and a new figure to help clarify how this Table is to be interpreted.

1435. Mr Pearson noted NZTA Waka Kotahi's submission recommended that local vehicle crossing standards be included because in urban environments (speed limit of 60 km/h or lower) where there is a kerb and channel, it is often required for sites to construct their vehicle crossings to Council standards. He suggested that the pTTPP could adopt an approach like the Selwyn District Plan, which has provided vehicle crossing design standards for local roads (TRAN-DIAGRAM 5) and arterial and collector roads (TRAN-DIAGRAM 6). Alternatively, urban vehicle crossing designs (Standard Drop Crossing) in Schedule 3 of the Grey District Plan (Standard Residential Drop Crossing) for the residential vehicle crossing design in the Westland Code of Practice for Engineering Works could be adopted and incorporated into the District Plan.

1436. In Mr Pearson's view, including an urban/local vehicle crossing standard would ensure that any new residential development in an urban context has an appropriate vehicle crossing that mitigates potential safety issues on the transport system. He noted activities related to commercial and industrial activity would probably require a bespoke design and would likely trigger a restricted discretionary status in the Transport Chapter.

1437. Mr Pearson addressed the road classification issue, noting that the notified Plan uses the One Network Road Classification (**ONRC**), which has since been superseded by the One Network Framework (**ONF**). He noted NZTA Waka Kotahi utilises ONF to enable better design, planning, and delivery of transport systems by recognising how the roads function to move goods and people and how people experience those roads. He said this matches funding from NZTA Waka Kotahi, which funds state highways and is a co-founder of the local road network. Mr Pearson accepted that there may not be scope in the relevant submissions to make this change; however, to ensure that the changes sought concerning high trip generating activities were appropriately addressed, he considered changes should be made to the roading hierarchy to be consistent with ONF to improve clarity and usability of the pTTPP.

1438. Following the hearing, the Panel requested that Mr Pearson confirm scope within submissions to incorporate ONF into the pTTPP. In his supplementary statement, he confirmed there was scope but noted that there was insufficient data available for roads within the West Coast Region, which prevented the immediate implementation of ONF into the pTTPP. He noted that once ONF was available, it could be incorporated into the pTTPP through a future plan change. He also noted there was currently no schedule to recognise the current hierarchy within the pTTPP. The Panel consider there is no scope within submissions to incorporate the ONF and agree this would require future plan change.

1439. Ms Pull's addendum evidence confirmed a focus on TRN-R9 and TRN-R10. However, the Panel note Poutini Ngāi Tahu's did not submit on the TRN Rules.

Reporting Officer Reply Evidence

1440. Both the Position Statement and Reply responded to Ms Pull's evidence relating to TRN-R9 and TRN-R10 to include Poutini Ngāi Values as a matter of discretion, detailing the Reporting Officers' concerns that inclusion would reduce plan certainty and increase complexity and require input from Poutini Ngāi Tahu on all applications. They considered that if these matters were included as matters of discretion, a cultural impact report would be needed, and Ngai Tahu was the only body capable of providing one.

1441. Regarding TRN-R10, as to the visual effects issue, the Reporting Officers considered reference to amenity values included and provided for consideration of impacts on cultural values. They provided alternative wording to that advanced by Ms Pull as follow:

Effects on amenity values, in particular of the locality and streetscape.

1442. The Reply, while repeating the content of the Position Statement, on the above issues, also noted Ms Pull had promoted the approach of including a notification advice note to the relevant rules as a means of notifying plan users of the need to consult with Ngāi Tahu when Ngāi Tahu values might be affected. The Reporting Officers did not support that approach as an effective means of overcoming uncertainty because the Ngāi Tahu values are not explicitly mapped. Also, they noted that any proposals that did give rise to that type of effect would need to comply with the requirements of the SASM Chapter.

1443. Both the Position Statement and the reply responded to the issue of Special Purpose Roads, providing information on their background. The Reporting Officers advised that Special Purpose Roads had been in place for many years and have remained unchanged on the West Coast. They recorded they had spoken with the Council's roading departments, who wished to see both retention of those roads and inclusion within the RSI definition. Those roads are listed in a Waka Kotahi document entitled Funding Assistance Rates (FAR) which was provided to the Panel.

1444. In response to the Panel's query about whether those roads could be identified as another term on the planning maps, the Reporting Officers confirmed they saw no issue with doing so.

1445. When addressing the road hierarchy ONF, the Reply noted Mr Pearson's evidence above but recorded during the EWC that Mr Pearson withdrew the specific relief relating to the One Network Road Classification.

1446. As to high trip generating activities, the Reply notes that NZTA Waka Kotahi's relief sought to comprehensively change those notified plan provisions to form both a new policy and convert the triggers for traffic assessments into ECM. The Reporting Officers noted that Mr Swears was the only expert who presented transport engineering evidence, and as such, they considered they must rely on his recommendations relating to ECM. The Panel notes NZTA Waka Kotahi's submission was narrow and that it was the BDC's submission that provided broad scope for amendments.

1447. The Reply briefly addressed the issue of consistency between BCZ and MINZ rules and TRN rules regarding the high trip-generating threshold of 30 or 50 heavy vehicle movements, noting that the mining topic had yet to be heard. The Reporting Officers again stated they were not transportation experts and did not have access to experts.

Hearing Panel's Evaluation

1448. The matters raised in submissions and evidence by Waka Kotahi and BDC are the most significant regarding the Transport Rules and performance standards, so the Panel have addressed them first in some detail. We accept that Mr Swears' evidence was the only expert evidence from a Chartered Professional Engineer with an assessed practice field of

Transportation. Mr Pearson is a seven-year senior planner with Waka Kotahi, and we acknowledge his experience and transport-based planning expertise.

1449. The Panel notes that we received legal submissions on the issue of heavy vehicle movements and high trip-generating activities, as well as some broad-based evidence from Ms Hunter regarding the purpose of special zones such as the mineral extraction zone. However, we view those submissions and evidence as generalised, particularly compared to the detailed and expert evidence from Mr Swears and Mr Pearson. Accordingly, in formulating our recommendations, we have given greater weight to the evidence presented by these experts.

Roading Classification

1450. The Panel has noted that to apply the tables in Appendix 1, a clear understanding of roading classification is required. We have not identified any provisions in the Plan that specify roads other than state highways, which are shown on the notified planning maps. Other classifications in the notified Tables 1 – 3 of Local Road, Collector Road and Arterial Road are not identified either on the Planning Maps, or in any schedule. This creates a fundamental problem in applying the Plan as notified.

1451. The Panel notes that changes have been recommended to Policy TRN-P1 to recognise the different functions and design requirements for each road classification under the most current National Transport Network classification system. This stemmed from a submission from BDC, which also stated that:

> *While Council has not sought inclusion of a Road Hierarchy information into the Transport Performance Standards, consideration should be given to whether this would be a helpful addition.* [emphasis added]

1452. The Panel agrees that introducing a road classification schedule would be invaluable and indeed necessary to remedy the problem identified above. We have recommended using the Council's existing roading schedules from the three operative Plans as a means of providing for this. This schedule is recommended for inclusion as part of Appendix 1.

High Traffic Generation

1453. The issue of High Traffic Generating Activities (HTGA) did attract submissions. However, the approach in submissions is piecemeal, seeking to utilise, in part, equivalent car movements (ECM) as a means of assessing effects, as distinct from relying primarily on an activities-based criterion in Table TRN 6, as notified.

1454. Buller District Council in their submission point (S538.088) have sought to significantly amend notified Table 6 but retain limited parts. The BDC submission notes in terms of Table 6 that:

> *"Council considers that the threshold table for high trip generating activities is excessive for some activities and there are concerns that this could result in traffic generation that may comprise [sic] the safe and efficient operation of the transport network if not managed accordingly. Council's preference is that the specified activities are scaled back and that the threshold limit of 60 vehicle movements per day is used as this is what is in the current BDP and has proven a reliable trigger limit."*

Council also seeks the inclusion of statement which sets down the equivalent car movements in order for the number of vehicle movements to be determined when heavy vehicle movements are involved.

1455. BDC also note in its submission:

"*that there are trip generation limits incorporated into the performance standards across the Plan e.g. Home Business, Community Facilities and Mining Activities in the Rural Zone all have vehicle movement limits. There is a need to review any trip generating standards in other chapters to ensure consistency with the Transport Performance Standards."*

1456. BDC propose that the activities in Table 6 be amended to delete all bar Industrial (which they proposed is amended to 500m^2), Mining and Quarrying and Residential, and they propose to add Commercial. Their submission then proposes that the threshold limit of 60 vehicle movements per day be utilised for all other activities and they introduce an ECM method enabling calculation as below:

1 car trip (to or from the property) = 2 equivalent car movements

1 truck trip (to or from the property) = 6 equivalent car movements

1 truck and trailer trip (to or form the property) = 10 equivalent car movements

1457. BDC also sought to delete TRN S14 stating:

Council requests that the High Trip Generating Activities Transport Assessment requirements are deleted as these are not expressed in the form of standards but as discretionary considerations. Council has suggested that these matters form the basis of the restricted discretionary matters for Rule 12.

1458. Waka Kotahi sought to retain Table 6 as notified but amend the '*Mixed use or other activities not otherwise listed*' category to **30 equivalent** car movements per day. Their ECM levels differed from BDC being a truck and trailer unit is 5 equivalent car movements, and a non-articulated truck is 3 equivalent car movements.

1459. In the Panels' record of the evidence, we have noted scope issues relating to the use of ECM, including Mr Pearson's reservations. We accept that the Waka Kotahi submission did not take a line-by-line approach to the notified Table 6. But we consider that the submission did raise in part the issue of the appropriate measures for high trip-generating activities and ECM. The BDC submission goes further, as noted above.

1460. Through evidence and post-hearing conferencing, Waka Kotahi's witnesses altered their position on Table 6, supporting its complete deletion and its replacement with a new Table 6 that utilises ECM as the method for assessing HTGA. Waka Kotahi, however, acknowledged in

their later evidence[394] a scope issue in their submission relating to the recommended replacement of notified Table 6.

1461. The Panel considers that it needs to address the following issues to determine the most appropriate outcome for these Plan provisions:

i. Retention of the notified Appendix 1

ii. A hybrid Table 6 solution

iii. Full adoption of ECM including the numbers within the ECM method and the use of Basic and/or Full Integrated Traffic Assessments

iv. Scope of submissions

i. Retention of the notified Appendix 1

1462. Mr Swears stated that:

> *"the impacts on the road network are dependent on the volume and composition of the traffic rather than on the specific land use activity. Therefore, I consider there is merit in defining high trip generating activities based on the actual trip generation for the activity rather than on land use specific development criteria"*

1463. The Panel agrees with this assessment. We accept that defining high trip-generating activities based on actual trip generation rather than using land-use-specific development criteria results in a more certain and accurate outcome for Plan users. We note that BDC currently utilise an ECM methodology and considers it "*has proven a reliable trigger limit*".

1464. The fact that BDC submitted to substantially amend Table 6 and introduce an ECM methodology demonstrates to the Panel that they held concerns about the appropriateness of the Table to assess HTGA. We also noted that Table 6, as notified, creates a level of inconsistency in the way different activities are assessed with land use-specific criteria for some named activities and trip generation criteria for those that are unnamed.

1465. In addition to the above, the Panel considers that even with the new Rule TRN RX1, which creates a permitted activity status for activities that meet the qualifiers in the notified Table 6, the problems associated with TRN S14 are not resolved.

1466. Where there is an exceedance of the Qualifiers in notified Table 6, it results (TRN-R12) in the need to comply with the standards in TRN S14 [emphasis added]. The Panel agrees with BDC and others that these standards are actually discretionary considerations (or assessment matters) rather than standards. We consider compliance with TRN S14 as required by TRN-R12 to be assessed as a restricted discretionary activity is not possible, and therefore, all

394 Supplementary statement of Stuart Pearson on behalf of Waka Kotahi NZ Transport Agency, 5 December 2023

activities not meeting the qualifiers would, in our view, become fully discretionary under TRN-R14. This demonstrates a further significant problem with the notified provisions.

ii. Hybrid Table 6 solution

1467. The Panel has considered whether a hybrid option would be appropriate. However, we are of the view that such an option would result in a mix of methodologies for assessing HTGA, resulting in uncertainty and complexity within the Plan and potentially inconsistent outcomes in relation to different roading categories. This is because notified Table 6, apart from the catch-all requirement, utilises activities combined with floor area as qualifiers with no consideration of the roading categories. In contrast, the ECM would utilise car movements and the roading categories in determining the level of effects and the correct level (either none, basic or full) of assessment for HTGA. Furthermore, the hybrid option retains the inconsistencies identified and does not entirely resolve the issues with TRN S14, as referred to above.

iii. Full adoption of ECM

1468. Having considered the submissions and evidence, and the two options above, the Panel finds that adopting the ECM methodology to assess HTGA is the most appropriate option. Mr Spears advised us that:

> *From a transport engineering perspective there is a significant difference between the effects created by light vehicles (cars, utes, vans, etc) and those created by heavy vehicles (trucks, and multi-unit heavy commercial vehicles (HCVs), including HPMV).*

1469. The Panel accept this reasoning and is of the view that this is more efficient as it focuses on the relevant effects of HTGA, utilising vehicle numbers to assess the impacts on various road classifications. We also consider that, from a Plan user point of view, there will be consistent methodology to apply regardless of activity type.

1470. In terms of the ECM levels, i.e. thresholds on equivalent car movements, the Panel prefers the evidence of Mr Swears as an expert in this area as opposed to the submission of BDC. In Mr Swear's evidence, there is a detailed background to those thresholds, as well as information on how they were adopted in other district plans and by the Environment Court. He proposed the following definition, which the Panel accepts (apart from clarification) for inclusion as part of Appendix 1:

- 1 equivalent car movement (ecm) = 1 car / light vehicle movement,
- 3 ecm = 1 heavy commercial vehicle movement (1 truck),
- 5 ecm = 1 combination heavy commercial vehicle movement (1 articulated truck or truck and trailer).

1471. Both Mr Swears and Mr Pearson refer to a Basic and Full Integrated Traffic Assessment (ITA) in their evidence. The Panel understands these differentiate between the level of assessment required for differing numbers of vehicle movements and corresponding roading classifications. In other words, the greater the number of vehicle movements and the higher

the classification of the road, the more detailed the ITA is required. We agree with this approach.

1472. The Panel notes that the replacement Table 6 recommended by Mr Swears and Mr Pearson readily identifies which assessment is required (or whether it is required at all) and in which circumstances. We consider the notified Plan is unclear on this aspect.

1473. We note that Waka Kotahi provided a marked-up version of Appendix One, which included the assessment criteria for a Basic and Full ITA from the partially operative Selwyn District Plan. Unfortunately, probably due to a cutting and pasting error, the Full ITA criteria replicated the Basic ITA criteria. We recognised this when we reviewed the Selwyn District Plan. We have corrected this in our Appendix One recommendations.

iv. Scope

1474. Having reached this point, the Panel have turned their mind to the issue of scope. We have identified the salient submission points we rely on to amend the provisions detailed above, and we consider they provide sufficient scope for the changes proposed. In addition, we have identified several broad submissions seeking that Appendix One be amended "*to be less onerous, more consistent and correct errors"*.[395] As we have highlighted above, there are several errors (problems) and inconsistencies within Appendix One, including Table 6. Accordingly, we consider we have scope to make our recommended amendments.

1475. The amendments the Panel are recommending to Appendix One concerning HTGA necessitate amendments to TRN-R12 in line with that primarily sought by BDC[396], but with reference to the HTGA Transport Assessment Requirements outlined in amended TRN S14.

Trip Generation Standards on other Chapters

1476. As referred to above, BDC raised the issue of trip generation limits incorporated into the performance standards across other chapters of the Plan and considered that there was a need to review any trip generating standards in other chapters to ensure consistency with the Transport Performance Standards. The Panel agrees this is problematic particularly within the standard zones and more so with a revised HTGA approach. We also consider there is the potential for uncertainty between provisions.

1477. The Panel notes for example that Educational Facilities are listed in Table 6 with specified per student ratios to trigger assessment but are then also listed in the three residential zones with '*a maximum of 4 heavy vehicle movements and whichever is the greater of 20 light vehicle movements per day or 140 vehicle movements per week'* requirement. We consider this to create a problem of certainty for plan users regarding which rule applies. We also note a similar situation arises with Retail Activities in the Settlement Zone.

[395] Chris & Jan Coll S558.709 & S558.721, Geoff Volckman S563.167, Catherine Smart-Simpson S564.176, Chris J Coll Surveying Limited S566.709 & S566.721, William McLaughlin S567.078 & S567.735, Laura Coll McLaughlin S574.709 & S574.709, Koiterangi Lime Co LTD S577.140, Karamea Lime Company S614.235, Steve Croasdale S516.160

[396] Buller District Council S538.084

1478. The Panel recommends that these performance standards relating to specific activities in the following zones be removed:

- GRZ-R5, LLRZ-R5, MRZ-R5, GRUZ-R9, RLZ-R8, SETZ-R9 and FUZ-R7.

1479. Bespoke provisions have been made in relation to Community Facilities, Educational Facilities, Emergency Service Facilities and Retirement Homes in SETZ-R12, Community Facilities and Educational Facilities in GRZ-R7, LLRZ-R7, MRZ-R7, Retail Activities in SETZ-R13 and Commercial Activities other than Retail, Home Business or Visitor Accommodation in SETZ-R14 in ensure activity scale it addressed.

1480. In terms of the Special Purpose Zones, we consider a different approach can be taken to HTGA assessment particularly in situations such as mining where it is a single activity within the zone, as in part the reason for Special Purpose Zones of that nature is to identify the various provisions that will relate to it.

Section 32AA

1481. Given the level of recommended changes, the Panel has undertaken an evaluation of the recommended amendments to provisions since the initial s32 evaluation was undertaken, in accordance with s32AA.

1482. The Panel considers the changes to Appendix One and TRN-R12 will create consistency across the chapters and improve the effectiveness of the Plan by aiding in plan interpretation and administration. We consider the Plan will be easier for plan users to understand, resulting in it being more efficient and effective than the notified provisions in achieving the objectives of the proposed TTPP.

1483. The Panel considers the benefits of the changes are improved consistency and ease of interpretation. The Panel acknowledge that some activity types in notified Table TRN 6 may now require a traffic impact assessment, which will be an additional cost for those activities in certain circumstances, as part of consenting processes.

1484. The Panel considers there is a risk of not acting in that there would be a range of inconsistencies within the provisions, and particularly rule TRN-R12, which will be impossible in meet. We have not identified any risks from acting.

TRN-R1

1485. The Panel accepts the Reporting Officers' recommended changes as shown in Attachment 1 of the Right of Reply. No further evidence was provided by BDC to support its request to delete the advice note.

TRN-R2

1486. The Panel accepts the Reporting Officers' recommended changes as shown in Attachment 1 of the Right of Reply. However, we have amended the clause associated with requiring authorities to make it clear they are not required to meet the performance standard.

TRN-R3

1487. The Panel accepts the Reporting Officers' recommended changes as shown in Attachment 1 of the Right of Reply. However, we have amended the clause associated with requiring authorities to make it clear they are not required to meet the performance standard.

TRN-R4

1488. The Panel accepts the Reporting Officers' recommendation to delete TRN-R4. In response to NZTA Waka Kotahi's concern, we note that as notified TRN-R13 is a discretionary activity rule for the formation of new transport corridors not undertaken by requiring authority in accordance with a designation. However, by deleting TRN-R4, as recommended, TRN-R13 would then also apply to designations. We therefore recommend a consequential amendment to TRN-13 to clarify it does not apply to designations.

TRN-R5

1489. The Panel accepts the Reporting Officers' recommendation to retain as notified, except for renumbering the provision.

TRN-R6

1490. The Panel accepts the Reporting Officers' recommended changes as shown in Attachment 1 of the Right of Reply.

TRN-R7

1491. The Panel accepts the Reporting Officers' recommended changes as shown in Attachments 1 of the Right of Reply. However, we accept in part BDC's (S538.079) request to replace '*flood*' with '*natural*' in clause (d) but not to include '*future*'.

TRN-R8

1492. The Panel rejects the Reporting Officers' recommended changes as shown in Attachments 1 of the Right of Reply. There is no scope to include new clause (c). We accept BDC's (S538.080) request to replace '*flood*' with '*natural*' in clause (b). We also recommend a consequential amendment to delete '*road reserve'* from the rule heading to reflect the new definition of '*transport corridor'*.

TRN-R9

1493. The Panel accepts the Reporting Officers' recommended changes as shown in Attachments 1 of the Right of Reply. However, we accept in part BDC's (S538.081) request to replace '*flood*' with '*natural*' in clause (d) but not to include '*future*'.

TRN-R10

1494. The Panel accepts the Reporting Officers' recommended changes as shown in Attachments 1 of the Right of Reply. However, we do not recommend adding new clause (b) '*Effects on amenity values*' given there is no submission requesting this. We accept BDC's (S538.082) request to add a new clause '*Effects on cultural, heritage and natural environment values'* because this is appropriate.

TRN-R11

1495. The Panel accepts the Reporting Officers' recommended changes as shown in Attachment 1 of the Right of Reply. However, we accept BDC's request to delete clause (b) because it not an appropriate matter of discretion.

TRN-R12

1496. The Panel accepts that TRN-R12 requires amendment alongside TRN S14 as we have explained above. We do not however consider there is a need for separate matters of discretion within the rule itself, but that the rule should instead reference the revised TRN S14 as the requirements for assessment.

TRN-R13

1497. The Panel accepts the Reporting Officers' recommended changes as shown in Attachments 1 of the Right of Reply.

TRN-R14

1498. The Panel rejects the Reporting Officers' recommendation and accepts BDC's (S538.086) request to delete Rule TRN-R14 on the basis of amendments to TRN-R12.

New Rules

1499. The Panel agrees with the Reporting Officers recommendation to include new Rule **TRN-RX1**, which a permitted activity rule. We consider this is required to cover an omission in the notified plan.

1500. The Panel has considered the Reporting Officers recommendation to include new Rule **TRN-RX2**, as a catch all rule at a non-complying activity rule. While we acknowledge we have supported such a rule in the Energy and Infrastructure Chapters, which stem from a submission by Transpower, we have had to consider whether the recommended rule framework for Transport requires a default activity rule. In the end we agree with the Reporting Officer's that it would afford clarity and direction for plan users who are not familiar with the provisions of the RMA and that including it would ensure consistency across the Energy, Infrastructure and Transportation chapters. As with our recommendations other we consider the activity status for such a rule should discretionary rather than non-complying as there is no submission seeking a non-complying status and it is therefore beyond scope to include one.

KiwiRail Sight Lines

1501. In addition to changes to the policies, KiwiRail through submissions and subsequent evidence had sought for the inclusion of a rule to protect railway level crossing sight lines. Ms Grinlinton-Hancock provided details of a rule and associated diagrams and accompanied that with a s32AA assessment to address concerns raised in the s42A Report.

1502. The Reporting Officers noted in their Addendum to their Section 42A Report dated 23 November 2023 that "*Due to the late access to Waka Kotahi New Zealand Transport Agency*

and KiwiRail evidence we have not had sufficient time to review and make recommendations in response to matters raised". From that point onwards it appears that no further consideration has been given to the KiwiRail position or Ms Grinlinton-Hancock evidence by the Reporting Officers.

1503. The Panel notes its recommendation with regards TRN–P3 above to accept the evidence of Ms Grinlinton-Hancock's and amend the policy as sought by KiwiRail. However, we noted that regardless of this the maximising of user safety at road and rail level crossings was part of TRN–P3 in the notified Plan and that there is no rule which addresses sightlines in the context of rail crossings as it currently stands [emphasis added].

1504. The Panel notes that amendments are now proposed to TRN Tables 1 and 2 to make it clear that they relate to sightlines in relation to roads. We consider the issue with rail level crossings therefore also requires attention within the rules and standards. The Panel therefore proposes amendments to TRN-R1, and the introduction of the sightline diagrams provided by Ms Grinlinton-Hancock into the Appendix One. In this context we accept and adopt the s32AA assessment provided by Ms Grinlinton-Hancock.

Appendix One – Transport Performance Standards

1505. The most significant amendment to Appendix One Transport Performance Standard arises from the NZTA Waka Kotahi submissions, which we consider are well supported by Mr Swears and Mr Pearson's evidence. We accept the evidence supporting those amendments for the reasons detailed in their evidence and the s42A Report.

1506. The Panel agree with the submission of Fire and Emergency regarding TRN-S3, which requests increasing the width from 3m to 3.5m to ensure and enable emergency access.

1507. The Panel agree with the BDC submissions that sought clarifications regarding TRN Table 5, now 6, and TRN S7. The Panel also agrees with the amendments sought by BDC to TRN S12. These appear to us to be simple errors.

Special Purpose Roads

1508. We note that the Reporting Officers support the inclusion of special purpose roads being identified on the Planning Maps. The Panel accepts that there is a need to clearly identify the Special Purpose Roads within the Plan, particularly given they are to be considered Regionally Significant Infrastructure. We therefore agree that the appropriate place is to identify them on the Planning Maps.

Hearing Panels' Recommendation

1509. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends that the relevant submission points identified in footnotes below are accepted or accepted in part, and recommends the following changes to the **TRN Rules** and **Standards**, **Appendix One and the Planning Maps**:

Transport Rules

Note: There may be a number of Plan provisions that apply to an activity, building, structure and site. In some cases, consent may be required under rules in this Chapter as well as rules in other Chapters in the Plan. In those cases unless otherwise specifically stated in a rule, consent is required under each of those identified rules. Details of the steps Plan users should take to determine the status of an activity is provided in General Approach.

Advice Notes:
Works undertaken in a road reserve / transport corridor or an area subject to a transport designation, that are undertaken by a Utility Provider who is not the roading authority are Permitted where these are compliant with the Utilities Access Act 2010 and Code of Practice.
Works undertaken in a road reserve / transport corridor or areas subject to a District Council designation also require road opening approval from the relevant District Council.
Minimum vehicle parking spaces, except for accessibility parking and bicycling parking, are not set. A minimum number of vehicle parking spaces do not have to be provided, however, if vehicle parking is provided it must comply with the vehicle parking standards.
Any work required for a new or upgraded vehicle crossing intersecting with a State Highway, requires a Corridor Access Request prior to any works occurring with the State Highway road reserve and approval from Waka Kotahi NZ Transport Agency.
Any crossing that intersects with the Rail Network requires approval from KiwiRail.
The Auckland Design Manual Guideline Document GD 2017/01 Stormwater Management Devices in the Auckland Region provides information on best practice stormwater design options for stormwater treatment.

Permitted Activities	
TRN - R1	**Establishment of accessways, vehicle crossings, parking spaces, loading spaces, queuing and standing spaces**
Activity Status Permitted Where: 1. Vehicle crossings and access way standards - TRN Tables 1 – ~~3~~ **4**,[397] Standards TRN S1 - S3, and TRN Figure 1-**5**[398] are complied with; 2. Parking, loading, queuing and standing standards - TRN Tables 4**5** – ~~5~~**6**, [399]	

[397] Consequential amendment NZTA Waka Kotahi S450.049
[398] Consequential amendment NZTA Waka Kotahi S450.049
[399] Consequential amendment NZTA Waka Kotahi S450.049

Standards TRN S4 - S6 **and TRN S12**[400] and TRN Figures ~~2~~ **6**[401] and ~~3~~**7**[402] are complied with; 3. Manoeuvring standards TRN S7 - S11 are complied with; 4. Where an impermeable carparking area greater than 1000m^2 in area is provided, stormwater treatment is provided; and 5. Formation standards TRN S12 and TRN S13 are complied with. **Advice Note:** The Auckland Design Manual Guideline Document GD 2017/01 Stormwater Management Devices in the Auckland Region provides information on best practice stormwater design options for stormwater treatment.	
Activity status where compliance not achieved: Restricted Discretionary	

TRN - R2	~~**Land transport operation, removal, repairs and maintenance within a road reserve / transport corridor or an area subject to designation**~~ **Maintenance or upgrading of existing transport infrastructure within the existing transport corridor**[403]
Activity Status Permitted Where: 1. **The works are undertaken by a requiring authority in accordance with a designation listing in this Plan; or**[404] 2. All performance standards in Rule TRN - R1 are complied with; and 3. The works are undertaken: a. By, or on behalf of, a road controlling authority; or b. In accordance with a subdivision consent.~~; or~~ ~~c. By a requiring authority in accordance with a designation listing in this Plan~~.	
Activity status where compliance not achieved: Restricted Discretionary	

TRN – R3	**Formation of an unformed legal road**
Activity Status Permitted Where: 1. **This is by a requiring authority in accordance with a designation listing in this**	

[400] Buller District Council S538.071
[401] Consequential amendment NZTA Waka Kotahi S450.049
[402] Consequential amendment NZTA Waka Kotahi S450.049
[403] Buller District Council S538.072
[404] NZTA Waka Kotahi S450.050

Plan; or[405] 2. All performance standards in Rule TRN - R1 are complied with; and 3. The works are undertaken: i. By, or on behalf of, a road controlling authority; or ii. In accordance with a subdivision consent.~~; or~~ iii. ~~By a requiring authority in accordance with a designation listing in this Plan.~~[406]
Activity status where compliance not achieved: Restricted Discretionary

~~TRN – R4~~	~~Formation of a new transport corridor~~
~~**Activity Status Permitted**~~ ~~Where:~~ ~~1. This is undertaken by a requiring authority in accordance with a designation listed in this Plan.~~	
~~**Activity status where compliance not achieved**: Restricted Discretionary~~[407]	

TRN – R~~5~~4	Establishment of shared pathways including cycleways and bridleways on public land
Activity Status Permitted Where: 1. The activity is below 1000m above sea level.	
Activity status where compliance not achieved: Restricted Discretionary	

TRN – R~~6~~5	Establishment of e-bike and e-vehicle charging stations ~~in the transport corridor~~[408]
Activity Status Permitted Where: 1. All performance standards in Rule TRN - R1 are complied with; and 2. These are not more than 2m in height and 10m^2 in area. **Advice Note:** If within the legal road reserve, contact the appropriate ~~land transport~~ **road controlling** authority to obtain a license to occupy.[409]	
Activity status where compliance not achieved: Restricted Discretionary	

[405] Consequential amendment NZTA Waka Kotahi S450.050
[406] NZTA Waka Kotahi S450.051
[407] NZTA Waka Kotahi S450.052
[408] Buller District Council S538.077
[409] Buller District Council S538.077 and NZTA Waka Kotahi S450.054

TRN – R6	**Trip Generation Activities**
Activity Status Permitted **Where:** **1. The High Trip Generating Activities Thresholds in TRN Table 7 are complied with**	
Activity status where compliance not achieved: Restricted Discretionary[410]	

TRN – R7	**Sight Lines at Railway Crossings**
Activity Status Permitted **Where:** **1. The sightlines standards in TRN Figure 9 are complied with.**	
Activity status where compliance not achieved: Restricted Discretionary[411]	
Restricted Discretionary Activities	
TRN – R~~7~~8	**Establishment of accessways, vehicle crossings, parking spaces, loading spaces, queuing and standing spaces not meeting Permitted Activity standards**
Activity Status Restricted Discretionary Discretion is restricted to: a. The impact on other road users including pedestrians; b. Effects on the safety and efficiency of the transport system; c. The ability to safely and effectively park, load, queue; d. Any requirements for **natural** ~~flood~~ [412] hazard mitigation; ~~and~~ e. Stormwater treatment and control; f. **The location, size and design of accessways, vehicle crossings, parking and loading areas; and** g. **The types of vehicle crossings serving the site, their intensity, the time of day the site is frequented and likely trip generation**. [413]	
Activity status where compliance not achieved: N/A	

TRN – R~~8~~9	**Land transport operation, removal, repairs and maintenance within a ~~road reserve /~~**[414] **transport corridor ~~or an area subject to a designation~~**[415] **not meeting Permitted Activity standards**

[410] Buller District Council S538.078
[411] KiwiRail S442.043
[412] Buller District Council S538.079
[413] Consequential amendment Buller District Council S538.005
[414] Consequential amendment NZTA Waka Kotahi S450.050
[415] Consequential amendment NZTA Waka Kotahi S450.050

Activity Status Restricted Discretionary Discretion is restricted to: a. Impacts during construction; b. Any requirements for **natural**~~flood~~[416] hazard mitigation; **and** c. Stormwater treatment and control.
Activity status where compliance not achieved: N/A

TRN – R~~9~~10	**Formation of unformed legal road not meeting Permitted Activity standards**
Activity Status Restricted Discretionary Discretion is restricted to: a. Effects on the safety and efficiency of the transport ~~system~~ **network**;[417] b. The ability for accessibility park users to safely and effectively park, enter and exit a vehicle; c. The impact on other road users including pedestrians; d. Any requirements for **natural**~~flood~~[418] hazard mitigation; and e. Stormwater treatment and control.	
Activity status where compliance not achieved: N/A	

TRN – R~~10~~11	**Establishing shared paths including cycleways and bridleways on public land not meeting Permitted Activity standards**
Activity Status Restricted Discretionary Discretion is restricted to: a. Visual **effects**[419] ~~impacts on landscapes over 1000m above sea level~~;[420] b. **Effects on cultural, heritage and natural environment values**;[421] c. Effects on public access; and d. Effects on the transport network.	
Activity status where compliance not achieved: N/A	

TRN – R~~11~~12	**Establishing e-bike and e-vehicle charging stations ~~in the transport corridor~~[422] not meeting Permitted Activity standards**
Activity Status Restricted Discretionary Discretion is restricted to: a. Effects on **safety and efficiency of**[423] the transport network.~~; and~~	

[416] Buller District Council S538.080
[417] Buller District Council S538.081
[418] Buller District Council S538.081
[419] Buller District Council S538.082
[420] Buller Conservation Group S552.044 and Frida Inta S553.044
[421] Buller District Council S538.082
[422] Buller District Council S538.083
[423] Buller District Council S538.083

b. ~~Outcome of consultation with the relevant transport agency.~~[424]
Activity status where compliance not achieved: N/A

TRN – R~~12~~13	**High trip generating transport activities**
Activity Status Restricted Discretionary Where: a. This is the establishment of a new activity or the expansion of an existing activity **that exceeds the thresholds** listed in Table TRN ~~6~~ **7** ~~that complies with Standard TRN S14.~~ Discretion is restricted to: a. **The matters outlined in TRN S14 – High Trip Generating Activities Transport Assessment requirements** ~~b. Effects on the transport network; and~~ ~~c. Effects and recommendations to minimise effects from the transport assessment.~~ [425]	
Activity status where compliance not achieved: ~~Discretionary~~ N/A	

TRN – R14	**Sight Lines at Railway Crossings not meeting the Permitted Activity standards**
Activity Status Restricted Discretionary **Discretion is restricted to:** a. **The potential for adverse effects on the safety and efficiency of the rail network.**	
Activity status where compliance not achieved: N/A[426]	
Discretionary Activities	
TRN – R~~14~~15	**Formation of a new Transport Corridor not undertaken by a requiring authority in accordance with a designation ~~meeting Permitted Activity standards~~**[427]
Activity Status Discretionary **~~Notification:~~** ~~Applications will always be publicly notified.~~ [428]	
Activity status where compliance not achieved: N/A	

[424] Buller District Council S538.083
[425] Buller District Council S538.084
[426] KiwiRail S442.043
[427] NZTA Waka Kotahi S450.059 and consequential amendment to NZTA Waka Kotahi S450.052
[428] Buller District Council S538.085, Chris and Jan Coll S558.731, Chris J Coll Surveying Ltd S566.731, William McLaughlin S567.088, Laura Coll McLaughlin S574.731

~~**TRN – R14**~~	~~**High Trip generating activities not meeting Restricted Discretionary Activity standards**~~
~~**Activity Status Discretionary**~~	
~~**Activity status where compliance not achieved**: N/A~~[429]	
TRN – R16	**Any Transportation Activity not provided for in another rule**
Activity Status Discretionary	
Activity status where compliance not achieved: N/A[430]	

Appendix One: Transport Performance Standards Te Āpitihanga Tuatahi: Ngā Ture Tūnuku

TRN Table 1 – Vehicle Access Design Standard – State Highway: Minimum **sight** distance ~~of~~ **from** vehicle access point ~~relative to intersections and minimum spacing~~

Posted Legal speed limit	Minimum sight distance	~~Minimum distance of vehicle access point relative to intersections~~	~~Minimum spacing between vehicle access points on same or opposite frontages~~
~~K~~ **k**m/hr~~-~~	Distance x in met~~r~~**r**~~ers~~	~~Distance y in meters~~	~~Distance z in meters~~
50	115	~~30~~	~~9m for residential, 15m all other~~
60	140	~~30~~	~~20~~
70	170	~~100~~	~~40~~
80	205	~~100~~	~~100~~
100	280	~~200~~	~~200~~

TRN Table 2 – Vehicle Access Design Standard for vehicle access onto a local road, arterial or collector road, up to 60 vehicle movements a day: Minimum distance of vehicle access point relative to intersections and minimum spacing.

Posted Legal speed limit	Minimum sight distance Local Road	Minimum sight distance Collector Road	Minimum sight distance Arterial Road	Minimum spacing between vehicle access points on same or opposite frontages

[429] Buller District Council S538.086
[430] Consequential amendment stemming from Transpower Limited S299.051, Forest and Bird FS34.031

~~K~~ km/hr~~–~~	Distance x in metrers	Distance x in metrers~~–~~	Distance x in metrers	Distance z in metrers~~–~~
50 or below	40	90	90	NA
60	55	115	115	NA
70	85	140	140	10
80	105	175	175	10
100	160	250	250	10~~m~~
Total maximum combined width of vehicle access points				4m or 50% of the road boundary, on any site

TRN Table 3 – **Vehicle Access** Design ~~s~~**S**tandards for minimum distances between any vehicle access point and **other vehicle access point or** transport corridor intersection[431]

	~~Posted speed limit of 60km/hr or less~~			~~Posted speed limit of greater than 60km/hr~~		
	~~Arterial Road~~	~~Collector Road~~	~~Local Road~~	~~Arterial Road~~	~~Collector Road~~	~~Local Road~~
~~All RESZ - Residential Zones~~	~~15m~~	~~9m~~	~~9m~~	~~15m~~	~~9m~~	~~9m~~
~~MPZ - Māori Purpose, RURZ - Rural and FUZ - Future Urban Zones~~	~~30m~~	~~30m~~	~~30m~~	~~50m~~	~~50m~~	~~50m~~
~~OSRZ - Open Space and Recreation Zones~~	~~50m~~	~~30nm~~	~~30m~~	~~50m~~	~~30m~~	~~9m~~

[431] NZTA Waka Kotahi S450.335 and Grey District Council S608.847

~~AIRPZ - Airport and PORTZ - Port Zone~~	~~50m~~	~~30m~~	~~30m~~	~~50m~~	~~30m~~	~~9m~~
~~CMUZ - Commercial and Mixed Use, HOSZ - Hospital, STADZ - Stadium and all INZ - Industrial Zones~~	~~50m~~	~~30m~~	~~30m~~	~~50m~~	~~30m~~	~~9m~~

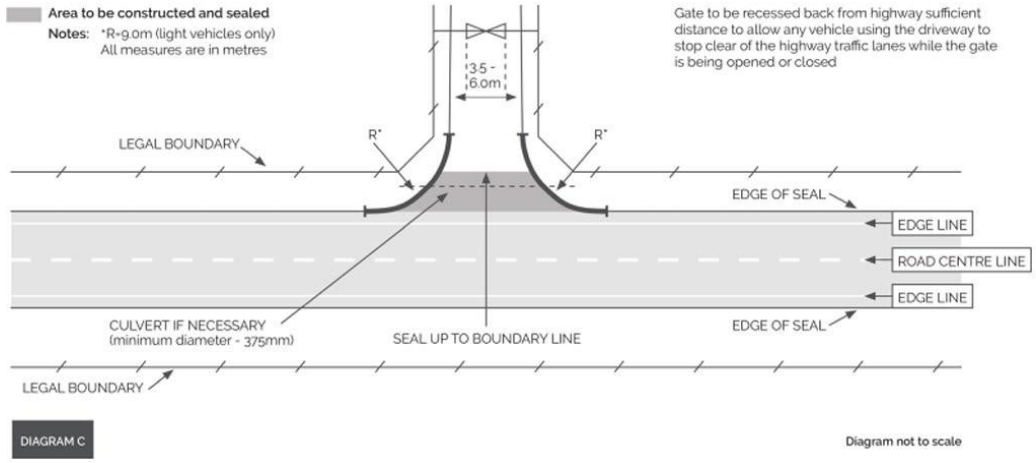
Type of traffic using accessway (more than one slow, heavy or long vehicle movements per week)	**Separation (m) for Posted Speed Limit (km/h) (refer Figure 5)**								
	30 – 50 km/h			**60 – 70 km/h**			**80 – 100 km/h**		
	K	**M**	**N**	**K**	**M**	**N**	**K**	**M**	**N**
Yes	**30**	**30**	**5**	**60**	**40**	**40**	**200**	**60**	**200**
No	**20**	**20**	**5**	**60**	**30**	**20**	**150**	**60**	**200**

TRN Table 4: Accessway standards and guidelines for a new vehicle crossing on a sealed road where the posted speed limit is 70 km/h or above. [432]

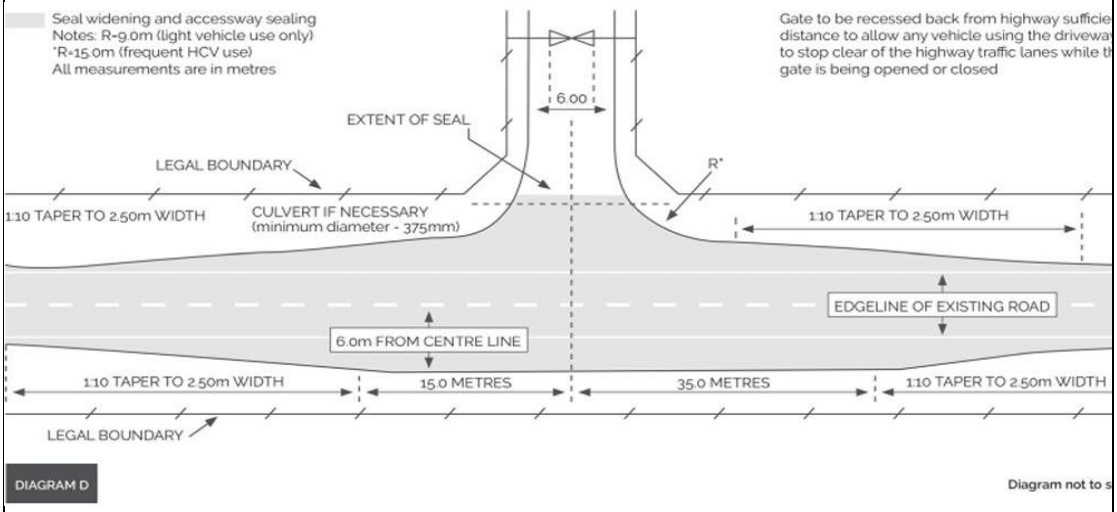
Daily traffic volume using the vehicle crossing (ECMs*)	**Is the vehicle crossing on a state highway?**	**Accessway type**
1 – 30; and no more than 2 heavy vehicle movements per week	**N/A**	**TRN Figure 1 Diagram C, Perspective C**
1 – 30; and more than 2 heavy vehicle movements per week, or, 31-100	**No**	**TRN Figure 2, Diagram D, Perspective D**
1 – 30; and more than 2 heavy vehicle movements per week, or 31-100	**Yes**	**TRN Figure 3, Diagram E, Perspective E**

[432] NZTA Waka Kotahi S450.060

TRN Figure 1 – Diagram C, Perspective C[433]

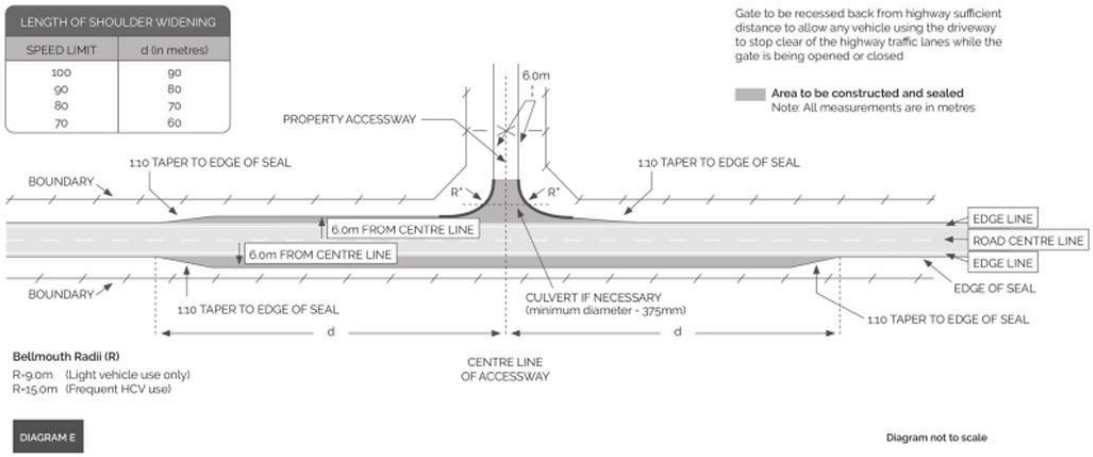


TRN Figure 2 – Diagram D – Perspective D[434]



TRN Figure 3 – Diagram E – Perspective E[435]

[433] NZTA Waka Kotahi S450.060
[434] NZTA Waka Kotahi S450.060
[435] NZTA Waka Kotahi S450.060



TRN S1 – All new vehicle access points shall be located a minimum of 30m from a railway level crossing. The 30m is measured from the closest rail track to the edge of the seal on the proposed vehicle access point. All new vehicle access points that intersect a railway require the approval of Kiwi~~i~~Rail.

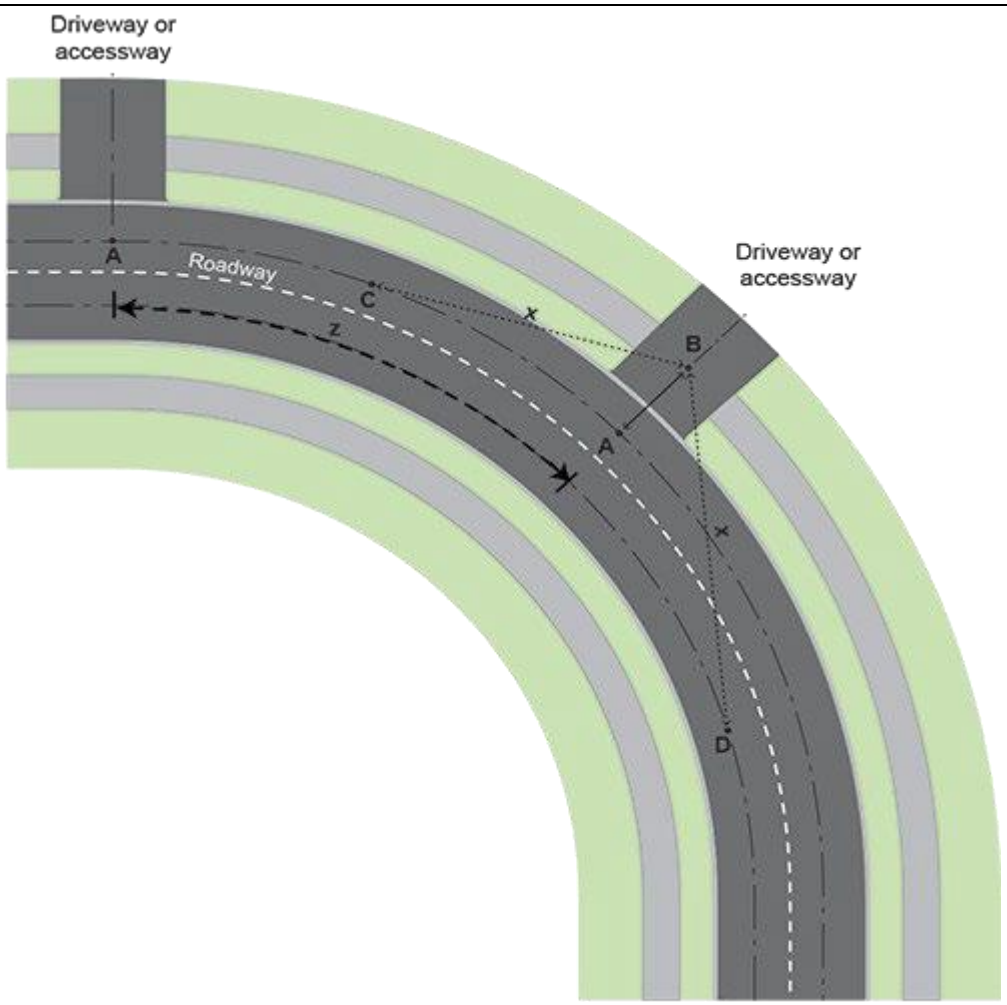
TRN S2 Access areas must accommodate the 85th percentile car tracking curves in **TRN** Figure ~~4~~ ~~8~~. The required driveway must not include any space used for on-site queue, tracking curve, manoeuvring, loading space, standing space, bicycle parking space, or vehicle access point.

TRN S3 – Requirements for driveways:

For all zones the minimum driveway width is 3**.5**m[436], and maximum gradient is 1:5.
For all zones, where the driveway is longer than 50m, passing bays must be provided at no more than 50m intervals. Turning areas must be provided when the driveway length is 50m or longer.

TRN Figure ~~1~~ **4** – Sight line calculations for **TRN** Table 1 and **TRN** Table 2

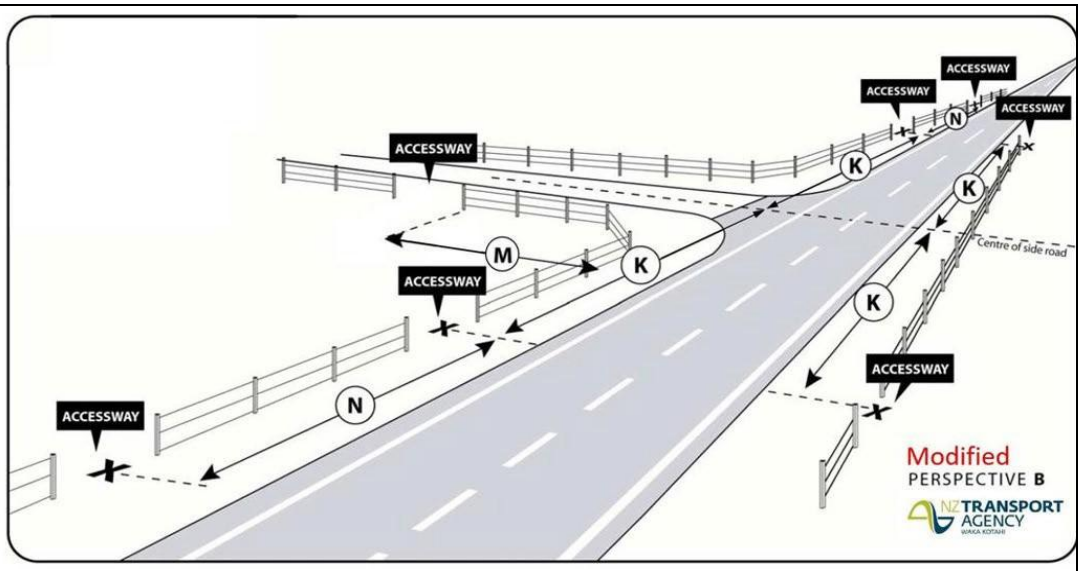
[436] Fire and Emergency New Zealand S573.012



Sight lines shall be from driver's eye height to drivers eye height (1.15m) above ground level.
Point A: Intersection of lane centreline and driveway centreline.
Point B: Position of centreline of driveway where sight distance is measured (note - this is measured from the edge lane line and where there is no edge lane line, from the edge of seal).
Point C and D: Position on centreline of lane where sight distance is measured.

TRN Figure 5 – Minimum Distance Calculation from vehicle access point and transport corridor intersection for TRN Table 3[437]

[437] NZTA Waka Kotahi S450.060



TRN S4 – Where accessibility parking spaces are provided, they must be located on a level surface; clearly marked, designed and constructed in accordance with NZS 4121: 2001 Design for Access and Mobility – Buildings and Associated Facilities

TRN Table ~~4~~ **5** – Minimum number of on-site accessibility parking spaces[438]

Total number of **vehicle**[439] spaces provided	Number of accessibility parking spaces (inclusive of total)
Less than 20	1
Between 21 and 50	2
In excess of 50	2 plus 1 additional accessibility space per 50 vehicles spaces thereafter

TRN S5 – Where bicycle parking spaces are provided the space must enable bicycles to be securely attached to an immovable object and located so as not to impede pedestrian movement.

TRN Table ~~5~~ **6** – Minimum number of on-site bicycle parking spaces[440]

Total number of **vehicle**[441] spaces provided	Number of bicycle parking spaces
Less than 10	1
Between 10 and 20	2
In excess of 20	2 plus 1 additional accessibility space per 10 vehicles spaces thereafter

[438] Buller District Council S538.086
[439] Buller District Council S538.088
[440] Buller District Council S538.086
[441] Buller District Council S538.086

TRN S6 – Residential developments in Moana and Iveagh Bay must provide the equivalent of three car- parking spaces on-site for trailer / boat storage.

TRN S7 – Dimensions for on-site vehicle parking spaces including manoeuvring dimensions.

- Parking space and area for vehicles must not include any space for on-site queue, tracking curve, manoeuvring, loading space, standing space, bicycle parking space, or vehicle access point.
- Must meet the requirements specified for on-site dimensions for car parking areas and circulating routes for vehicles of dimensions less than service vehicles shown in **TRN** Figure ~~2~~ **6**, and
- For vehicles of dimensions equal or greater than a service vehicle.
- The two-way aisle width for parallel parking bays must be at least 3m wider than for one- way aisle. The two-way aisle width for parking bays at 90 degrees must be at least 5.5m.
- Where a parking space is located at the end of a blind aisle, an additional 1m clearance must be provided.
- Where any parking space has a side directly next to a wall, support column or other obstacles, an additional 300mm width must be provided.[442]

TRN S8 – Where loading spaces and or standing spaces are provided, they must be designed to accommodate a 90th percentile two-axle truck in accordance with **TRN** Figure ~~3~~ **7**, and where articulated trucks and trailer, or buses are to be used, the loading space(s) must be designed to accommodate these vehicles. Every vehicle space must be of a useable shape and comply with the following dimensions:

- Minimum width of 3.5m if adjacent to a kerb or 4.5m when adjacent to a wall; minimum depth 8m, minimum height of 4.5m above ground / floor level.
- The loading space must not include any space for on-site queue, tracking curve, manoeuvring, standing space, bicycle parking space, or vehicle access point.
- The standing space must not include any space for on-site queue, tracking curve, manoeuvring, loading space, bicycle parking space, or vehicle access point.

TRN S9 - On-site queuing spaces must be provided when six or more parking, loading, and / or standing spaces combined are provided on-site. On-site queuing lengths, measured from the commencement of the driveway to the site boundary, must comply with the following: 6m into the site if the largest vehicle to visit the site is a car, or 8m into the site if the largest vehicle to visit the site is a service vehicle; or when the largest vehicle to visit the site is greater than a service vehicle, then this vehicle must be able to be accommodated within the site.

TRN S10 – Minimum onsite manoeuvring space provision - On-site manoeuvring space must be provided where a single vehicle access point services four or more parking spaces; or access to a site is obtained from a state highway, arterial road or collector road.

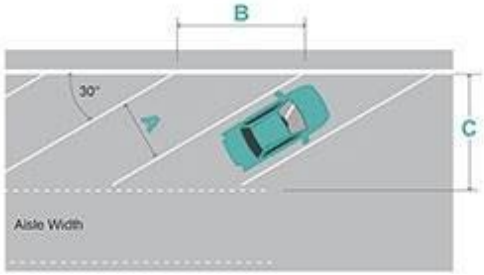
TRN S11 – Minimum onsite manoeuvring space design -The manoeuvring space must not include any space for on-site parking, queuing, loading, or standing space, or vehicle access

[442] Buller District Council S538.068

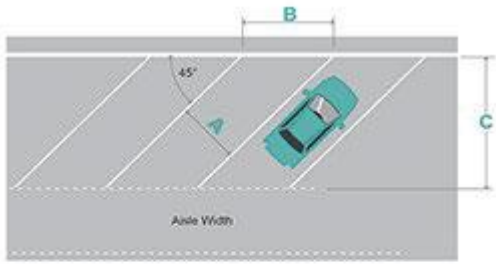
point and must meet the requirements for the relevant tracking curve in **TRN** Figure ~~2~~ **6**.

This standard does not apply where the site has direct vehicle access to a service lane, right of way or driveway which be utilised instead of the required manoeuvring space.

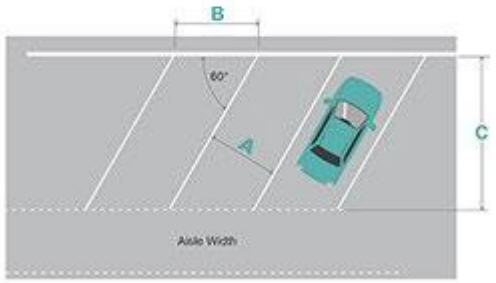
TRN – Figure ~~2~~ **6** – On-site car parking space dimensions



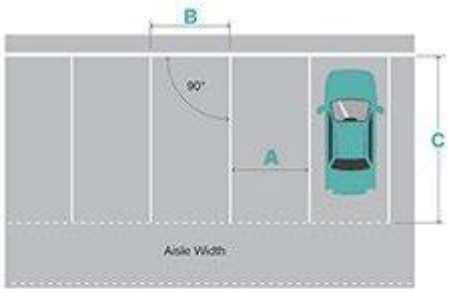
Parking Bays at 30°						
User Class	A	B	C1	C2	C3	Aisle Width
1	2.1	4.2	4.4	4.1	4.5	3.1
2	2.3	4.6	4.4	4.1	4.7	3.0
3	2.5	5.0	4.4	4.1	4.9	2.9
4	3.5	6.4	4.4	4.1	5.5	2.9



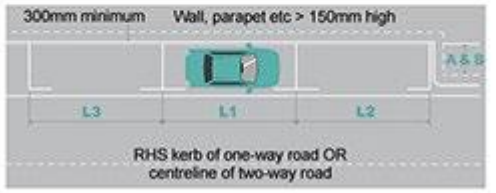
Parking Bays at 45°						
User Class	A	B	C1	C2	C3	Aisle Width
1	2.4	3.4	5.2	4.8	5.5	3.9
2	2.5	3.5	5.2	4.8	5.6	3.7
3	2.6	3.7	5.2	4.8	5.7	3.5
4	3.6	5.1	5.2	4.8	6.1	3.3



Parking Bays at 60°						
User Class	A	B	C1	C2	C3	Aisle Width
1	2.4	2.8	5.7	5.1	5.9	4.9
2	2.5	2.9	5.7	5.1	6.0	4.6
3	2.6	3.0	5.7	5.1	6.0	4.3
4	3.6	4.2	5.7	5.1	6.3	4.0

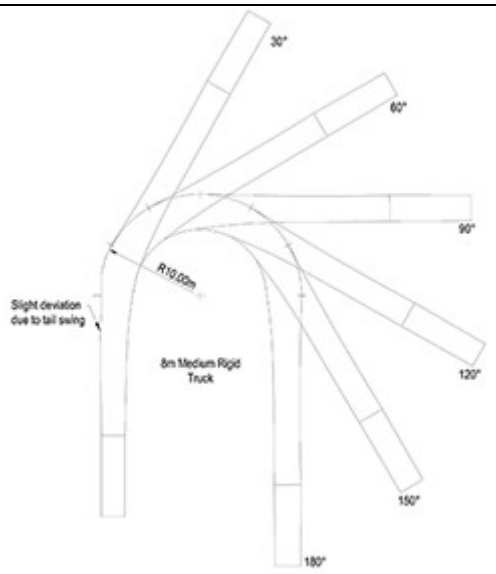


Parking Bays at 90°						
User Class	A	B	C1	C2	C3	Aisle Width
1	2.4	2.4	5.4	4.8	5.4	6.2
2	2.5	2.5	5.4	4.8	5.4	5.8
3	2.6	2.6	5.4	5.1	5.4	5.4
4	3.6	3.6	5.4	4.8	5.4	5.0

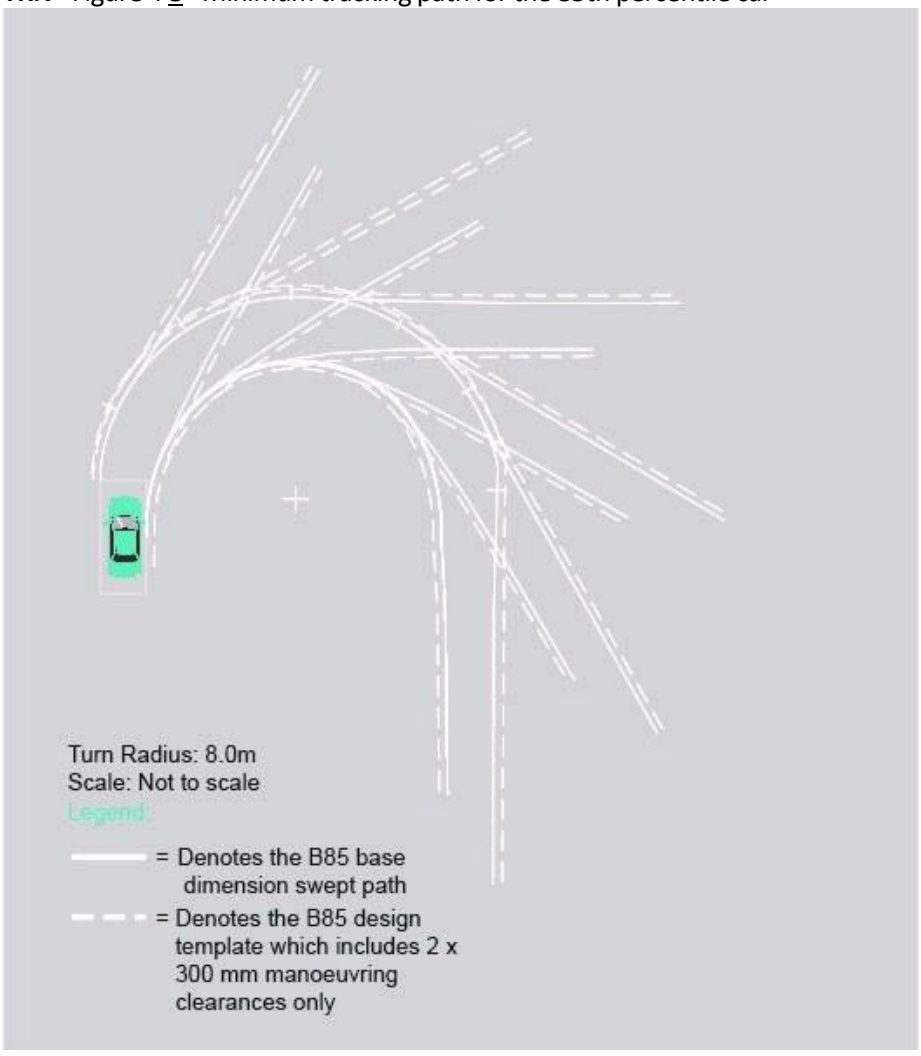


Parallel Parking Bays						
User Class	A	B	L1	L2	L3	Aisle Width
1, 2, 3	2.1	2.1				
4	3.6	3.6				
All			6.3	6.6	5.4	3.0
All			6.1	6.4	5.4	3.3
All			5.9	6.2	5.4	3.6

TRN - Figure ~~3~~ **7** - Tracking path for a 90th percentile two axle truck



TRN - Figure 4 **8** - Minimum tracking path for the 85th percentile car



Note:

With the exception of 90 degree car parks, aisle width dimensions are for manoeuvring into and out of car parks with one-way aisles.

User Class is identified as:

- for all day parking, such as tenant, employee and commuter parking;
- for medium-term parking, such as town centre parking, sports and entertainment centres, motels, airport visitors;
- for short-term parking, such as short-term town centre parking, shopping parking, hospitals, and the drop-off of children;
- accessible parking for people with disabilities.

Dimension C is selected as follows:

- C1: where parking is to a wall or high kerb not allowing any overhang;
- C2: where parking is to a low kerb which allows 600mm overhang;
- C3: where parking is controlled by wheelstops installed at right angles to the direction of parking, or where the ends of parking spaces form a sawtooth pattern.

Dimension L is selected as follows:

- L1: space length for consecutive parallel parking spaces;
- L2: space length for obstructed end spaces;
- L3: space length for unobstructed end spaces.

TRN S12 – Requirements for on-site vehicle parking, loading and standing spaces – construction and formation

All RURZ - Rural Zones and FUZ - Future Urban Zone	For sites with four or more vehicle parking / loading / standing spaces, the surface must be **metaled** ~~formed, sealed~~,[443] marked and drained to an all- weather standard, with a maximum gradient of 1:20.
All RESZ - Residential Zones and MPZ - Māori Purpose Zone	For sites with four or more vehicle parking / loading / standing spaces, the surface must be **formed, sealed,** ~~metaled,~~[444] marked and drained to an all- weather standard, with a maximum gradient of 1:20.
All CMUZ - Commercial and Mixed Use, INZ - Industrial, OSRZ - Open Space and Recreation, AIRPZ - Airport, HOSZ - Hospital, STADZ - Stadium and PORTZ - Port Zones	For sites with ~~less~~ **more**[445] than four on-site vehicle parking / loading / standing spaces the surface must be formed, with a maximum gradient of 1:20; and the area over which vehicles obtain access to the parking area is sealed from the vehicle access point to 5m into the site; or if adjacent to a residential zone, the area must be formed, sealed, marked and

[443] Buller District Council S538.088
[444] Buller District Council S538.088
[445] Buller District Council S538.088

	drained.
All zones	If the spaces are sealed, stormwater from the sealed surface must not be discharged causing erosion to other sites or accesses.

Note. Marking does not require all lines to be shown. However, it should be clear to the user of the parking area where the edge of each space is.

TRN S13 – Requirement for rights of way – construction and formation

All RESZ - Residential Zones, MPZ - Māori Purpose Zone, All RURZ - Rural Zones and FUZ - Future Urban Zone	The minimum road width is 3.5m one to nine dwellings, 5.5m for ten or more dwellings.
All CMUZ - Commercial and Mixed Use Zones	The minimum road width is 3**.5**m[446] for 2 allotments, 4.5m for 3 or more allotments.
All INZ - Industrial, OSRZ - Open Space and Recreation Zones, HOSZ - Hospital, AIRPZ - Airport, STADZ - Stadium and PORTZ – Port zone	The minimum road width is 7m for 2 allotments, 10m for 3 or more allotments.
All zones	Stormwater from the right of way must not be discharged causing erosion to other sites or accesses. When a right of way services 3 or more allotments, one passing bay for every 50m of length shall be provided. Maximum gradient for right of way 1:5

TRN Table ~~6~~ **7** – High Trip Generating Activities **Thresholds**[447]

~~Activity~~	~~Qualifier~~
~~Childcare including preschool, kindergarten and play centre~~	~~25 children~~
~~Education – Schools~~	~~30 students~~
~~Education – Tertiary~~	~~150 FTE students~~
~~Industrial~~	~~5,000m² Gross Floor Area~~
~~Mining and Quarrying~~	~~>30 heavy vehicle movements per day~~
~~Warehousing and distribution~~	~~6,500m² Gross Floor Area~~
~~Healthcare~~	~~300m² Gross Floor Area~~

[446] Consequential Amendment from Fire and Emergency New Zealand S573.012
[447] NZTA Waka Kotahi S450.060

~~Office~~	~~2,000m² Gross Floor Area~~
~~Residential~~	~~20 residential sites / units~~
~~Retail – Shops and supermarkets~~	~~250m² Gross Floor Area~~
~~Retail – Large Format and Bulk Goods~~	~~500m² Gross Floor Area~~
~~Service Stations~~	~~2 filling pumps~~
~~Mixed use or other activities not otherwise listed in this Table~~	~~60 vehicle movements per day~~

Equivalent Car Movements* per day	**Access is to a road classified** as:**			
	Local	**Collector**	**Arterial**	**State Highway**
0-100	**N/A**	**N/A**	**N/A**	**N/A**
101-200	**N/A**	**Basic**	**Basic**	**Full**
210-400	**Basic**	**Basic**	**Full**	**Full**
>400	**Full**	**Full**	**Full**	**Full**

*** Equivalent Car Movements (a movement is one car out or into a site)**

- **1 equivalent car movement (ecm) = 1 car / light vehicle movement,**
- **3 ecm = 1 heavy commercial vehicle movement (1 truck),**
- **5 ecm = 1 combination heavy commercial vehicle movement (1 articulated truck or truck and trailer).**

**** Refer TRN S15 Road Classifications**

TRN S14 – High Trip Generating Activities - Transport Assessment requirements

1. ~~Whether the provision of access and on-site manoeuvring areas associated with the activity, including vehicle loading and servicing deliveries, affects the safety, efficiency, accessibility (including for people whose mobility is restricted) of the site, and the land transport network.~~
2. ~~Whether the design and layout of the proposed activity maximises opportunities for travel other than private cars, including by providing safe and convenient access for travel using more active modes.~~
3. ~~Having particular regard to the level of additional traffic generated by the activity and whether measures are proposed to adequately mitigate the actual or potential effects from the anticipated trip generation (for all transport modes) from the proposed activity, including consideration of cumulative effects with other activities in the vicinity, proposed infrastructure and construction work associated with the activity.~~
4. ~~Whether there are any effects from the anticipated trip generation and how they are to be mitigated where activities will generate more than 250 hvm/d heavy vehicle movements per day.~~
5. ~~Whether the transport assessment has been prepared by a suitably qualified and experienced transport specialist and has been approved by the relevant District Council.~~

1. **Basic Traffic Impact Assessment:**

   a. **Whether the provision of access and on-site manoeuvring areas**

associated with the activity, including vehicle loading and servicing deliveries. affects the safety, efficiency, accessibility (including for people whose mobility is restricted) of the site, and the land transport network (including considering the network classification of the frontage road).

b. **Whether the design and layout of the proposed activity promotes opportunities for travel other than by private cars, including by providing safe and convenient access for travel using more active modes.**

c. **Whether the traffic impact assessment has been prepared by a suitably qualified and experienced transport specialist.**

d. **Need for a traffic impact assessment - Any characteristics of a proposed activity or site that are out of scope of an existing ITA but where expected traffic generation and access to existing multi modal connections mean requiring a traffic impact assessment, in a manner set out in this rule, is unnecessary.**

2. **Full Integrated Traffic Assessment:**

a. **Whether the provision of access and on-site manoeuvring areas associated with the activity, including vehicle loading and servicing deliveries, affects the safety, efficiency, accessibility (including for people whose mobility is restricted) of the site, and the land transport network (including considering the network classification of the frontage road).**

b. **Whether the design and layout of the proposed activity promotes opportunities for travel other than by private cars, including by providing safe and convenient access for travel using more active modes.**

c. **Having particular regard to the level of additional traffic generated by the activity while taking into account any particular effects from heavy vehicles and whether measures are proposed to adequately mitigate the actual or potential effects from the anticipated trip generation (for all transport modes) from the proposed activity, including consideration of cumulative effects with other activities in the vicinity, proposed infrastructure and construction work associated with the activity.**

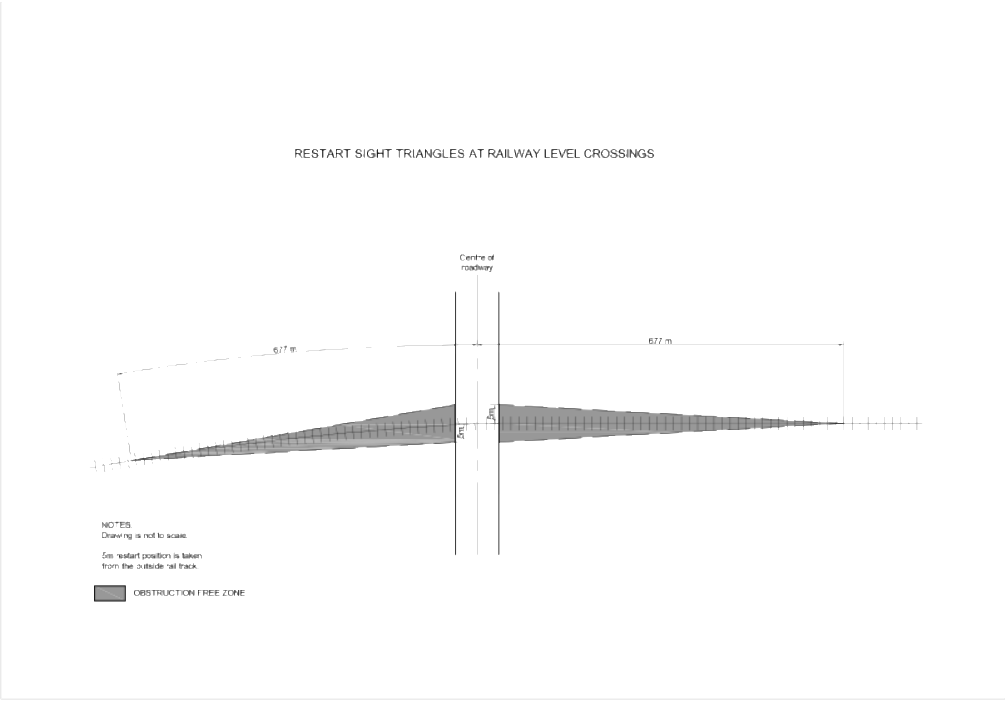
d. **Whether there are any effects from the anticipated trip generation and how they are to be mitigated where activities will generate more than 250hvm/d.**

e. **Whether the ITA has been prepared by a suitably qualified and experienced transport specialist.**

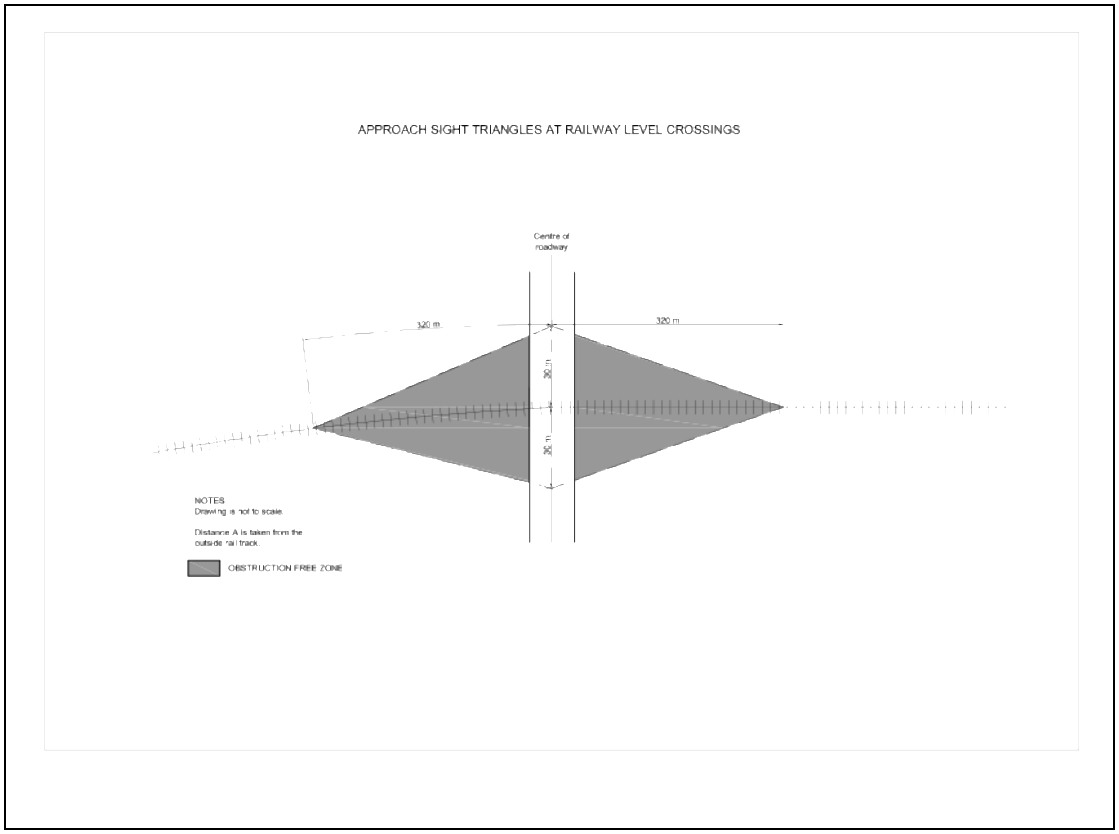
f. **Need for an ITA - Any characteristics of a proposed activity or site that are out of scope of an existing ITA but where expected traffic generation and access to existing multi modal connections mean requiring an ITA, in a**

manner set out in this standard, is unnecessary.[448]

TRN – Figure 9 - Sight Line Requirements at Railway Crossings



[448] NZTA Waka Kotahi S450.060



TRN – S15 Road Classifications

State Highway	
Buller District	• **Westport - Mokihinui River (SH67)** • **Mokihinui – Seddonville Rd (SH 67)** • **Westport – Cape Foulwind (Cape Foulwind Road) (SH67A)** • **Westport – Dolomite Point (part SH6)** • **Upper and Lower Buller Gorge (SH6)** • **Lewis Pass - Ikamatua (part SH7)** • **Inangahua Junction - Reefton (SH 69)** • **Springs Junction - Boundary Road (Shenandoah) (part SH 65)**
Grey District	• **Dolomite Point – Taramakau River (SH6)** • **Big Grey River – Greymouth (SH7)**
Westland District	• **Taramakau River – Hokitika (SH6)** • **Hokitika – Haast (SH6)** • **Haast – Haast Pass (SH6)** • **Kumara Junction to Arthur's Pass (SH73)**
Arterial	
Buller District	• **Cobden St East (Russell St to Dommett St)** • **Cobden St West (Russell St to Palmerston St)** • **Derby St (Russell St to Palmerston St)** • **Derby St (Cobden St (RHS) to SH67 (Brougham St))** • **Golf Links Rd (SH67A to Mill St)** • **Mill St East (Russell St to Dommett St)** • **Mill St West (Russell St to SH67 (Palmerston St))**

	• **Palmerston St (Henley St to Sump at Bend (LHS))**
Grey District	• **Lake Brunner Rd (Bell Hill Rd to Bridge start)** • **Lake Brunner Rd (Ahau Rd to Bell Hill Rd)** • **Lake Brunner Rd (width change to Unnamed Road 16)** • **Taylorville Rd (SH6 to SH4)** • **Taylorville Rd (50km/hr sign to 97km/hr sign)** • **Stillwater Blackball Rd (Taylorville Rd to Blackball)** • **Arnold Valley Rd (SH7 to Ahau St)** • **Rutherglen Rd (SH6 to Maori Creek/Marsden New River)** • **Rutherglen Rd (end of widening to start of bridge)** • **Bright St (Blackett St to Richmond St)** • **Mawhera Quay (SH7 to Boundary St)** • **Mackay St (Mawhera Quay to Boundary St)** • **Boundary Street (Mawhera Quay to Preston Rd)** • **Tainui St (Mawhera Quay to SH4)** • **Herbert St (Mackay St to SH7)** • **Shakespeare St (SH6 to Alexander St)**
Westland District	• **Stafford St (Fitzherbert St to Town Belt East)** • **Kaniere Rd (Stafford St to Woodstock – Rimu Rd)** • **Woodstock – Rimu Rd (Kaniere Kowhitirangi Rd to Sandstone Rd)**
Collector	
Buller District	• **Abattoir Rd (Domett St to Kew Rd)** • **Alma Rd** • **Atarau Rd (SH7 to Rough River Bridge)** • **Banbury St South (Chamberlain St walkway to Elgin St (LHS))** • **Bridge St Karamea (2nd bridge abutment to Waverley St (LHS)** • **Bright St West (Palmerston St to end of seal)** • **Brougham St (Adderley St to SH67 (Palmerston St))** • **Buller Road (SH69 (Sinnamon St) to Walsh St)** • **Cape Foulwind Rd (End of SH67A (Concrete Pad) to Tauranga Bay Rd)** • **Craddock Drive (Orowaiti Rd to end of seal)** • **Darkies Terrace Rd (SH6 to end of seal)** • **Denniston Track (Elgin St (LHS) to Boswell St (LHS)** • **Derby St (Craddock Drive to Cobden St (RHS)** • **Derby St (Mill St to Robertson St)** • **Derby St (Start of KCC (LHS) to Start of KCC (RHS))** • **Dole St (SH67 to Tyler Rd)** • **Dommett St (Cobden St to Abattoir Rd)** • **Gannons Rd (SH69 (Buller Rd) to end of seal)** • **Golf Links Rd (50km/hr sign to Marine Parade)** • **Karamea Highway (50m past De Malmanches Rd to South Tce)** • **Karamea Highway (South Tce to 2nd bridge abutment)** • **Kew Rd (Eastons Rd to Abattoir Rd)** • **Kohaihai (South abutment/Oparara Bridge to 1st bridge abutment)** • **Kohaihai (East abutment/Quinlan Bridge to South Abutment/Oparara Bridge)** • **Lighthouse Road (Cape Foulwind Rd to Carpark entrance)** • **McGill St (SH67/sump(RHS) to Chamberlain St pathway)** • **McKenna Rd (Abbatori Rd to farm tracks (L and RHS)** • **Millerton Track (Stockton Rd) (SH67 to Stockton Mine gate)**

	• **Mokihinui Rd (SH67 to River Rd (LHS)** • **Mokihinui Rd (End of seal to Mokihinui Preserve Rd)** • **Nine Mile Rd (Stafford St to start of seal)** • **Nine Mile Rd (Railway crossing to start of seal)** • **Nine Mile Rd (Start of seal to end of seal)** • **Nine Mile Rd (End of seal to railway crossing)** • **Orowaiti Rd (Domett St to SH67)** • **Queen St (South) SH67 (Brougham St) to Stafford St)** • **Rintoul St (The Esplanade (LHS) to Adderley St (South))** • **Robertson St (Derby St to end of St)** • **Russell St (Gladstone St to end of St)** • **Sawmill Rd (Railway Rd to Sawmill Entrance)** • **Schadick Ave (Golf Links Rd to Tiphead Rd)** • **Seal Colony Rd (Tauranga Bay Rd to End of Loop)** • **Stafford St (Queen St to McKenna Rd)** • **Stephen Rd (McKenna Rd to Caledonian Rd)** • **Tauranga Bay Rd (Cape Foulwind Rd to end of Rd)** • **The Esplanade (SH67 to Fonblanque St)** • **Tiphead Rd (Seal join to end of Rd)** • **Utopia Rd (Westport) (SH67 to end of seal)** • **Victory St (Crampton Rd to Shaw St)** • **Waverley St (Oparara Rd to Wharf Rd)** • **Wharf Rd (Karamea) (East abutment/Quinlan Bridge to Waverley St)** • **Wilsons Lead Rd (SH6 to Tauranga Bay Rd)**
Grey District	• **Alexander St (Chapel St to Shakespeare St)** • **Atarau Rd (Main Road (to Blackball) to Rough River Bridge)** • **Bell Hill Rd (end of seal to Haupiri Rd, from Lake Brunner Rd to end of seal, from start of seal to start of seal)** • **Blair Rd (from Kotuku Bell Hill Rd to Arnold Valley Rd** • **Blair Rd (Arnold Valley Rd to Kotuku Bell Hill Rd)** • **Blair Rd (end of seal to private road LHS)** • **Blair Rd (bridge start to private road LHS)** • **Blair Rd (bridge start to private road RHS)** • **Bright St, Greymouth (SH6 to Blackett St)** • **Buccleugh St (SH6 to end of seal)** • **Camerons Rd (State Highway 6 to Forestry Rd begins)** • **Chesterfield St (Tasman St to end of seal)** • **Cowper St (Brunner St to SH7)** • **Deep Creek Rd (Blair Rd to Nelson Creek Bridge)** • **Domett Esplanade (Bright St to end of Road at Carpark)** • **Felix Campbell St (Water Walk Rd to Shelley St)** • **Gresson St (Boundary St to Gilbert St)** • **Guiness St (Tainui St to Boundary St)** • **Hart St (Denston St to Wilson St)** • **Heaphy St (State Highway 6 to Shakespeare St)** • **Kumara Inchbonnie Road (Kumara Bridge (start) to Lake Brunner Kotuku Bell Rd (Blair Rd to Bell Hill Rd)** • **Road)** • **Lake Brunner Rd (from 100/50 km/hr road sign to bridge end)** • **Lord St (SH6 to Herbert St)**

	• **McLean Pit Rd (State Highway 6 to end of road @ dump)** • **Main Rd (Main Rd (South) to Glassons Lane** • **Marlborough St (Cowper St to KCC start left hand side)** • **Marsden Rd (start of bridge to Rutherglen Rd)** • **Marsden Rd (Shakespeare St to Sinnott Road)** • **Marsden Rd (private road LHS to start of bridge)** • **Marsden Rd (Ridgeway Drive to start of KCC on RHS)** • **Packers Quay, Greymouth (Rigg St to Collins St)** • **Preston Road, Greymouth (Merrick St to end of KCC on right hand side)** • **Puketahi St (SH6 to Alexander St)** • **Raleigh St North (SH6 to Cowper St)** • **Roa Rd (Darcy St to end of Roa Rd)** • **Road to Hospital (Cowper St to start of bridge)** • **Shelley St (Chesterfield St to Nelson St West)** • **Swift St (Preston Rd to Achilles Triangle Rd)** • **Steer Avenue, Greymouth (Preston Rd to Reid St)** • **Taramakau Settlement Road (Kumara Inchbonnie Rd to end of seal, from start of 95/96 correction to Nicholas Rd)** • **Tasman St (Road Widens/Access Road to end of seal)** • **Turumaha St (Herbert St to Brunner St)** • **Water Walk Road (Raleigh St to Felix Campbell St)**
Westland District	• **Adamson Rd (Waitangitaoana Rd to end of seal)** • **Arahura Valley Rd (SH6 to German Rd)** • **Arthurstown Rd (Woodstock Rimu Rd to SH6)** • **Blue Spur Rd (Hau Hau Rd to Arahura Valley Rd)** • **Brickfield Rd (Hau Hau Blue Spur Rd to end of Rd)** • **Cook Flat Rd (SH6 to end of road at river)** • **Cron St (end of seal to end of stage (2024)** • **Forks – Okarito Rd (SH6 to end of seal)** • **Haast – Jackson Bay Rd (SH6 to end of seal)** • **Hampden St (Tancred St to Sewell St)** • **Hampden St (Fitzherbert St to Town Belt East)** • **Hans Bay Rd Arahutika (Sunny Bight Rd to Stuart St)** • **Hau Hau Rd (East Town Belt Rd to Blue Spur Rd)** • **Kaniere Kowhitirangi Rd (100km/hr sign to Cropp Rd)** • **Lake Brunner Rd (SH73 to Sir Stanley Gooseman Bridge)** • **Lake Kaniere Rd (Kaniere Kowhitirangi Rd to Sunny Bight Rd)** • **Park St (Fitzherbert St to Hoffman St)** • **Revell St (Hamilton St to Tudor St)** • **Sewell St (Hamilton St to Park St)** • **Stafford St West (Revell St to Tancred St)** • **Tancred St (Hamilton St to Stafford St)** • **Taramakau Settlement Rd (Kumara Inchbonnie Rd to end of seal)** • **Tudor St (sewell St to Fitzherbert St)** • **Upper Kokatahi Rd (Kaniere Kowhitirangi Rd to FF Road)** • **Wanganui Flat Rd (SH6 to end of road at riverbank)** • **Weld St (Revell St to Livingstone St)** • **Whataroa Flat Rd (SH6 to Whale Rd)**
Local Roads	

Buller, Grey and Westland Districts	The remainder of the roads not listed in this table are local roads.

Planning Maps

Amend the Planning Maps to include the Special Purposes Roads on the West Coast being:

- Haast – Jackson Bay Road
- Karamea Highway – Mokihinui River to Karamea



Dean Chrystal

Hearings Panel Chair



Maria Bartlett

Hearings Panel Member



Paul Rogers

Hearings Panel Member



Sharon McGarry

Hearings Panel Member



Anton Becker

Hearings Panel Member

Date: 5 September 2025

APPENDIX 1 – RECOMMENDATIONS ON PLAN PROVISIONS

Definitions

Term	Definition
~~CRITICAL INFRASTRUCTURE~~	~~means:~~ ~~the rail network, state highways, special purpose roads, airports, wastewater treatment plants, reticulated water systems, stormwater treatment plants, and electricity transmission and distribution assets.~~
REGIONALLY SIGNIFICANT INFRASTRUCTURE	**means:** a. The National Grid (as defined by the Electricity Industry Act 2010); b. Other electricity distribution and transmission networks defined as the system of transmission lines, sub-transmission and distribution feeders and all associated substations and other works to convey electricity; c. Facilities for the generation of more than 1 MW of electricity, including the Turnbull Hydro Power Station and Fox Hydro Power Station, and their supporting infrastructure where the electricity generated is supplied to the electricity distribution and transmission networks; d. Pipelines and gas facilities used for the transmission and distribution of natural and manufactured gas; e. The State Highway network, and road networks classified in the One Network Road Classification Sub-category as strategic; f. The regional rail networks; g. The Westport, Greymouth, and Hokitika airports; h. The Regional Council seawalls, stop banks and erosion protection works; i. Telecommunications networks and facilities and radio communications facilities; j. Public or council owned sewage treatment plants and associated reticulation and disposal systems;

	k. Public or council owned water supply intakes, treatment plants and distribution systems; l. Public or council owned drainage systems, including stormwater systems; m. The ports of Westport, Greymouth and Jackson Bay; n. Public or council owned solid waste storage and disposal facilities; o. Special Purpose Roads as identified on the planning maps; and p. Defence Facilities
INFRASTRUCTURE	has the same meaning as in section 2 of the RMA (as set out below), means a. pipelines that distribute or transmit natural or manufactured gas, petroleum, biofuel or geothermal energy; b. a network for the purpose of telecommunication as defined in section 5 of the Telecommunications Act 2001; c. a network for the purpose of radiocommunication as defined in Section 2(1) of the Radiocommunications Act 1989; d. facilities for the generation of electricity, lines used or intended to be used to convey electricity, and support structures for lines used or intended to be used to convey electricity, excluding lines and support structures if a person- i. uses them in connection with the generation of electricity for the person's use; and ii. does not use them to generate any electricity for supply to any other person; e. a water supply distribution system, including a system for irrigation; f. a drainage or sewerage system; g. structures for transport on land by cycleways, rail, roads, walkways, or any other means; h. facilities for the loading or unloading of cargo or

	passengers transported on land by any means; i. an airport as defined in section 2 of the Airport Authorities Act 1966; j. a navigation installation as defined in section 2 (1) of the Port Companies Act 1988; **and** k. **facilities for the loading or unloading of cargo or passengers carried by sea, including a port related commercial undertaking as defined in section 2(1) of the Port Companies Act 1988**; l. anything described as a network utility operation in regulations made for the purposes of the definition of network utility operator in section 166. **Note:** **Electricity activities are addressed in the Energy Chapter of the Plan.**
ENERGY ACTIVITY	means the use of land, buildings and structures for the purpose of energy investigation, generation, transmission and distribution. This includes all types of renewable electricity generation.
LARGE SCALE **DISTRIBUTED ELECTRICITY GENERATION**	means~~, when applied to provisions in the Energy Chapter,~~ electricity generation activities utilising renewable energy sources ~~with a capacity of greater than 100kW~~ **which are not Small and Community Scale Electricity Generation Activities** for the purposes of exporting electricity directly into the distribution network or National Grid. It includes all ancillary components and activities such as lines, poles, structures, substations, climate / environmental monitoring equipment, earthworks, roading, maintenance buildings, temporary concrete batching plants, internal transmission and fibre networks, and site rehabilitation works
NATIONAL GRID	**has the same meaning as provided in the National Policy Statement on Electricity Transmission 2008 (as set out below)** means the assets used or owned by Transpower NZ Limited
NATIONAL GRID SUBDIVISION CORRIDOR	means the area measured either side of the centreline of above ground National Grid transmission ~~and distribution~~ lines as follows (and illustrated in green below): a. 14m for 66kV or 110kV transmission lines on single poles; b. 16m for 110kV transmission lines on pi poles; and c. 32m for 110kV transmission lines on towers (including

	tubular steel towers where these replace steel lattice towers). **The measurement of setback distances from the National Grid transmission lines must be undertaken from the centre line of the National Grid transmission line. The centre line at any point is a straight line between the centre points of the two support structures at each end of the span.**
NATIONAL GRID YARD	means as illustrated in red below: a. the area located 10m either side of the centreline of an overhead 66kV or 110kV National Grid transmission line on single poles; b. the area located 12m in any direction from the outer **visible** edge of a support structure for an overhead 66kV or 110kV National Grid transmission line; and c. the area located 12m either side of the centreline of any 66kV or 110kV overhead National Grid transmission line on pi poles or towers (including tubular steel towers where these replace steel lattice towers). The measurement of setback distances from the National Grid transmission lines must be undertaken from the centre line of the National Grid transmission line and the outer visible edge of any support structure. The centre line at any point is a straight line between the centre points of the two support structures at each end of the span.
NETWORK UTILITY	**means a project, work, system or structure that is a network utility operation undertaken by a network utility operator.**
NON-RENEWABLE ELECTRICITY GENERATION ACTIVITY	**means the construction, operation and maintenance of structures associated with electricity generation from non-renewable energy sources.**
RENEWABLE ELECTRICITY GENERATION ACTIVITIES	means the construction, operation, maintenance and upgrading of structures associated with renewable energy generation. This includes**, along with large scale activities,** small and community-scale distributed renewable electricity generation activities and the system of electricity conveyance required to convey electricity to the distribution network and/or the national grid and electricity storage technologies associated with renewable electricity. It includes all ancillary components and activities such as substations, climate/environmental monitoring equipment, **earthworks, vegetation clearance,** roading, maintenance buildings, temporary concrete batching plants, internal

	transmission and fibre networks, and site rehabilitation works.
SMALL **AND COMMUNITY** SCALE **ELECTRICITY GENERATION**	~~means, in relation to energy, renewable electricity generation activities at a capacity of no greater than 20kW for the purpose of using or generating electricity on a particular site, or exporting from a site.~~ **means renewable electricity generation for the purpose of using electricity on a particular site, or supplying an immediate community, or connecting into the distribution network.**
SUBSTATION (ZONE)	means the ground-mounted equipment used to convert ~~sub~~ transmission voltage (33kV and higher) to distribution voltages (22 or 11kV), and this equipment is generally enclosed in a fenced yard.
TRANSMISSION LINE~~S~~	**has the same meaning as provided in the Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009 (as set out below).** means: a. the facilities and structures used for, or associated with, the overhead or underground transmission of electricity in the national grid and: b. includes transmission line support structures, telecommunication cables, and telecommunication devices to which paragraph a) applies; but c. does not include an electricity substation.
TELECOMMUNICATIONS KIOSK	**means any structure intended for public use to facilitate telecommunications and includes boxes or booths for telephone, video or internet services.**
UPGRADING /**UPGRADE**	means in relation infrastructure and renewable electricity generation activities, the improvement or increase in carrying capacity, operational efficiency, security or safety of existing infrastructure and renewable electricity generation activities, but excludes maintenance and repair. (**Upgrade has the same meaning)**

INFRASTRUCTURE	has the same meaning as in section 2 of the RMA (as set out below) means … a. **facilities for the loading or unloading of cargo or passengers carried by sea, including a port related**

	commercial undertaking as defined in section 2(1) of the Port Companies Act 1988; b. anything described as a network utility operation in regulations made for the purposes of the definition of network utility operator in section 166.
TELECOMMUNICATION KIOSK	**means any structure intended for public use to facilitate telecommunications and includes boxes or booths for telephone, video or internet services.**
LAND TRANSPORT INFRASTRUTURE	**Means any infrastructure, building, equipment or devices that support the movement of people and goods by land or water, including:** **(a) Cycle facilities including cycleways, cycle parking, cycle hire stations and cycle maintenance stands;** **(b) Pedestrian facilities and accessways, including footpaths, footways and foot bridges;** **(c) Railway tracks, bridges, tunnels, signalling, access tracks, retaining walls and facilities;** **(d) Roads including carriageways, pavements, bridges, tunnels, retaining walls, underpasses, overpasses, verge and berms;** **(e) Lighting, signals, signs and control structures and devices associated with intelligent transport systems including vehicle detection systems (electronic vehicle identification and infra-red vehicle occupancy counters), incident detection, emergency telephones, cables and ducting;** **(f) Safety devices including hand rails, bollards, cameras, road markings, rumble strips, barriers, fences, speed tables and speed cushions and traffic separators;** **(g) Other traffic control devices including traffic islands, level crossings, pedestrian crossings, roundabouts and intersection controls, traffic and cycle monitoring devices;** **(h) Parking control devices;** **(i) Site access including vehicle crossings;** **(j) Street and rail furniture, artworks, passenger shelters and ticketing and tolling facilities;** **(k) Ancillary equipment and structures associated with public transport systems including seats, shelters,**

	real time information systems and ticketing facilities, bicycle storage and cabinets; **(l) Stormwater management facilities, ventilation structures, drainage devices and erosion control devices; and** **(m) Land based Port facilities.**

Energy Chapter

Energy - Te Pūngao
Overview

~~Energy activities, including r~~ Renewable electricity generation, **electricity** transmission, **and** distribution ~~and operation~~ are recognised as regionally significant infrastructure in the West Coast Regional Policy Statement. As such they **need to be recognised and provided for,** ~~require specific recognition and protection,~~ as they are critical to the social, cultural, and economic well-being of people and communities. **Operation, maintenance, and repair of existing energy activities contribute to the resilience of the West Coast.**

The National Policy Statement for Electricity Transmission **2008**~~Activities~~ requires **that the National Grid is recognised and provided for**. ~~specific recognition and protection of the National grid, with renewable electricity recognised in the~~ **The** National Policy Statement on Renewable ~~Energy~~ **Electricity** Generation **recognises the national significance of renewable electricity generation activities, including the need for and benefits from, renewable electricity generation.**

Certain activities must also comply with the rules managing activities which may compromise the operation, maintenance and upgrading of the National Grid transmission lines, including **its protection from** reverse sensitivity effects**.** ~~**The New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP 34:2001)** contains mandatory restrictions on activities in relation to the National Grid and electricity distribution lines. Compliance with the rule requirements of Te Tai o Poutini Plan does not ensure compliance with NZECP 34:2001 or vice versa~~.

~~Vegetation planted in the vicinity of the National Grid or electricity distribution lines must comply with the **Electricity (Hazards from Trees) Regulations 2003.**~~

~~Where an activity relates to the operation, maintenance and upgrading of existing National Grid transmission lines, the Resource Management Regulations 2009 (National Environmental Standards for **Electricity Transmission Activities) apply**~~**.**

The Energy Chapter contains the objectives, policies, rules for managing energy activities - the Infrastructure Chapter rules and the Area Specific Provisions (Zone chapters) do not apply to energy activities, however the Overlay chapters and other District Wide rules also apply where relevant.

Other relevant Te Tai o Poutini Plan provisions

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

- **Overlay Chapters** - the Overlay Chapters have relevant provisions in relation to Sites of Significance to Māori, Ecosystems and Indigenous Biodiversity; Landscape and Natural Features; Natural Character and Margins of Waterbodies; Natural Hazards; and the Coastal Environment. Where an energy activity is located within an overlay area (as identified in the planning maps) then the relevant overlay provisions apply.

- **Subdivision** - The Subdivision chapter sets out the requirements for the development of new electricity connections as part of subdivision activities.

- **Financial Contributions** - The Financial Contributions Chapter sets out the requirements for contributions of costs for activities ~~which impact on infrastructure~~.

- **General District Wide Matters** - provisions in relation to Activities on the Surface of Water, Noise and Earthworks in particular may be relevant to energy activities.

Energy Objectives	
ENG – O1	To recognise the local, ~~and~~ regional **and national** benefits of electricity transmission, distribution and renewable electricity generation activities, **by providing** for their development, operation, maintenance and upgrading to meet the needs of Te Tai o Poutini/the West Coast.
ENG – O2	To recognise the functional **need or** operational needs associated with the location and design of **renewable electricity generation, investigation, and distribution and transmission** ~~energy~~ activities, and to ~~minimise~~ **manage** adverse effects of these activities on communities and the environment.
ENG – O3	To provide for **development and enable** the ~~development~~, operation, maintenance and upgrade of **renewable electricity generation and investigation, and electricity distribution and transmission** ~~energy~~ activities and to protect them from the adverse effects of incompatible subdivision**, use** and development.
ENG – O4	To recognise and provide for the national, regional and local significance and benefits of the National Grid, by ensuring the safety, efficiency, operation, maintenance, repair, upgrade and development is not adversely affected by **incompatible** subdivision, use and development.
ENG-O5	**To ensure the efficient provision and use of electricity distribution and transmission activities by co-ordinating with subdivision, use and development.**

Energy Policies	
ENG – P1	Provide for **and enable** the development, operation, maintenance and upgrading of existing and new electricity transmission, distribution and renewable generation infrastructure ~~and assets~~.
ENG – P2	When considering proposals to develop and operate new and existing **renewable electricity generation, investigation, and distribution and transmission** activities have particular regard to the benefits to be obtained from the proposal, including; a. Maintaining or increasing security of renewable electricity supply ~~by diversifying the type and/or location of electricity generation~~; b. **Providing for diversity of the type and location of renewable electricity generation;** c. Maintaining or increasing renewable electricity generation capacity while avoiding, reducing or displacing greenhouse gas emissions; d. Economic, social, environmental or cultural wellbeing; e. The contribution the proposal will have towards New Zealand meeting its renewable electricity generation targets; f. Effective transmission and distribution of electricity supply; g. Facilitation and use of renewable energy; h. Security of electricity supply; and i. Meeting New Zealand/Aotearoa me Te Waipounamu's climate change obligations.
ENG – P3	~~Minimise reverse sensitivity effects from~~ **Manage activities to avoid adverse reverse sensitivity effects from incompatible** subdivision, use and development on **renewable electricity generation and electricity distribution and transmission** ~~energy~~ activities. ~~and protect energy activities from adverse effects to ensure their ongoing operation, maintenance, upgrade or development~~
ENG – P4	~~Minimise~~ **Avoid, remedy or mitigate** adverse effects on ~~communities and~~ the environment from **renewable electricity generation, investigation, distribution and transmission** ~~energy~~ activities by: a. **Having regard to effects on urban amenity**; b. Having regard to the **effect on areas of significant environmental values and** values ~~associated with~~ **identified in Schedules One – Eight and Appendix Ten**; ~~areas identified as having significant environmental values, urban amenity, areas of high recreational value, outstanding and high natural character areas, outstanding landscapes and features, Poutini Ngāi Tahu and heritage sites, and significant natural areas~~; c. Implementing industry best management practices around electrical safe distances; d. Maintaining ongoing access to grid and distribution ~~elements~~ **infrastructure** and structures for **operation,** maintenance and

	upgrading works; and e. Avoiding exposure to health and safety risks.
ENG – P5	~~When considering proposals to develop, operate, maintain and upgrade new and~~ **Avoid, remedy or mitigate adverse effects from the development of new or the development, operation, maintenance or upgrading of** existing **renewable electricity generation, investigation, distribution and transmission** ~~energy~~ activities **by**: a. Recognise**ing** their functional ~~constraints~~ **need o**r~~and~~ operational ~~requirements~~ **need**; and b. ~~Where new transmission infrastructure and major upgrades to transmission infrastructure are proposed have regard to the extent to which any adverse effects~~ **Having regard to the extent to which any adverse effects of new significant electricity distribution lines** have been minimised in the route, site and method selection.
ENG – P6	Provide for the development, upgrading, maintenance and operation of: a. A range of ~~small, community and large scale~~ renewable electricity generation activities; and b. Activities that seek to investigate, identify and/or assess potential sites and energy sources for renewable electricity generation.
ENG – P7	Recognise and provide for the national, regional and local benefits of the National Grid, including by: a. Enabling the operation, maintenance and ~~minor~~ upgrading requirements of existing National Grid assets; b. Providing for ~~other upgrades and~~ the effective development of new National Grid assets; and c. When considering measures to avoid, remedy and mitigate adverse effects of National Grid activities, have regard to: i. The technical and operational constraints of the National Grid; and ii. The extent to which proposals **for new National Grid infrastructure or major upgrades to existing National Grid infrastructure** have avoided, remedied and mitigated effects through the route, site and method selection.
ENG – P8	Manage the adverse effects of the **development and major upgrade of the** National Grid by: a. Where appropriate, using substantial upgrades as an opportunity to reduce existing adverse effects; b. Seeking to avoid adverse effects on areas **of significant environmental values and the values** identified in Schedules **One – Eight and Appendix Ten;** c. Where the National Grid has a functional **need** or operational need to locate within the Coastal Environment, manage adverse effects by: i. Seeking to avoid adverse effects on ~~Overlay Chapter~~ areas **and values identified in Schedules One – Eight and Appendix Ten** and where it is not practicable to avoid **because of functional needs or operational needs of the National Grid**, to remedy or mitigate; **and**

	ii. Seeking to avoid significant adverse effects on other areas of natural character, natural attributes and character of natural features and landscapes and indigenous biodiversity values that meet the criteria in Policy 11(b) of the NZCPS 2010; and d. Recognise that there may be some areas within the sites and areas identified in Schedules **<u>One – Eight and Appendix Ten</u>** where avoidance of adverse effects is required to protect the identified values and characteristics; **<u>and</u>** e. **<u>Remedying or mitigating any adverse effects from the operation, maintenance, upgrade or development of the National Grid which cannot be avoided, to the extent practicable.</u>**
ENG – P9	Manage activities within the National Grid Yard and the National Grid Subdivision Corridor to: a. Ensure the safe and efficient operation, maintenance, repair, upgrading and development of the National Grid is not compromised; b. Avoid incompatible land use**<u>, buildings and structures that may directly affect or otherwise compromise the National Grid</u>;** c. Manage subdivision **<u>within the National Grid Subdivision Corridor</u>** to avoid subsequent land use activities from compromising the operation, maintenance, upgrading and development of the National Grid; d. Achieve compliance with the New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP 34: 2001) and avoid exposure to health and safety risks from the National Grid; ~~and~~ e. **<u>Maintain ongoing access for maintenance and upgrading works on the National Grid; and</u>** f. Avoid**<u>, to the extent reasonably possible, the</u>** potential for reverse sensitivity effects on the National Grid.
<u>ENG– P10</u>	**<u>Manage activities in and around Significant Electricity Distribution Lines to:</u>** a. **<u>Ensure the safe and efficient operation, maintenance, repair, upgrading and development of the lines are not compromised by subdivision, use and/or development;</u>** b. **<u>Achieve compliance with the New Zealand Electrical Code of Practice for Electrical Safe Distances (NZCEP 34:2001) and avoid health and safety risks from Significant Electricity Distribution Lines; and</u>** c. **<u>Protect the lines from potential reverse sensitivity effects</u>**.
<u>ENG-P11</u>	**<u>Discourage the development of non-renewable electricity generation activities.</u>**
<u>ENG-P12</u>	**<u>Ensure that subdivision and development is adequately serviced including:</u>** **a.** **<u>Infrastructure networks have sufficient capacity to accommodate the additional development, and requiring any necessary upgrades to be completed at the time of subdivision; and</u>** b. **<u>Infrastructure is installed at the time of subdivision, except for on- site infrastructure that cannot be determined until the</u>**

	allotment is developed.

Permitted Activities	
ENG - R1	**Energy Permitted Activity Performance Standards**
Activity Status Permitted Where: 1. Electric and Magnetic fields – An activity generating electric or magnetic fields does not exceed the maximum exposure level listed in the International Commission on Non-ionizing Radiation Protection Guidelines for limiting exposure to time-varying electric and magnetic fields (1Hz - 100 kHz) (Health Physics (6):818-836; 2010), and the recommendations from the World Health Organisation's monograph Environmental Health Criteria 238, June 2007.	
Activity status where compliance not achieved: Non-complying	
ENG - R2	**Substations (Zone)**
Activity Status Permitted Where: 1. All performance standards in Rule ENG - R1 are complied with; and 2. ~~This is t~~ **T**he operation, maintenance, repair and upgrade **is** of an existing substation (zone) where ~~any~~ upgrades are undertaken within existing switchyards or buildings, in any zone; or 3. ~~This is a~~**A** new substation (zone) **is** ~~or upgrade to an existing substation (zone)~~: i. Located in an Industrial Zone; and ii. The substation will be visually screened from the road and any **existing** residential building **located adjacent to the Industrial Zone** by fencing and / or landscaping.	
Activity status where compliance not achieved: Restricted Discretionary	
ENG – R3	**Substations (Distribution)**
Activity Status Permitted Where: 1. All performance standards in Rule ENG - R1 are complied with; and 2. ~~This is~~ t **T**he maintenance, repair, upgrade and operation **is** of an existing distribution a. substation; or 3. ~~This is a~~ **A**ny new distribution substation.	
Activity status where compliance not achieved: Restricted Discretionary	
ENG – R4	**~~Operating existing transmission and distribution lines, new distribution and transmission lines, maintaining, minor upgrading, strengthening, upgrading and replacing support structures and foundations~~ The operation, maintenance, repair and upgrading of distribution lines and 110kv Dobson Tee A line above and below ground not managed by the National Environmental Standard for Electricity Transmission Activities**
Activity Status Permitted Where: 1. All performance standards in Rule ENG - R1 are complied with; **and** 2. Any realignment, relocation or replacement of a network utility pole, pipe, tower, and	

structure, ~~building or minor utility structure~~ is within 5m of the alignment or location of the original existing pole, tower, **and** structure, ~~building or minor utility structure~~; 3. A replacement pole, tower, or structure does not exceed the height of the original pole, tower, or structure by more than 30 percent, measured from the top of the foundation; 4. **Specific to distribution lines,** ~~T~~ **t**he diameter or width of the replacement pole **structures, at its widest point:** a. does not exceed twice that of the replaced pole at its widest point; and b. where a single pole is replaced with a pi pole, the width of the pi pole structure must not exceed three times that of the replaced pole at its widest point; 5. Additional conductors or lines do not increase the number of conductors or lines by more than 100 percent of the original; 6. The footprint of the structure or building does not increase by more than 30 percent of the existing building or structure, excluding any pole or pi pole structure provided above; 7. The face area of a replacement panel antenna or the diameter of a replacement dish antenna does not increase by more than 20 percent; 8. There are no~~t~~ additional towers; and 9. A pole is not replaced with a tower.	
Activity status where compliance not achieved: Restricted Discretionary	
ENG – R5	~~**The construction, operation, maintenance, repair and upgrade of renewable energy structure for small scale use**~~ **Renewable Electricity Generation Activity**
Activity Status Permitted Where: 1. Performance standards in Rule ENG – R1 are complied with; and 2. ~~Solar panels do not exceed the permitted building height in the relevant zone by more than 0.25m vertically~~ **The construction, operation, maintenance, repair and upgrading of small and community scale renewable electricity generation shall comply with the following standards:** ~~3. Small scale w~~ i. a. **Wind turbines do not exceed 8m in tower height**;~~Small scale wind turbines comply with NZS 6808:2010 Acoustics - Wind Farm Noise;~~ b. **Solar panels and any land-based structure, building or impermeable surface for hydroelectricity generation must comply with the relevant performance standards in Rule R1 of the applicable zone or in the case of the:** **Settlement Zone - SETZ – R2** **Buller Coalfield Zone BCZ – R3** **Mineral Extraction Zone MINZ – R3.** 3. ~~Land based structure, building or impermeable surface for hydroelectricity generation must not exceed~~: ~~a footprint of 25m^2 and~~ **The operation, maintenance, repair and upgrading of large-scale renewable electricity generation shall comply with the relevant performance standards in Rule R1 of the applicable zone or in the case of the:** **Settlement Zone - SETZ – R2** **Buller Coalfield Zone BCZ – R3** **Mineral Extraction Zone MINZ – R3.** 4. ~~Any building or structure must not be located within an existing esplanade reserve or strip~~	

Activity status where compliance not achieved: **Restricted Discretionary where this is new small and community scale renewable electricity generation subject to Rule ENG – R14** **Discretionary where this is new large scale renewable electricity generation subject to Rule ENG – R15** ~~Restricted Discretionary where performance standards 1 - 3 or 5 - 6 are not complied with.~~ Non-complying where with performance standard ~~4~~ **1** is not complied with.	
ENG – R6	**Activities in and around the Significant Electricity Distribution Lines**
Activity Status Permitted Where: Performance standards in Rule ENG - R1 are complied with; and 1. These are Energy Activities; 2. The following other activities are able to occur under the conductors where these are Permitted within the relevant zone and overlay: Fences less than 2.5m high; **or** a. Alterations and additions to existing buildings and structures used for sensitive activities that do not involve an increase in the building envelope; **or** b. Network Utilities within a transport corridor or any part of electricity infrastructure; **or** c. Structures used for agricultural and horticultural activities excluding buildings for sensitive activities; **and** 3. The only buildings or structures erected within 12m of any support structure are: a. Network Utilities within a transport corridor; or b. Any part of electricity infrastructure; **or** c. Fences more than 5m from the support structure and less than 2.5m in height; and 4. Structures and activities located near ~~transmission~~ **distribution** lines must comply with the safe distance requirements in the NZECP 34:2001.	
Activity status where compliance not achieved: Non-complying	
ENG – R7	**Buildings, Structures and Activities within the National Grid Yard**
Activity Status Permitted Where: 1. These are the following activities where they are also ~~P~~**p**ermitted within the relevant zone and overlay: a. Fences less than 2.5m high; b. Alterations and additions to existing buildings and structures used for sensitive activities that do not involve an increase in the building or structure height or footprint; c. Infrastructure undertaken by a Network Utility **operation** ~~Operator within a transport corridor~~ or any part of electricity **generation** ~~infrastructure~~ that connects the National Grid; d. ~~Non - habitable farm or horticultural buildings or structures excluding commercial greenhouses, protective canopies, wintering barns, produce packing facilities, dairy and milking sheds~~ **Agriculture and horticulture activities, and associated non-**	

habitable buildings and structures (meaning they are not usually occupied but may be accessed from time to time), excluding:

i. **Buildings and structures used for intensive indoor primary production;**
ii. **Dairy and milking sheds;**
iii. **Commercial greenhouses;**
iv. **Produce packing facilities;**
v. **Protective canopies; and**
vi. **Wintering barns.**

e. **The activity is not a sensitive activity**;
f. An accessory building or structure associated with an existing residential activity that is less than 10m^2 and 2.5m in height;

2. All buildings, structures and activities permitted by 1. above must ~~have~~:
   a. **Have a** ~~A~~ minimum vertical clearance of at least 10m below the lowest point of a conductor
      - or meet the electrical distances required by NZECP 34: 2001 under all transmission line and building operation conditions;
         i. Not result in the loss of vehicle access to a National Grid support structure;
         ii. Be located at least 12 metres from the outer visible edge of a foundation of a National Grid transmission support structure~~ National Grid Yard transmission support~~ except where it is:
   b. Infrastructure undertaken by a network utility **operation** ~~operator~~ or any part of electricity **generation** ~~infrastructure~~ that connects the National Grid;
   c. A fence not exceeding 2.5m in heigh**t** that is located at least:
      i. 6m from the outer visible edge of a foundation of a National Grid transmission line tower; ~~or~~**and**
      ii. 5m from the outer visible edge of a foundation of a National Grid transmission line pole; **or**
   d. An artificial crop protection structure or crop support structure not exceeding 2.5m in height and located at least 8m from a National Grid transmission line pole that:
      i. Is removable or temporary to allow a clear working space of 12m from the pole for maintenance; and
      ii. Allows all weather access to the pole and sufficient area for maintenance equipment including a crane; or
   e. A building or structure where Transpower has given written approval in accordance with clause 2.4.1 of NZECP34: 2001.

Activity status where compliance not achieved: Non-complying

ENG – R8	**Installation of electricity cabinets**

Activity Status Permitted
Where:

1. All performance standards in Rule ENG - R1 are complied with; and
2. The cabinet has a maximum height above ground level of 2m **and a maximum area of 1.4m^2**.

Activity status where compliance not achieved: Restricted Discretionary

ENG – R9	**Temporary Energy Activities**

Activity Status Permitted Where: 1. The temporary energy activity is for up to a period of 24 months following a national, regional or local state of emergency declaration; 2. All performance standards in Rule ENG - R1 are complied with; and 3. Any temporary structures are removed from the site ~~when operation ceases and the sites is rehabilitated~~ **and the site is rehabilitated within one month of the operation ceasing;** 4. **The temporary energy activity is a back-up generator, provided this equipment is:** i. **Being tested and maintained for a period not exceeding 48 hours in duration; or** ii. **To provide back-up electricity during routine or scheduled maintenance for a period not exceeding 48 hours; or for longer than 48 hours where that use complies with the noise limits specified between 0700 hours and 2200 hours relevant to the underlying zone; or** iii. **For emergency purposes only and operates for a maximum of 12 months.**
Activity status where compliance not achieved: Restricted Discretionary

~~**ENG – R10**~~	~~**Environmental monitoring and meteorological facilities associated with Energy Activities**~~
~~**Activity Status Permitted**~~ ~~Where:~~ ~~1. All performance standards in Rule INF-R1 are complied with; and~~ ~~2. Monitoring equipment is not more than 4m in height and 25m² in area.~~	
~~**Activity status where compliance not achieved**: Non-complying~~	

ENG – R10	**The construction of new distribution lines above or below ground**
Activity Status Permitted **Where:** **1. All performance standards in Rule ENG - R1 are complied with; and** **2. The line will comply with the requirements of NZECP 34:2001;** **3. The construction or establishment of any tower, pole, mast, aerial, panel, element or dish operationally associated with electricity lines has a maximum height above ground level of 7m;** **4. The installation or modification of a sign is at a height no greater than 2m above ground level and is no larger than 1m² and is associated with an electricity network utility.**	
Activity status where compliance not achieved: Discretionary	

Restricted Discretionary Activities	
ENG - R11	**Substations (Zone and Distribution) not meeting ~~Permitted Activity~~ standards, or otherwise not provided for in another rule**
Activity Status Restricted Discretionary Discretion is restricted to: a. ~~Landscape measures~~ **Measures to mitigate landscape effects**; b. Locational, technical, **functional** and operational constraints; c. Impacts on resilience of the community to natural hazards and climate change; d. The benefits of the proposal to Aotearoa New Zealand meeting its Greenhouse Gas	

targets; h. ~~Impacts of contamination from the substation on any overlay;~~ e. Benefits to the community from the substation; and f. The degree to which the proposed activity will cause ~~significant~~ adverse effects on **areas and values listed in Schedules One to Eight and Appendix 10** ~~Overlay Chapter matters~~.	
Activity status where compliance not achieved: N/A	
ENG – R12	~~**Operating existing transmission and distribution lines, new distribution and transmission lines, maintaining, minor upgrading, strengthening, upgrading and replacing support structures and foundations**~~ **Operation, maintenance, repair and upgrading of distribution lines and transmission lines above or below ground not managed by the National Environmental Standard for Electricity Transmission Activities not meeting Permitted Activity standards**
Activity Status Restricted Discretionary ~~Where:~~ 1. ~~Performance standards in Rule ENG - R1 are complied with~~; Discretion is restricted to: a. Degree of non-compliance with Rule ENG - R4; b. Locational, technical**, functional** and operational constraints; c. Benefits to the community; and d. The degree to which the proposed activity will cause ~~significant~~ adverse effects on **areas and values listed in Schedules One to Eight and Appendix 10** ~~Overlay Chapter matters~~.	
Activity status where compliance not achieved: ~~Non-complying~~ **N/A**	
ENG – R13	**Installation of electricity cabinets not meeting Permitted Activity standards**
Activity Status Restricted Discretionary ~~Where:~~ 1. ~~Performance standards in Rule ENG - R1 are complied with;~~ Discretion is restricted to: a. Locational, technical**, functional** and operational constraints; b. The degree to which the proposed activity will cause ~~significant~~ adverse effects on **areas and values listed in Schedules One to Eight and Appendix 10** ~~Overlay Chapter matters~~; and c. Benefits to the community.	
Activity status where compliance not achieved: ~~Non-complying~~ **N/A**	
ENG – R14	**The construction, operation, maintenance, repair and upgrading of small and community scale renewable electricity generation ~~structures, renewable energy investigation activity~~ and temporary energy activities not meeting Permitted Activity standards**
Activity Status Restricted Discretionary ~~Where:~~ 1. ~~Performance standards in Rule ENG - R1 are complied with;~~ Discretion is restricted to: a. Impacts on resilience of the community to natural hazards and climate change;	

b. The benefits of the proposal to Aotearoa New Zealand meeting its Climate Change and Greenhouse Gas targets; c. **The ~~B~~ benefits of the proposal** to the **local and regional** community **and to resilience for Te Tai o Poutini/ the West Coast**; d. Functional, **locational, technical** and operational constraints; e. ~~Landscape measures~~ **Measures to mitigate landscape effects**; ~~and~~ f. The degree to which the proposed activity will cause ~~significant~~ adverse effects on **areas and values listed in Schedules One to Eight and Appendix 10 ~~Overlay Chapter matters~~ and** g. **The level, hours of operation, duration and nature of the noise and any effects on the health and wellbeing of people**.
Activity status where compliance not achieved: ~~Non-complying~~ **N/A**

Discretionary Activities	
ENG – R15	**New and existing ~~L~~large scale renewable electricity generation activity ~~excluding wind~~ not meeting Permitted Activity standards**
Activity Status Discretionary	
Activity status where compliance not achieved: N/A	
~~ENG – R16~~	**~~Wind farm construction and operation~~**
~~Activity Status Discretionary~~ ~~Where:~~ ~~1. This complies with New Zealand Standard NZS6808:2010 Acoustics - Wind Farm Noise.~~	
~~Activity status where compliance not achieved~~: ~~Non-complying~~	
ENG – R16	**Construction of distribution lines above and below ground not meeting Permitted Activity Standards**
Activity Status Discretionary	
Activity status where compliance not achieved: N/A	
ENG – R17	**Construction of National Grid assets, including transmission lines, not otherwise provided for in another rule**
Activity Status Discretionary	
Activity status where compliance not achieved: N/A	
ENG – R18	**Any Energy Activity not provided for in another rule**
Activity Status Discretionary	
Activity status where compliance not achieved: N/A	

Non-complying Activities	
~~**ENG – R17**~~	~~**Any energy activity which does not comply with New Zealand Standards NZS6808:2010 Acoustics – Wind Farm Noise**~~
~~**Activity Status Non-complying**~~	
~~**Activity status where compliance not achieved**: N/A~~	
ENG - R1~~8~~9	**Any energy activity generating electric or magnetic fields, that does not comply with Rule ENG - R1**
Activity Status Non-complying	
Activity status where compliance not achieved: N/A	
ENG - R~~19~~20	**Activities within ~~and around~~ the National Grid Yard ~~and between the Significant Electricity Transmission Lines,~~ that do not comply with Permitted Activity standards or are not otherwise provided for in a rule**
Activity Status Non-complying	
Activity status where compliance not achieved: N/A	
~~**ENG – R20**~~	~~**Energy Activities that do not meet Rules ENG - R12, ENG - R13, or ENG - R14**~~
~~**Activity Status Non-complying**~~	
~~**Activity status where compliance not achieved**: N/A~~	
ENG – R21	**Non-renewable Electricity Generation Activities**
Activity Status Non-complying **Activity status where compliance not achieved: N/A** **Advice Note: This rule does not apply to backup generators that do not comply with permitted activity standards of ENG-R9 and ENG-14 applies.**	
ENG – R22	**Activities in and around significant electricity distribution lines, that do not comply with permitted activity standards**
Activity Status Non-complying **Activity status where compliance not achieved: N/A**	

Infrastructure

Infrastructure - Te Tūahanga
Overview Infrastructure is critical to the social, cultural and economic wellbeing of people and communities, including providing for their health and safety, and has national, regional and local

benefits. The West Coast Regional Policy Statement requires specific recognition and protection of regionally significant infrastructure.

While infrastructure is often seen as a necessary and normal part of urban and rural environments, it can also have adverse effects on surrounding land uses and the environment. The sustainable management of natural and physical resources requires a balance between the effects of different land uses.

However, infrastructure also needs to be protected, where possible, from encroachment by incompatible activities that may result in reverse sensitivity effects. Some infrastructure has specific operational and functional needs that need to be accommodated for its operation.

Infrastructure includes a range of structures, services and activities as defined in Definitions – Ngā Tautuhinga. The Infrastructure Chapter contains the objectives, policies, rules for managing a range of specified Infrastructure activities**, such as three waters, telecommunications networks and radio communication networks**. Port Activities are however managed in the Port Zone and Airport Activities are managed in the Airport Zone. The Infrastructure Chapter also does not apply to energy activities **nor National Grid activities** as these are addressed in the Energy Chapter nor does it apply to Transport Activities that are addressed in the Transport Chapter.

The Area Specific Provisions (Zone chapters) do not apply to the Infrastructure activities managed in the Infrastructure chapter. The Overlay chapters and other District-Wide rules do apply where relevant.

Other relevant Te Tai o Poutini Plan provisions

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

- **Transport** - the Transport chapter sets out the requirements for activities in and around transport corridors that may be relevant to infrastructure.
- **Overlay Chapters** - the Overlay Chapters have provisions in relation to Sites and Areas of Significance to Māori; Ecosystems and Indigenous Biodiversity; Natural Features and Landscape; Natural Character and Margins of Waterbodies; Natural Hazards; Historic Heritage, Notable Trees and the Coastal Environment. Where an infrastructure activity is located within an overlay area (as identified in the planning maps) then the relevant overlay provisions apply.
- **General District Wide Matters -** provisions in relation to Activities on the Surface of Water and Earthworks in particular may be relevant to infrastructure activities.
- **Subdivision** - The Subdivision chapter sets out the requirements for the development of new infrastructure and connections as part of subdivision activities.
- **Financial Contributions** - The Financial Contributions chapter sets out the requirements for contributions of costs for activities which impact on infrastructure.

INF – O1	To enable the safe, efficient and sustainable development, operation, maintenance and upgrading of ~~utilities and~~ infrastructure, to meet the **current and future** needs of the West Coast/Te Tai o Poutini.

INF – O2	To protect ~~utilities and~~ infrastructure from the adverse effects of incompatible subdivision, land use and development.

INF – O3	To ensure the efficient provision and use of infrastructure for communities by co-ordinating the provision of utilities with subdivision, use and development of land.

INF – O4	To consider natural hazard resilience and impacts of climate change in infrastructure **location,** design and provision.

INF – O5	The adverse effects of infrastructure on the environment are minimised, **including (but not limited to) the adverse effects of land use activities and management practices on the Poutini Ngāi Tahu cultural values associated with fresh and coastal water,** while recognising: a. The functional **need** and operational ~~needs~~ of infrastructure; and b. That positive effects of the infrastructure may be realised locally, regionally, or nationally.

INF – P1	Recognise ~~and provide for~~ the positive social, economic, cultural and environmental benefits from the development, continued operation, **maintenance,** and upgrading of ~~utilities and~~ infrastructure.
INF – P2	Manage the design and location of ~~utilities and~~ infrastructure, including when sited in **all** overlays in a way which considers: a. ~~Locational, technical and operational constraints~~ **Operational need and functional need**; b. Resilience to natural hazards and climate change; c. Poutini Ngāi Tahu requirements for discharge of wastewater to land; d. Benefits of co-location of infrastructure; e. That positive effects of infrastructure may be realised locally, regionally, or nationally; and f. The need to ~~minimise~~ **avoid, remedy and mitigate** adverse effects on the environment.
INF – P3	Manage reverse sensitivity effects from subdivision, use and development, on ~~utilities and~~ infrastructure to ensure their safe, secure and efficient operation.
INF – P4	Ensure that subdivision and development, is adequately serviced **to meet the current and future needs** including: a. Safe and efficient vehicle access; b. Drinking water compliant with Safe Drinking Water Standards; c. Adequate water supply for firefighting; d. Treatment and safe disposal of stormwater that does not result in increased flooding and erosion risk; e. Treatment and safe disposal of wastewater with a preference for land-based treatment; f. Supply of electricity and telecommunications using a method that is appropriate to the type of development, location and character of the area including consideration of off-grid supply / wireless /satellite; g. Connections are made to wastewater, water supply and stormwater

	systems where they are available and there is capacity; h. Where new infrastructure is developed, that there is adequate provision for ongoing maintenance either by the vesting of the infrastructure in the relevant Council, or in the case of papakāinga developments, that an ongoing hapū entity may be responsible for maintenance; and i. Financial contributions are provided where additional or upgraded ~~network utility~~ infrastructure is required to service development.
INF – P5	Minimise the effect of stormwater run-off associated with development activity, including requirements for onsite detention, upgrades to pump networks and roadside drainage networks where necessary, to reduce flooding risk to roads and property.
INF – P6	Provide flexibility for ~~network utilities~~ **infrastructure** to adopt new technologies that: a. Improve access to, and efficient use of, networks and services; b. Allow for the re-use of redundant services and structures where they are safe and operating to required standards; c. Increase resilience, safety or reliability of networks and services; d. Result in environmental benefits and enhancements; e. Promote environmentally sustainable outcomes including green; or infrastructure and the increased utilisation of renewable resources.

Permitted Activities	
INF - R1	**Infrastructure ~~Permitted~~ Activity Performance Standards**
Activity Status Permitted Where: 1. Electric and Magnetic fields - An activity generating electric or magnetic fields does not exceed the maximum exposure level listed in the International Commission on Non-ionizing Radiation Protection Guidelines for limiting exposure to time-varying electric and magnetic fields (1Hz - 100 kHz) (Health Physics (6):818-836; 2010), and the recommendations from the **World Health Organisation**'s monograph Environmental Health Criteria 238, June 2007; and 2. Radio Frequency Fields - An activity generating radio frequency fields does not result in radio frequency field levels that exceed the maximum exposure level of the general public in New Zealand Standard **NZS 2772.1:1999 Radiofrequency fields - Maximum exposure levels** - 3kHz to 300 GHz.	
Activity status where compliance not achieved: Non-complying	
INF – R2	**Connections to <u>water,</u> wastewater, stormwater ~~and~~ reticulated systems**
Activity Status Permitted Where: 1. The building is serviced by, and capacity exists within the reticulated water supply, wastewater or stormwater networks.	
Activity status where compliance not achieved: Restricted Discretionary	
INF – R3	**Maintenance and operation of existing gas pipeline under 2,000 kilopascals**
Activity Status Permitted Where: 1. The pipeline is located underground and is not on or within a natural waterbody, except where it is: a. Attached to and/or incorporated within an existing bridge structure; or b. Within an existing attached conduit or duct; and 2. Any realignment, relocation or replacement of a pipeline is within: a. An existing easement in favour of the pipeline; and b. Is within 12 metres of the existing alignment or location.	
Activity status where compliance not achieved: Discretionary	
INF – R4	**Temporary Network Activities**
Activity Status Permitted Where: 1. The temporary network is operated by a network utility operator; 2. The temporary network activity is: i. For up to a period of 24 months following a national, regional or local state of emergency declaration; or ii. For up to a period of four weeks to provide for additional capacity; ~~and~~ **<u>or</u>** iii. **<u>For a period of up to 12 months as part of construction or re-construction activity; and</u>**	

3. All performance standards in Rule INF-R1 are complied with; and 4. The utility must be removed from the site when operation ceases and the site reinstated.
Activity status where compliance not achieved: **Non-complying where standard 3 is not complied with.** Discretionary **where standards 1, 2 and 4 are not complied with**

~~**INF – R5**~~	~~**Environmental monitoring and extreme weather event monitoring facility**~~
~~**Activity Status Permitted**~~ ~~Where:~~ ~~1. Monitoring equipment is not more than 4m in height 25m² in area.~~	
~~**Activity status where compliance not achieved**: Restricted Discretionary~~	

INF – R~~6~~5	**Navigational aids/beacons, environmental monitoring equipment and Meteorological facilities**
Activity Status Permitted Where: ~~1. These are located in a RURZ - Rural Zone or INZ - Industrial Zone.~~ **1. All performance standards in Rule INF-R1 are complied with;** **2. Monitoring equipment is not more than 25m² in area; and** **3. Monitoring equipment complies with the relevant zone performance standards in Rule R1 of the applicable zone or in the case of the:** • **Settlement Zone - SETZ – R2** • **Buller Coalfield Zone - BCZ – R3** • **Mineral Extraction Zone - MINZ – R3**	
Activity status where compliance not achieved: **Non-complying where standard 1 is not complied with.** Restricted Discretionary **where standards 2 and 3 are not complied**	

INF – R~~7~~6	~~**Installation, extension, maintenance, operation, upgrade and repair of lines, underground pipelines and ancillary vehicle access tracks erected by a Network Utility Operator**~~ **Operation, maintenance, repair and extension of existing network utilities**

Activity Status Permitted
Where:

1. All performance standards in Rule INF-R1 are complied with;
2. ~~These~~ **The network utilities** are not gas pipelines regulated under Rule INF - R3;
3. Where any realignment, relocation or replacement of a network utility pole, tower, structure, building or minor utility structure is within 5m of the alignment or location of the original existing pole, tower, structure, building, or minor utility structure;
4. A replacement pole, tower or structure does not exceed the height of the original pole, tower, or structure by more than 30 percent, measured from the top of the foundation;
5. The diameter or width of the replacement pole does not exceed twice that of the replaced pole at its widest point, and; where a single pole is replaced with a pi pole, the width of the pi pole structure must not exceed three times that of the replaced pole at its widest point;
6. Additional conductors or lines do not increase the number of conductors or lines by more than 100 percent;
7. The building footprint or the footprint of the structure does not increase by more than 30 percent of the existing building or structure, excluding any pole or pi pole structure provided for in 4 above;
8. The largest face area of a replacement panel antenna or the diameter of a replacement dish
   antenna does not increase by more than 20 percent;
9. There are no additional towers; and
10. A pole is not replaced with a tower.

Advice Note:

1. Where the activities undertaken under this rule are located within an Outstanding Natural Feature or Landscape, earthworks associated with the activity are Permitted under Rules NFL - R6 and NFL - R8.

Activity status where compliance not achieved: **Non-complying where standard 1 is not complied with.** Discretionary **where standards 2-10 are not complied with.**

~~**INF – R8**~~	~~**New Network Utility Customer Connections**~~

~~**Activity Status Permitted**~~
~~Where:~~

~~1. The connection does not include a new tower;~~
~~2. The connection does not exceed three additional poles; and~~
~~3. The diameter of conductors, lines or cables does not exceed 30mm.~~

~~**Advice Note:** Where the connection is to a heritage item identified in Schedule One resource consent is also required under Rule HH - R5.~~

~~**Activity status where compliance not achieved**: Discretionary~~

INF – R~~9~~7	**New Lines, Telecommunication Poles or Towers**

Activity Status Permitted
Where:

1. ~~This meets the~~ **All** performance standards in Rule INF - R1 **are complied with**;
2. This is located in a GRUZ - General Rural Zone or INZ - Industrial Zone;
3. Poles do not exceed a height of 25m; **and**
4. Towers do not exceed a height of 15m; **or**
5. **The activity is located below ground.**

Activity status where compliance not achieved: Non-complying where standard 1 is not complied with. Discretionary where standards 2-4 are not complied with.	
INF – R~~108~~	**New Telecommunications Kiosk**
Activity Status Permitted Where: 1. ~~This meets the~~ **All** performance standards in Rule INF - R1 **are complied with**; and 2. The maximum height is 3.5m and gross floor area is 1.5m^2.	
Activity status where compliance not achieved: Non-complying where standard 1 is not complied with. Restricted Discretionary where standard 2 is not complied with	
INF – R~~119~~	**New Small Cell Utility**
Activity Status Permitted Where: 1. ~~This meets the~~ **All** performance standards in Rule INF – R1 **are complied with; and** 2. **The volume (including any ancillary equipment but not including any cabling) is not more than 0.11m^3.**	
Activity status where compliance not achieved: Non-complying **where standard 1 is not complied with. Discretionary where standard 2 is not complied with**	
INF – R1~~2~~0	**New telecommunications poles, new antenna attached to poles and new antenna attached to a building not regulated by the NES-TF or regulated equipment not meeting the permitted standards of the NES-TF**
Activity Status Permitted Where: 1. ~~This~~ **The telecommunication pole, or antenna** is located within a ~~land~~ transport corridor; and a. The combined height of the pole and antenna does not exceed: i. 15m in a RESZ - Residential Zone, SETZ - Settlement Zone or CMUZ - Commercial and Mixed Use Zone; ii. 20m in an INZ - Industrial Zone; or iii. 35m in all other zones. b. A panel antenna: i. Does not exceed a width of 0.7m; and ii. When in a ~~land~~ transport corridor a formed legal road, fits within an envelope of 3.5m in length and 0.7m in diameter; c. A dish antenna does not exceed a diameter: i. Within a railway corridor of: 1. 1.2-m~~etres~~ in a GRUZ - General Rural Zone or INZ - Industrial Zone; 2. 0.9m in a CMUZ - Commercial and Mixed Use Zone ii. Outside of a railway corridor: 1. 1.2m outside of RESZ - Residential Zones and the SETZ - Settlement Zone d. Omni directional "whip" or dipole antennas do not exceed: I. 1.6m in vertical length; II. 60mm in diameter; and	

III. 1.5m in horizontal length.

e. A headframe does not exceed the following:

I. 2.5m in diameter in RESZ - Residential Zones and the SETZ - Settlement Zone;

II. 6m in diameter in all other zones (including unformed legal road).

2. ~~This~~ **The telecommunication pole, or antenna** is located outside a ~~land~~ transport corridor:

a. The combined height (network utility) of a telecommunications pole and antenna does not exceed:

i. 15m in a RESZ - Residential Zone, ~~CMUZ - Commercial and Mixed Use Zone~~ or SETZ - Settlement Zone;

ii. **20m in a CMUZ - Commercial and Mixed Use Zone**;

iii. 20m in a ~~IN~~**LIZ – Light** Industrial Zone **or 25m in a GIZ – General Industrial Zone**;

iv. 25m in all other locations, or 30m where there are two or more users of the same pole.

b. A panel antenna does not exceed a width of 0.7m;

c. A dish antenna does not exceed a diameter of 1.2m;

d. Omni directional "whip" or dipole antennas do not exceed:

i. 1.6m in vertical length;

ii. 60mm in diameter; and

iii. 1.5m in horizontal length

e. A headframe does not exceed:

i. 2.5m in diameter in RESZ - Residential Zones and SETZ - Settlement Zones;

ii. 6m in diameter in all other zones.

f. A new panel antenna face does not exceed 1.5m^2, and a new dish antenna does not exceed 1.2m; and

i. The antenna does not exceed a height of 5m above the point of attachment to the building, and is not attached to a building in the RESZ - Residential Zones or SETZ - Settlement Zone, except where the antenna is attached at least 15m above ground level.

Activity status where compliance not achieved: Restricted Discretionary

INF–R11	**Back-up Generators**

Activity Status Permitted
Where:

1. **All performance standards in Rule INF–R1 are complied with; and**
2. **The equipment is:**
   a. **being tested and maintained for a period not exceeding 48 hours in duration; or**
   b. **to provide backup electricity during routine or scheduled maintenance for a period not exceeding 48 hours; or for longer than 48 hours where that use complies with the noise limits specified between 0700 hours and 2200 hours relevant to the zone; or**
   c. **for emergency purposes only and operates for a maximum of 12 months.**

Activity status where compliance not achieved: Non-complying where standard 1 is not complied with. Discretionary where standard 2 is not complied with.

. **Controlled Activities**	
INF – R13~~3~~2	**New telecommunications poles and antennas in road reserve (regulated by Regulations 26 or 28 of the NES-TF that do not meet the permitted activity standards in Regulations 27 or 29 of the NES - TF)**
Activity Status Controlled Where: 1. The permitted activity combined height (network utility) of a telecommunications pole and antenna is exceeded by a maximum of 1m; 2. The telecommunications pole permitted activity notional envelope i**s** exceeded by a maximum of 1m in height up to 4.5m; 3. A panel antenna does not exceed a width of 0.8m; 4. A dish antenna does not exceed a diameter of **0.9m**. ~~iii. 0.6m in a RESZ - Residential Zone or SETZ - Settlement Zone;~~ ~~iv. 0.9m in all other zones.~~ Matters of control are: a. Visual effects;~~ in particular on the amenity values of the locality and streetscape~~ b. **Effects on amenity values**; c. Potential impacts on the operation, maintenance and upgrade of other network utilities.	
Activity status where compliance not achieved: Restricted Discretionary	
INF-R14~~3~~	**New telecommunications poles and antennas not in road reserve (regulated by Regulations ~~30, 32 or~~ 34 of the NES - TF that do not meet the permitted activity standards in Regulations ~~31, 33~~ or 35 or subject to Rule INF-R10(2) and not meeting the permitted activity standards)**
Activity Status Controlled Where: a. In the GRUZ - General Rural Zone or an INZ - Industrial Zone, the height does not exceed 30m, or 35m where two or more operator's utilities are on the same pole; b. A panel antenna does not exceed a width of 0.8m~~ (excluding those in a RESZ - Residential Zone or SETZ - Settlement Zone)~~; c. A dish antenna does not exceed a diameter of: iii. 0.6m in a RESZ - Residential Zone or SETZ - Settlement Zone; iv. 2m in all other zones. Matters of control: a. Visual effects;~~ in particular on the amenity values of the locality and streetscape~~ b. **Effects on amenity values**. **Advice Note:** **For activities subject to Rule INF-R10, this rule only applies in regard to the specific alternative standards set out above.**	
Activity status where compliance not achieved: Restricted Discretionary	
INF-R15~~4~~	**New telecommunications cabinets (regulated by Regulation 19 of the NES – TF that do not meet the permitted standards in Regulations 20, 31 or 22)**

Activity Status Restricted Discretionary Where: a. A single telecommunications cabinet does not have a footprint exceeding 2.5m^2 or a height (network utility) of 2m; and b. A group of telecommunications cabinets does not have a footprint exceeding 3m^2. Matters of control: c. Visual effects; ~~in particular on the amenity values~~ ~~of the locality and streetscape~~ d. **Effects on amenity values**.	
Activity status where compliance not achieved: Restricted Discretionary	
Restricted Discretionary Activities	
INF-R16~~5~~	**Connections to water, wastewater and stormwater ~~and~~ reticulated systems not meeting Permitted Activity standards**
Activity Status Restricted Discretionary **Discretion is restricted to:** a. Level of flood hazard mitigation through stormwater control; b. Any requirement for pre-treatment, retention or detention of stormwater or wastewater prior to discharge to the reticulated system; c. Provision of drinking water connections in accordance with NZS 4404: Code of Practice for Land Development and Subdivision Infrastructure and Council Engineering Standards; **and** d. Provision for wastewater connections in accordance with NZS 4404: Code of Practice or Land Development and Subdivision Infrastructure and Council Engineering Standards. **Advice Note:** Any discharge to land and/or water may require~~d~~ a discharge permit from the West Coastal Regional Council under the relevant regional plan.	
Activity status where compliance not achieved: N/A	
INF-R17~~6~~	**New underground gas pipeline up to 2,000 kilopascals and ancillary above ground stations and equipment**
Activity Status Restricted Discretionary Where: ~~1. Performance standards in Rule INF - R1 are complied with;~~ **1.** The gas pipeline will be underground. Discretion is restricted to: a. ~~Landscape measures~~**Measures to mitigate landscape effects**; b. Locational, technical and operational constraints; ~~and~~ c. Benefits to the community**; and** d. **Effects on indigenous biodiversity.**	
Activity status where compliance not achieved: Discretionary	
INF-R18~~7~~	**Lighthouses, navigational aids and beacons, environmental monitoring equipment and Meteorological facilities not meeting Permitted Activity standards**
Activity Status Restricted Discretionary Where: **1. All ~~P~~p**erformance standards in Rule INF-R1 are complied with. Discretion is restricted to:	

~~Landscape measures~~ a. **Measures to mitigate landscape effects**; a. Locational, technical and operational constraints; ~~and~~ b. Benefits to the community**; and** c. **Effects on indigenous biodiversity.**
Activity status where compliance not achieved: Non-complying

~~**INF-R19**~~	~~**Environmental monitoring and extreme weather event monitoring and meterological facilities not meeting Permitted Activity standards**~~
~~**Activity Status Restricted Discretionary**~~ ~~Discretion is restricted to:~~ ~~1. Impact on the resilience of the community to natural hazards and climate change;~~ ~~2. Benefits to the community;~~ ~~3. Locational, technical and operational constraints; and~~ ~~4. Landscape measures.~~	
~~**Activity status where compliance not achieved**: N/A~~	
~~**INF-R20**~~	~~**Meteorological facilities in rural and industrial zones not meeting Permitted Activity standards**~~
~~**Activity Status Restricted Discretionary**~~ ~~Discretion is restricted to:~~ ~~a. Locational, technical and operational constraints; and~~ ~~b. Landscape measures.~~	
~~**Activity status where compliance not achieved**: N/A~~	
INF-R~~2~~18	**Community Wastewater Treatment Facility in the Community Living Precinct**
Activity Status Restricted Discretionary Where: 1. This is located in accordance with a Concept Plan in Appendix Eight; 2. Disposal of treated effluent is through a land based effluent system. Discretion is restricted to: a. The design of the wastewater treatment plant and land based disposal method; b. Effects on Poutini Ngāi Tahu values within or adjacent to the site; c. Natural hazards or geotechnical ~~constraints~~ **considerations**; d. Effects on natural character, landscape, water quality and ecosystems; e. Any requirements arising from meeting the **NZS 4404: Code of Practice for Land Development and Subdivision Infrastructure** or the Council Engineering Standards. **Advice Note:** 1. A Discharge Consent under the West Coast Regional Land and Water Plan may also be required. 2. Applicants are encouraged to jointly lodge applications for consent under the Regional Plan and TTPP provisions at the same time to enable efficient processing.	
Activity status where compliance not achieved: Discretionary	

INF-R19	**New Telecommunications Kiosk not meeting Permitted Activity Standards**
Activity Status Restricted Discretionary Discretion is restricted to: a. Visual effects; ~~in particular on the amenity values of the locality and streetscape~~ b. **Effects on amenity values**.	
Activity status where compliance not achieved: N/A	
INF-R23~~0~~	**New Telecommunications Poles and Antennas attached to Poles and cabinets not meeting Permitted or Controlled Activity Standards**
Activity Status Restricted Discretionary Discretion is restricted to: a. The functional and operation needs of, and benefits derived from the network utility; b. Visual effects; ~~in particular on the amenity values of the locality and streetscape~~ c. **Effects on amenity values**; d. ~~significant~~**A**~~a~~dverse effects on ~~the values and attributes~~ **indigenous biodiversity and Overlay Chapter matters**. ~~adverse effects on of scheduled overlay chapter areas~~; e. The potential impacts on the operation, maintenance and upgrade of other network utilities.	
Activity status where compliance not achieved: N/A	
Discretionary Activities	
INF–R21	**New Community Wastewater treatment facility or New Community Reticulated Water Treatment Plant not provided for as a Controlled or Restricted Discretionary Activity**
Activity Status Discretionary	
Activity status where compliance not achieved: N/A	
INF–R22	**Maintenance and operation of existing gas pipeline or new pipelines and ancillary facilities up to 2,000 kilopascals not meeting Permitted or Restricted Discretionary Standards**
Activity Status Discretionary	
Activity status where compliance not achieved: N/A	
INF–R23	**Installation, extension, maintenance, operation, ~~minor~~ upgrade and repair of lines, poles and towers erected by a Network Utility Operator not meeting Permitted Activity standards**
Activity Status Discretionary	
INF–R24	**Temporary Network Activities and New Network Utility Customer Connections not meeting Permitted Activity standards**
Activity Status Discretionary	
Activity status where compliance not achieved: N/A	
INF–R25	**Any Infrastructure Activity not provided for in another rule**
Activity Status Discretionary	

Activity status where compliance not achieved: N/A	
Non-complying Activities	
INF–R2~~6~~8	**Any infrastructure activity which does not meet with Performance Standards in Rule INF - R1, or any rule which refers to those standards, in relation to Electric Fields, Magnetic Fields or Radio Frequency Fields**
Activity Status Non-complying	
Activity status where compliance not achieved: N/A	

Transport

Transport - Te Tūnuku

Overview

The West Coast/Te Tai o Poutini has an extensive road and rail network with a growing number of shared pathways. It is essential that people and goods are safely and efficiently transported to destinations through a multimodal transport network that enables all users to meet their economic, social and cultural needs.

The Transport Chapter contains all the objectives, policies and rules for managing the land transport corridors and the works and activities that occur within them. The Plan encourages safe, efficient and cost-effective transport corridors to support the movement of people, goods and services through integrated, accessible, and well-connected transport corridors.

Transport Performance Standards are contained in Appendix One: Transport Performance Standards. The Plan uses the One Network Roading Classification System (ONRCS). This national system divides roads into categories based on how busy they are, whether they connect to important destinations, or if they are the only route available. The ONRCS is used to specify the key standards for the design and construction of infrastructure. To support safety and connectivity, Te Tai o Poutini Plan also requires minimum design standards in respect of driveways, vehicle access points, visibility, road widths and other transport related infrastructure while also requiring on-site parking in appropriate places.

Land use and subdivision are managed to protect the land transport corridors from incompatible activities that could undermine the provision of an integrated, responsive, and sustainable transport system. The Transport Chapter is linked to the Part 2 – District-Wide Matters to ensure transport corridor works maintain the anticipated amenity, heritage, environmental, and cultural values. The risk from natural hazards is also considered.

The transport provisions apply to each zone identified in the Planning Maps and Part 3 - Area Specific Matters section of the Plan. The land use zoning is to be extended to the centreline of land transport corridors.

Provisions for Ports and public Airports/Heliports are included within the Port Zone and Airport Zone respectively.

Other relevant Te Tai o Poutini Plan provisions

It is important to note that in addition to the provisions in this chapter, a number of other Part 2: District-**W**~~w~~ide Matters chapters also contain provisions that may be relevant for energy activities, including:

Noise - The Noise Chapter contains the provisions for managing reverse sensitivity effects relating to noise sensitive activities establishing next to the state highways.

Signs - The Signs Chapter contains the provisions for signs, including those within the transport corridors.

Light - The Light Chapter contains the provisions for artificial outdoor light, including that within transport corridors.

Subdivision - The Subdivisions **C**~~c~~hapter sets out the requirements for the development of new transport connections.

Financial Contributions - The Financial Contributions **C**~~c~~hapter sets out the requirements for contributions of costs for activities which impact on the local roading network.

Overlay Chapters - The Overlay Chapters have provisions in relation to Sites and Areas of Significance to Māori; **Historic Heritage**; Ecosystems and Indigenous Biodiversity; Natural Features and Landscape**s**; Natural Character and Margins of Waterbodies; Natural Hazards; and the Coastal Environment. Where a transport activity is located within an overlay area (as identified in the planning maps) then the relevant overlay provisions apply.

Transport Objectives	
TRN– O1	To recognise and provide for the critical role land transport infrastructure plays in supporting communities including emergency services, and economic activity on the West Coast/Te Tai o Poutini.
TRN – O2	To ~~manage the effects~~ **provide for the safe and efficient operation** of land transport infrastructure ~~on the character, landscape and amenity of the towns, settlements and rural areas and minimise~~, **while**

	managing adverse effects on the environment.
TRN – O3	To enable accessibility, safety and connectivity of land transport infrastructure and ~~consider~~**to provide for** the amenity of all transport users, including pedestrians and cyclists.
TRN– O4	To encourage resilience within the transport network to natural hazards and climate change reflecting its vital role in community wellbeing and economic activity.
TRN – O5	To ensure that the provision of safe and efficient parking, loading and access is consistent with the character, scale and intensity of the zone, the roading hierarchy and the activity being undertaken.

Transport Policies

TRN – P1	The road and rail **transport** networks shall**:** ~~:~~ a. Be maintained or enhanced to provide safe and efficient transportation; b. Consider the needs of all transport users and modes of transport; ~~and~~ c. Minimise effects on adjoining properties including the impacts of vibration, noise and glare**; and** d. **Recognise the different functions and design requirements for each road classification under the National Transport Network classification system**.
TRN – P2	Vehicle crossings and associated access will**:** ~~:~~ a. Be designed and located to provide for safe, effective and efficient movement to and from sites; b. Minimise potential conflicts between vehicles, pedestrians and cyclists on the adjacent road network; and c. Manage **separation of** vehicle access to and from sites adjacent to intersections, **rail level crossings,** and where State Highways meet.
TRN – P3	Maximise user safety at road and rail level crossings by ~~considering the location of~~ **restricting** buildings**, structures, planting** and other visual obstructions within sightlines.
TRN – P4	~~Ensure any new r~~Road and pedestrian rail level crossings ~~carefully consider~~ ensure the safety of road users, pedestrians, and the effective and efficient operation of the regions rail network.

TRN – P5	Control vehicle access to sites adjacent to all road **and** ~~/~~rail level crossings to improve safety for road users on the approach to level crossings.
TRN – P6	Enable provision of electric vehicle and bicycle charging stations.
TRN – P7	Support increased cycling and walking by: a. Requiring larger developments to provide bicycle parking; ~~and~~ b. Providing for off-road pedestrian and bicycle facilitates to complement facilities located within the road network; **and** c. **Providing for connectivity within, between and across subdivisions and communities.**
TRN – P8	Manage the number, location and type of parking and loading spaces, including bicycle parking and electric car charging spaces to support the following: a. The safe, efficient and effective operation of the transport network; b. The functional and operational requirements of activities; ~~c. The recognition of different activities having different trip characteristics;~~ c. The use of sustainable transport options including cycling and walking; d. Provision of safe access and egress for vehicles, pedestrians and cyclists; e. Avoid or mitigate potential conflicts between vehicles, pedestrians and cyclists; f. Mitigation of stormwater contamination from vehicles through treatment of stormwater from large areas of car parking; **and** g. Provision for flexible approaches to parking, including more efficient use of parking spaces, and reduce incremental and individual parking provision.
TRN – P9	Require parking and loading areas to be designed so that reverse manoeuvring of vehicles onto or off the road does not occur in situations which will compromise: a. The safe, effective and efficient operation of roads including State Highways; or b. Pedestrian access and amenity; or c. Safe and functional access.
TRN – P10	**Recognise the function of land transport infrastructure and provide for the safe and efficient movement of people and goods.**
TRN – P11	**Only allow high traffic generating activities where these activities support the safe, efficient and effective use of transport infrastructure, as demonstrated through an integrated transport assessment (ITA).**

Transport Rules

Note: There may be a number of Plan provisions that apply to an activity, building, structure and site. In some cases, consent may be required under rules in this Chapter as well as rules in other Chapters in the Plan. In those cases unless otherwise specifically stated in a rule, consent is required under each of those identified rules. Details of the steps Plan users should take to determine the status of an activity is provided in General Approach.

Advice Notes:
Works undertaken in a road reserve / transport corridor or an area subject to a transport designation, that are undertaken by a Utility Provider who is not the roading authority are Permitted where these are compliant with the Utilities Access Act 2010 and Code of Practice.
Works undertaken in a road reserve / transport corridor or areas subject to a District Council designation also require road opening approval from the relevant District Council.
Minimum vehicle parking spaces, except for accessibility parking and bicycling parking, are not set. A minimum number of vehicle parking spaces do not have to be provided, however, if vehicle parking is provided it must comply with the vehicle parking standards.
Any work required for a new or upgraded vehicle crossing intersecting with a State Highway, requires a Corridor Access Request prior to any works occurring with the State Highway road reserve and approval from Waka Kotahi NZ Transport Agency.
Any crossing that intersects with the Rail Network requires approval from KiwiRail.
The Auckland Design Manual Guideline Document GD 2017/01 Stormwater Management Devices in the Auckland Region provides information on best practice stormwater design options for stormwater treatment.

Permitted Activities	
TRN - R1	**Establishment of accessways, vehicle crossings, parking spaces, loading spaces, queuing and standing spaces**
Activity Status Permitted Where: 1. Vehicle crossings and access way standards - TRN Tables 1 – ~~3~~ **4**, Standards TRN S1 - S3, and TRN Figure 1**-5** are complied with; 2. Parking, loading, queuing and standing standards - TRN Tables ~~4~~**5** – ~~5~~**6**, Standards TRN S4 - S6 **and TRN S12** and TRN Figures ~~2~~ **6** and ~~3~~**7** are complied with; 3. Manoeuvring standards TRN S7 - S11 are complied with; 4. Where an impermeable carparking area greater than 1000m^2 in area is provided, stormwater treatment is provided; and 5. Formation standards TRN S12 and TRN S13 are complied with. **Advice Note:** The Auckland Design Manual Guideline Document GD 2017/01 Stormwater Management Devices in the Auckland Region provides information on best practice stormwater design options for stormwater treatment.	
Activity status where compliance not achieved: Restricted Discretionary	

TRN - R2	~~**Land transport operation, removal, repairs and maintenance within a road reserve / transport corridor or an area subject to designation**~~ **Maintenance or upgrading of existing transport infrastructure within the existing transport corridor**
Activity Status Permitted Where: 1. **The works are undertaken by a requiring authority in accordance with a designation listing in this Plan; or** 2. All performance standards in Rule TRN - R1 are complied with; and 3. The works are undertaken: a. By, or on behalf of, a road controlling authority; or b. In accordance with a subdivision consent.~~; or~~ ~~c. By a requiring authority in accordance with a designation listing in this Plan~~.	
Activity status where compliance not achieved: Restricted Discretionary	

TRN – R3	**Formation of an unformed legal road**
Activity Status Permitted Where: 1. **This is by a requiring authority in accordance with a designation listing in this Plan; or** 2. All performance standards in Rule TRN - R1 are complied with; and 3. The works are undertaken: i. By, or on behalf of, a road controlling authority; or ii. In accordance with a subdivision consent.~~; or~~ iv. ~~By a requiring authority in accordance with a designation listing in this Plan.~~	
Activity status where compliance not achieved: Restricted Discretionary	

~~**TRN – R4**~~	~~**Formation of a new transport corridor**~~
~~**Activity Status Permitted**~~ ~~Where:~~ ~~1. This is undertaken by a requiring authority in accordance with a designation listed in this Plan.~~	
~~**Activity status where compliance not achieved**: Restricted Discretionary~~	

TRN – R~~5~~4	**Establishment of shared pathways including cycleways and bridleways on public land**
Activity Status Permitted Where: 1. The activity is below 1000m above sea level.	
Activity status where compliance not achieved: Restricted Discretionary	

TRN – R~~6~~5	**Establishment of e-bike and e-vehicle charging stations ~~in the transport corridor~~**
Activity Status Permitted Where: 1. All performance standards in Rule TRN - R1 are complied with; and 2. These are not more than 2m in height and 10m^2 in area. **Advice Note:** If within the legal road reserve, contact the appropriate ~~land transport~~ **road controlling** authority to obtain a license to occupy.	
Activity status where compliance not achieved: Restricted Discretionary	

TRN – R6	**Trip Generation Activities**
Activity Status Permitted **Where:** **1. The High Trip Generating Activities Thresholds in TRN Table 7 are complied with**	
Activity status where compliance not achieved: Restricted Discretionary	

TRN – R7	**Sight Lines at Railway Crossings**
Activity Status Permitted **Where:** **1. The sightlines standards in TRN Figure 9 are complied with.**	
Activity status where compliance not achieved: Restricted Discretionary	

Restricted Discretionary Activities	
TRN – R~~7~~8	**Establishment of accessways, vehicle crossings, parking spaces, loading spaces, queuing and standing spaces not meeting Permitted Activity standards**

Activity Status Restricted Discretionary Discretion is restricted to: a. The impact on other road users including pedestrians; b. Effects on the safety and efficiency of the transport system; c. The ability to safely and effectively park, load, queue; d. Any requirements for **natural** ~~flood~~ hazard mitigation; ~~and~~ e. Stormwater treatment and control; f. **The location, size and design of accessways, vehicle crossings, parking and loading areas; and** g. **The types of vehicle crossings serving the site, their intensity, the time of day the site is frequented and likely trip generation**.	
Activity status where compliance not achieved: N/A	

TRN – R~~8~~9	**Land transport operation, removal, repairs and maintenance within a ~~road reserve /~~ transport corridor ~~or an area subject to a designation~~ not meeting Permitted Activity standards**
Activity Status Restricted Discretionary Discretion is restricted to: a. Impacts during construction; b. Any requirements for **natural**~~flood~~ hazard mitigation; **and** c. Stormwater treatment and control.	
Activity status where compliance not achieved: N/A	

TRN – R~~9~~10	**Formation of unformed legal road not meeting Permitted Activity standards**
Activity Status Restricted Discretionary Discretion is restricted to: a. Effects on the safety and efficiency of the transport ~~system~~ **network**; b. The ability for accessibility park users to safely and effectively park, enter and exit a vehicle; c. The impact on other road users including pedestrians; d. Any requirements for **natural**~~flood~~ hazard mitigation; and e. Stormwater treatment and control.	
Activity status where compliance not achieved: N/A	

TRN – R~~10~~11	**Establishing shared paths including cycleways and bridleways on public land not meeting Permitted Activity standards**
Activity Status Restricted Discretionary Discretion is restricted to: a. Visual **effects** ~~impacts on landscapes over 1000m above sea level~~; b. **Effects on cultural, heritage and natural environment values**; c. Effects on public access; and d. Effects on the transport network.	
Activity status where compliance not achieved: N/A	

TRN – R~~11~~12	**Establishing e-bike and e-vehicle charging stations ~~in the transport corridor~~ not meeting Permitted Activity standards**
Activity Status Restricted Discretionary Discretion is restricted to: a. Effects on **safety and efficiency of** the transport network.~~; and~~ b. ~~Outcome of consultation with the relevant transport agency.~~	
Activity status where compliance not achieved: N/A	

TRN – R~~12~~13	**High trip generating transport activities**
Activity Status Restricted Discretionary Where: 1. This is the establishment of a new activity or the expansion of an existing activity **that exceeds the thresholds** listed in Table TRN ~~6~~ **7** ~~that complies with Standard TRN S14.~~ Discretion is restricted to: a. **The matters outlined in TRN S14 – High Trip Generating Activities Transport Assessment requirements** ~~b. Effects on the transport network; and~~ ~~c. Effects and recommendations to minimise effects from the transport assessment.~~	
Activity status where compliance not achieved: ~~Discretionary~~ N/A	

TRN – R14	**Sight Lines at Railway Crossings not meeting the Permitted Activity standards**
Activity Status Restricted Discretionary **Discretion is restricted to:** a. **The potential for adverse effects on the safety and efficiency of the rail network.**	
Activity status where compliance not achieved: N/A	

Discretionary Activities	
TRN – R~~14~~15	**Formation of a new Transport Corridor not undertaken by a requiring authority in accordance with a designation ~~meeting Permitted Activity standards~~**
Activity Status Discretionary **~~Notification:~~** ~~Applications will always be publicly notified.~~	
Activity status where compliance not achieved: N/A	

~~**TRN – R14**~~	~~**High Trip generating activities not meeting Restricted Discretionary Activity standards**~~

~~**Activity Status Discretionary**~~	
~~**Activity status where compliance not achieved**: N/A~~	
TRN – R16	**Any Transportation Activity not provided for in another rule**
Activity Status Discretionary	
Activity status where compliance not achieved: N/A	

Appendix One: Transport Performance Standards Te Āpitihanga Tuatahi: Ngā Ture Tūnuku

TRN Table 1 – Vehicle Access Design Standard – State Highway: Minimum **sight** distance ~~of~~ **from** vehicle access point ~~relative to intersections and minimum spacing~~

Posted Legal speed limit	Minimum sight distance	~~Minimum distance of vehicle access point relative to intersections~~	~~Minimum spacing between vehicle access points on same or opposite frontages~~
~~K~~ km/h~~r~~	Distance x in metr~~e~~s	~~Distance y in meters~~	~~Distance z in meters~~
50	115	~~30~~	~~9m for residential, 15m all other~~
60	140	~~30~~	~~20~~
70	170	~~100~~	~~40~~
80	205	~~100~~	~~100~~
100	280	~~200~~	~~200~~

TRN Table 2 – Vehicle Access Design Standard for vehicle access onto a local road, arterial or collector road, up to 60 vehicle movements a day: Minimum distance of vehicle access point relative to intersections and minimum spacing.

Posted Legal speed limit	Minimum sight distance Local Road	Minimum sight distance Collector Road	Minimum sight distance Arterial Road	Minimum spacing between vehicle access points on same or opposite frontages
~~K~~ km/h~~r~~	Distance x in metr~~e~~s	Distance x in metr~~e~~s	Distance x in metrers	Distance z in metr~~e~~s

50 or below	40	90	90	NA
60	55	115	115	NA
70	85	140	140	10
80	105	175	175	10
100	160	250	250	10~~m~~
Total maximum combined width of vehicle access points				4m or 50% of the road boundary, on any site

TRN Table 3 – **Vehicle Access** Design ~~s~~**S**tandards for minimum distances between any vehicle access point and **other vehicle access point or** transport corridor intersection

	~~Posted speed limit of 60km/hr or less~~			~~Posted speed limit of greater than 60km/hr~~		
	~~Arterial Road~~	~~Collector Road~~	~~Local Road~~	~~Arterial Road~~	~~Collector Road~~	~~Local Road~~
~~All RESZ - Residential Zones~~	~~15m~~	~~9m~~	~~9m~~	~~15m~~	~~9m~~	~~9m~~
~~MPZ - Māori Purpose, RURZ - Rural and FUZ - Future Urban Zones~~	~~30m~~	~~30m~~	~~30m~~	~~50m~~	~~50m~~	~~50m~~
~~OSRZ - Open Space and Recreation Zones~~	~~50m~~	~~30nm~~	~~30m~~	~~50m~~	~~30m~~	~~9m~~
~~AIRPZ - Airport and PORTZ - Port Zone~~	~~50m~~	~~30m~~	~~30m~~	~~50m~~	~~30m~~	~~9m~~

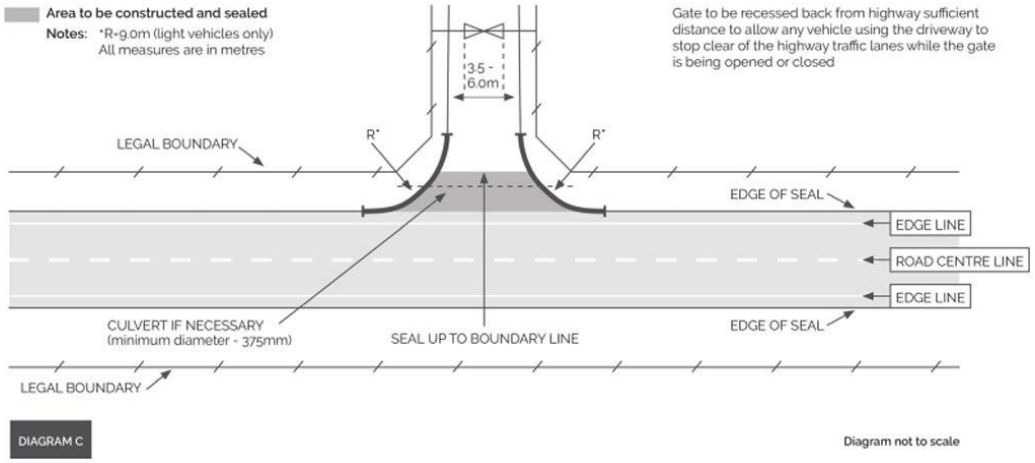
~~CMUZ - Commercial and Mixed Use, HOSZ - Hospital, STADZ - Stadium and all INZ - Industrial Zones~~	~~50m~~	~~30m~~	~~30m~~	~~50m~~	~~30m~~	~~9m~~

Type of traffic using accessway (more than one slow, heavy or long vehicle movements per week)	**Separation (m) for Posted Speed Limit (km/h) (refer Figure 5)**								
	30 – 50 km/h			**60 – 70 km/h**			**80 – 100 km/h**		
	K	**M**	**N**	**K**	**M**	**N**	**K**	**M**	**N**
Yes	**30**	**30**	**5**	**60**	**40**	**40**	**200**	**60**	**200**
No	**20**	**20**	**5**	**60**	**30**	**20**	**150**	**60**	**200**

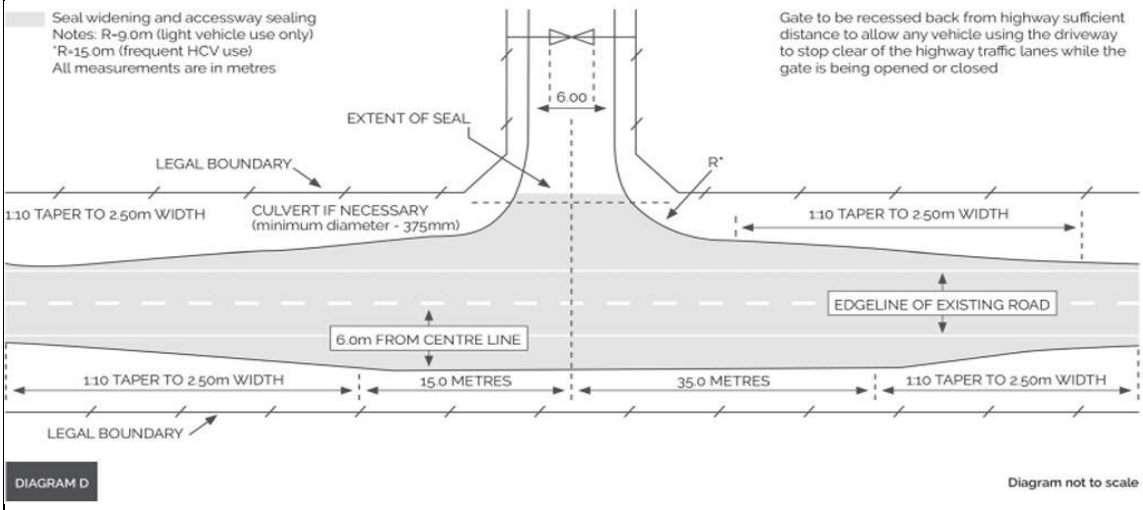
TRN Table 4: Accessway standards and guidelines for a new vehicle crossing on a sealed road where the posted speed limit is 70 km/h or above.

Daily traffic volume using the vehicle crossing (ECMs*)	**Is the vehicle crossing on a state highway?**	**Accessway type**
1 – 30; and no more than 2 heavy vehicle movements per week	**N/A**	**TRN Figure 1 Diagram C, Perspective C**
1 – 30; and more than 2 heavy vehicle movements per week, or, 31-100	**No**	**TRN Figure 2, Diagram D, Perspective D**
1 – 30; and more than 2 heavy vehicle movements per week, or 31-100	**Yes**	**TRN Figure 3, Diagram E, Perspective E**

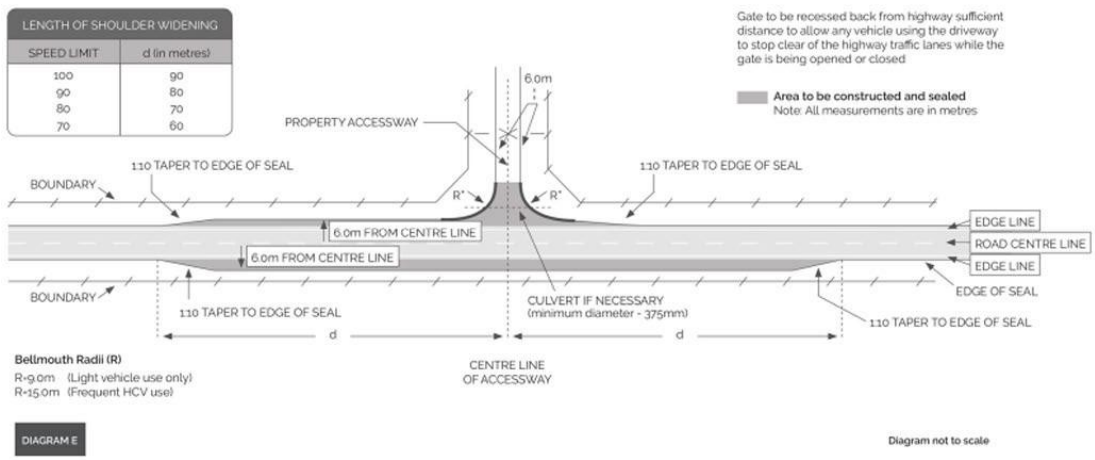
TRN Figure 1 – Diagram C, Perspective C



TRN Figure 2 – Diagram D – Perspective D



TRN Figure 3 – Diagram E – Perspective E



TRN S1 – All new vehicle access points shall be located a minimum of 30m from a railway level

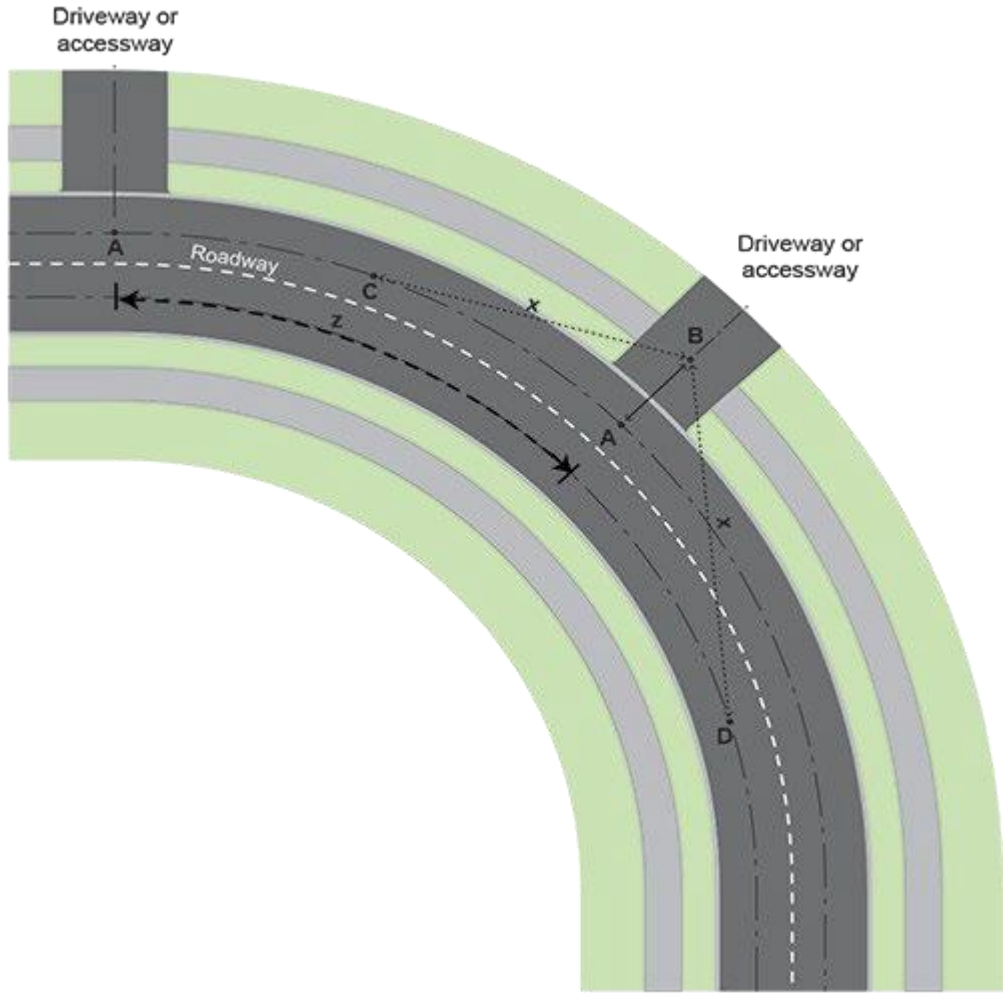
crossing. The 30m is measured from the closest rail track to the edge of the seal on the proposed vehicle access point. All new vehicle access points that intersect a railway require the approval of Kiwi~~r~~Rail.

TRN S2 Access areas must accommodate the 85th percentile car tracking curves in **TRN** Figure ~~4~~ **~~8~~**. The required driveway must not include any space used for on-site queue, tracking curve, manoeuvring, loading space, standing space, bicycle parking space, or vehicle access point.

TRN S3 – Requirements for driveways:

For all zones the minimum driveway width is 3**.5**m, and maximum gradient is 1:5.
For all zones, where the driveway is longer than 50m, passing bays must be provided at no more than 50m intervals. Turning areas must be provided when the driveway length is 50m or longer.

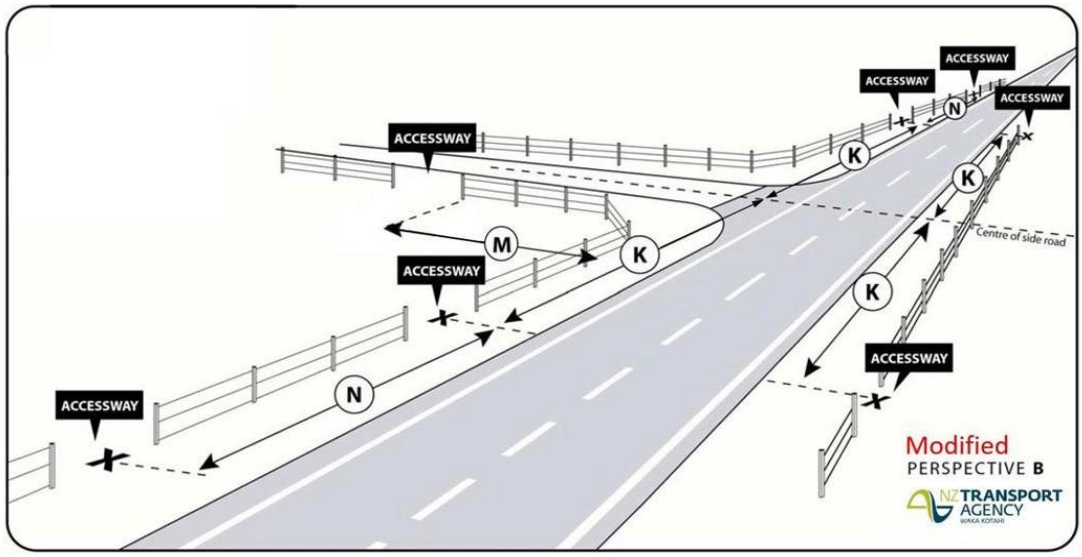
TRN Figure ~~1~~ **4** – Sight line calculations for **TRN** Table 1 and **TRN** Table 2



Sight lines shall be from driver's eye height to drivers eye height (1.15m) above ground level.
Point A: Intersection of lane centreline and driveway centreline.
Point B: Position of centreline of driveway where sight distance is measured (note - this is measured

from the edge lane line and where there is no edge lane line, from the edge of seal).
Point C and D: Position on centreline of lane where sight distance is measured.

TRN Figure 5 – Minimum Distance Calculation from vehicle access point and transport corridor intersection for TRN Table 3



TRN S4 – Where accessibility parking spaces are provided, they must be located on a level surface; clearly marked, designed and constructed in accordance with NZS 4121: 2001 Design for Access and Mobility – Buildings and Associated Facilities

TRN Table ~~4~~ **5** – Minimum number of on-site accessibility parking spaces

Total number of **vehicle** spaces provided	Number of accessibility parking spaces (inclusive of total)
Less than 20	1
Between 21 and 50	2
In excess of 50	2 plus 1 additional accessibility space per 50 vehicles spaces thereafter

TRN S5 – Where bicycle parking spaces are provided the space must enable bicycles to be securely attached to an immovable object and located so as not to impede pedestrian movement.

TRN Table ~~5~~ **6** – Minimum number of on-site bicycle parking spaces

Total number of **vehicle** spaces provided	Number of bicycle parking spaces
Less than 10	1
Between 10 and 20	2

In excess of 20	2 plus 1 additional accessibility space per 10 vehicles spaces thereafter

TRN S6 – Residential developments in Moana and Iveagh Bay must provide the equivalent of three car-parking spaces on-site for trailer / boat storage.

TRN S7 – Dimensions for on-site vehicle parking spaces including manoeuvring dimensions.

- Parking space and area for vehicles must not include any space for on-site queue, tracking curve, manoeuvring, loading space, standing space, bicycle parking space, or vehicle access point.
- Must meet the requirements specified for on-site dimensions for car parking areas and circulating routes for vehicles of dimensions less than service vehicles shown in **TRN** Figure ~~2~~ **6**, and
- For vehicles of dimensions equal or greater than a service vehicle.
- The two-way aisle width for parallel parking bays must be at least 3m wider than for one- way aisle. The two-way aisle width for parking bays at 90 degrees must be at least 5.5m.
- Where a parking space is located at the end of a blind aisle, an additional 1m clearance must be provided.
- Where any parking space has a side directly next to a wall, support column or other obstacles, an additional 300mm width must be provided.

TRN S8 – Where loading spaces and or standing spaces are provided, they must be designed to accommodate a 90th percentile two-axle truck in accordance with **TRN** Figure ~~3~~ **7**, and where articulated trucks and trailer, or buses are to be used, the loading space(s) must be designed to accommodate these vehicles. Every vehicle space must be of a useable shape and comply with the following dimensions:

- Minimum width of 3.5m if adjacent to a kerb or 4.5m when adjacent to a wall; minimum depth 8m, minimum height of 4.5m above ground / floor level.
- The loading space must not include any space for on-site queue, tracking curve, manoeuvring, standing space, bicycle parking space, or vehicle access point.
- The standing space must not include any space for on-site queue, tracking curve, manoeuvring, loading space, bicycle parking space, or vehicle access point.

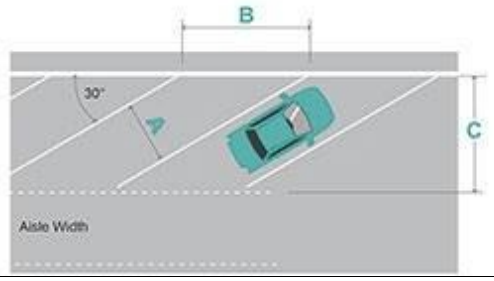
TRN S9 - On-site queuing spaces must be provided when six or more parking, loading, and / or standing spaces combined are provided on-site. On-site queuing lengths, measured from the commencement of the driveway to the site boundary, must comply with the following: 6m into the site if the largest vehicle to visit the site is a car, or 8m into the site if the largest vehicle to visit the site is a service vehicle; or when the largest vehicle to visit the site is greater than a service vehicle, then this vehicle must be able to be accommodated within the site.

TRN S10 – Minimum onsite manoeuvring space provision - On-site manoeuvring space must be provided where a single vehicle access point services four or more parking spaces; or access to a site is obtained from a state highway, arterial road or collector road.

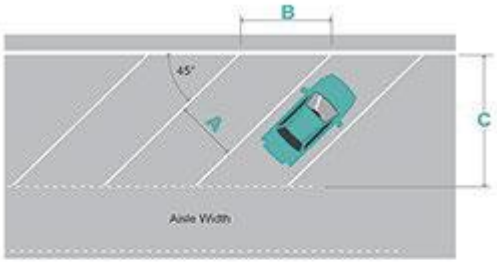
TRN S11 – Minimum onsite manoeuvring space design -The manoeuvring space must not include any space for on-site parking, queuing, loading, or standing space, or vehicle access point and must meet the requirements for the relevant tracking curve in **TRN** Figure ~~2~~ **6**.

This standard does not apply where the site has direct vehicle access to a service lane, right of way or driveway which be utilised instead of the required manoeuvring space.

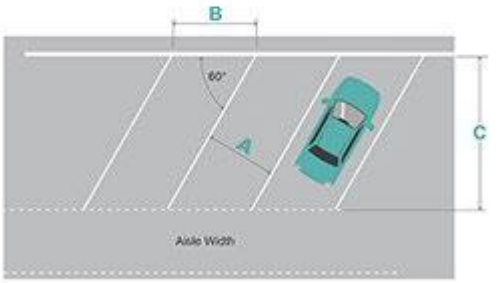
TRN – Figure ~~2~~ **6** – On-site car parking space dimensions



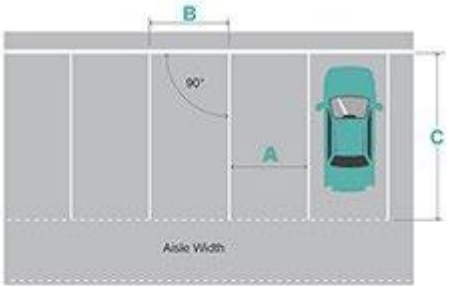
Parking Bays at 30°						
User Class	A	B	C1	C2	C3	Aisle Width
1	2.1	4.2	4.4	4.1	4.5	3.1
2	2.3	4.6	4.4	4.1	4.7	3.0
3	2.5	5.0	4.4	4.1	4.9	2.9
4	3.5	6.4	4.4	4.1	5.5	2.9



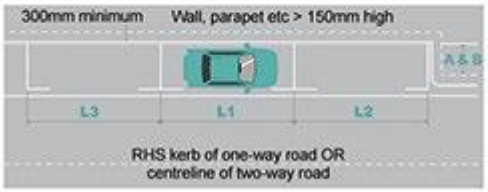
Parking Bays at 45°						
User Class	A	B	C1	C2	C3	Aisle Width
1	2.4	3.4	5.2	4.8	5.5	3.9
2	2.5	3.5	5.2	4.8	5.6	3.7
3	2.6	3.7	5.2	4.8	5.7	3.5
4	3.6	5.1	5.2	4.8	6.1	3.3



Parking Bays at 60°						
User Class	A	B	C1	C2	C3	Aisle Width
1	2.4	2.8	5.7	5.1	5.9	4.9
2	2.5	2.9	5.7	5.1	6.0	4.6
3	2.6	3.0	5.7	5.1	6.0	4.3
4	3.6	4.2	5.7	5.1	6.3	4.0

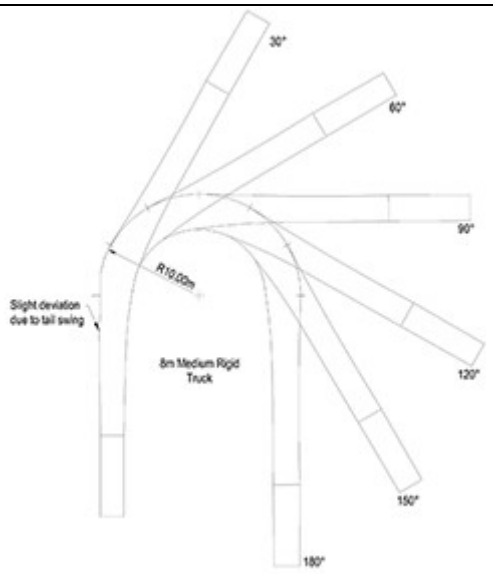


Parking Bays at 90°						
User Class	A	B	C1	C2	C3	Aisle Width
1	2.4	2.4	5.4	4.8	5.4	6.2
2	2.5	2.5	5.4	4.8	5.4	5.8
3	2.6	2.6	5.4	5.1	5.4	5.4
4	3.6	3.6	5.4	4.8	5.4	5.0

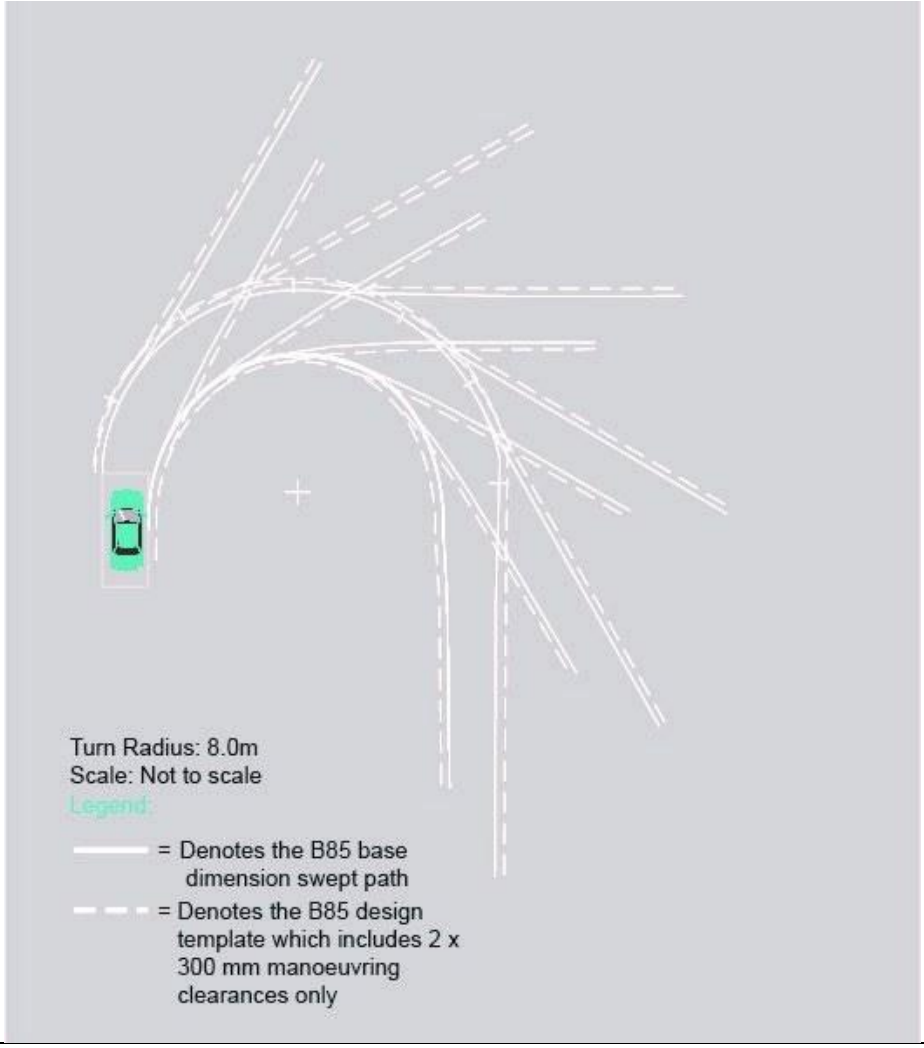


Parallel Parking Bays						
User Class	A	B	L1	L2	L3	Aisle Width
1, 2, 3	2.1	2.1				
4	3.6	3.6				
All			6.3	6.6	5.4	3.0
All			6.1	6.4	5.4	3.3
All			5.9	6.2	5.4	3.6

TRN - Figure ~~3~~ **7** - Tracking path for a 90th percentile two axle truck



TRN - Figure ~~4~~ **8** - Minimum tracking path for the 85th percentile car



Note:

With the exception of 90 degree car parks, aisle width dimensions are for manoeuvring into and out of car parks with one-way aisles.

User Class is identified as:

- for all day parking, such as tenant, employee and commuter parking;
- for medium-term parking, such as town centre parking, sports and entertainment centres, motels, airport visitors;
- for short-term parking, such as short-term town centre parking, shopping parking, hospitals, and the drop-off of children;
- accessible parking for people with disabilities.

Dimension C is selected as follows:

- C1: where parking is to a wall or high kerb not allowing any overhang;
- C2: where parking is to a low kerb which allows 600mm overhang;
- C3: where parking is controlled by wheelstops installed at right angles to the direction of parking, or where the ends of parking spaces form a sawtooth pattern.

Dimension L is selected as follows:

- L1: space length for consecutive parallel parking spaces;
- L2: space length for obstructed end spaces;
- L3: space length for unobstructed end spaces.

TRN S12 – Requirements for on-site vehicle parking, loading and standing spaces – construction and formation

All RURZ - Rural Zones and FUZ - Future Urban Zone	For sites with four or more vehicle parking / loading / standing spaces, the surface must be **metaled** ~~formed, sealed~~, marked and drained to an all- weather standard, with a maximum gradient of 1:20.
All RESZ - Residential Zones and MPZ - Māori Purpose Zone	For sites with four or more vehicle parking / loading / standing spaces, the surface must be **formed, sealed,** ~~metaled,~~ marked and drained to an all- weather standard, with a maximum gradient of 1:20.
All CMUZ - Commercial and Mixed Use, INZ - Industrial, OSRZ - Open Space and Recreation, AIRPZ - Airport, HOSZ - Hospital, STADZ - Stadium and PORTZ - Port Zones	For sites with ~~less~~ **more** than four on-site vehicle parking / loading / standing spaces the surface must be formed, with a maximum gradient of 1:20; and the area over which vehicles obtain access to the parking area is sealed from the vehicle access point to 5m into the site; or if adjacent to a residential zone, the area must be formed, sealed, marked and drained.
All zones	If the spaces are sealed, stormwater from the sealed surface must not be discharged causing erosion to other sites or accesses.

Note. Marking does not require all lines to be shown. However, it should be clear to the user of the parking area where the edge of each space is.

TRN S13 – Requirement for rights of way – construction and formation

All RESZ - Residential Zones, MPZ - Māori Purpose Zone, All RURZ - Rural Zones and FUZ - Future Urban Zone	The minimum road width is 3.5m one to nine dwellings, 5.5m for ten or more dwellings.
All CMUZ - Commercial and Mixed Use Zones	The minimum road width is 3**.5**m for 2 allotments, 4.5m for 3 or more allotments.
All INZ - Industrial, OSRZ - Open Space and Recreation Zones, HOSZ - Hospital, AIRPZ - Airport, STADZ - Stadium and PORTZ – Port zone	The minimum road width is 7m for 2 allotments, 10m for 3 or more allotments.
All zones	Stormwater from the right of way must not be discharged causing erosion to other sites or accesses. When a right of way services 3 or more allotments, one passing bay for every 50m of length shall be provided. Maximum gradient for right of way 1:5

TRN Table ~~6~~ **7** – High Trip Generating Activities **Thresholds**

~~Activity~~	~~Qualifier~~
~~Childcare including preschool, kindergarten and play centre~~	~~25 children~~
~~Education – Schools~~	~~30 students~~
~~Education – Tertiary~~	~~150 FTE students~~
~~Industrial~~	~~5,000m² Gross Floor Area~~
~~Mining and Quarrying~~	~~>30 heavy vehicle movements per day~~
~~Warehousing and distribution~~	~~6,500m² Gross Floor Area~~
~~Healthcare~~	~~300m² Gross Floor Area~~
~~Office~~	~~2,000m² Gross Floor Area~~
~~Residential~~	~~20 residential sites / units~~
~~Retail – Shops and supermarkets~~	~~250m² Gross Floor Area~~
~~Retail – Large Format and Bulk Goods~~	~~500m² Gross Floor Area~~
~~Service Stations~~	~~2 filling pumps~~
~~Mixed use or other activities not otherwise listed in this Table~~	~~60 vehicle movements per day~~

Equivalent Car Movements*	**Access is to a road classified** as:**			
	Local	**Collector**	**Arterial**	**State Highway**

per day				
0-100	**N/A**	**N/A**	**N/A**	**N/A**
101-200	**N/A**	**Basic**	**Basic**	**Full**
210-400	**Basic**	**Basic**	**Full**	**Full**
>400	**Full**	**Full**	**Full**	**Full**

*** Equivalent Car Movements (a movement is one car out or into a site)**

- **1 equivalent car movement (ecm) = 1 car / light vehicle movement,**
- **3 ecm = 1 heavy commercial vehicle movement (1 truck),**
- **5 ecm = 1 combination heavy commercial vehicle movement (1 articulated truck or truck and trailer).**

**** Refer TRN – S15 for Road Classifications**

TRN S14 – High Trip Generating Activities - Transport Assessment requirements

1. ~~Whether the provision of access and on-site manoeuvring areas associated with the activity, including vehicle loading and servicing deliveries, affects the safety, efficiency, accessibility (including for people whose mobility is restricted) of the site, and the land transport network.~~
2. ~~Whether the design and layout of the proposed activity maximises opportunities for travel other than private cars, including by providing safe and convenient access for travel using more active modes.~~
3. ~~Having particular regard to the level of additional traffic generated by the activity and whether measures are proposed to adequately mitigate the actual or potential effects from the anticipated trip generation (for all transport modes) from the proposed activity, including consideration of cumulative effects with other activities in the vicinity, proposed infrastructure and construction work associated with the activity.~~
4. ~~Whether there are any effects from the anticipated trip generation and how they are to be mitigated where activities will generate more than 250 hvm/d heavy vehicle movements per day.~~
5. ~~Whether the transport assessment has been prepared by a suitably qualified and experienced transport specialist and has been approved by the relevant District Council.~~

1. **Basic Traffic Impact Assessment:**

   a. **Whether the provision of access and on-site manoeuvring areas associated with the activity, including vehicle loading and servicing deliveries. affects the safety, efficiency, accessibility (including for people whose mobility is restricted) of the site, and the land transport network (including considering the network classification of the frontage road).**

   b. **Whether the design and layout of the proposed activity promotes opportunities for travel other than by private cars, including by providing safe and convenient access for travel using more active modes.**

   c. **Whether the traffic impact assessment has been prepared by a suitably qualified and experienced transport specialist.**

   d. **Need for a traffic impact assessment - Any characteristics of a proposed activity or**

site that are out of scope of an existing ITA but where expected traffic generation and access to existing multi modal connections mean requiring a traffic impact assessment, in a manner set out in this rule, is unnecessary.

2. **Full Integrated Traffic Assessment:**

   a. **Whether the provision of access and on-site manoeuvring areas associated with the activity, including vehicle loading and servicing deliveries, affects the safety, efficiency, accessibility (including for people whose mobility is restricted) of the site, and the land transport network (including considering the network classification of the frontage road).**

   b. **Whether the design and layout of the proposed activity promotes opportunities for travel other than by private cars, including by providing safe and convenient access for travel using more active modes.**

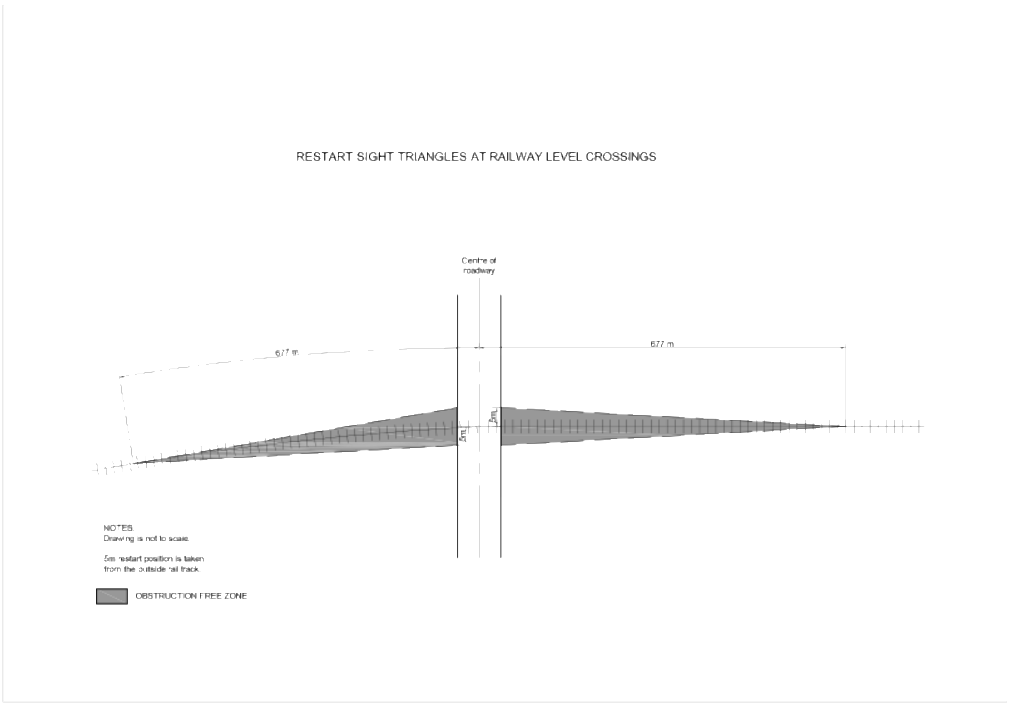
   c. **Having particular regard to the level of additional traffic generated by the activity while taking into account any particular effects from heavy vehicles and whether measures are proposed to adequately mitigate the actual or potential effects from the anticipated trip generation (for all transport modes) from the proposed activity, including consideration of cumulative effects with other activities in the vicinity, proposed infrastructure and construction work associated with the activity.**

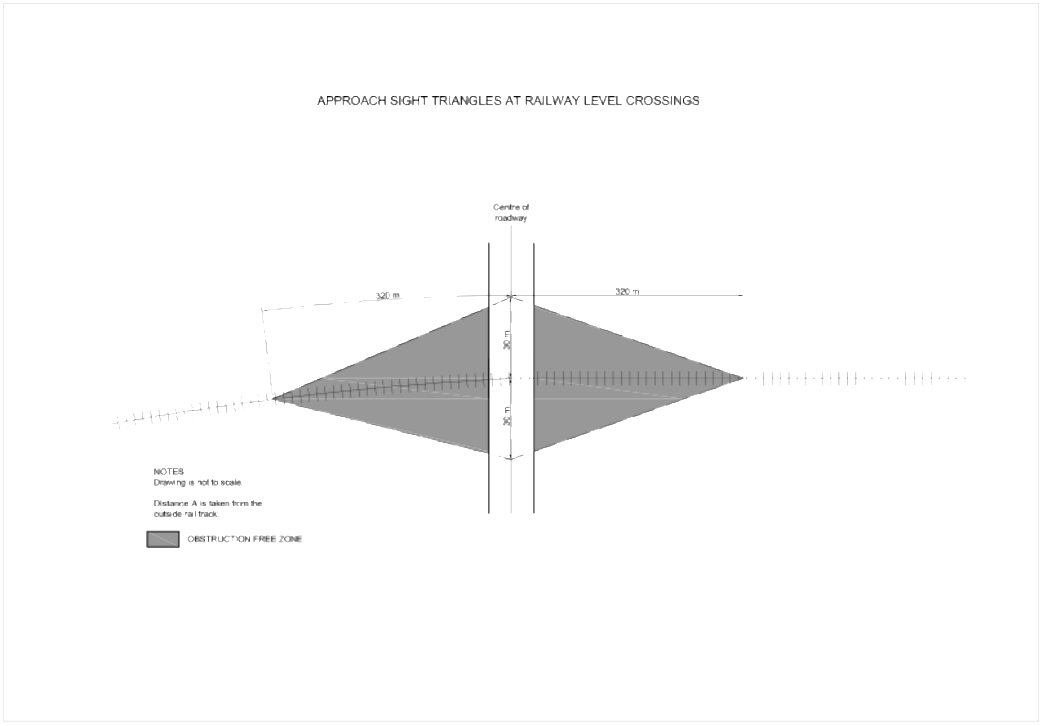
   d. **Whether there are any effects from the anticipated trip generation and how they are to be mitigated where activities will generate more than 250hvm/d.**

   e. **Whether the ITA has been prepared by a suitably qualified and experienced transport specialist.**

   f. **Need for an ITA - Any characteristics of a proposed activity or site that are out of scope of an existing ITA but where expected traffic generation and access to existing multi modal connections mean requiring an ITA, in a manner set out in this standard, is unnecessary**.

TRN – Figure 9 - Sight Line Requirements at Railway Crossings





S - 15 Road Classifications

State Highway

Buller District	• **Westport - Mokihinui River (SH67)** • **Mokihinui – Seddonville Rd (SH 67)** • **Westport – Cape Foulwind (Cape Foulwind Road) (SH67A)** • **Westport – Dolomite Point (part SH6)** • **Upper and Lower Buller Gorge (SH6)** • **Lewis Pass - Ikamatua (part SH7)** • **Inangahua Junction - Reefton (SH 69)** • **Springs Junction - Boundary Road (Shenandoah) (part SH 65)**
Grey District	• **Dolomite Point – Taramakau River (SH6)** • **Big Grey River – Greymouth (SH7)**
Westland District	• **Taramakau River – Hokitika (SH6)** • **Hokitika – Haast (SH6)** • **Haast – Haast Pass (SH6)** • **Kumara Junction to Arthur's Pass (SH73)**
Arterial	
Buller District	• **Cobden St East (Russell St to Dommett St)** • **Cobden St West (Russell St to Palmerston St)** • **Derby St (Russell St to Palmerston St)** • **Derby St (Cobden St (RHS) to SH67 (Brougham St))** • **Golf Links Rd (SH67A to Mill St)** • **Mill St East (Russell St to Dommett St)** • **Mill St West (Russell St to SH67 (Palmerston St))** • **Palmerston St (Henley St to Sump at Bend (LHS))**
Grey District	• **Lake Brunner Rd (Bell Hill Rd to Bridge start)** • **Lake Brunner Rd (Ahau Rd to Bell Hill Rd)** • **Lake Brunner Rd (width change to Unnamed Road 16)** • **Taylorville Rd (SH6 to SH4)** • **Taylorville Rd (50km/hr sign to 97km/hr sign)** • **Stillwater Blackball Rd (Taylorville Rd to Blackball)** • **Arnold Valley Rd (SH7 to Ahau St)** • **Rutherglen Rd (SH6 to Maori Creek/Marsden New River)** • **Rutherglen Rd (end of widening to start of bridge)** • **Bright St (Blackett St to Richmond St)** • **Mawhera Quay (SH7 to Boundary St)** • **Mackay St (Mawhera Quay to Boundary St)** • **Boundary Street (Mawhera Quay to Preston Rd)** • **Tainui St (Mawhera Quay to SH4)** • **Herbert St (Mackay St to SH7)** • **Shakespeare St (SH6 to Alexander St)**
Westland District	• **Stafford St (Fitzherbert St to Town Belt East)** • **Kaniere Rd (Stafford St to Woodstock – Rimu Rd)** • **Woodstock – Rimu Rd (Kaniere Kowhitirangi Rd to Sandstone Rd)**
Collector	
Buller District	• **Abattoir Rd (Domett St to Kew Rd)** • **Alma Rd**

	• **Atarau Rd (SH7 to Rough River Bridge)** • **Banbury St South (Chamberlain St walkway to Elgin St (LHS))** • **Bridge St Karamea (2nd bridge abutment to Waverley St (LHS)** • **Bright St West (Palmerston St to end of seal)** • **Brougham St (Adderley St to SH67 (Palmerston St))** • **Buller Road (SH69 (Sinnamon St) to Walsh St)** • **Cape Foulwind Rd (End of SH67A (Concrete Pad) to Tauranga Bay Rd)** • **Craddock Drive (Orowaiti Rd to end of seal)** • **Darkies Terrace Rd (SH6 to end of seal)** • **Denniston Track (Elgin St (LHS) to Boswell St (LHS)** • **Derby St (Craddock Drive to Cobden St (RHS)** • **Derby St (Mill St to Robertson St)** • **Derby St (Start of KCC (LHS) to Start of KCC (RHS))** • **Dole St (SH67 to Tyler Rd)** • **Dommett St (Cobden St to Abattoir Rd)** • **Gannons Rd (SH69 (Buller Rd) to end of seal)** • **Golf Links Rd (50km/hr sign to Marine Parade)** • **Karamea Highway (50m past De Malmanches Rd to South Tce)** • **Karamea Highway (South Tce to 2nd bridge abutment)** • **Kew Rd (Eastons Rd to Abattoir Rd)** • **Kohaihai (South abutment/Oparara Bridge to 1st bridge abutment)** • **Kohaihai (East abutment/Quinlan Bridge to South Abutment/Oparara Bridge)** • **Lighthouse Road (Cape Foulwind Rd to Carpark entrance)** • **McGill St (SH67/sump(RHS) to Chamberlain St pathway)** • **McKenna Rd (Abbatori Rd to farm tracks (L and RHS)** • **Millerton Track (Stockton Rd) (SH67 to Stockton Mine gate)** • **Mokihinui Rd (SH67 to River Rd (LHS)** • **Mokihinui Rd (End of seal to Mokihinui Preserve Rd)** • **Nine Mile Rd (Stafford St to start of seal)** • **Nine Mile Rd (Railway crossing to start of seal)** • **Nine Mile Rd (Start of seal to end of seal)** • **Nine Mile Rd (End of seal to railway crossing)** • **Orowaiti Rd (Domett St to SH67)** • **Queen St (South) SH67 (Brougham St) to Stafford St)** • **Rintoul St (The Esplanade (LHS) to Adderley St (South))** • **Robertson St (Derby St to end of St)** • **Russell St (Gladstone St to end of St)** • **Sawmill Rd (Railway Rd to Sawmill Entrance)** • **Schadick Ave (Golf Links Rd to Tiphead Rd)** • **Seal Colony Rd (Tauranga Bay Rd to End of Loop)** • **Stafford St (Queen St to McKenna Rd)** • **Stephen Rd (McKenna Rd to Caledonian Rd)**

	• **Tauranga Bay Rd (Cape Foulwind Rd to end of Rd)** • **The Esplanade (SH67 to Fonblanque St)** • **Tiphead Rd (Seal join to end of Rd)** • **Utopia Rd (Westport) (SH67 to end of seal)** • **Victory St (Crampton Rd to Shaw St)** • **Waverley St (Oparara Rd to Wharf Rd)** • **Wharf Rd (Karamea) (East abutment/Quinlan Bridge to Waverley St)** • **Wilsons Lead Rd (SH6 to Tauranga Bay Rd)**
Grey District	• **Alexander St (Chapel St to Shakespeare St)** • **Atarau Rd (Main Road (to Blackball) to Rough River Bridge)** • **Bell Hill Rd (end of seal to Haupiri Rd, from Lake Brunner Rd to end of seal, from start of seal to start of seal)** • **Blair Rd (from Kotuku Bell Hill Rd to Arnold Valley Rd** • **Blair Rd (Arnold Valley Rd to Kotuku Bell Hill Rd)** • **Blair Rd (end of seal to private road LHS)** • **Blair Rd (bridge start to private road LHS)** • **Blair Rd (bridge start to private road RHS)** • **Bright St, Greymouth (SH6 to Blackett St)** • **Buccleugh St (SH6 to end of seal)** • **Camerons Rd (State Highway 6 to Forestry Rd begins)** • **Chesterfield St (Tasman St to end of seal)** • **Cowper St (Brunner St to SH7)** • **Deep Creek Rd (Blair Rd to Nelson Creek Bridge)** • **Domett Esplanade (Bright St to end of Road at Carpark)** • **Felix Campbell St (Water Walk Rd to Shelley St)** • **Gresson St (Boundary St to Gilbert St)** • **Guiness St (Tainui St to Boundary St)** • **Hart St (Denston St to Wilson St)** • **Heaphy St (State Highway 6 to Shakespeare St)** • **Kumara Inchbonnie Road (Kumara Bridge (start) to Lake Brunner Kotuku Bell Rd (Blair Rd to Bell Hill Rd)** • **Road)** • **Lake Brunner Rd (from 100/50 km/hr road sign to bridge end)** • **Lord St (SH6 to Herbert St)** • **McLean Pit Rd (State Highway 6 to end of road @ dump)** • **Main Rd (Main Rd (South) to Glassons Lane** • **Marlborough St (Cowper St to KCC start left hand side)** • **Marsden Rd (start of bridge to Rutherglen Rd)** • **Marsden Rd (Shakespeare St to Sinnott Road)** • **Marsden Rd (private road LHS to start of bridge)** • **Marsden Rd (Ridgeway Drive to start of KCC on RHS)** • **Packers Quay, Greymouth (Rigg St to Collins St)** • **Preston Road, Greymouth (Merrick St to end of KCC on right hand side)** • **Puketahi St (SH6 to Alexander St)**

	• **Raleigh St North (SH6 to Cowper St)** • **Roa Rd (Darcy St to end of Roa Rd)** • **Road to Hospital (Cowper St to start of bridge)** • **Shelley St (Chesterfield St to Nelson St West)** • **Swift St (Preston Rd to Achilles Triangle Rd)** • **Steer Avenue, Greymouth (Preston Rd to Reid St)** • **Taramakau Settlement Road (Kumara Inchbonnie Rd to end of seal, from start of 95/96 correction to Nicholas Rd)** • **Tasman St (Road Widens/Access Road to end of seal)** • **Turumaha St (Herbert St to Brunner St)** • **Water Walk Road (Raleigh St to Felix Campbell St)**
Westland District	• **Adamson Rd (Waitangitaoana Rd to end of seal)** • **Arahura Valley Rd (SH6 to German Rd)** • **Arthurstown Rd (Woodstock Rimu Rd to SH6)** • **Blue Spur Rd (Hau Hau Rd to Arahura Valley Rd)** • **Brickfield Rd (Hau Hau Blue Spur Rd to end of Rd)** • **Cook Flat Rd (SH6 to end of road at river)** • **Cron St (end of seal to end of stage (2024)** • **Forks – Okarito Rd (SH6 to end of seal)** • **Haast – Jackson Bay Rd (SH6 to end of seal)** • **Hampden St (Tancred St to Sewell St)** • **Hampden St (Fitzherbert St to Town Belt East)** • **Hans Bay Rd Arahutika (Sunny Bight Rd to Stuart St)** • **Hau Hau Rd (East Town Belt Rd to Blue Spur Rd)** • **Kaniere Kowhitirangi Rd (100km/hr sign to Cropp Rd)** • **Lake Brunner Rd (SH73 to Sir Stanley Gooseman Bridge)** • **Lake Kaniere Rd (Kaniere Kowhitirangi Rd to Sunny Bight Rd)** • **Park St (Fitzherbert St to Hoffman St)** • **Revell St (Hamilton St to Tudor St)** • **Sewell St (Hamilton St to Park St)** • **Stafford St West (Revell St to Tancred St)** • **Tancred St (Hamilton St to Stafford St)** • **Taramakau Settlement Rd (Kumara Inchbonnie Rd to end of seal)** • **Tudor St (sewell St to Fitzherbert St)** • **Upper Kokatahi Rd (Kaniere Kowhitirangi Rd to FF Road)** • **Wanganui Flat Rd (SH6 to end of road at riverbank)** • **Weld St (Revell St to Livingstone St)** • **Whataroa Flat Rd (SH6 to Whale Rd)**
Local Roads	
Buller, Grey and Westland Districts	**The remainder of the roads not listed in this table are local roads.**

TAI POUTINI PLAN COMMITTEE

Hearing of Submissions on the Proposed Te Tai O Poutini Plan

Recommendation Report of Hearing Panel

Recommendation Report

Ecosystems and Indigenous Biodiversity –

Ngā Pūnaha Rauropi me te Kanorau Koiora

Hearing Dates:

18 and 19 November 2024 (Westport)

21 and 22 November 2024 (Hokitika)

HEARING PANEL

Dean Chrystal (Chair)

Sharon McGarry

Anton Becker

Maria Bartlett

Paul Rogers

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APPENDICES
Appendix 1 – Recommendations

PART A – INTRODUCTORY MATTERS

1. PRELIMINARY MATTERS

1.1. Introduction

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

2. This Recommendation Report relates to the Ecosystems and Indigenous Biodiversity (**ECO**) Chapter - Ngā Pūnaha Rauropi me te Kanorau Chapter in the Natural Environmental Values – Ngā Uara Taiao Aotūroa section of the pTTPP, including Schedule Four, associated definitions and the planning maps in relation to the mapping of Significant Natural Areas (**SNA**). The Report contains the Hearing Panel's evaluations and recommendations to the TTPP Committee on the submissions and further submissions received on these sections of the Plan.

3. The Section 32 Report[1] provides separate evaluation of the options for the management of ecosystems and indigenous biodiversity through the combined Plan, including the regulatory framework, key resource management issues, and the evidence and research basis. This includes the consultation, information and analysis undertaken, and evaluation of the options.

4. The Section 42A Officer's Report[2] ('s42A Report'), authored by Ms Lois Easton, principal consultant with Kererū Consultants acting as the Reporting Officer, was circulated prior to the hearing. The s42A Report provided an analysis of submissions and further submissions received; and made recommendations on changes to the notified plan provisions (the changes were included in Appendix 1 and the recommendations on all submissions as to either accept, accept in part or reject in Appendix 2).

5. Ms Easton subsequently provided a supplementary statement to the s42A Report[3] which responded to the Resource Management Amendment Bill passing into law and the implications of that on the recommendations in the s42A Report.

6. The s42A Report assessed a total of 1160 submissions points and 558 further submission points on the Ecosystems and Indigenous Biodiversity topic. It provided summaries of all the submissions and further submissions received and the relief sought; an analysis of the proposed changes to provisions; and recommendations on changes to the plan provisions.

7. The matters raised by submitters were grouped in the s42A Report in relation to each of the following key issues:

    a. Definitions;
    b. General/Whole Chapter;
    c. Objectives;
    d. Policies;
    e. Rules; and

[1] Te Tai o Poutini Plan – Section 32 Evaluation Report Five
[2] Ecosystems and Biodiversity
[3] Supplementary Statement to Section 42A Report in relation to the RMA Amendments (Freshwater and Other Matters Act) dated 8 November 2024.

f. Schedules/Planning Maps

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

9. The Panel issued three minutes in relation to the Ecosystems and Indigenous Biodiversity topic that gave direction to various hearing participants. Minutes 36 and 40 (issued on 6 August 2024 and 8 August 2024 respectively) related to the timing of the hearing. Minute 54 (issued on 3 December 2024) requested the planning witnesses to caucus on a variety of matters. This resulted in the provision of a Joint Witness Statement (**JWS**).

10. This Recommendation Report follows the same structure of the s42A Report and provides a brief summary of the issues raised in submissions and further submissions, the s42A Report analysis and recommendations, submitter evidence/statements and the Reporting Officer's reply evidence, before providing our evaluation and recommendation.

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

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

13. Where the Panel recommends the TTPP provisions should remain as notified, it is because:

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

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

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

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

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

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

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

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

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

16. If there are circumstances where the Panel consider that alternative relief is more appropriate than that requested in submissions and further submissions to give effect to the RMA, NZCPS, national policy statements and/or RPS, but are still within the scope of the relief sought, the relevant recommendation clearly sets out the nature of the change and the reason for the change. This is recorded in this Recommendation Report.

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

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

1.2. Terminology in this Report

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

BDC	Buller District Council
Councils	Buller District Council, Grey District Council, and Westland District Council
Director General	Director General of Conservation
DOC	Department of Conservation
Fish & Game	West Coast Fish and Game Council
Forest & Bird	Royal Forest & Bird Protection Society of NZ Inc
GDC	Grey District Council
Hort NZ	Horticulture New Zealand

KiwiRail	KiwiRail Holdings Limited
Manawa	Manawa Energy Limited
MINZ	Mineral Extraction Zone
MOE	Ministry of Education
NESCF	National Environmental Standard for Commercial Forestry
NESETA	Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009
NESF	National Environmental Standard for Freshwater
NOSZ	Natural Open Space Zone
NPSFM	National Policy Statement for Freshwater Management 2020
NPSHPL	National Policy Statement for Highly Productive Land
NPSIB	National Policy Statement for Indigenous Biodiversity
NPSREG	National Policy Statement for Renewable Electricity Generation 2011
NZCPS	New Zealand Coastal Policy Statement
ONF	Outstanding Natural Feature
ONL	Outstanding Natural Landscape
ONLF	Outstanding Natural Landscapes and Features
Planning Standards	National Planning Standards
Poutini Ngāi Tahu	Te Rūnanga o Ngāi Tahu, Te Runanga o Ngāti Waewae, Te Rūnanga o Makaawhio
RLZ	Rural Lifestyle Zone
RMA or the Act	Resource Management Act 1991
RMAA	Resource Management (Freshwater and Other Matters) Amendment Act 2024
RPS	West Coast Regional Policy Statement

SASM	Sites and Areas of Significance to Māori
SNA	Significant Natural Area
Transpower	Transpower New Zealand Limited
TTPP	Te Tai o Poutini Plan
Waka Kotahi NZTA	NZ Transport Agency Waka Kotahi
WCRC	West Coast Regional Council
WDC	Westland District Council

1.3. Hearing Arrangements

20. The hearing was held at the NBS Theatre in Westport on the 18 and 19 of November 2024 and at the Hokitika RSA and St John Meeting Room in Hokitika on the 21 and 22 November 2024. Some submitters appeared remotely by audio visual link.

21. At the hearing, Ms Easton tabled a planning summary statement to her s42A Report and supplementary statement.

1.4. Appearances

22. The following submitters appeared at the hearing either in person or online:

Te Rūnanga o Ngāi Tahu, Te Rūnanga o Ngāti Waewae, Te Rūnanga Makaawhio ('Poutini Ngāi Tahu')
- Ms Rachael Pull, Senior Environmental Advisor

Mr Graeme Walsh, for himself

Chorus New Zealand Limited, Spark New Zealand Trading Limited, One New Zealand Group Limited and Forty South ('the Telecommunications Companies')
- Mr Graeme McCarrison, Environment and Planning Manager with Spark
- Mr Chris Horne, Resource Management Consultant with Incite Limited

Manawa Energy Limited ('Manawa')
- Ms Stephanie Styles, Associate Partner with Boffa Miskell Ltd

Te Tumu Paeroa – The office of the Māori Trustee ('Te Tumu Paeroa')
- Ms Ngahuia Huirama
- Ms Vanessa Griffiths

West Coast Federated Farmers of New Zealand ('Federated Farmers')
- Mr Simon Cameron, Farmer Haast
- Ms Kate Sannazzaro, Senior Policy Analyst
- Ms Eleanor Linscott, Regional Policy Manager - Southern

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

Nikau Deer Farm Limited - Mr George and Mrs Caryl Coates

Terra Firma Mining Limited - Ms Lucy Smith

Transpower New Zealand Limited ('Transpower')
- Ms Sarah Shand, Environmental Planner with Transpower
- Ms Pauline Whitney, Planner with Boffa Miskell Ltd

Director General of Conservation ('Director General')
- Mr Matt Pemberton, Counsel
- Mr Murray Brass, Senior RMA Planner
- Ms Cassie Mealey, Technical Advisor Ecology
- Dr Jane Marshall, Technical Advisor Ecology

Royal Forest and Bird Protection Society of New Zealand Inc. ('Forest and Bird')
- Mr Peter Anderson, Counsel
- Ms Nicky Snoyink

Groundswell
- Mr Jamie McFadden
- Mr George Coates

Mr Tangi Weepu, for himself

Mr Nicholas Johnston, for himself

Bathurst Resources Limited and BT Mining Limited ('Bathurst')
- Ms Christina Sheard, Counsel
- Ms Claire Hunter, Director Mitchell Daysh Ltd
- Dr Gary Bramley, Terrestrial Ecologist with EcoLogical Solution Ltd

Ms Lynne Lever, for herself and Mr Greg Tinney

Ms Suzanne Hills, for herself

West Coast Penguin Trust - Ms Inger Perkins

Ms Inger Perkins, for herself

Westpower Limited - Mr Martin Kennedy, Planner

1.5. Overview of submitter evidence received

23. Legal submissions were received as follows:

(1) Mr Matt Pemberton, Counsel for Director General of Conservation (dated 9 August 2024);

(2) Ms Christina Sheard/Mr Joshua Leckie, Counsel for Bathurst (dated 1 August 2024);

(3) Mr Peter Anderson, Counsel for Forest and Bird (dated 11 November 2024)

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

    (1) Ms Claire Hunter, Planner for Bathurst (dated 30 July 2024);

    (2) Mr Gary Bramley, Ecologist for Bathurst (dated 30 July 2024);

    (3) Mr Murray Brass, Planner for the Director General (dated 29 July 2024);

    (4) Dr Jane Marshall, Ecologist for the Director General (dated 29 July 2024);

    (5) Ms Cassandra Mealey, Ecologist for the Director General (dated 29 July) 2024;

    (6) Ms Kate Sannazzaro, Planner for Federated Farmers (dated 19 November 2024);

    (7) Ms Eleanor Linscott, Planner Federated Farmers (dated 7 August 2024);

    (8) Ms Pauline Whitney, Planner for Transpower (dated 29 July 2024);

    (9) Mr Martin Kennedy, Planner for Westpower (dated 29 August 2024);

    (10) Ms Nicky Snoyink, for Forest and Bird (dated 21 November 2024);

    (11) Ms Frida Inta, for herself and Buller Conservation Group (dated 10 November 2024);

    (12) Ms Inger Perkins, for herself and the West Coast Penguin Trust (dated 22 November 2024);

    (13) Ms Rachael Pull, Senior Environmental Advisor for Poutini Ngāi Tahu (dated 26 July 2024);

    (14) Mr James McKinnel, for Birchfield Coal Mines Limited (dated 29 July 2024);

    (15) Ms Stephanie Styles, Planner for Manawa (dated 29 July 2024);

    (16) Mr Chris Horne, Planner for Chorus New Zealand Limited, Spark New Zealand Trading Limited, One New Zealand Group Limited and Fortysouth (dated 26 July 2024);

    (17) Ms Lucy Smith, for Terra Firma Mining Limited (dated 29 July 2024);

    (18) Mr Jamie McFadden, for Groundswell NZ, undated;

    (19) Mr Greg Shaw, for Te Tumu Paeroa (dated 19 July 2024);

    (20) Mr and Mrs Coates, for Nikau Deer Farm, undated; and

    (21) Ms Suzanne Hills, for herself (dated 21 November 2024).

25. The following evidence/statements were tabled without hearing appearances:

    (a) Mr Steve Tuck, Planner for Silver Fern Farms Limited (dated 17 July 2024);

    (b) Ms Michelle Grinlinton-Hancock, Planner for KiwiRail Holdings Limited (dated 29 July 2024);

(c) Mr Max Dickens, for West Coast Regional Council (dated 15 August 2024); and

(d) Mr Phil McKinnel, for Birchfield Coal Mines Limited, dated 18 November 2024.

1.6. Right of Reply

26. Ms Easton provided a written Right of Reply (dated 7 March 2025) that responded to matters raised at the hearing and included an updated Appendix 1 showing tracked changes (and a clean version) to the notified provisions.

1.7. Procedural Steps and Issues

27. At the commencement of the hearing, Commissioner Becker disclosed that he has a sphagnum moss business in the Grey District. He declared he would not take part in any recommendations relating to sphagnum moss harvesting.

1.8. Site Visits

28. No site-specific visits relating to the ECO Chapter were undertaken. However, we undertook extensive site visits throughout the West Coast from Karamea to Jackson Bay throughout the hearing process.

PART B - STATUTORY REQUIREMENTS AND DOCUMENTS

29. The Ecosystems and Indigenous Biodiversity Chapter one of four chapters within the Natural Environment Values – Ngā Uara Taiao Aotūroa section of seven sections located in Part 2 – District-Wide Matters – Te Wāhanga 2 – Ngā Kaupapa ā-Rohe Whānui of the Plan.

30. The Section 32 Report outlined the relevant statutory considerations applicable to ecosystems and indigenous biodiversity; and the relationships between the sections of the RMA and higher order documents.

31. The section 42A Report highlighted the relevant section 6, 7 and 8 of the RMA, the New Zealand Coastal Policy Statement 2010 (**NZCPS**), National Policy Statement for Indigenous Biodiversity 2023 (**NPSIB**), National Policy Statement for Renewable Electricity Generation 2011 (**NPSREG**), Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009 (**NESETA**), Resource Management (National Environmental Standards for Commercial Forestry) Amendment Regulations 2023 (**NESCF**), and the National Planning Standards.

32. The section 42A Report noted the NPS-IB was not gazetted at the time the pTTPP was prepared and therefore the Plan did not give full effect the NPSIB. However, the Panel must give effect to the NPSIB to the extent possible within the scope of submissions.

33. The NPSIB clause 4.4 Existing policy statements and plans states:

> *(1) To the extent that policy statements and plans already (at the commencement date) give effect to this National Policy Statement, local authorities are not obliged to make changes to wording or terminology merely for consistency with it.*
>
> *(2) In case of dispute, the onus is on the local authority to show that, despite the different wording or terminology used, their policy statement or plan did implement this National Policy Statement.*

> *(3) However, if a local authority chooses to amend an operative policy statement or plan by merely **changing wording or terminology for consistency with this National Policy Statement, the amendment is to be treated as the correction of a minor error** (and therefore, under clause 20A of Schedule 1 of the Act, the amendment can be made without using a process in that Schedule).* [Our emphasis]

34. Clearly, the NPSIB anticipates that wording changes to plans in order to achieve consistency with the directions should be made where appropriate using clause 20A of the RMA Schedule 1.

35. The Panel acknowledges that the NPSIB does not apply to the development, maintenance or upgrade of renewable electricity generation assets and activities, and electricity transmission network assets and activities.

36. Clause 1.3 of the NPSIB states that it applies to indigenous biodiversity in the terrestrial environment, including specified highly mobile fauna, whether or not they use areas outside the terrestrial environment for part of their life cycle. It states that provisions relating to promoting restoration and increasing indigenous vegetation cover extend to include natural wetlands; and if an SNA contains a natural inland wetland, the wetland may be treated as part of the SNA it is located in.

37. The Panel also acknowledges that under clause 1.4 of the NPSIB, the NPSIB applies in the terrestrial coastal environment, as well as the NZCPS, and that if there is a conflict between the provisions, then the NZCPS prevails. Similarly, if there is a conflict between the NPSIB and the NPSFM, the latter prevails.

38. Clause 1.5 if the NPSIB sets out the decision-making principles as follows:

> *(1) This National Policy Statement prioritises the mauri and intrinsic value of indigenous biodiversity and recognises people's connections and relationships with indigenous biodiversity.*
>
> *(2) It recognises that the health and wellbeing of people and communities are dependent on the health and wellbeing of indigenous biodiversity and that in return people have a responsibility to care for and nurture it. It acknowledges the web of interconnectedness between indigenous species, ecosystems, the wider environment, and the community, at both a physical and metaphysical level.*
>
> *(3) Consistent with this, the decision-making principles that must inform the implementation of this National Policy Statement are as follows:*
>
> *(a) prioritise the mauri, intrinsic value and wellbeing of indigenous biodiversity:*
>
> *(b) take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi):*
>
> *(c) recognise the bond between tangata whenua and indigenous biodiversity based on whakapapa relationships:*
>
> *(d) recognise the obligation and responsibility of care that tangata whenua have as kaitiaki of indigenous biodiversity:*
>
> *(e) recognise the role of people and communities (including landowners) as stewards of indigenous biodiversity:*
>
> *(f) enable the application of te ao Māori and mātauranga Māori:*

(g) form strong and effective partnerships with tangata whenua.

39. The Panel's consideration and recommendations follow these decision-making principles in giving effect to the NPSIB and RPS, and ultimately RMA s6(c) and (e) and s7(a), (aa), (d), (f) and (h).

40. Clause 1.7 of the NPSIB states:

> *Maintaining indigenous biodiversity requires:*
>
> *(a) the maintenance and at least no overall reduction of all the following:*
>
> *(i) the size of populations of indigenous species:*
>
> *(ii) indigenous species occupancy across their natural range:*
>
> *(iii) the properties and function of ecosystems and habitats used or occupied by indigenous biodiversity:*
>
> *(iv) the full range and extent of ecosystems and habitats used or occupied by indigenous biodiversity:*
>
> *(v) connectivity between, and buffering around, ecosystems used or occupied by indigenous biodiversity:*
>
> *(vi) the resilience and adaptability of ecosystems; and*
>
> *(b) where necessary, the restoration and enhancement of ecosystems and habitats.*

41. The objective (clause 2.1) of the NPSIB, to be achieved through the 17 policies (clause 2.2), is as follows:

> *(a) to maintain indigenous biodiversity across Aotearoa New Zealand so that there is at least no overall loss in indigenous biodiversity after the commencement date; and*
>
> *(b) to achieve this:*
>
> *(i) through recognising the mana of tangata whenua as kaitiaki of indigenous biodiversity; and*
>
> *(ii) by recognising people and communities, including landowners, as stewards of indigenous biodiversity; and*
>
> *(iii) by protecting and restoring indigenous biodiversity as necessary to achieve the overall maintenance of indigenous biodiversity; and*
>
> *(iv) while providing for the social, economic, and cultural wellbeing of people and communities now and in the future.*

42. The Panel notes the NES-CF replaced the Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017 (**NESPF**). The s42A Report highlights that the NES-CF specifies the activity status for new plantation forestry within an SNA as a restricted discretionary activity. However, it does enable a district plan to have more stringent rules to give effect to the National Policy Statement for Freshwater Management

(**NPSFM**) and Policies 11, 13, 15 and 22 of the New Zealand Coastal Policy Statement (**NZCPS**).

43. The section 42A Report noted the Resource Management (Freshwater and Other Matters) Amendment Bill was introduced in May 2024. It noted that if passed into law clauses 2.2 Policy 6, clause 3.8 (1), (6) and (8), and clause 3.9(1) of the NPS-IB will not apply for a 3-year period until mid-2027. The s42A Report noted that it was unclear whether the relevant provisions of the West Coast Regional Policy Statement (RPS) would be affected. Since the s42A Report was released, the Resource Management (Freshwater and Other Matters) Amendment Act 2024 (**RMAA**) was enacted, adding section 78 to the RMA as anticipated.

44. The National Planning Standards mandatory direction 7.19 requires provisions relating to the identification of SNA, maintenance of biological diversity and intrinsic values of ecosystems and indigenous biodiversity to be located in the Ecosystems and Indigenous Biodiversity Chapter of the Plan. We are satisfied the Plan structure is consistent with this national direction.

45. Clause 10 of the First Schedule of the RMA states that it is not necessary to provide decisions on individual submissions. Recommendations of the Panel are made within the scope of requested relief, either individual submissions or groups of submissions making similar requests, as specified in reasons for recommendation.

PART C – SUBMISSIONS, EVIDENCE, EVALUATION AND RECOMMENDATIONS

2. TIMELINE

46. In making our recommendations on the ECO Chapter of the pTTPP, the Panel has had regard to the s42A Report, the submissions and further submissions, and evidence/statements provided for the hearing, within the context of the guidance and direction of higher order statutory documents. In the context of this Recommendation Report, the timing of when documents have effect is relevant and sets the framework within which our recommendations are made.

47. The following table sets out the timing of the pTTPP process alongside the timing of the development of the NPSIB, and the amendments to the RMA that influence the application of the NPSIB in terms of plan making:

TTPP			**HIGHER ORDER DOCUMENTS AND LEGISLATION**
			November 2019 – March 2020 Public consultation on the proposed NPSIB
			24 July 2020 RPS Operative
			31 August 2020 Summary of submissions (NPSIB)
July 2022 Plan notified			*June 2022 – July 2022* Exposure draft released (NPSIB)
30 September 2022			

Submissions close			
11 January 2023 Minute 14 – Responds to request to delay the hearing due to Government's intention to review the NPSIB and the mapping of SNA.			
May 2023 Further submissions close			
			7 July 2023 NPSIB gazetted
			May 2024 Resource Management (Freshwater and Other Matters) Amendment Bill
12 July 2024 S42A Report available			
6 August 2024 Minute 36 – Responds to a further request to delay the hearing			
8 August 2024 Minute 40 – Reschedules the hearing			
			24 October 2024 Resource Management (Freshwater and Other Matters) Amendment Act Section 78 – Time limited modifications to NPSIB
			October 2024 NPSIB amended by Section 30 of the Resource Management (Freshwater and Other Matters) Amendment Act 2024
18, 19, 21 and 22 November 2024 Ecosystems and Indigenous Biodiversity hearings held. <u>Documents presented at hearing</u> (a) Introductory statement from reporting planner (b) Supplementary Statement from Reporting Officer (c) Wynn Williams legal advice (dated 8 November 2024 and 22 November 2024) (d) Evidence/statements and legal submissions from submitters			

3 December 2024 Minute 54 – Directing planner caucusing			
17 February 2025 Joint Witness Statement provided			
7 March 2025 Reporting Officer's Right of Reply provided			

48. Principally, this timeline is relevant in the context of defining and identifying SNA and how the requirements of the relevant documents apply to the pTTPP given the overlap in their development. The operative Grey District Plan has identified SNA, while the operative Buller District Plan and Westland District Plan have not.

49. The RPS includes ecological criteria for identifying significant terrestrial and freshwater indigenous biological diversity (Appendix 1) and ecological criteria for identifying significant wetlands (Appendix 2). The pTTPP includes identified SNA in the Grey District Plan in Schedule Four. The Panel must give effect to the RPS where this is consistent with the direction of the NPSIB. If there are gaps or inadequacies in the RPS, we must give effect to the NPSIB as the higher order statutory document.

50. The RMAA applied to the timeframes set out in the NPSIB. Specifically, s78 suspends the application of certain provisions of the NPSIB (regarding the assessment and identification of SNA) for a three-year period. Notwithstanding this, s78(6) sets out exclusions for that suspension, that apply in this instance.

51. The suspension did not apply to the SNA already mapped in the Grey District by virtue of s78(6)(a), as they were included in the pTTPP when it was notified. There is no delay to identifying SNA in the Buller and Westland Districts because s78(6)(b)(i) provides that where proposed plans were notified before the commencement of the RMAA (which is the case for the pTTPP) the suspension is not applied.

52. The Panel is required to give effect to the NPSIB, as soon as reasonably practicable, within the scope of the Plan as notified and the submissions received.

53. The Panel is also required to give effect to the RPS, which was made operative before the pTTPP was notified. The RPS requires the identification and mapping of SNA using the terrestrial criteria in Appendix 1. While the criteria for the identification of SNA differs between the RPS and the NPSIB, evidence provided at the hearing concluded these are effectively equivalent and are not in conflict.

3. DEFINITIONS

Submissions and Further Submissions

54. Fifty-eight submission points and 36 further submission points relating to the definitions in the Interpretation Chapter were summarised in a Table on pages 18-27 of the s42A Report. All 58 submission points sought amendments. Twenty further submissions opposed various submissions, and 16 further submissions supported various submissions.

55. The Panel has considered the submissions and further submissions received and adopts the summaries in the s42A Report.

Section 42A Report

Significant Natural Area

56. Ms Easton did not support the Director General's (S602.016) request to amend the definition of SNA by deleting the reference to assessment and adding reference to future NPS/NES criteria.

57. Ms Easton did not support submission points[4] that sought use of the RPS definition because it required an assessment of vegetation to determine whether it met the criteria. She noted that most of the vegetation on the West Coast had not been assessed using these criteria and it was therefore not possible to determine if the vegetation was significant or not. She noted that, in line with the principles in clause 3.8(2) of the NPSIB, the assessment should be undertaken prior to being identified as an SNA.

58. Ms Easton did not support the Forest and Bird (S560.077) request to include reference to both mapped areas (i.e. SNA identified in Schedule Four) and unmapped areas meeting the RPS criteria; or the request for an explanation to the definition that SNA is a generic term referring to both mapped and unmapped areas meeting the criteria.

59. Ms Easton highlighted that since the submissions were made on the pTTPP, the NPSIB had come into effect and included a definition for SNA as follows:

> *SNA, or significant natural area, means:*
>
> *(a) any area that, after the commencement date, is notified or included in a district plan as an SNA following an assessment of the area in accordance with Appendix 1; and*
>
> *(b) any area that, on the commencement date, is already identified in a policy statement or plan as an area of significant indigenous vegetation or significant habitat of indigenous fauna (regardless of how it is described); in which case it remains as an SNA unless or until a suitably qualified ecologist engaged by the relevant local authority determines that it is not an area of significant indigenous vegetation or significant habitat of indigenous fauna.*

60. Ms Easton advised that the process for working with landowners to protect biodiversity under clause 3.8(2) remained in effect under the NPSIB. She therefore considered that onsite assessment (as identified in the pTTPP definition) was an important part of the process and was in accordance with the direction provided in the NPSIB. She considered including unmapped SNA was inappropriate and did not recommend any amendments to the notified definition of SNA.

61. The s42A Report recommended that no changes were made to the notified definition for '*Significant Natural Area*'.

Area of Significant Indigenous Biodiversity

62. Ms Easton acknowledged the support from Federated Farmers (S524.004) to retain the definition as notified.

[4] Forest and Bird (S560.411, S560.007, S560.077), Federated Farmers of New Zealand (S524.021) and Katherine Gilbert (S473.015)

63. In response to the similar submission points from John Caygill (S290.007) and Forest and Bird (S560.057) that sought to replace '*area of significant indigenous biodiversity*' with '*significant natural area'*, Ms Easton did not support the relief sought. She considered the subdivision provisions were intended to provide an incentive to protect areas of significant indigenous biodiversity, including while the SNA identification process was underway.

64. The s42A Report recommended no changes to the notified definition of '*Area of Significant Indigenous Biodiversity*'.

65. In response to Panel questions, Ms Easton clarified that this definition was intended to enable the protection of significant indigenous biodiversity values that may not be within SNA.

Indigenous Vegetation Clearance

66. Ms Easton did not support Federated Farmers (S524.001) request to specifically exclude the grazing of pasture in areas of indigenous vegetation because she considered it could lead to landowners believing that the establishment of new areas of pasture and grazing within indigenous vegetation was appropriate. She noted that existing use rights apply for any lawful grazing areas within indigenous vegetation.

67. Ms Easton supported the Director General's (S602.014) request to add the words "*damage or destruction*" and "*mob stocking*" to the definition. In response to Panel questions, she clarified that "*mob stocking*" referred to deliberately putting animals into bush areas to graze. She didn't consider this needed defining given it was a commonly used term.

68. Ms Easton also supported Forest and Bird's (S560.065) request to include '*damage and destruction*', including by "*smothering*" in addition to clearance and removal. However, she did not support the part of the submission that sought to add a sentence to clarify that '*indigenous vegetation*' had the same meaning as '*native vegetation'* because recommendations in the Introduction and General Provisions hearing stream included replacing '*native vegetation'* with '*indigenous vegetation'* throughout the Plan.

69. In response to the submission points made by Ms Frida Inta (S553.025) and Buller Conservation Group (S552.025) that sought to include a specific exclusion for '*the clearance of indigenous vegetation forming an understory within an exotic plantation forest*', Ms Easton supported the relief sought. She considered this was consistent with the NPSCF, which regulated this activity under clause 93. However, she did not support including '*destroying*' and '*felling*' because she considered this was unnecessary given the additions recommended above in response to the Director General and Forest and Bird.

70. The s42A Report recommended amending the definition as follows:

> ***INDIGENOUS VEGETATION CLEARANCE***
>
> *means the clearing, or removal,* ***damage or destruction*** *of indigenous vegetation by any means, including cutting, crushing,* ***smothering, mobstocking****, cultivation, irrigation, chemical application, drainage, stopbanking, overplanting, or burning* ***but excluding the clearance of indigenous vegetation forming an under storey within an exotic plantation forest.***

Poutini Ngāi Tahu Activities and Cultural Harvest

71. Ms Easton supported in part Poutini Ngāi Tahu's (620.040) request to include a definition for '*cultural harvest'*; and Forest and Bird's (560.062) request to include a definition for '*cultural harvest'* that ensures biodiversity values are protected.

72. Ms Easton noted she had partly addressed this matter in the hearing for Introduction and General Provisions, in relation to the definition of '*Poutini Ngāi Tahu Activities'* and Poutini Ngai Tahu's request to use this term instead of '*cultural activities'*, '*cultural harvest'* and '*Poutini Ngāi Tahu cultural purposes*'. In the Introduction and General Provisions s42A Report, Ms Easton supported consolidating '*cultural activities'* and '*Poutini Ngāi Tahu cultural purposes*' within the definition for '*Poutini Ngāi Tahu Activities'* but excluding '*cultural harvest'*. She noted '*cultural* harvest' was a key permitted activity in the ECO rules and its replacement with '*Poutini Ngāi Tahu Activities'* would widen the rules considerably. She was concerned that the definition Poutini Ngai Tahu sought for '*Poutini Ngāi Tahu Activities'* included mining of pounamu and aotea and the clearance of native vegetation (including for cultural redress land). She highlighted that the rules were very permissive, including in very sensitive locations such as the coastal environment, Outstanding Natural Landscapes and the margins of waterbodies. She recommended the definition of '*Poutini Ngāi Tahu Activities'* needed to be looked at within the context of the relevant chapters in which the rules reside, rather than a wholesale change.

73. On this basis, Ms Easton supported Poutini Ngāi Tahu's request to add '*Poutini Ngāi Tahu Activities*' related to the clearance of vegetation for the purpose of Pou whenua installation. However, she considered the part of the submission point relating to the cultural redress land was vague. She suggested taking guidance from the NPSIB which had specific provisions around '*Specified Māori Land'*, including a definition for the term. Ms Easton recommended consequential changes to definitions to ensure that Poutini Ngāi Tahu land was '*specified Māori land*'.

74. The s42A Report recommended no amendment to the definition for '*Poutini Ngāi Tahu Activities*' but recommended consequential amendments to add definitions for '*Cultural Harvest*', '*Poutini Ngāi Tahu Land*' and '*Specified Māori Land*' as follows:

> ***CULTURAL HARVEST***
>
> ***means indigenous vegetation clearance for cultural use and in accordance with tikanga and kaitiakitanga, mahinga kai, collection or mining of Pounamu, Aotea stone or rock where this is undertaken by Poutini Ngāi Tahu. This includes clearance of vegetation by Poutini Ngāi Tahu for the maintenance of Poutini Ngāi Tahu Land.***
>
> ***POUTINI NGĀI TAHU LAND***
>
> ***means specified Māori Land that is owned or managed by Poutini Ngāi Tahu.***
>
> ***SPECIFIED MĀORI LAND***
>
> ***means, in relation to the ecosystems and biodiversity chapter, land that is any of the following:***
>
> ***a. Māori customary land and Māori freehold land (as defined in Te Ture Whenua Māori Act 1993):***
>
> ***b. land set apart as a Māori reservation under Part 17 of Te Ture Whenua Māori Act 1993 or its predecessor, the Māori Affairs Act 1953:***

c. land held by or on behalf of an iwi or a hapū if the land was transferred from the Crown, a Crown body, or a local authority with the intention of returning the land to the holders of mana whenua over the land:

d. land vested in the Māori Trustee that is constituted as a Māori reserve by or under the Māori Reserved Land Act 1955, and remains subject to that Act:

e. land that forms part of a natural feature that has been declared under an Act to be a legal entity or person (including Te Urewera land within the meaning of section 7 of the Te Urewera Act 2014):

f. the maunga listed in section 10 of the Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Act 2014:

g. Treaty settlement land, being land held by a post-settlement governance entity (as defined in the Urban Development Act 2020) where the land was transferred or vested and held (including land held in the name of a person such as a tipuna of the claimant group, rather than the entity itself):

i. as part of redress for the settlement of Treaty of Waitangi claims; or

ii. by the exercise of rights under a Treaty settlement Act or Treaty settlement deed.

75. In response to Panel questions regarding scope within the submissions to add new definitions for '*Poutini Ngāi Tahu Land*' and '*Specified Māori Land*', Ms Easton noted the submission point from Te Tumu Paeroa.

Ecological District/Region

76. Ms Easton supported in part Frida Inta (553.024) and Buller Conservation Group's (S552.024) request to add a new definition for '*Ecological District/Region*' and recommended using the NPSIB definition as follows:

> ***means the ecological districts as shown in McEwen, W Mary (ed), 1987. Ecological regions and districts of New Zealand. Wellington: Department of Conservation.***

Effects Management Hierarchy

77. Ms Easton supported Te Mana Ora (S190.002) and the Director General's (S602.019) request to the NPSIB definition of '*Effects Management Hierarchy*' as follows:

> ***means an approach to managing the adverse effects of an activity on indigenous biodiversity that requires that:***
>
> ***a) adverse effects are avoided where practicable; then***
>
> ***b) where adverse effects cannot be avoided, they are minimised where practicable; then***
>
> ***c) where adverse effects cannot be minimised, they are remedied where practicable; then***
>
> ***d) where more than minor residual adverse effects cannot be avoided, minimised, or remedied, biodiversity offsetting is provided where possible; then***

e) where biodiversity offsetting of more than minor residual adverse effects is not possible, biodiversity compensation is provided; then

f) if biodiversity compensation is not appropriate, the activity itself is avoided.

Ecological Terms Used in Policy ECO – P6

78. Ms Easton did not support submission points[5] that sought to add definitions for '*further measurable loss*' and *'reasonably measurable reduction in the local population'* because these terms were only used in Policy ECO-P6 and her recommended amendments to the wording of that policy deleted these terms.

79. In response to the submission points[6] that sought for the ecological terms in Policy ECO-P6 to be defined, Ms Easton supported the relief sought in so far as providing a new definition for '*Threatened Environment Classification'*. She acknowledged wider confusion about the meaning of this term in other submissions and recommended a definition as follows:

THREATENED ENVIRONMENT CLASSIFICATION

means the threatened environments as shown in Walker S, Cieraad E, Barringer J 2015, The Threatened Environment Classification for New Zealand 2012: a guide for users, Landcare Research Report LC2184.

Compensation and Offset

80. In response to the submission points from the Director General (S602.018), Frida Inta (553.004) and Buller Conservation Group (S553.004) that sought a definition for '*compensation and offset'*, Ms Easton supported the submissions in part. She noted the wording suggested by the Director General pre-dated the NPSIB, which included definitions for '*biodiversity offset'* and '*biodiversity compensation'*. She therefore recommended adding the NPSIB definitions for '*biodiversity compensation*' and '*biodiversity offset'* as follows:

BIODIVERSITY COMPENSATION

means a conservation outcome that meets the requirements in Appendix 4 of the National Policy Statement for Indigenous Biodiversity and results from actions that are intended to compensate for any more than minor residual adverse effects on indigenous biodiversity after all appropriate avoidance, minimisation, remediation, and biodiversity offsetting measures have been sequentially applied.

BIODIVERSITY OFFSET

means a measurable conservation outcome that meets the requirements in Appendix 3 of the National Policy Statement for Indigenous Biodiversity and results from actions that are intended to:

[5] Buller District Council (S538.006), Chris & Jan Coll (S566.373, S558.384), Chris J Coll Surveying Limited (S566, S566.384), Laura Coll McLaughlin (S474.373) and William McLaughlin (S567.043, S567.044)

[6] Chris & Jan Coll (S558.092), Chris J Coll Surveying Limited (S566.092), Laura Coll McLaughlin (S474.092), Peter Langford (S615.044), Karamea Lime Company (S614.044), Koiterangi Lime Co LTD (S577.035), Catherine Smart-Simpson (S564.028), William McLaughlin (S567.174), Steve Croasdale (S516.035) and Geoff Volckman (S563.023)

a. redress any more than minor residual adverse effects on indigenous biodiversity after all appropriate avoidance, minimisation, and remediation measures have been sequentially applied; and

b. achieve a net gain in type, amount, and condition of indigenous biodiversity compared to that lost.

Net Gain

81. Ms Easton did not support the Director General's (S602.020) request for a new definition for '*net gain'*, because the suggested definition had been superseded by the NPSIB and was only used once in the Plan.

82. The s42A Report, therefore, did not recommend including a definition for '*net gain'*.

Indigenous Vegetation/Indigenous Biodiversity/Significant Indigenous Biodiversity

83. In response to the submission points[7] that sought variations on the addition of a definition related to indigenous vegetation or biodiversity, Ms Easton supported the relief sought by Frida Inta, Buller Conservation Group and Manawa Energy. She also supported the other submissions in part.

84. Ms Easton advised that she had considered the terms in the context of the NPSIB and as *'indigenous biodiversity'* and *'indigenous vegetation'* were defined in the NPSIB she preferred using these terms for consistency. She recommended adding new definitions from the NPSIB as follows:

INDIGENOUS BIODIVERSITY

means the living organisms that occur naturally in New Zealand, and the ecological complexes of which they are part, including all forms of indigenous flora, fauna, and fungi, and their habitats.

INDIGENOUS VEGETATION

means vascular and non-vascular plants that, in relation to a particular area, are native to the ecological district in which that area is located.

Improved Pasture

85. In response to the submission points made by NZ Agricultural Aviation Association (S166.008) and Federated Farmers (S524.010) that sought a new definition for '*improved pasture'* be added to the Plan, Ms Easton supported the relief sought. She considered this was consistent with the NPSIB and recommended adding the NPSIB definition as follows:

IMPROVED PASTURE

means an area of land where exotic pasture species have been deliberately sown or maintained for the purpose of pasture production, and species composition and growth has been modified and is being managed for livestock grazing.

[7] Forest and Bird (S560.082, S560.505), Frida Inta (S553.074), Buller Conservation Group (S552.074), Manawa Energy (S438.020), Federated Farmers of New Zealand (S524.004), Suzanne Hills (S443.003)

Hearing and Submitter Evidence/Statements

Significant Natural Areas

86. Mr Murray Brass's planning evidence for the Director General reiterated the amendments sought to the definition of '*Significant Natural Area'*. In the absence of those changes applying (given the s42A Report recommendation), Mr Brass acknowledged the recommendations to use other terms ('*area of significant indigenous biodiversity*' or '*area of significant indigenous vegetation and significant habitat of indigenous fauna'*) in the ECO Chapter and considered this may potentially address the submission point.

87. However, Mr Brass noted that following the gazettal of the NPSIB, the retention of the notified definition would create a misalignment with the plan provisions because any SNA identified in accordance with ECO-P1 (which refers to the NPSIB) would not be an SNA in accordance with the definition of the plan. To address this, Mr Brass recommended alternative wording for the definition as follows:

> *means*
>
> *(a) areas that have been assessed as an area of significant indigenous vegetation or significant habitat of indigenous fauna in accordance with the criteria set out in the West Coast Regional Policy Statement* ***or the National Policy Statement for Indigenous Biodiversity****; or*
>
> (b) areas that have been identified as Significant Natural Areas in any West Coast Regional or District Plan.

88. Ms Nicky Snoyink, for Forest and Bird, reiterated the submission points that sought to align the definition with the RPS. She acknowledged the complications that had arisen due to the timing and requirements of the NPSIB and the Resource Management Amendment Bill. Nevertheless, she considered the NPSIB criteria for defining an SNA would also be appropriate, similar to Mr Brass's evidence. However, she did not agree with the alternative wording proposed by Mr Brass and preferred the following:

> *means*
>
> ***(a) any area that is notified or included in the TTPP following an assessment in accordance with Appendix 1 of the NPSIB; and***
>
> ***(b) until (a) has been achieved through district wide assessments and mapping in accordance with Policy ECO-P1, also means:***
>
> ***i. an area of significant indigenous vegetation, and/or significant habitats of indigenous fauna which has been identified using the criteria listed in Appendix 1 or 2 of the RPS and included on maps of this Plan or a regional Plan; or***
>
> ***ii. an area which although not included on maps (or in Schedule 4) in the TTPP or a regional plan nevertheless meets one or more of the criteria listed in Appendix 1 or 2 of the RPS; and***
>
> ***iii. an area identified in Schedule Four of this Plan.***
>
> ***Note: that the NPSIB Appendix 1 criteria can be used as an alternative to that in the RPS.***

89. Ms Kate Sannazzaro, for Federated Farmers, supported using the NPSIB definition for '*Significant Natural Area'* in the Plan.

90. Ms Eleanor Linscott, for Federated Farmers, agreed with the s42A Report in the context that an assessment of an area should be carried out prior to it being identified as an SNA and was consistent with the definition in the NPSIB. She supported Ms Easton's position that unmapped SNA should not be included and regulated in the Plan.

91. Mr Martin Kennedy, for Westpower Limited, acknowledged and agreed with the s42A Report recommendation.

92. Ms Suzane Hills supported the definition of SNA proposed by Forest and Bird as it covered both the RPS and the NPSIB.

93. Ms Pauline Whitney, for Transpower, acknowledged that no submission had been made with regard to the definition of '*Significant Natural Area'*. Nevertheless, she pointed out that the lack of identification of SNA (outside of the Grey District) created uncertainty and had implications for linear infrastructure such as the National Grid.

Area of Significant Indigenous Biodiversity

94. Ms Snoyink, for Forest and Bird, reiterated the relief sought in their submission to delete the definition for '*area of significant indigenous biodiversity*'. Her statement maintained that this relief was appropriate.

Indigenous Vegetation Clearance

95. Ms Linscott did not agree with Ms Easton's reasons for excluding the addition to allow the grazing of pasture within areas of indigenous vegetation. She considered the permitted activity rule did not clearly provide for grazing as it was unclear if it was '*maintenance, operation or repair*'. Having reviewed the wording of the submission, she supported some of the other recommended amendments and suggested the definition of 'indigenous vegetation clearance' as follows:

> *means the clearing, or removal, **damage or destruction** of indigenous vegetation by any means, including cutting, crushing, **smothering, mobstocking**, cultivation, irrigation, chemical application, drainage, stopbanking, overplanting, or burning **but excluding the grazing of pasture or improved pasture species and the clearance of indigenous vegetation forming an under storey within an exotic plantation forest.***

96. Ms Sannazzaro also did not agree with Ms Easton's reasons for not including the requested exclusion to enable grazing of pasture within areas of indigenous vegetation. She noted that indigenous species self-propagate in West Coast pasture, and therefore if livestock were to graze in areas of pasture where this has occurred, it could be considered as '*clearing or removing indigenous vegetation by any means'*. She considered Ms Linscott's suggested wording would improve clarity and be consistent with policies in the NPSIB, the RPS and Strategic Objective AG – O2 of the Plan. She also pointed to the definition of '*vegetation clearance'* in the NESF that specifically excluded grazing. She suggested qualifying pasture in the definition by preceding it with '*established*'.

97. Ms Snoyink supported adding '*mob stocking'* but noted that it was not included in Appendix 1 of the s42A Report. She reiterated the request for indigenous vegetation clearance to have the same meaning as it applied to native vegetation and for '*vegetation clearance*' to

be defined to provide protection of habitat values in significant areas which may rely on exotic vegetation. She also supported adding '*destruction*' and '*smothering*' in the definition but considered the plan provisions were inadequate to implement the Council's responsibilities for the protection of exotic vegetation in SNA.

98. Ms Frida Inta's statement presented at the hearing on behalf of herself and Buller Conservation Group considered that despite the amendments recommended in the s42A Report the definition lacked clarity and was inadequate. She considered the s42A Report did not address questions raised in the Buller Conservations Group submission regarding whether the maturity, size or rarity of vegetation should be relevant in the context of indigenous vegetation clearance.

99. Mr Kennedy agreed with the s42A Report recommendation for this definition.

100. Ms Hills supported the expansion of the definition to include clearing or damaging vegetation, including by mob stocking.

Poutini Ngāi Tahu Activities and Cultural Harvest

101. Ms Rachael Pull's evidence for Poutini Ngāi Tahu considered the recommendations in the s42A Report only partly addressed the submission point and also created additional concerns. She suggested that the notified definition for 'Poutini Ngāi Tahu Activities' was adequate to provide for the installation of pou as structures that recognise the special relationship between Poutini Ngāi Tahu and places of cultural importance.

102. Ms Pull supported the addition of a new definition for '*cultural harvest*'. However, she suggested deleting the last sentence of the definition as all provisions in the Plan referring to cultural harvest referenced Poutini Ngāi Tahu and therefore duplication of this reference was not necessary in the definition. Ms Pull's preferred wording was as follows:

> ***CULTURAL HARVEST***
>
> ***means indigenous vegetation clearance for cultural use and in accordance with tikanga and kaitiakitanga, mahinga kai, collection or mining of Pounamu, Aotea stone or rock where this is undertaken by Poutini Ngāi Tahu.*** ~~*This includes clearance of vegetation by Poutini Ngāi Tahu for the maintenance of Poutini Ngāi Tahu Land.*~~

103. Ms Pull noted inefficiencies between various hearing streams and identified that the proposed definition for '*Poutini Ngāi Tahu land*' had been discussed multiple times. However, she did not agree with the recommended definition and noted the s42A Report incorrectly stated that Poutini Ngāi Tahu land was a subset of Specified Māori Land. She considered the recommended definition for Poutini Ngāi Tahu land did not achieve the NPSIB obligations on Specified Māori land and that it unduly limited Poutini Ngāi Tahu. Therefore, she requested the recommended new definition for '*Poutini Ngāi Tahu Land'* not be included in the Plan.

104. The hearing statement from Te Tumu Paeroa sought to ensure appropriate recognition of the owners of Māori freehold land. It supported incorporating parts of the NPSIB where possible but raised concern how '*Specified Māori land'* would apply in the Plan. It was concerned that using this term to define '*Poutini Ngāi Tahu Land'* inappropriately narrowed the intended application of the recommended *'Specified Māori land'* as directed in the

NPSIB given this term includes Māori freehold land. It noted the NPSIB requires '*Specified Māori land'* to be managed differently.

105. Ms Snoyink supported the first part of the recommended definition for '*cultural harvest'* because it gave effect to the RPS. She did not support the last sentence and requested it be deleted.

Ecological District/Region

106. Mr Kennedy confirmed he agreed with the s42A Report recommendation for this definition.

Effects management hierarchy

107. Mr Kennedy also confirmed that he agreed with the s42A Report recommendation for this definition.

108. Ms Pauline Whitney, for Transpower, acknowledged the addition of the definition for '*effects management hierarchy*' and confirmed no opposition to its inclusion.

Compensation and Offset

109. Ms Cassandra Mealey, for the Director General, supported adoption of the definitions for '*Biodiversity Compensation'* and '*Biodiversity Offset'* from the NPSIB.

110. Ms Snoyink supported the addition of the definitions for '*biodiversity compensation*' and '*biodiversity offset'* and noted that the application of these terms needed to give effect to the RPS.

111. Mr Kennedy confirmed he agreed with the s42A Report recommendation for this definition.

Indigenous Vegetation/Indigenous Biodiversity/Significant Indigenous Biodiversity

112. Ms Linscott noted the s42A Report recommendation to not include a definition for '*significant indigenous biodiversity*' but instead for '*indigenous biodiversity*' as the significance can be determined during an assessment process. She considered there was an error in the s42A Report as the assessment requirement referred to the criteria of the RPS and not the NPSIB.

113. Ms Snoyink supported the addition of the definition for '*indigenous vegetation'*, noting that the wording was very similar to what was requested in the submission.

Reporting Officer Reply Evidence

Significant Natural Areas

114. Following the hearing, the Panel issued (3 December 2024) Minute 54 requesting that the expert planning witnesses caucus on a range of matters, including definitions. A Joint Witness Statement (**JWS**) was subsequently provided (dated 17 February 2025).

115. The JWS records the planners[8] agreed to make some changes to the definition of '*Significant Natural Area*' as follows:

> *means*
>
> ~~*(a) areas that have been assessed as an area of significant indigenous vegetation or significant habitat of indigenous fauna in accordance with the criteria set out in the West Coast Regional Policy Statement; or*~~
>
> *(b) areas that have been identified as Significant Natural Areas in any West Coast Regional or District Plan*

116. Ms Easton's Right of Reply reiterated the amended definition arrived at in the JWS. She sets out that it was agreed that clause (a) of the notified plan definition was no longer appropriate and should be deleted.

117. In response to questions from the Panel relating to significant wetlands identified in the West Coast Regional Land and Water Plan (**LWRP**), Ms Easton recommended adding the following sentence to the definition for SNA:

> *means*
>
> ~~*(a) areas that have been assessed as an area of significant indigenous vegetation or significant habitat of indigenous fauna in accordance with the criteria set out in the West Coast Regional Policy Statement; or*~~
>
> *(b) areas that have been identified as Significant Natural Areas in any West Coast Regional or District Plan.* ***For the avoidance of doubt, only the wetlands identified in Schedule 1 of the West Coast Regional Land and Water Plan are considered to be Significant Natural Areas.***

Area of Significant Indigenous Biodiversity

118. Annexure 1 of the JWS records the planners agreed to delete '*in relation to the Subdivision Rule*' from the definition for '*Area of Significant Indigenous Biodiversity'.*

119. Ms Easton's Right of Reply noted that the planners agreed that given the definition of SNA would be much narrower (confined to existing identified SNA), that the '*Area of Significant Indigenous Biodiversity*' definition was very useful in terms of the policies, and therefore it should be retained (with slight amendment).

120. Ms Easton pointed out that the planner caucusing did not discuss whether the definition of '*Area of Significant Indigenous Biodiversity'* should refer to the RPS (as per the notified plan) or the NPSIB. However, it was her view that for the purposes of how this definition was proposed to be used in the policies, that reference to the RPS criteria was more appropriate. She also noted that Appendix 1 of the RPS was '*criteria for identifying significant terrestrial and freshwater indigenous biological diversity'* and therefore considered the definition should use '*significant indigenous biodiversity'* instead of '*Significant Natural Area'* in clause (b). In her Right of Reply Ms Easton recommended further amendments as follows:

[8] Ms Lois Easton, Mr Martin Kennedy, Ms Stephanie Styles, Ms Rachael Pull, Mr Chris Horne, Ms Pauline Whitney, Ms Kate Sannazzaro, Ms Claire Hunter and Mr Murray Brass

> ***AREA OF SIGNIFICANT INDIGENOUS BIODIVERSITY***
>
> *means, ~~in relation to the Subdivision Rules,~~*
>
> *(a) an area identified as a Significant Natural Area in Schedule Four;*
>
> *(b) an area identified through an ecological assessment process undertaken by an ecologist as meeting the criteria for a ~~Significant Natural Area~~ **significant indigenous biological diversity** as set out in the West Coast Regional Council Policy Statement Appendix One.*

121. Ms Easton stated that this amendment reflected the narrowing of the definition for the definition for '*Significant Natural Area'* from deleting clause (a) because the planners agreed it was no longer appropriate.

Indigenous Vegetation Clearance

122. Ms Easton's Right of Reply responded to questions from the Panel about how other recent district plans address exclusions for indigenous vegetation clearance and whether there should be exceptions in the definition for trimming to maintain existing structures, tracks and fence lines. Ms Easton reviewed five recent district plans and advised that where there were exclusions relating to indigenous vegetation clearance and that this was identified within the rule rather than the definition. She considered this was consistent with the Planning Standard direction which states that definitions should not be de facto rules.

123. Ms Easton did not recommend any additional amendments to the *'indigenous vegetation clearance'* definition.

Poutini Ngāi Tahu Activities and Cultural Harvest

124. Caucusing between Ms Easton, Ms Pull (for Poutini Ngāi Tahu) and Ms Huirama (for Te Tumu Paeroa) to discuss matters related to the definition and use of the term of '*Poutini Ngāi Tahu Land*', and how the TTPP could give effect to the requirements around Specified Māori Land in the NPSIB, resulted in the provision of a JWS (dated 28 February 2025). The JWS records agreement on a definition for '*Poutini Ngāi Tahu Land*' as follows:

> ***Poutini Ngāi Tahu Land***
>
> ***Means land owned by Poutini Ngāi Tahu.*** ***~~means specified Māori Land that is owned or managed by Poutini Ngāi Tahu.~~***

125. The JWS also records they agreed that the definition for '*Specified Māori Land*' should not only be in relation to the ECO Chapter, and recommended amendments as follows:

> ***Specified Māori Land***
>
> ***Means, ~~in relation to the ecosystems and biodiversity chapter~~, land that is any of the following:***

126. The JWS between Ms Easton, Poutini Ngāi Tahu and Te Tumu Paeroa records agreement on the definition for '*Poutini Ngāi Tahu Land*' and use of the NPSIB definition for '*Specified Māori Land*'

127. In Reply, Ms Easton confirmed her recommendation was to include a definition for '*Specified Māori Land'* using the NPSIB definition. She also confirmed her recommendation for the definition of '*Poutini Ngāi Tahu Land*' as follows:

> ***Means land owned by Poutini Ngāi Tahu.***

128. Ms Easton also responded to the evidence of Ms Pull in relation to the definition for '*Cultural Harvest*' and recommended amendments in agreement with Ms Pull as follows:

> ***CULTURAL HARVEST***
>
> ***means indigenous vegetation clearance for cultural use and in accordance with tikanga and kaitiakitanga, mahinga kai, collection or mining of Pounamu, Aotea stone or rock where this is undertaken by Poutini Ngāi Tahu.*** ~~*This includes clearance of vegetation by Poutini Ngāi Tahu for the maintenance of Poutini Ngāi Tahu Land*~~

Hearing Panel's Evaluation

129. In relation to the Plan-wide use of "*regionally significant infrastructure*" instead of the notified "*critical infrastructure*", we are satisfied that the definition of "*regionally significant infrastructure*" in the Plan accords with "*specified infrastructure*" as defined in the NPSIB and can therefore be relied upon when implementing relevant clauses of the national direction.

Significant Natural Area

130. The Panel considers the Director General's submission (S602.016) provides scope to use the definition for '*Significant Natural Area'* from the NPSIB. We consider it is appropriate to add '*4 August 2023*' as the commencement date for the NPSIB for clarity and to make it clear the reference to 'Appendix 1' is from this version of the NPSIB to avoid uncertainty. We consider use of the NPSIB definition also partly addresses other submissions requesting use of the RPS definition (S524.021, S473.015, S560.007, S560.411 and S560.077) because it partly reflects the RPS wording '*and area of significant indigenous vegetation and/or significant habitats of indigenous fauna'*.

131. The Panel notes the concerns of submitters regarding the protection of significant indigenous biodiversity values that would meet the RPS or NPSIB Appendix 1 criteria but are yet to be identified. However, we consider this should be addressed within the provisions and not through the definition of SNA.

Area of Significant Indigenous Biodiversity

132. The Panel accepts Ms Easton's recommendation to retain a definition for *'Area of Significant Indigenous biodiversity'*. We acknowledge this is a term used throughout the provisions and accept the planners' view that a definition would be helpful. We consider this is effectively shorthand for '*significant indigenous vegetation and the significant habitats of indigenous fauna*', which is the terminology used in the RMA, NZCPS, and RPS. We have carefully considered the implications of using this term in the ECO Chapter and Plan-wide in terms of giving effect to the higher statutory instruments. We note that some provisions were notified using '*significant indigenous vegetation and the significant habitats of indigenous fauna*' and others using '*area of significant indigenous biodiversity'*. We accept the terms mean the same thing. We accept the recommendation to use this term but do not consider

it is necessary to replace the use of '*significant indigenous vegetation and the significant habitats of indigenous fauna*' throughout the Plan given its meaning and origins are clear.

133. The Panel accepts Ms Easton's recommendation to reference the RPS Appendix 1 criteria in clause (b) given the identification and protection of significant indigenous vegetation and the significant habitats of indigenous fauna in a regionally consistent manner is required under Chapter 7 Objectives 1 and 2. We also accept that future identified SNA must be assessed using the NPSIB Appendix 1 criteria.

Indigenous Biodiversity

134. The Panel accepts Ms Easton's recommendation to add a new definition for *'indigenous biodiversity'* using the NPSIB definition. Appendix 1 of the RPS and Appendix 1 of the NPSIB set out the criteria for determining significance and we therefore consider 'significant' is already defined. We consider the 'area' of significant indigenous biodiversity is a matter to be determined through the significance assessment undertaken by an ecologist.

Indigenous vegetation

135. The Panel accepts Ms Easton's recommendation to add a new definition for *'indigenous vegetation'* using the NPSIB definition. We consider Appendix 1 of the RPS and Appendix 1 of the NPSIB set out the criteria for assessing significance and therefore accept 'significant' is already defined.

Indigenous Vegetation Clearance

136. The Panel accepts Ms Easton's definition for '*Indigenous Vegetation Clearance'* as set out in Appendix 1 of the Right of Reply. We agree it is not appropriate to add '*it does not include the grazing of pasture or improved pasture species in that area of indigenous vegetation*' as requested by Federated Farmers (S524.011) and addressed in Ms Linscott's evidence.

137. The Panel acknowledges Ms Easton's concern that such an exclusion could lead to more development of grazing areas within indigenous vegetation that is not addressed by including '*<u>established</u> pasture'* as suggested by Ms Linscott. We consider adding reference to '*improved pasture'* would increase uncertainty given clause 3.17 of the NPSIB and the definition of '*maintenance of improve pasture'* includes activities specifically included in the recommended definition for '*Indigenous Vegetation Clearance'* such as cutting, crushing, applying chemicals, draining, burning, cultivating, over-planting, applying seed of exotic pasture species and mob stocking.

138. The Panel considers Federated Farmers concern to enable the ongoing grazing of established pasture and improved pasture should be addressed through the rule framework.

Poutini Ngāi Tahu Activities and Cultural Harvest

139. The Panel accepts Ms Easton's recommendation that the definition of '*Poutini Ngāi Tahu Activities'* should remain as notified and to add a new definition for '*Cultural Harvest*' to address the Poutini Ngai Tahu submission point (S620.040). We agree that Pou whenua structures are included in the notified definition of '*Poutini Ngāi Tahu Activities'.*

140. The Panel accepts Ms Easton's recommendation to include a definition for '*Poutini Ngāi Tahu Land'* and '*Specified Māori Land'* using the NPSIB definition. We accept the scope to add these definitions comes from Te Tumu Paeroa submission point (S440.003). This submission point was included in Appendix 3 of the Introduction and General Provisions and accepted in part but was not addressed directly in the Introduction and General Provisions s42A Report. Table 2 of the Introduction and General Provisions s42A Report states this definition will be addressed in the SASM hearing, however, S440.003 was not referenced in the SASM s42A Report or Appendix 2. We accept submission point S440.003 in part to add a new definition for '*Poutini Ngāi Tahu Land'* and as a consequential amendment recommend adding a new definition for '*Specified Māori Land'* using the NPSIB definition. We consider this reflects the outcome of the JWS between Ms Easton, Te Tumu Paeroa and Poutini Ngāi Tahu.

141. The Panel have considered the term '*Specified Māori Land'* in the Recommendation Report on the General Rural Zone, recognising that the term is used in both the NPSIB and the NPSHPL. There are common elements in the definitions of both national policy statements, some elements that are not relevant to the region, and an additional element included in the NPSIB definition. The Panel recommend a definition for the term that references aspects common to both national instruments, separately identifies the element of difference in the NPSIB definition, and only references areas relevant to the region.

142. The Panel accept the need for a definition of '*Cultural Harvest*' but consider that it should link to the definition of '*Cultural Materials*' as included in the SASM Chapter Recommendation Report so amend the definition as recommended by the planners on this basis.

Ecological District/Region

143. The Panel accepts Ms Easton's recommendation to add a new definition for '*Ecological District*' referencing the relevant Department of Conservation document given this is used in the provisions.

Effects Management Hierarchy

144. The Panel accepts Ms Easton's recommendation to add a new definition for *'Effects Management Hierarchy'* using the NPSIB definition given this is used in the provisions.

Ecological Terms Used in Policy ECO – P6

145. The Panel accepts Ms Easton's recommendation to add a new definition for *'Threatened Environment Classification'* by referencing the relevant Landcare Research Report.

146. The Panel also recommends adding a new definition for '*Threatened or At Risk species* and *Threatened or At Risk (declining)'* using the NPSIB definition. However, the Panel notes the NPSIB definition uses the New Zealand Threat Classification System Manual (Andrew J Townsend, Peter J de Lange, Clinton A J Duffy, Colin Miskelly, Janice Molloy and David A Norton, 2008. Science & Technical Publishing, Department of Conservation, Wellington), or its current successor publication. We note the New Zealand Threat Classification System Manual 2022 (Jeremy Rolfe, Rod Hitchmough, Pascale Michel, Troy Makan, Jerry A. Cooper, Peter J. de Lange, Andrew J. Townsend, Colin M. Miskelly and Janice Molloy) is the current successor of the 2008 classification system. We understand the key revision of the 2008 system includes removal of the conservation status At Risk – Relict; the modification of At

Risk – Naturally Uncommon to include all taxa that meet its population size and trend criteria, regardless of whether their condition is natural; and the re-labelling of At Risk – Recovering A and At Risk – Recovering B, into Threatened – Nationally Increasing and At Risk – Recovering, respectively. We therefore consider it is appropriate to use the 2022 classification system in the definition as the current successor publication.

147. The Panel notes the terms '*Threatened and At Risk'* and '*Threatened and At Risk (declining)*' are not only used in Policy ECO-P6 but also are used in relation to the Coastal Environment Chapter and the Light Chapter in the coastal environment to give effect to the NZCPS and RPS.

Ecological District/Region

148. The Panel accepts Ms Easton's recommendation to add a definition for '*Ecological District'* using the NPSIB definition. We note the significance assessment under Appendix 1 of the NPSIB (and RPS Appendix 1) refers to the ecological district and that this is the context for the representativeness criterion.

Biodiversity Compensation and Biodiversity Offset

149. The Panel accepts Ms Easton's recommendation to add new definitions for '*Biodiversity Compensation'* and *'Biodiversity Offset'* using the NPSIB definitions given both these terms are used in the provisions and are part of the effects management hierarchy.

Net Gain

150. The Panel considers it is helpful to add a new definition for '*net gain'* using the NPSIB definition given our recommendation to use this term in ECO-P7, as requested by the Director General (S602.071). We note the Director General's submission (S602.020) proposed an alternative definition to be used until the NPSIB took effect.

Improved Pasture

151. The Panel accepts Ms Easton's recommendation to add a new definition for *'improved pasture'* using the NPSIB definition.

Parent Title

152. The Panel accepts Ms Easton's recommendation in relation to Rule ECO-R4/SUB-R7 (which is discussed later in this Report) to add a new definition for '*Parent Title'* to clarify this term, as requested by submitters.

Maintaining Indigenous Biodiversity

153. The Panel considers the range of submission points seeking protection of significant biodiversity values to give effect to RMA s6(c) and the RPS provide broad scope to include the direction of the NPSIB and its sole objective to maintain indigenous biodiversity so there is no overall loss in indigenous biodiversity after 4 August 2023. We have considered adding a definition for '*Maintaining indigenous biodiversity'* within the glossary of the Plan but note the NPSIB includes it with the objective. We accept the approach taken in the NPSIB is appropriate and avoids disconnection with ECO-O1 where the term is relevant.

Hearing Panel's Recommendation

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

SIGNIFICANT NATURAL AREA

means

~~a. areas that have been assessed as an area of significant indigenous vegetation or significant habitat of indigenous fauna in accordance with the criteria set out in the West Coast Regional Policy Statement;~~

~~b. areas that have been identified as Significant Natural Areas in any West Coast Regional or District Plan.~~ [9]

a. any area that, after the commencement date (4 August 2023), is notified or included in a district plan as an SNA following an assessment of the area in accordance with Appendix 1 of the National Policy Statement for Indigenous Biodiversity 2023; and

b. any area that, on the commencement date (4 August 2023), is already identified in a policy statement or plan as an area of significant indigenous vegetation or significant habitat of indigenous fauna (regardless of how it is described); in which case it remains as an SNA unless or until a suitably qualified ecologist engaged by the relevant local authority determines that it is not an area of significant indigenous vegetation or significant habitat of indigenous fauna. [10]

AREA OF SIGNIFICANT INDIGENOUS BIODIVERSITY

means, ~~in relation to the Subdivision Rules,~~

a. an area identified as a Significant Natural Area in Schedule Four; or

b. an area identified through an ecological assessment process undertaken by an ecologist as meeting the criteria for ~~a Significant Natural Area~~ **significant indigenous biological diversity** as set out in the West Coast Regional Council Policy Statement, Appendix ~~One~~**1**.

INDIGENOUS VEGETATION CLEARANCE

means the clearing**, damage, destruction**[11] or removal of indigenous vegetation by any means, including **felling,**[12] cutting, crushing, **smothering,**[13] **mob-stocking**[14] cultivation, irrigation, chemical application, drainage, stopbanking, overplanting, or burning**, but excluding and the clearance of indigenous vegetation forming an understorey within an exotic plantation forest.**[15]

POUTINI NGĀI TAHU ACTIVITIES

[9] Director General of Conservation S602.016, Royal Forest and Bird Protection Society of New Zealand Inc S560.077, Federated Farmers of New Zealand S524.021
[10] Director General of Conservation S602.016, Royal Forest and Bird Protection Society of New Zealand Inc S560.077
[11] Director General of Conservation S602.014, Royal Forest and Bird Protection Society of New Zealand Inc S560.065
[12] Buller Conservation Group S552.025, Frida Inta S553.025
[13] Royal Forest and Bird Protection Society of New Zealand Inc S560.065
[14] Director General of Conservation S602.014, Royal Forest and Bird Protection Society of New Zealand Inc S560.065
[15] Buller Conservation Group S552.025, Frida Inta S553.025

means the use of land and/or buildings for traditional Māori activities and includes making and/or creating cultural goods, textiles and art, medicinal and food gathering, waka ama, events, management and activities that recognise and provide for the special relationship between Poutini Ngāi Tahu and places of cultural importance.

POUTINI NGĀI TAHU LAND

Means land owned by Poutini Ngāi Tahu. [16]

CULTURAL HARVEST

Cultural harvest means indigenous vegetation clearance for cultural use and in accordance with tikanga and kaitiakitanga, mahinga kai and collection of cultural materials where this is undertaken by Poutini Ngāi Tahu.[17]

SPECIFIED MĀORI LAND

means land that is any of the following:

a. Māori customary land and Māori freehold land (as defined in Te Ture Whenua Māori Act 1993):

b. land set apart as a Māori reservation under Part 17 of Te Ture Whenua Māori Act 1993 or its predecessor, the Māori Affairs Act 1953:

c. land held by or on behalf of an iwi or a hapū if the land was transferred from the Crown, a Crown body, or a local authority with the intention of returning the land to the holders of mana whenua over the land:

d. land vested in the Māori Trustee that is constituted as a Māori reserve by or under the Māori Reserved Land Act 1955, and remains subject to that Act:

and in the context of implementing the National Policy Statement on Indigenous Biodiversity, also means:

e. Treaty settlement land, being land held by a post-settlement governance entity (as defined in the Urban Development Act 2020) where the land was transferred or vested and held (including land held in the name of a person such as a tipuna of the claimant group, rather than the entity itself):

i. as part of redress for the settlement of Treaty of Waitangi claims; or
ii. by the exercise of rights under a Treaty settlement Act or Treaty settlement deed.[18]

ECOLOGICAL DISTRICT

[16] Te Tumu Paeroa Office of the Māori Trustee S440.003
[17] Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio and Te Rūnanga o Ngāi Tahu S620.040, Royal Forest and Bird Protection Society of New Zealand Inc S560.062
[18] Te Tumu Paeroa Office of the Māori Trustee S440.003, and consequential do recommendations on the General Rural Zone in relation to implementation of the National Policy Statement for Highly Productive Land

means the ecological districts as shown in McEwen, W Mary (ed), 1987. Ecological regions and districts of New Zealand. Wellington: Department of Conservation.[19]

EFFECTS MANAGEMENT HIERARCHY

means an approach to managing the adverse effects of an activity on indigenous biodiversity that requires that:

a. adverse effects are avoided where practicable; then

b. where adverse effects cannot be avoided, they are minimised where practicable; then

c. where adverse effects cannot be minimised, they are remedied where practicable; then

d. where more than minor residual adverse effects cannot be avoided, minimised, or remedied, biodiversity offsetting is provided where possible; then

e. where biodiversity offsetting of more than minor residual adverse effects is not possible, biodiversity compensation is provided; then

f. if biodiversity compensation is not appropriate, the activity itself is avoided. [20]

THREATENED ENVIRONMENTS CLASSIFICATION

means the threatened environments as shown in Walker S, Cieraad E, Barringer J 2015, The Threatened Environment Classification for New Zealand 2012: a guide for users, Landcare Research Report LC2184. [21]

THREATENED OR AT RISK AND THREATENED OR AT RISK (DECLINING)

have, at any time, the meaning given in the New Zealand Threat Classification System Manual 2022 Jeremy Rolfe, Rod Hitchmough, Pascale Michel, Troy Makan, Jerry A. Cooper, Peter J. de Lange, Andrew J. Townsend, Colin M. Miskelly and Janice Molloy (available at www.doc.govt/nztcs), or its current successor publication. [22]

BIODIVERSITY COMPENSATION

means a conservation outcome that meets the requirements in Appendix 4 of the National Policy Statement for Indigenous Biodiversity and results from actions that are intended to compensate for any more than minor residual adverse effects on indigenous biodiversity after all appropriate avoidance, minimisation, remediation, and biodiversity offsetting measures have been sequentially applied.[23]

BIODIVERSITY OFFSET

[19] Buller Conservation Group S552.024, Frida Inta S553.024

[20] Director General of Conservation S602.019, Te Mana Ora (Community and Public Health) of the NPHS/Te Whatu Ora S190.002

[21] Chris & Jan Coll S558.092, Chris J Coll Surveying Limited S566.092, Laura Coll McLaughlin S474.092, Peter Langford S615.044, Karamea Lime Company S614.044, Koiterangi Lime Co Ltd S577.035, Catherine Smart-Simpson S564.028, William McLaughlin S567.174, Steve Croasdale S516.035 and Geoff Volckman S563.023

[22] Chris & Jan Coll S558.092, Chris J Coll Surveying Limited S566.092, Laura Coll McLaughlin S474.092, Peter Langford S615.044, Karamea Lime Company S614.044, Koiterangi Lime Co Ltd S577.035, Catherine Smart-Simpson S564.028, William McLaughlin S567.174, Steve Croasdale S516.035 and Geoff Volckman S563.023

[23] Director General of Conservation S602.018, Buller Conservation Group S552.004, Frida Inta S553.004

means a measurable conservation outcome that meets the requirements in Appendix 3 of the National Policy Statement for Indigenous Biodiversity and results from actions that are intended to:

a. redress any more than minor residual adverse effects on indigenous biodiversity after all appropriate avoidance, minimisation, and remediation measures have been sequentially applied; and

b. achieve a net gain in type, amount, and condition of indigenous biodiversity compared to that lost.[24]

NET GAIN

This principle reflects a standard of acceptability for demonstrating, and then achieving, a net gain in indigenous biodiversity values. Net gain is demonstrated by a like-for-like quantitative loss/gain calculation of the following, and is achieved when the indigenous biodiversity values at the offset site are equivalent to or exceed those being lost at the impact site:

a. types of indigenous biodiversity, including when indigenous species depend on introduced species for their persistence; and
b. amount; and
c. condition (structure and quality). [25]

INDIGENOUS BIODIVERSITY

means the living organisms that occur naturally in New Zealand, and the ecological complexes of which they are part, including all forms of indigenous flora, fauna, and fungi, and their habitats.[26]

INDIGENOUS VEGETATION

means vascular and non-vascular plants that, in relation to a particular area, are native to the ecological district in which that area is located.[27]

IMPROVED PASTURE

means an area of land where exotic pasture species have been deliberately sown or maintained for the purpose of pasture production, and species composition and growth has been modified and is being managed for livestock grazing.[28]

PARENT TITLE

means a record of title in existence on 14 July 2022.[29]

4. ECO - ECOSYSTEMS AND INDIGENOUS BIODIVERSITY CHAPTER

[24] Director General of Conservation S602.021, Buller Conservation Group S552.004, Frida Inta S553.004
[25] Director General of Conservation S602.020
[26] Manawa Energy Limited S438.020
[27] Royal Forest and Bird Protection Society of New Zealand Inc S560.505, Buller Conservation Group S552.074, Frida Inta S553.074, Suzanne Hills S443.003,
[28] New Zealand Agricultural Aviation Association S166.008, Federated Farmers of New Zealand S524.010
[29] Chris & Jan Coll S558.227, Chris J Coll Surveying Limited S566.227, Laura Coll McLaughlin S474.227, William McLaughlin S567.174

4.1. Whole Chapter

Submissions and Further Submissions

155. Forty-eight submissions points and 29 further submission points relating to the whole chapter were summarised in a Table on pages 34-39 of the s42A Report. Four submission points supported the provisions in the chapter, 10 opposed the provisions in the chapter, 33 sought amendments and one was neutral. Twelve further submissions supported various submissions, and 17 further submissions opposed various submissions.

156. The Panel has considered the submissions and further submissions received and adopts the summaries in the s42A Report.

Section 42A Report

157. Ms Easton acknowledged the four submissions[30] that showed various support for the provisions in the chapter. However, she noted her recommended amendments in response to other submissions.

158. Ms Easton did not support Groundswell NZ's (S562.006) request to remove the identification of features required by s6 of the RMA from the Plan. She also did not support the submission points from Groundswell (S562.003) and Straterra (S536.008) that sought for the provisions with legal effect to be withdrawn from the Plan because of the obligation to give effect to the RMA.

159. In response to the submission point made by Nicholas Johnston (S14.008) that sought to remove all restrictions on private land for indigenous biodiversity, Ms Easton did not support the submission. She considered the framework in the RMA, NPSIB and the RPS all provided for the protection of indigenous biodiversity.

160. Ms Easton did not support the submission point made by GE & CJ Coates (S415.004) that sought to delete all parts of the plan relating to natural environmental values. She considered it would not be legally possible to do so.

161. Ms Easton did not support the submission point made by Grey District Council (**GDC**) (S608.037) that sought to delete all references to '*Sites or Areas of Significance to Māori*' from the Chapter. She noted that the substantive matter raised by this submission was addressed in the s42A Report for Sites and Areas of Significance to Māori (**SASM**).

162. In response to the submission points made by Nicholas Johnston (S14.007) and Inger Perkins (S462.010) that sought for all land tenures to be treated the same in terms of ecosystems and biodiversity, Ms Easton did not support the relief sought. She noted that the NPSIB recognised that different land tenure needs different degrees of management and therefore considered this distinction should carry through to the Plan.

163. Ms Easton did not support Paul Elwell-Sutton's (S144.001) request to prioritise the Plan provisions relating to the health, integrity and life-supporting properties of indigenous ecosystems and biodiversity. She considered the RMA s6 did not place any greater weight on any one matter of national importance.

[30] Michael Orchard (S583.003), Westland District Council (S181.014), Christine Anderson (S88.001) and Anna Bradley (S90.001)

164. Ms Easton acknowledged the submission points made by John Caygill (S290.008), the Aggregate and Quarry Association (**AQA**) (S521.002) and Forest and Bird (S560.025) that all sought for this section of the Plan to give effect to the RPS, albeit different parts. Ms Easton supported the submissions in part, but as there was no specific detail to the submissions, she did not recommend any specific response.

165. In response to the submission point made by the AQA (S521.020) that sought to clarify how the enabling provisions would affect Plan users, Ms Easton acknowledged the submission and supported it in part. She commented that this was largely related to mineral extraction and was considered as part of that hearing stream.

166. Ms Easton supported in part Forest and Bird's (S560.191) request for the immediate commencement of the SNA identification using the desktop Wildlands Report as the basis for the assessment. She acknowledged that there were inconsistencies in the Wildlands Report and there was a need for a significant amount of ground-truthing and on-site ecological assessment. However, she acknowledged the time and cost necessary for this to occur. She also supported in part their submission point (S560.006) that sought the inclusion of provisions specifically ensuring the protection of significant habitats of indigenous fauna, including from exotic vegetation clearance. Although she acknowledged the difficulties associated with this related to the limitations of available information. While she agreed that significant habitats for indigenous fauna should be protected, she did not support rules related to exotic vegetation clearance.

167. Ms Easton supported in part Katherine Gilbert's (S473.002) request for a rule framework that required SNA to be identified, mapped and listed in the Plan in accordance with the RPS criteria. She acknowledged that the process and framework for identifying SNA was considered in relation to ECO-P1.

168. In response to the submission point made by Inger Perkins (S462.009) that sought reference to the draft NPSIB in the Plan, Ms Easton supported this submission in part. She recommended adding text in the Overview section of the chapter to reflect that the gazetted NPSIB was now in effect, as follows:

> ***The National Policy Statement for Indigenous Biodiversity (NPSIB) came into force on 4 August 2023 and TTPP is required to give effect to this. The NPSIB requires Councils to protect, maintain and restore indigenous biodiversity in a way that:***
>
> - ***recognises tangata whenua as kaitiaki, and people and communities as stewards, of indigenous biodiversity; and***
> - ***provides for the social, economic and cultural wellbeing of people and communities, now and into the future***
>
> ***The NPSIB must be given effect to as soon as reasonably practical. Because TTPP was developed prior to the NPSIB, it only partially gives effect to it – in as much has been possible within the constraints of the scope of submissions made to the Plan.***

169. Ms Easton did not support Riarnne Klempel (S296.005) and David Marshall's (S347.006) request to protect either 'old growth forest' or 'lowland forest' because she considered the determination of significant indigenous vegetation needed to be as a result of an assessment using the criteria set out in the RPS, and as directed in ECO-P1.

170. Ms Easton supported in part Westpower's (S547.246) request to recognise existing energy activities and infrastructure within ecosystems and areas of indigenous biodiversity. She acknowledged that there was direction in the RPS to support regionally significant infrastructure and considered that the permitted activity standards of ECO-R1 adequately provided for this. Accordingly, she made no recommended amendments in response to this submission.

171. In response to the submission points made by Lynley Hargreaves (S481.002 and S481.026) that sought an increased protection for indigenous biodiversity and a recognition of climate change, Ms Easton acknowledged the submission, noting that amendments had been recommended in the Strategic Direction Chapter regarding climate change. She did not recommend any additional changes to this Chapter in response to this submission. In terms of providing an increased protection for indigenous biodiversity, Ms Easton noted that various amendments were recommended within the Chapter that implement the requirements of the NPSIB and address this submission point.

172. Ms Easton did not support the submission points made by Michael Snowden (S492.012) and Anna Bradley (S90.002) that sought non-regulatory assistance to SNA landowners (i.e. rates relief) because she noted the Plan was a combined plan for three Councils and there was no power to set budgets.

173. In response to the submission point made by Horticulture New Zealand (S486.088) that sought provisions to enable the active management of pests, Ms Easton supported the submission in part. She acknowledged that in other hearing streams amendments had been recommended to support biosecurity efforts, including an amendment to the definition of '*Conservation Activities'* which specifically enabled biosecurity activities. She considered that because *'Conservation Activities'* were provided for as a permitted activity in this Chapter, no other amendments were required in response to the submission point.

174. Ms Easton acknowledged the submission point made by Tangi Weepu (S630.003) that sought the protection of natural environment values and significant sites. She considered the Plan provided adequate protection for these values and did not recommend any amendments in response to this submission.

175. Ms Easton acknowledged and partly supported the submission made by the West Coast Penguin Trust (S275.012) that sought amendments to provide greater protection for penguins and other sea and shore birds. However, she made no recommended amendments because of the lack of information regarding the habitats of vulnerable indigenous fauna.

176. In response to the submission point made by the West Coast Regional Council (**WCRC**) (S488.002) that sought to ensure that there were no adverse effects on the social and economic wellbeing of West Coast communities and people, Ms Easton did not support the relief sought. She noted the submission was not clear on the relief sought. She considered the content of this Chapter was strongly driven by the content of the RPS.

177. In response to the submission points made by Rocky Mining Limited (S474.032) and Papahaua Resources Limited (S500.021) that sought recognition that mineral extraction has a functional and operational need to locate where the resource was, Ms Easton supported the submission in part. She acknowledged the functional needs of activities but did not recommend any specific amendments in response to these submissions.

178. Ms Easton did not support Katherine Gilbert's (S473.009) request for amendments to ensure indigenous biodiversity was maintained and the protection of SNA from mineral exploration and extraction activities because she considered the Plan already contained appropriate protections in this regard. She also noted the NPSIB provided specific direction related to nationally significant mineral extraction activities and that she recommended some amendments in response to detailed submissions at the appropriate section of the Chapter.

179. In response to the submission points made by Straterra (S536.019), Rocky Mining Limited (S474.035) and Papahaua Resources (S500.024) that sought overlay provisions seeking to '*avoid, protect, prevent, minimise, restrict or preserve'* be limited to situations where they were warranted, Ms Easton supported the submissions in part. She agreed that there was a clear framework for using these strongly directive terms when referring to significant indigenous biodiversity. She did not recommend any amendments in response to these submissions.

180. In response to the submission point made by Straterra (S536.005) that sought to ensure a consenting pathway was provided for activities in the overlays, Ms Easton supported the submission in part. She acknowledged that there were no prohibited activities in the Chapter and noted there was a consenting pathway for activities within an SNA, which included offsetting and compensation. She did not recommend any amendments in response to this submission.

181. Ms Easton did not support Frida Inta's (S553.208) request to include a chapter on genetically modified organisms because this was not an issue identified as a significant resource management issue for the West Coast and the national legislation related to this was very restricted.

182. Ms Easton did not support Forest and Bird's (S560.011) request for all chapters in the Plan to give an appropriate level of protection to SNA, whether they are listed in Schedule Four or not. She considered the ECO Chapter was the appropriate place in the Plan for provisions related to SNA and noted that recommendations for other hearing streams clarified this.

183. In response to Forest and Bird's (S560.027) request for other chapters to refer to biodiversity effects and to include a requirement to give effect to the ECO Chapter, Ms Easton supported the relief sought in part. She noted previous recommendations (in other chapters) to the Overviews of chapters that the ECO Chapter provisions apply with respect to effects on indigenous biodiversity. She recommended no amendments in response to this submission.

184. Ms Easton did not support Forest and Bird (S560.028) and Suzanne Hills' (S443.004) requests to use of the same terminology as used in the RPS in relation to biodiversity offsetting and compensation because the RPS has been superseded by the NPSIB and the terminology in that document is more current.

185. In response to the submission point made by the Director General (S602.061) that sought amendment to the title page of the Natural Environment Section, Ms Easton supported the submission in part. She agreed that there should be a reference to '*the margins of waterbodies'*, but she did not support deleting the reference to public access.

186. The s42A Report recommended two amendments in response to submissions on the ECO Chapter as follows:

Title Page of the Natural Environment Section

This section will include the provisions for ecosystems and indigenous biodiversity, natural character, natural features and landscapes ***~~and~~*** *public access* ***and the margins of waterbodies****. It will identify the specific features and places on the West Coast that are important to those values, including any Outstanding Landscapes or Significant Natural Areas. It will also include the Objectives, Policies and any Rules for the management of these areas.*

Overview of the Ecosystems and Indigenous Biodiversity Chapter

… Secondly, it is required to recognise and provide for the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna.

The National Policy Statement for Indigenous Biodiversity (NPSIB) came into force on 4 August 2023 and TTPP is required to give effect to this. The NPSIB requires Councils to protect, maintain and restore indigenous biodiversity in a way that:

- ***recognises tangata whenua as kaitiaki, and people and communities as stewards, of indigenous biodiversity; and***
- ***provides for the social, economic and cultural wellbeing of people and communities, now and into the future***

The NPSIB must be given effect to as soon as reasonably practical. Because TTPP was developed prior to the NPSIB, it only partially gives effect to it – in a much has been possible within the constraints of the scope of submissions made to the Plan.

Because of the extremely large land area …

Hearing and Submitter Evidence/Statements

187. Mr Jamie McFadden and Mr George Coates presented a statement for Groundswell New Zealand reiterating their submission on how to protect natural and cultural values on private land without using mapping to address s6 RMA matters. Mr McFadden gave examples of this approach in the Hurunui District.

188. Mr Tangi Weepu spoke at the hearing in support of his submission. He expressed deep concern for Lake Māhinapua and its degradation, which was hurting his people. He highlighted the interconnectedness of everything and the difficulty in trying to fit his culture into RMA rules and the Plan process.

189. Mr George Coates and Mrs Caryl Coates, for Nikau Deer Farm Limited, spoke at the hearing in support of their submission and provided a written statement. They considered RMA s6 was 'not doing its job' in achieving the purpose of the Act. They noted concern about indigenous vegetation clearance rules in the coastal environment and along the margins of streams, and believed people would mow to prevent indigenous vegetation growing by waterways. They considered the rules imposed unnecessary financial burdens and wanted less restrictive maintenance rules.

190. Ms Lucy Smith presented a statement on behalf of Terra Firma Mining Limited outlining concerns with how mineral extractions were treated under the NPSIB and the "*significant national benefit*" test.

191. Ms Graeme Walsh spoke at the hearing in relation to the identified SASM and objected to Poutini Ngāi Tahu becoming a pseudo-consent authority, as further outlined in the SASM Chapter Recommendation Report.

192. Ms Inger Perkins' statement presented at the hearing set out a generalised position that sought to protect indigenous habitats and species. She encouraged the Panel to rely on the submissions and recommendations of others who have put forward specific methodologies for achieving that.

193. Mr Martin Kennedy's evidence for Westpower reiterated the submission point to make specific provision for specified infrastructure given that the NPSIB recognised these activities. However, his evidence did not suggest any specific wording or changes.

194. Ms Inta reiterated her submission in relation to genetic modification and considered that despite the matter not currently being a significant issue for the West Coast, the matter should at least be acknowledged in the Plan. She also considered a reference to the '*coastal environment*' should be included on the title page of the Natural Environment Section. She considered the rules would not stem the ongoing erosion of indigenous biodiversity on the West Coast and noted the evidence given by Ms Easton that 10,000 hectares had been estimated to have been lost in the last 20 years.

195. Mr Peter Anderson, Counsel, presented legal submission for Forest and Bird addressing the RMAA and implications for this Plan process. He submitted by operation of s78(6)(b), the RMAA did not affect the requirement to identify and map SNA in the pTTPP; and the Grey District SNA were covered by s78(6)(a) and can be included because they were in the notified Plan, prior to the RMAA commencing and were unaffected by s78. He agreed with Ms Easton that the requirement to give effect to the NPSIB as soon as reasonably practicable remained unchanged and the Panel must do so where there was scope. While he acknowledged the RPS did not give effect to the NPSIB, he submitted there were no aspects that materially conflict and both require SNA to be identified and mapped using criteria that are equivalent. He agreed with the legal advice from Wynn Williams that SNA identification and mapping must continue to give effect to the RPS.

196. Mr Anderson highlighted the definition of SNA under the RPS included "an area which although not included as a SNA in a regional or district plan nevertheless meets one or more of those criteria listed in Appendix 1 or 2". He concluded this meant areas in the Westland and Buller Councils and in the Grey District outside of SNA that met the criteria were SNA under the RPS. He also noted identified SNA in the Grey District must remain SNA unless determined otherwise. He noted the RPS dealt with the reality that SNA had not been identified and mapped (using the Appendix 1 criteria), whereas the NPSIB assumes SNA have been identified and mapped.

197. Mr Anderson noted high level support for the pTTPP approach and the objective to protect significant Indigenous vegetation and habitats of Indigenous fauna and maintaining Indigenous biodiversity. However, he highlighted issues with ECO-P1 given the RPS requirement to identify and map SNA and the three-year suspension period until October 2027 before these could have legal effect. He considered there was a window between this date and August 2028 when SNA could be introduced by way of a plan change. He submitted references to the NPSIB in policies ECO-P1 to ECO-P3 should be replaced with reference to the RPS because the obligation comes from the RPS. He considered that in the absence of mapped SNA the vegetation clearance rules must be relatively stringent to give effect to RMA s6(c) and s31(2)(b)(iii).

198. Mr Matt Pemberton, Counsel, provided legal submissions for the Director General addressing the statutory framework. He highlighted the obligation to "*recognise and provide for*" the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna as a matter of national importance. He noted the importance of the Biodiversity Strategy to guide all those who work with or have an impact on biodiversity, which specifically includes local government. He noted that many of the Director General's submission points anticipated the NPSIB becoming operative and provide scope to give effect to the NPSIB. He agreed with the legal advice of Wynn-Williams that SNA identification and mapping must continue to give effect to the RPS. He highlighted the evidence of Dr Marshall that the RPS and NPSIB assessment criteria were equivalent, with the NPSIB giving more clarity on application of the criteria.

199. Mr Pemberton noted the Panel must give effect to the RPS and NPSIB, and if the RPS conflicts with the NPSIB, the NPSIB must prevail. He cautioned the Panel not to assume the RPS did not give effect to the NPSIB just because it preceded it. He submitted there was a 'high level of synergy' between the RPS and NPSIB in terms of the overall requirement on Councils to maintain indigenous biodiversity under RMA s31(1)(b)(iii). He acknowledged a close analysis of RPS Chapter 7 and the NPSIB was required to see there was no conflict and to give effect to both.

200. Dr Jane Marshell provided evidence for the Director General describing the diversity of ecological values in Te Tai o Poutini with a focus on vegetation, flora, and ecosystems, including habitat for indigenous fauna. She identified specific biodiversity values in each of the West Coast districts, particularly those that were not well represented on public conservation land. She compared the ecological significance criteria used in the RPS, NPSIB and those used in the Grey District Council's SNA programme. She also outlined the process and outcomes of the Grey District Council's SNA programme and spatial scale of SNA mapping.

201. Dr Marshall noted Tai o Poutini supported a diverse range of ecosystems, vegetation and habitat for fauna throughout the region from the coastal to the alpine zone. She outlined the values include the vast extent of indigenous vegetation cover, naturally uncommon ecosystems, intact and natural ecological gradients and Threatened, At Risk, uncommon and regionally endemic species. She noted the location of these and other biodiversity values was contingent on abiotic influences such as geology, landforms, soil types, temperature, and precipitation. She outlined that the Ecological Regions and Districts of New Zealand classification provided an appropriate and accepted ecological framework from which to systematically understand and describe the unique biodiversity values within each district and the proportion of those values that remain. She highlighted that the low elevation and coastal areas, and the areas with more fertile soils, were amongst the most modified in the region and as a consequence, the habitats, vegetation associations and ecosystems of these areas were the least common.

202. Dr Marshall considered the identification of significant ecological values would be most effectively completed if a consistent process and set of ecological criteria were employed. She considered the criteria of the RPS were equivalent to those of the NPSIB but noted the guidance in the NPSIB gave greater clarity on the application of those criteria. She noted the process used in the Grey District SNA process was appropriate, but the criteria used were not consistent with those in the RPS and had not been supported by court decisions. Dr Marshall included Appendix 1 to her evidence which provided a comparison of each criterion of the NPSIB and the RPS.

203. Ms Cassandra Mealey provided evidence for the Director General on terrestrial fauna values, including Threatened and At Risk fauna, their distributions and habitats, threats, SNA in Grey District, biodiversity offsetting and compensation, and the approach to biodiversity offsetting and compensation in the TTPP. She highlighted the importance of intact ecological gradients from the mountains to the sea (ki uta ki tai) as critical habitats for indigenous biodiversity, including endemic species and globally threatened species. She noted the crucial role the region's fauna play in maintaining ecosystem processes and preserving biodiversity; and the importance of connected habitats, including remnant lowlands habitats. She highlighted that the Buller Coal Plateau's complex mosaic of interrelated unique ecosystems provide nationally significant habitat for endemic fauna. She noted the threats to fauna include climate change, habitat loss, pest species, low-carbon power generators, and human interactions (e.g. kea and lead consumption).

204. Ms Mealey considered identification of SNA within privately owned landscapes was key for the protection and persistence of fauna and their habitats within Te Tai o Poutini. She noted that ecological significance criteria provide a standardised framework to assess ecological values and capture the full range of indigenous biodiversity. She considered the NPSIB criteria represent the most current standards, offering greater guidance for consistency and transparency. She highlighted the Grey District Council's SNA programme had used criteria that were significantly different to the RPS criteria and the NPSIB, which had resulted in an under-representation of SNA within the district. She recommended these SNA be assessed using the NPSIB criteria.

205. Ms Mealey considered biodiversity offsets and compensation could be useful to address residual adverse effects on SNA or other biodiversity to maintain indigenous biodiversity within Te Tai o Poutini. She supported the inclusion of specific direction on the use, design, and implementation of biodiversity offsetting and compensation in the pTTPP. She noted the NPSIB represented the most current and New Zealand tailored principles for biodiversity offsetting and compensation. She agreed with and supported the recommendation to adopt the NPSIB approach for defining '*Effects Management Hierarchy'*, '*Biodiversity Offset'*, and *'Biodiversity Compensation*'. She also agreed with and endorsed the use of the NPSIB principles on biodiversity offsetting and compensation because it followed current good practice which was aligned with delivering better quality and more secure biodiversity outcomes.

206. Ms Christina Sheard, Counsel, presented legal submissions on behalf of Bathurst addressing matters relating to giving effect to the NPSIB and RPS; and the need to provide for existing lawfully established activities and activities anticipated in the MINZ and BCZ. She highlighted the importance of mineral extraction to the West Coast and Bathurst's concern that the protection and maintenance provisions in the Ecosystems and Indigenous Biodiversity Chapter effectively 'trump' the enabling intent of the MINZ and BCZ.

207. Dr Gary Bramley provided evidence for Bathurst outlining the ecological values on the Buller Coal Plateau, ecological management methods at Stockton Mine and the relief sought in relation to the effects management hierarchy. He noted there were at least four naturally uncommon ecosystems present within the Ngākawau Ecological District, all of which occur on the Buller Coal Plateau, and substantial areas of indigenous vegetation that provide habitat for a very high diversity of indigenous fauna. He considered the undisturbed areas would meet the criteria for SNA and much of the Buller Plateau would meet the criteria to be considered a natural inland wetland under the NPSFM.

208. In relation to the effect management hierarchy, Dr Bramley noted that avoidance can and should be applied to infrastructure where their location is not important to their function. He described minimisation of effects and rehabilitation/remediation to achieve acceptable long-term outcomes. He noted biodiversity offsets were designed to achieve no net loss of biodiversity and are intended to address any significant residual effects once avoidance, minimisation and remediation options have been exhausted. He highlighted the offset principles and acknowledged that some ecological values are so vulnerable or irreplaceable they cannot be offset. He also acknowledged the offsetting process was technical, varies on a case-by-case basis and was heavily reliant on comprehensive data. He considered the Plan needed to enable technical assessments to be carefully tested in the consent process without unreasonable constraints. He also addressed biodiversity compensation and the principles guiding this for residual effects that cannot be avoided, remedied, mitigated or offset. He concluded it was important to apply the full effects management hierarchy for mineral extraction activities because the mineral location was fixed.

209. Dr Bramley outlined current application of the effects management hierarchy at Stockton Mine, the history of rehabilitation/remediation, current remediation activities, current offsetting activities, the relief sought and the requirements of the NPSIB.

Reporting Officer Reply Evidence

210. Ms Easton's Right of Reply provided more information on the identified regionally significant wetlands scheduled in the Regional Land and Water Plan – Schedule 1 and those that may be significant on Schedule 2. She also outlined controls under the RPS and NESF, as well as NPSIB and NPSFM. She also reviewed other regional plans and regionally policy statements around New Zealand in relation to the identification of areas of significant habitat for fauna and confirmed Canterbury, Otago and Auckland have provisions for both the protection of significant habitats and the fauna themselves. She considered there was no scope to address taonga species in the provisions to give effect to the NPSIB.

211. Ms Easton outlined the policies of the NPSIB and advised where there was scope to address these and where she considered the notified provisions had incorporated these. She provided estimates on the amount of private land affected by SNA and ONL overlays, and Threatened Environments Classification for land.

212. Ms Easton noted that the Kiwi Rail submission point (S442.096) requesting removal of the ONL overlay from the rail corridor designation had inadvertently not been addressed in the Natural Landscape and Features hearing. She provided the relevant maps of the recommendation from Ms Bridget Gilbert and considered the ONL boundaries were appropriate given substantial width of the rail corridor designation and the large areas of indigenous vegetation.

Hearing Panel's Evaluation

213. The Panel acknowledges Ms Easton's evidence, that using the government database Threatened Environments Classification 2012, approximately 10,000 hectares of indigenous vegetation has been lost over the last 20 years through ongoing land clearance for primary production purposes, with a large proportion lost between 2000-2008 due to dairy expansion in Westland. It is clear the vegetation clearance rules in the operative district plans have not been effective in managing this ongoing loss of indigenous biodiversity or in achieving the purpose and principles of the Act. The Panel records that Commissioner Becker disagreed with this statement as detailed in Appendix 2.

214. The Plan must give effect to the objectives of the operative RPS, which require the identification and protection of significant indigenous vegetation and significant habitats of indigenous fauna, while providing for sustainable subdivision, use and development; and maintenance of terrestrial and freshwater biodiversity, in order to give effect to the overarching purpose and principles of the RMA. The identification and protection required under the RPS has not been fully undertaken, however, these RPS requirements remain regardless of the commencement of the NPSIB.

215. The Panel considers that the ECO Chapter provisions have not been drafted to give effect to the RPS and accepts submission points that seek changes to ensure consistency with the RPS provisions, where these give effect to the RMA and the NPSIB. The Panel considers the four objectives of Chapter 7 of the RPS are consistent with the direction of the RMA, except for the part of Objective 3 which refers to '*maintain and enhance*' in relation to economic, social and cultural wellbeing. The RMA requires '*providing for'* these matters. In response to Panel questions, Ms Easton agreed Chapter 7 Objective 3 was inconsistent with the NPSIB and there was no higher order statutory direction supporting '*enhancing*' in this context.

216. In response to a Panel question Ms Easton agreed that there is no RMA or higher order direction to avoid adverse effects on the social and economic wellbeing of people and communities, as sought by WCRC (S488.022), in recognising and providing for matters of national importance. We consider this is a matter for consideration in the s32A evaluation in determining the most effective and efficient option for recognising and providing for the protection of significant indigenous vegetation and significant habitats of indigenous fauna.

217. As set out in Part B of this Report above, the NPSIB objective requires the maintenance of indigenous biodiversity across Aotearoa New Zealand so that there is no overall loss in indigenous biodiversity after 4 August 2023; and to achieve this:

    (a) through recognising the mana of tangata whenua as kaitiaki of indigenous biodiversity; and

    (b) by recognising people and communities, including landowners, as stewards of indigenous biodiversity; and

    (c) by protecting and restoring indigenous biodiversity as necessary to achieve the overall maintenance of indigenous biodiversity; and

    (d) while providing for the social, economic, and cultural wellbeing of people and communities now and in the future.

218. The Panel's recommendation on the ECO Chapter provisions must give effect to this objective and the 17 policies, using the decision-making principles in clause 1.5 of the NPSIB. We have endeavoured to use language and terminology consistent with the NPSIB.

219. The Panel has also considered the alignment of the RPS provisions with the NPSIB to identify where the RPS is incomplete or where there are gaps or inconsistencies. Overall, the Panel finds there is a high level of alignment, although there are some differences in the environmental bottom lines included in RPS Chapter 7 Policy 2 and NPSIB clause 3.10(2) for new subdivision, use and development. There are also differences in the RPS Chapter 7 direction in relation to biodiversity offsetting and compensation and the direction and principles for biodiversity offsetting (Appendix 3) and biodiversity compensation (Appendix

4) in the NPSIB. The NPSIB provides clear direction as to when biodiversity offsetting and compensation is not appropriate.

220. In terms of consistency between the RPS and NPSIB significance assessment criteria, the Panel accepts Dr Marshall's analysis that the NPSIB and RPS ecological criteria to assess significance are equivalent in intent but that the NPSIB provides more detailed guidance on what constitutes significance for each criterion than the RPS, making it clearer. We also acknowledge Dr Marshall's evidence that the criteria used to identify the 37 SNA in the Grey District "*is likely to have reduced the number and/or size of areas that qualified as SNA's*" and that criteria are inconsistent with the RPS criteria and the NPSIB criteria. We note Ms Mealey and Dr Bramley (as the only other ecology experts) agreed with Dr Marshall's analysis in Appendix 1 of her evidence and confirmed these were essentially equivalent criteria.

221. Under the NPSIB, SNA identified in regional and district plans are intentionally included in the NPSIB definition of an SNA, regardless of how they are described, until a suitably qualified ecologist engaged by a local authority determines it is not an area of significant indigenous vegetation or significant habitat of indigenous fauna. It is therefore not an option open without qualified ecological advice to the Panel to remove the identified SNA included in Schedule Four of the Plan.

222. The Panel accept the legal submissions and views of the expert ecologists that the SNA in Schedule Four will need to be assessed using the NPSIB Appendix 1 criteria to give full effect to the NPSIB, as well as all other parts of the region, including public land.

223. It is clear that significant indigenous vegetation has been used as a proxy for the protection of significant habitats of indigenous fauna and that no work has yet been undertaken to identify significant habitats outside of indigenous vegetation areas. We acknowledge the concerns of submitters, such as the West Coast Penguin Trust, that significant habitats of threatened indigenous species include areas of non-indigenous vegetation, sand dunes and modified environments. We consider the reliance on restricting indigenous vegetation clearance is inadequate to give effect to the RMA, NPSIB and RPS direction in this regard. While we acknowledge it will be difficult to put lines on a map to achieve this, the available information on significant habitats must be used to identify critical areas and key threats to understand how protection can be achieved.

224. The evidence of Ms Mealey and Dr Marshall for the Director General confirms the importance of the region to endemic species (including threatened and at risk species) and the importance of different habitat types, including in modified environments. It also highlights the national significance and importance of the elevated Buller Plateau, including Denniston and Stockton plateaux, and the southernmost remnant of the ancient plateau at Te Kuha. We accept the species diversity and abundance, and presence of threatened species is exceptional for a mainland site. The Panel notes Dr Bramley agreed the ecological values on the Buller Plateaux are of national significance. Where Dr Bramley disagreed was that, in his view, these values can be offset or compensated.

225. The NPSIB clause 3.20 requires, where information is available, regional councils must record areas outside SNA that are specified highly mobile fauna areas, by working together with tangata whenua (in the manner required by clause 3.3), any potentially affected landowners, territorial authorities in its region, and the Department of Conservation. To help manage adverse effects on specified highly mobile fauna, regional councils must include a map and description of each highly mobile fauna in the region. Local authorities

must include objectives, policies or methods in plans for managing the adverse effects of new subdivision, use, and development on highly mobile fauna areas, in order to maintain viable populations of specified highly mobile fauna across their natural range; and provide information to communities on these species and habitats, and best practice techniques for managing adverse effects.

226. Te Mana o Te Taiao Aotearoa New Zealand Biodiversity Strategy 2020 provides the overall national strategic direction to address the complex issues causing biodiversity loss and places the Treaty partnership at the centre of biodiversity work. It provides a framework for action and guiding principles for government agencies and local government. We have had regard to this national guidance and consider reference to this should be included in the Overview.

227. The Panel draws on our findings here in recommending changes to the Overview and the provisions to give effect to the RMA, NPSIB and RPS. We consider the submission points on the whole of plan seeking the protection of indigenous biodiversity and the health, integrity and life supporting capacity of ecosystems, reference to the draft NPSIB and to give effect to the RPS together provide wide scope to align the ECO Chapter with the RPS and NPSIB. Specific recommendations are made in relation to the relevant section or provision later in this Report. We consider the provisions must give effect to the provisions of the RPS until such time as the district-wide SNA assessment required by the NPSIB is completed and these SNA are included in Schedule Four.

228. The Panel considers the rule framework must give effect to the RPS Chapter 7 requirements in the interim period (until the NPSIB SNA assessment is completed), including the maintenance of indigenous biodiversity and the protection of significant indigenous biodiversity.

229. While not making submission points on the whole chapter, the Panel acknowledges the evidence of Ms Styles and Ms Whitney in relation to the NPSIB direction that it does not apply to the development, operation, maintenance or upgrade of renewable electricity generation assets and activities, and electricity transmission network assets and activities. We agree that, where possible this national direction must be reflected in the recommended provisions. However, we note that the RPS and RMA requirements still apply to the development, operation, maintenance or upgrade of renewable electricity generation assets and activities, and electricity transmission network assets and activities. We acknowledge we must give effect to the direction of the NPSREG and NESETA.

230. The Panel notes that the recommendations to amend the Overview of the chapter were made in the s42A Report and the Right of Reply in response to Inger Perkins' submission point (S462.009) to include reference to the (draft) NPSIB. These recommendations are considered in relation to the Overview.

231. The Panel notes the Coastal Environment Chapter provisions are located within the General District-Wide Matters section of the Plan and should not be included in the title page for the Natural Environment Values section. We accept Ms Easton's recommendation to include '*and the margins of waterbodies*' in response to the Director General's request and agree reference to '*public access*' should remain given the chapters included in the Natural Environment Values section of the Plan. However, we consider this should be reworded to use terms consistent with the chapters by linking the addition to natural character and not as a separate matter. We also consider the title page (and all title pages) should use present

tense (i.e. delete 'will') and the correct terms for Outstanding Natural Landscapes (**ONL**) and Outstanding Natural Features (**ONF**), using RMA Schedule 1, clause 16 to correct this.

Hearing Panel's Recommendation

232. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends the submission point identified in the footnote below is accepted in part, and recommend the following changes to the **Natural Environment Values Title Page**:

Natural Environment Values - Title Page
This section ~~will~~ include**s**[31] the provisions for ecosystems and indigenous biodiversity, natural character **and the margins of waterbodies,**[32] natural features and landscapes and public access. It ~~will~~ identif~~y~~**ies**[33] the specific features and places on the West Coast that are important to those values, including any Outstanding **Natural**[34] Landscapes and **Outstanding Natural Features** ~~or~~ **and**[35] Significant Natural Areas. It ~~will~~ also include**s**[36] the Objectives, Policies and any Rules for the management of these areas.

4.2. ECO - Ecosystems and Indigenous Biodiversity Overview

Submissions and Further Submissions

233. Thirty-five submissions points and 32 further submission points relating to the overview were summarised in a Table on pages 45-54 of the s42A Report. Three submission points supported the provisions in the Overview, one opposed the provisions and 31 sought amendments. Five further submissions supported various submissions, and 27 further submissions opposed various submissions.

234. The Panel has considered the submissions and further submissions received and adopts the summaries in the s42A Report.

Section 42A Report

235. Ms Easton acknowledged the support from Katherine Crick (S101.005) and Forest and Bird (S560.213) for the Overview. However, she noted her recommended amendments in response to other submissions.

236. Ms Easton supported Forest and Bird's (S560.333) request to add a new section in the Overview listing all other relevant chapters of the Plan; and partly supported the part of the submission that sought to clarify that all vegetation clearance was dealt with in the ECO (and Natural Character) Chapter, amending the Overview and other relevant provisions where necessary. She noted her recommendations to move vegetation clearance rules from the Natural Character (**NC**) Chapter to the ECO Chapter. She also highlighted that there were rules in the Mineral Extraction Zone (**MINZ**) and Scenic Visitor Zone (**SVZ**) Chapters relating to vegetation clearance and noted that she had not made an assessment

[31] RMA Schedule 1, clause 16(2)
[32] Director General of Conservation S602.0610
[33] RMA Schedule 1, clause 16(2)
[34] RMA Schedule 1, clause 16(2)
[35] RMA Schedule 1, clause 16(2)
[36] RMA Schedule 1, clause 16(2)

as to whether those provisions should be moved to the ECO Chapter given this part of the Forest & Bird submission had been referred to in the other relevant hearing streams.

237. Ms Easton did not support all the changes to the Overview section sought by Frida Inta[37] and Buller Conservation Group[38], including to add more detail around the natural values of the West Coast. However, she supported amendments that provided a clearer understanding for the Plan user and noted the use of "*district councils*" was preferred over "*territorial authorities*".

238. Ms Easton supported in part Forest and Bird's (560.413 and S560.412) requests to include an explanation that Significant Natural Area was used in the Plan as a term to refer to both a mapped and unmapped area. She recommended that where specific reference to a mapped area was made (i.e. in the Grey District), the wording used should be '*SNA identified in Schedule Four'*. She did not support their request (S560.012) to add an explanation that SNA not yet identified were to be given the same protection as those already in Schedule Four.

239. In response to Transpower's (S299.072) request to clarify the relationship between activities in the Energy Chapter and the ECO Chapter, Ms Easton considered that this was clear that the overlay provisions apply to energy activities, transport activities and infrastructure activities. She noted that the National Grid had designations for traversing through indigenous vegetation and the NESETA provided for its operation, maintenance, repair and upgrade. However, she invited Transpower to provide wording for consideration in terms of a specific policy in relation to the national grid.

240. Ms Easton did not support the relief sought in submission points made by Frida Inta (S553.002) and Buller Conservation Group (S552.002) that sought for '*natural character'* to be explained because the focus of this chapter was ecosystems and indigenous biodiversity. She noted that in accordance with the Planning Standards, natural character was discussed and provided for in the Coastal Environment Chapter and Natural Character and the Margins of Waterbodies Chapter.

241. In response to the submission point made by West Coast Penguin Trust (S275.001) that sought the addition of a reference to the NPSIB and the role of non-native vegetation in forming habitats for indigenous vegetation, Ms Easton supported the relief sought in part. She supported inclusion of a reference to the NPSIB and considered the recommended wording also responded to this submission point. She did not support including any reference to non-native vegetation, especially as a blanket provision.

242. In response to the submission made by Nicholas Johnston (S14.004) that sought clarification as to why public land was not identified as an SNA, Ms Easton supported the submission in part. She noted the NPSIB required public land to be included in SNA assessments as a desktop study (rather than site assessment). As the assessment process had not been undertaken and was deferred by the RMAA, Ms Easton agreed that an explanation should be added to the Overview text.

243. Ms Easton supported the relief sought by Forest and Bird (S560.035) to add text outlining the content of the Ecosystems and Indigenous Biodiversity provisions.

[37] S553.003, S553.027, S553.059, S553.060, S553.057, S553.058, S553.61, S553.002
[38] S552.003, S552.019, S552.059, S552.060, S552.057, S552.058, S552.61, S552.002

244. Ms Easton supported in part Westpower's (S547.247) request to add a paragraph to set out the extent of infrastructure activities on the West Coast but considered the level of detail sought was unnecessary and recommended adding a simpler paragraph. She supported the request (S547.248) to add text referring to the Coastal Environment Chapter and Natural Character and the Margins of Waterbodies Chapters in relation to vegetation clearance provisions. She considered that the relief sought by Forest and Bird (S540.475) also provided the relief sought by Westpower.

245. In response to the submission point made by Forest and Bird (S560.192) that sought substantial amendments and additions to the text of the Overview, Ms Easton supported the relief in part. She supported the submission point where the relief sought addressed the benefits of well-functioning ecosystems to climate change and protection from natural hazards and in reference to the addition of future SNA through plan changes. She also recommended a slight amendment to the wording to better reflect the status of the Grey District SNA.

246. In response to Forest and Bird's (S560.475) request to include additional text explaining the relationship between the Coastal Environment Chapter and Natural Character and the Margins of Waterbodies Chapter, Ms Easton supported the relief sought in part. She considered less detail was necessary than sought and noted that consequential changes also arose from the restructuring of the rules in the Natural Character and the Margins of Waterbodies Chapter.

247. Ms Easton generally supported the relief sought by Forest and Bird (S560.193) in relation to the amendments related to plantation forestry and the NESPF. She made recommendations to correct reference to the NESPF to the NES Commercial Forestry (NESCF).

248. Ms Easton supported the relief sought by the Poutini Ngāi Tahu (S620.136) to add a reference to '*Poutini Ngāi Tahu'* in relation to the strategic objectives and policies because she considered this was a drafting error.

249. Ms Easton supported the relief sought by Westpower (S547.249) that sought the addition of a reference to strategic policies because she considered this omission was a drafting error.

250. In relation to Forest and Bird's (560.195) request to add references to WCRC and the NESF, Ms Easton supported the relief sought to provide a clearer explanation.

251. The s42A Report recommended the following amendments to the ECO Chapter Overview as follows:

> ***Overview***
>
> *Biological diversity, or biodiversity, describes the variety and diversity of all life forms and the ecosystems they inhabit. Indigenous biodiversity is biodiversity that is native to New Zealand/Aotearoa me Te Waipounamu and relates to individual birds, plants, insects and other species and also includes the ecosystems where these species live, such as forests and sand dunes.*
>
> *The West Coast/Te Tai o Poutini contains a significant amount of intact natural diversity by comparison with other parts of New Zealand/Aotearoa me Te Waipounamu. Continuous tracts of lowland and coastal forests and freshwater as well as coastal wetlands cover large areas. In many places indigenous ecosystems and habitats extend*

unbroken from the mountains to the sea. 84% of the land area is under the management of the Department of Conservation. In total an estimated 90% of the West Coast/Te Tai o Poutini is covered in indigenous vegetation - compared with 24% nationally.

While the West Coast/Te Tai o Poutini is fortunate to have a wide range of diverse and intact ecosystems and vegetation types, there are some ecosystems and vegetation types not well represented in the protected areas network. These are generally ecosystems found in the lowland areas of the West Coast/Te Tai o Poutini. Alongside this, parts of the West Coast/Te Tai o Poutini include the last habitats or strongholds of some native species threatened with extinction. ***Well-functioning ecosystems provide resilience to climate change and can provide protection to communities from natural hazards.***

Under the RMA, the district and regional councils share responsibility for maintaining indigenous biodiversity. ~~Te Tai o Poutini Plan is~~ ***District councils are*** *responsible for protecting and maintaining terrestrial (land-based) ecosystems, including the margins of the coast and waterbodies and the West Coast Regional Council is responsible for protecting and maintaining the non-terrestrial ecosystems (rivers, lakes, wetlands and the coast below mean high water springs). Poutini Ngāi Tahu also have cultural responsibilities as mana whenua and kaitiaki.*

The RMA requires ~~Te Tai o Poutini Plan~~ ***district councils*** *to manage indigenous biodiversity in two particular ways. ~~Firstly, the control of any actual or potential effects of the use, development, or protection of land for the purpose of maintaining indigenous biodiversity.. Secondly, it is required to recognise and provide for the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna.~~* ***Specifically, to recognise and provide for the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna; and more broadly, for the control of any actual or potential effects of the use, development, or protection of land for the purpose of maintaining indigenous biodiversity.***

The National Policy Statement for Indigenous Biodiversity (NPSIB) came into force on 4 August 2023 and TTPP is required to give effect to this. The NPSIB requires Councils to protect, maintain and restore indigenous biodiversity in a way that:

- ***recognises tangata whenua as kaitiaki, and people and communities as stewards, of indigenous biodiversity; and***
- ***provides for the social, economic and cultural wellbeing of people and communities, now and into the future***

The NPSIB must be given effect to as soon as reasonably practical. Because TTPP was developed prior to the NPSIB, it only partially gives effect to it – in as much has been possible within the constraints of the scope of submissions made to the Plan.

Because of the ~~extremely large land~~ ***extensive*** *area covered by indigenous vegetation on the West Coast/Te Tai o Poutini, ~~detailed~~* ***comprehensive*** *assessment ~~of each piece of vegetation~~ for ~~its~~* ***identification of*** *significance has not yet been ~~undertaken~~* ***completed****.*

In the Grey District, an evaluation process ~~has been underway for a~~ ***was undertaken a*** *number of years* ***ago.~~, and this has enabled.~~*** ***This identified*** *37 Significant Natural Areas ~~to be identified~~ within the Grey District. These ~~list of these~~ Significant Natural Areas ~~can be found~~* ***are included*** *in Schedule Four and they are also shown on the maps.*

In the Buller and Westland Districts, where Significant Natural Areas have not yet been mapped, ***and in Grey District for areas outside of mapped SNA included in Schedule Four,*** *Te Tai o Poutini Plan has general vegetation clearance rules, with an expectation*

that an assessment against the regionally consistent significance criteria will be undertaken at the time of any resource consent.

It is expected that further areas will be identified and mapped as Significant Natural Areas through a comprehensive process of ecological assessment across each district. This will include the identification of SNA on public land as required by the NPSIB and that these Significant Natural Areas will be added to the Plan through subsequent Plan change processes.

Te Tai o Poutini Plan also encourages integrated management of indigenous biodiversity and supports landowners, local government, Poutini Ngāi Tahu and other biodiversity partners working together on a voluntary basis to maintain and enhance indigenous biodiversity, including methods such as legal protection and good land management.

There is a considerable network of energy activities and infrastructure, on the West Coast, including within areas of indigenous vegetation and biodiversity. Given the topography and extent of natural ecosystems and indigenous biodiversity on the West Coast practical management solutions are required to ensure maintenance and enhancement of the supply of renewable energy to, and between, communities for the benefit of those communities and the wider environment from the use and development of renewable energy.

The Ecosystems and Indigenous Biodiversity chapter contains objectives, policies, and rules for managing effects on indigenous biodiversity, including for the assessment and identification of significant indigenous vegetation and significant habitats of indigenous fauna. This chapter contains rules relating to vegetation clearance that apply throughout the West Coast. There are also specific rules that apply within significant natural areas, outstanding natural features and landscapes and the coastal environment.

Indigenous vegetation clearance in the Coastal Environment or adjacent to waterbodies

This chapter includes provisions for protection of significant indigenous diversity within the coastal environment above mean highwater springs as shown on the Planning maps. This chapter also includes provisions for ~~W~~where *indigenous vegetation clearance is proposed within riparian margins next to rivers, lakes and* ***coastal*** *wetlands. ~~refer to the Natural Character and Margins of Waterbodies chapter of the Plan for the Rules around this clearance.~~*

Plantation/Commercial Forestry

Plantation forestry is principally regulated by the Resource Management (National Environmental Standard for ~~Plantation~~ ***Commercial*** *Forestry) Regulations 2017 (NES-~~P~~**CF**). However the NES ~~-P~~**CF** allows that district plans can be more stringent to protect ~~s~~**S**ignificant ~~n~~**N**atural ~~a~~**A**reas and significant indigenous biodiversity within the coastal environment as provided for in the NZCPS Policy 11. Where provisions within this chapter* ***are more stringent, they*** *over-rule the requirements of the NES - ~~P~~**CF** an advice note to that effect is included within the* ***relevant*** *Rule.*

Strategic Objectives and Policies

The Strategic Objectives ***and Policies*** *are particularly relevant when assessing matters under the Ecosystems and Indigenous Biodiversity Chapter. The Natural Environment,* ***Poutini Ngāi Tahu,*** *Mineral Extraction and Connections and Resilience Strategic Objectives* ***and policies*** *are particularly relevant.*

Wetlands on the West Coast

The National Environmental Standards for Freshwater Management includes regulations for activities within, and within setbacks from, natural wetlands. These activities are managed by the West Coast Regional Council under the NES for Freshwater regulations. It should be noted that the setbacks for activities within those regulations may be different to those set out in this Plan and may require resource consent to be sought from the regional council. *The West Coast Regional Council Land and Water Plan identifies a list of Regionally Significant Wetlands. In accordance with the West Coast Regional Policy Statement, these areas are known as Significant Natural Areas and have specific Rules around their management in the Regional Land and Water Plan.* ~~*They are also subject to regulation by the West Coast Regional Council under the National Environmental Standard for Freshwater Management - which also has regulations around how other wetlands can be managed.*~~

Other relevant Te Tai o Poutini Plan provisions

Coastal Environment - the Coastal Environment Chapter contains the objectives, policies and rules for activities within the coastal environment overlay - including buildings and structures and earthworks.

Natural Features and Landscapes – the Natural Features and Landscapes Chapter contains provisions in relation to the landscapes and natural features in Schedules Five and Six. Poutini Ngāi Tahu values are part of what makes these areas significant.

Natural Character and Activities Adjacent to Waterbodies - the Natural Character and Margins of Waterbodies chapter contains the objectives, policies and rules relating to activities adjacent to waterbodies including buildings and structures and earthworks. Activities on the Surface of Water – the Activities on the Surface of Water chapter contains provisions for the surface of waterbodies.

Historic Heritage - the Historic Heritage Chapter contains the provisions in relation to the sites and areas identified in Schedule One.

Notable Trees - the Notable Trees Chapter contains the provisions in relation to the trees identified in Schedule Two. Some trees are listed in this schedule due to their botanical values.

Also where relevant refer to policies in the Energy, Infrastructure and Transport Chapters.

Hearing and Submitter Evidence/Statements

252. Ms Stephanie Styles provided planning evidence for Manawa Energy that reiterated the amendments sought to the Overview to better address the NPSIB outcomes. She noted that this part of the submission was not considered in the s42A Report. She noted the recommended amendments responding to Westpower were similar to the issues raised by Manawa. Ms Styles suggested minor amendments to the wording so that the terminology was consistent with that used in other parts of the Plan. She also suggested adding clear references that the NPSIB did not apply to renewable energy generation activities.

253. Ms Pauline Whitney provided planning evidence for Transpower that expressed concern regarding the appropriateness of the references to the NPSIB. However, she supported the recommended amendments to the Overview that clarify the application of the chapter in relation to electricity transmission. She suggested the following additional wording:

> *The NPSIB must be given effect to as soon as reasonably practical. Because TTPP was developed prior to the NPSIB, it only partially gives effect to it – in as much has been possible within the constraints of the scope of submissions made to the Plan.* ***Of note, the NPSIB did not apply to the development, operation, maintenance or upgrade of electricity transmission network assets and activities.***
>
> *…*
>
> *Also where relevant refer to policies in the Energy, Infrastructure and Transport Chapters.* ***Specific to electricity transmission activities (the National Grid) ECO-P2, ECO-P6, ECO-P7, ECO-P8, ECO-P9 and ECO-P10 do not apply. Instead, Policy ENG-P8 applies.***

254. Mr Martin Kennedy provided planning evidence for Westpower Limited that acknowledged the recommended amendments in the s42A Report in response to the Westpower submission (S547.247) and noted that whilst not exactly as sought in the submission, he accepted the recommendation. He also accepted the recommendation regarding the amendments sought by the Forest and Bird (S560.192), which Westpower lodged a further submission against (FS222.0259). Mr Kennedy commented that the recommended amendments responding to the Westpower submission about the coastal environment only relates to its protection. He considered mention should also be given to the realities of being able to provide renewable electricity in coastal locations.

255. Mr Murray Brass provided planning evidence for the Director General of Conservation acknowledging the recommendations in the s42A Report that make amendments to the Overview section in response to Inger Perkins' submission. While he acknowledged the Director General had not made a submission regarding the Overview, he confirmed he supported the additions, but had concerns the recommend wording did not recognise the objective of the NPSIB. To address this, he suggested the following amendments:

> *The National Policy Statement for Indigenous Biodiversity (NPSIB) came into force on 4 August 2023 and TTPP is required to give effect to this. The NPSIB requires Councils to ~~protect, maintain and restore indigenous biodiversity~~* ***maintain indigenous biodiversity across Aotearoa New Zealand so that there is at least no overall loss*** *in a way that:*
>
> - *recognises tangata whenua as kaitiaki, and people and communities as stewards, of indigenous biodiversity; and*
>
> - ***protects and restores indigenous biodiversity as necessary to achieve overall maintenance; and***
>
> - *provides for the social, economic and cultural wellbeing of people and communities, now and into the future*
>
> *The NPSIB must be given effect to as soon as reasonably practical. Because TTPP was developed prior to the NPSIB, it only partially gives effect to it – in as much has been possible within the constraints of the scope of submissions made to the Plan.*

256. Ms Rachael Pull provided planning evidence for Poutini Ngāi Tahu that sought reference to Taonga Species listed in Schedule 97 of the Ngāi Tahu Claims Settlement Act 1998 in the Overview of this chapter in accordance with the NPSIB. To address this, she suggested the following wording:

> *Under the RMA, the district and regional councils share responsibility for maintaining indigenous biodiversity. District Councils are responsible for protecting and maintaining*

> *terrestrial (land-based) ecosystems, including the margins of the coast and waterbodies and the West Coast Regional Council is responsible for protecting and maintaining the non-terrestrial ecosystems (rivers, lakes, wetlands and the coast below mean high water springs). Poutini Ngāi Tahu also have statutorily recognised cultural responsibilities as mana whenua and kaitiaki.* ***Schedule 97 of the Ngāi Tahu Claims Settlement Act 1998 identifies some Taonga Species, along with Department of Conservation Documents and Iwi/Papatipu Rūnanga Management Plans.***

257. Ms Inta, for herself and Buller Conservation Group, identified three typos in paragraphs 9 and 10 of the Overview, and in the paragraph headed '*indigenous vegetation clearance in the Coastal Environment or adjacent to waterbodies*' as follows:

> *In the Grey District, an evaluation process has been underway for a was undertake**n** a number of years ago.*
>
> *In the Buller and Westland Districts, where Significant Natural Areas have not yet been mapped, and in Grey District for areas outside of mapped Significant Natural Areas included in Schedule Four, Te Tai o Poutini Plan has general vegetation clearance rules, with an expectation that an assessment against the regionally consistent significance criteria will be undertaken at the time of any resource consent* ***application.***
>
> *This chapter includes provisions for protection* ***of*** *significant indigenous diversity within the coastal environment …*

258. Ms Inta also considered more explanation was needed in the reference to the Strategic Objectives and Policies section of the Overview. She suggests the following alternative wording:

> ***Part 2: District-Wide Matters:***
>
> ***Strategic direction is*** ~~*The Strategic Objectives and Policies are particularly*~~ *relevant when assessing matters under the Ecosystems and Indigenous Biodiversity Chapter. The Natural Environment, Poutini Ngāi Tahu, Mineral Extraction and Connections and Resilience Strategic* ~~**O**~~***objectives*** *and policies are particularly relevant.*

259. Ms Inta also suggested rewording the Coastal Environment paragraph under '*Other relevant Te Tai o Poutini Plan provisions'* as follows:

> *Coastal Environment - the Coastal Environment Chapter* ***includes additional provisions relating to*** ~~*contains the objectives, policies and rules for*~~ *activities within the coastal environment overlay - including buildings and structures and earthworks*

260. Ms Perkins, for the West Coast Penguin Trust, acknowledged the inclusion of the references to the NPSIB in the Overview. She reiterated that exotic vegetation could provide significant habitat for threatened indigenous species.

Reporting Officer Reply Evidence

261. Ms Easton's Right of Reply responded to questions from the Panel and to the evidence given on behalf of Transpower and Manawa that sought to add references to electricity transmission networks and the NPSIB not applying to renewable electricity generation activities in the Overview text. Ms Easton noted that these matters were discussed at the expert caucusing directed by the Panel and resulted in policy amendments to address the substantive issues. Given this outcome, Ms Easton supported the amendments to the

Overview sought by Transpower and Manawa and recommended further amendments as follows:

> *The NPSIB **as amended October 2024** must be given effect to as soon as reasonably practical. Because The TTPP was developed notified prior to the NPSIB, it only partially gives effect to it – in as much has been as possible within the constraints of the scope of submissions made to on the Plan. **Of note, the NPSIB did not apply to the development, operation, maintenance or upgrade of electricity transmission network assets and activities, although the requirements of the RMA and the RPS do apply.** …*
>
> *… There is a considerable network of ~~energy~~ **electricity generation, distribution and transmission activities** and infrastructure, on the West Coast, including within areas of indigenous vegetation and biodiversity. Given the topography and extent of natural ecosystems and indigenous biodiversity on the West Coast practical management solutions are required to ensure maintenance and enhancement of the supply of renewable ~~energy~~ **electricity generation** to, and between, communities for the benefit of those communities and the wider environment from the use and development of renewable ~~energy~~ **electricity generation**.*

262. Ms Easton also responded to Ms Pull's evidence for Poutini Ngāi Tahu that sought the addition of a reference to taonga species. Ms Easton noted the matter was not raised in the submissions but agreed that an additional sentence could be added given the Overview was only explanatory text. She recommended further amendments as follows:

> *Under the RMA, the district and regional councils share responsibility for maintaining indigenous biodiversity. District councils are responsible for protecting and maintaining terrestrial (landbased) ecosystems, including the margins of the coast and waterbodies and the West Coast Regional Council is responsible for protecting and maintaining the non-terrestrial ecosystems (rivers, lakes, wetlands and the coast below mean high water springs). Poutini Ngāi Tahu also have cultural responsibilities as mana whenua and kaitiaki. **Schedule 97 of the Ngāi Tahu Claims Settlement Act 1998 identifies some Taonga Species, along with Department of Conservation Documents and Iwi/Papatipu Rūnanga Management Plans.***

263. Ms Easton also recommended consequential amendments to the Overview following amendments to ECO-P1 reflecting expert caucusing. She considered these recommendations either fell within the scope of submissions or were minor corrections. The further consequential amendments recommended were as follows:

> *… In the Buller and Westland Districts, where Significant Natural Areas have not yet been mapped, and in Grey District for areas outside of mapped Significant Natural Areas included in Schedule Four, Te Tai o Poutini Plan has general vegetation clearance rules.~~, with an expectation that an assessment against the regionally consistent significance criteria will be undertaken at the time of any resource consent.~~*
>
> *Plantation forestry is principally regulated by the Resource Management (National Environmental Standard for Commercial Forestry) Regulations ~~2017~~**2023** (NES-CF). However, the NES-CF allows that district plans can be more stringent to protect Significant Natural Areas and significant indigenous ~~biodiversity~~ **vegetation and significant habitats of indigenous fauna.***

264. Ms Easton also recommended moving the '*Strategic Objectives and Policies'* section of the Overview to under the '*Other relevant Te Tai o Poutini provisions'* heading.

Hearing Panel's Evaluation

265. The Panel generally accepts Ms Easton's recommended amendments to the Overview, with the exceptions discussed below.

266. The Panel also recommends further amendments to reflect the wording of the NPSIB, in relation to the definition of *'Indigenous Biodiversity'* in the NPSIB.

267. The Panel accepts Frida Inta and the Buller Conservation Group's submissions (S553.058 and S552.058) to add wording to the second paragraph to reflect there are not '*many*' places where the sequence from mountains to the sea exists, given the presence of roads and linear infrastructure that extends along most of the West Coast. We also agree that it is notable that indigenous vegetation is greatly reduced on the lowland areas where land has been cleared for primary production purposes and consider this is already expressed in the following paragraph of the Overview. We consider the suggested wording regarding concessions, licences, permits or leases for activities on public land managed by the Department of Conservation is also a helpful explanation. However, we consider this should be added after the reference to the Department of Conservation.

268. The Panel accepts in part Forest and Birds submission (S560.192) to add two additional sentences to the third paragraph to explain the extinction risk to threatened and at-risk indigenous biodiversity from further degradation of significant habitats; and the resilience to climate change that well-functioning ecosystems provide in protecting communities from natural hazards. These amendments (with minor wording changes) are consistent with the direction of the NZCPS, NPSIB and RPS. We note our earlier recommendation to add the NPSIB definition for '*Threatened and At Risk'* and consider this wording reflects the use of this term in the Plan provisions.

269. In paragraph three, the Panel recommends correcting the reference to the '*margins of coastal <u>wetlands</u>*' to distinguish between this and the margins of the coastal area or inland wetlands which are regional council functions.

270. The Panel recommends amended wording in paragraph 5 to partly reflect the wording sought by Forest and Bird (S560.192) and to be consistent with the wording of the RMA. We also consider it is helpful to explain that the requirement to identify SNA and recognise areas that meet the RPS Appendix 1 criteria (whether mapped or not) are considered to be SNA under the RPS provisions. It is important that it is acknowledged that RPS requirements remain until such time as it is updated to give effect to the NPSIB and, unless inconsistent with the NPSIB directions, must be given effect to by the TTPP. We also recommend adding in a sentence explaining that the SNA included in the Plan from the Grey District Plan remain SNA under the NPSIB definition of an SNA, regardless of how they are described, and will require reassessment under the NPSIB Appendix 1 criteria.

271. The Panel accepts Ms Easton's recommended wording for the additional paragraph explaining the NPSIB, with minor amendments to use the wording of the NPSIB objective.

272. The Panel accepts Ms Easton's recommendation to add a paragraph referring to the NPSIB exclusion for the development, operation, maintenance or upgrade of electricity transmission network assets and activities, but note that this should also include renewable electricity generation assets and activities.

273. The Panel accepts Ms Easton's recommendation to add a paragraph referring to where there is uncertainty about whether an area meets the criteria, but consider this should specifically reference the RPS Appendix 1 criteria. We also consider this should state that in

such a situation, a '*resource consent process will enable an ecological assessment to be undertaken'* instead of '*resource consent sought*'.

274. The Panel considers it is appropriate to refer to Policy 11 of the NZCPS and the RPS in terms of the protection of indigenous biodiversity within the coastal environment. We recommend including the additional first sentence sought by Forest and Bird in this regard.

275. The Panel has corrected the reference to the NESF to the Resource Management (National Environmental Standards for Freshwater) Regulations 2020.

276. In relation to the recommended new paragraph referencing the ECO Chapter provisions, the Panel recommends adding '*areas of high natural character'*. Ms Easton agreed this was appropriate in response to a Panel question at the hearing, however, this was overlooked in Appendix 1 of the Right of Reply.

277. The Panel accepts Ms Easton's recommended changes to the reference to the '*Strategic Objectives <u>and Policies</u>*' section, however, we consider this should refer to '*Strategic Directions*' in the first reference. We also recommend deleting '*particular'* given these have no primacy over the specific chapter objectives and policies.

278. Finally, the Panel recommend alternative relief to address the submission point from the West Coast Penguin Trust (S275.014) to reference Te Mana o te Taiao – Aotearoa New Zealand Biodiversity Strategy 2020 in ECO-P10. We agree that this document of relevance to district councils in providing national strategic direction for protecting and restoring a range of indigenous ecosystems and biodiversity should be referenced. We recommend adding reference to this document in the Overview, as follows:

> *<u>Te Mana o te Taiao – Aotearoa New Zealand Biodiversity Strategy 2020 provides national strategic direction to address the complex issues causing biodiversity loss and places the Treaty partnership at the centre of biodiversity work. It provides a framework for action and guiding principles.</u>*

<u>Hearing Panel's Recommendation</u>

279. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends the submission points identified in the footnotes below are accepted or accepted in part, and recommend the following changes to the **ECO - Ecosystems and Indigenous Biodiversity Chapter Overview:**

Overview
Biological diversity, or biodiversity, describes the variety and diversity of all life forms and the ecosystems they inhabit. Indigenous biodiversity is **<u>living organisms that occur naturally in New Zealand, and the ecological complexes of which they are part, including all forms of indigenous flora, fauna, and fungi, and their habitats</u>** ~~biodiversity that is native to New Zealand/Aotearoa me Te Waipounamu and relates to individual birds, plants, insects and other species~~[39] and also includes the ecosystems where these **<u>living organisms</u>** ~~species~~[40] live, such as forests and sand dunes.

[39] Consistency with the definition for 'Indigenous Biodiversity' in the NPSIB clause 1.6
[40] Consistency with the definition for 'Indigenous Biodiversity' in the NPSIB clause 1.6

The West Coast/Te Tai o Poutini contains a significant amount of intact natural diversity by comparison with other parts of New Zealand/Aotearoa me Te Waipounamu. Continuous tracts of lowland and coastal forests and freshwater as well as coastal wetlands cover large areas. In ~~many~~[41] places**,** indigenous ecosystems and habitats extend unbroken from the mountains to the sea. 84% of the land area is under the management of the Department of Conservation. In total an estimated 90% of the West Coast/Te Tai o Poutini is covered in indigenous vegetation - compared with 24% nationally.

While the West Coast/Te Tai o Poutini is fortunate to have a wide range of diverse and intact ecosystems and vegetation types, there are some ecosystems and vegetation types not well represented in the protected areas network. These are generally ecosystems found in the lowland areas of the West Coast/Te Tai o Poutini. Alongside this, parts of the West Coast/Te Tai o Poutini include the last habitats or strongholds of some **indigenous** ~~native~~[42] species threatened with extinction. **Without the identification and protection of areas of significant indigenous vegetation and the significant habitats of indigenous fauna, there is a risk of further degradation and the extinction of threatened and at risk indigenous biodiversity. Well-functioning ecosystems also provide resilience to climate change and can provide protection to communities from natural hazards.**[43]

Under the RMA, the district and regional councils share responsibility for maintaining indigenous biodiversity. ~~Te Tai o Poutini Plan is~~ **District Councils are**[44] responsible for protecting and maintaining terrestrial (land-based) ecosystems, including **in** the margins of the coast**al wetlands**[45] and waterbodies**.** ~~and the~~ **The**[46] West Coast Regional Council is responsible for protecting and maintaining the non-terrestrial ecosystems (rivers, lakes, wetlands and the coast below mean high water springs). Poutini Ngāi Tahu also have cultural responsibilities as mana whenua and kaitiaki. **Schedule 97 of the Ngāi Tahu Claims Settlement Act 1998 identifies some Taonga Species, along with Department of Conservation Documents and Iwi/Papatipu Rūnanga Management Plans.**[47]

The RMA requires ~~Te Tai o Poutini Plan~~ **district councils**[48] to **recognise and provide for the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna by** manag**ing**~~e indigenous biodiversity in two particular ways, including. Firstly, the control of~~ any actual or potential effects of ~~the~~ **subdivision,** use, development~~, or protection~~ of land**,** ~~for the purpose of maintaining indigenous biodiversity. Secondly, it is required to recognise and provide for~~ **and** the **identification and** protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna.[49]

The National Policy Statement for Indigenous Biodiversity (NPSIB) came into force on 4 August 2023 and TTPP is required to give effect to this. The objective of the NPSIB is to maintain indigenous biodiversity across Aotearoa New Zealand so that there is at least no overall loss in indigenous biodiversity after 4 August 2023. This is to be achieved by:

i. **recognising the mana of tangata whenua as kaitiaki of indigenous biodiversity; and**

[41] Buller Conservation Group S552.058, Frida Inta S553.058
[42] Consistency with the language of the NPSIB
[43] Royal Forest and Bird Protection Society of New Zealand Inc S560.192
[44] Buller Conservation Group S552.059, Frida Inta S553.059
[45] RMA Schedule 1, clause 16(2)
[46] Royal Forest and Bird Protection Society of New Zealand Inc S560.192
[47] Director General S602.001, consistent with section 74(2)(b)(i) and section 74(2A)
[48] Buller Conservation Group S552.060, Frida Inta S553.060
[49] Royal Forest and Bird Protection Society of New Zealand Inc S560.192

ii. recognising people and communities, including landowners, as stewards of indigenous biodiversity; and

iii. protecting and restoring indigenous biodiversity as necessary to achieve the overall maintenance of indigenous biodiversity;

while providing for the social, economic, and cultural wellbeing of people and communities now and in the future. [50]

The NPSIB, as amended October 2024, must be given effect to as soon as reasonably practicable. The TTPP was notified prior to the commencement of the NPSIB and therefore gives effect to it as much as possible within the scope of submissions made on the Plan, and utilising clause 4.4 of the NPSIB to ensure consistent terminology. [51]

The NPSIB does not apply to the development, operation, maintenance or upgrade of renewable electricity generation assets and activities, and electricity transmission network assets and activities, however, the requirements of the RMA and the RPS apply. [52]

The RPS is yet to be updated to give effect to the NPSIB. However, this Plan must give effect to the RPS, which contains provisions for managing ecosystems and indigenous biodiversity. The RPS includes ecological criteria for identifying significant terrestrial and freshwater indigenous biological diversity. It requires that all areas meeting one or more of these criteria, whether mapped or not, are to be known as Significant Natural Areas or SNA. The RPS criteria in Appendix 1 are equivalent to NPSIB Appendix, however, the NPSIB criteria provide clearer guidance. [53]

Because of the ~~extremely large land~~ **extensive** area covered by indigenous vegetation on the West Coast/Te Tai o Poutini, ~~detailed~~ **a comprehensive** assessment ~~of each piece of vegetation~~ **for identification of ecological significance using the RPS Appendix 1 criteria for the purpose of mapping Significant Natural Areas** ~~its significance~~ has not yet been ~~undertaken~~ **completed**.[54]

In the Grey District, an evaluation process ~~has been underway for a~~ **was undertaken a** number of years **ago.**~~, and this has enabled~~ **This identified** 37 Significant Natural Areas ~~to be identified~~ within the Grey District**,**~~. The list of~~ ~~these~~ ~~Significant Natural Areas can be found~~ **which were previously included in the Grey District Plan. These are included** in Schedule Four and ~~they~~ are also shown on the **planning** maps. **These SNA are included under the NPSIB definition of an SNA, regardless of how they are described, and will require reassessment under the NPSIB criteria in Appendix 1.**[55]

In the Buller and Westland Districts, where Significant Natural Areas have not yet been mapped, **and in Grey District for areas outside of mapped Significant Natural Areas included in Schedule Four,** Te Tai o Poutini Plan has general vegetation clearance rules, ~~with an expectation that an assessment against the regionally consistent significance criteria will be undertaken at the time of any resource consent.~~ **Where there is uncertainty as to whether an area may meet the RPS Appendix 1 criteria, or in the absence of an ecological assessment, precaution and**

[50] West Coast Penguin Trust S275.001
[51] West Coast Penguin Trust S275.001
[52] NPSIB, clause 1.3(3)
[53] Royal Forest and Bird Protection Society of New Zealand Inc S560.192
[54] Royal Forest and Bird Protection Society of New Zealand Inc S560.192
[55] Royal Forest and Bird Protection Society of New Zealand Inc S560.192

protection should be favoured and a resource consent process will enable ecological assessment to be undertaken.[56]

Te Tai o Poutini Plan ~~also~~ [57]encourages integrated management of indigenous biodiversity and supports landowners, local government, Poutini Ngāi Tahu and other biodiversity partners working together on a voluntary basis to maintain and enhance indigenous biodiversity, including methods such as legal protection and good land management.

Te Mana o te Taiao – Aotearoa New Zealand Biodiversity Strategy 2020 provides national strategic direction to address the complex issues causing biodiversity loss and places the Treaty partnership at the centre of biodiversity work. It provides a framework for action and guiding principles. [58]

There is a considerable network of electricity generation, distribution and transmission activities and infrastructure, on the West Coast, including within areas of indigenous vegetation and biodiversity. Given the topography and extent of natural ecosystems and indigenous biodiversity on the West Coast, practical management solutions are required to ensure maintenance and enhancement of the supply of renewable electricity generation to, and between, communities for the benefit of those communities and the wider environment from the use and development of renewable electricity generation.[59]

The Ecosystems and Indigenous Biodiversity Chapter contains objectives, policies, and rules for managing effects on indigenous biodiversity, including for the assessment and identification of significant indigenous vegetation and significant habitats of indigenous fauna. This chapter contains rules relating to vegetation clearance that apply throughout the district. There are also specific rules that apply within significant natural areas, areas of high natural character, outstanding natural features and landscapes and the coastal environment.[60]

Indigenous vegetation clearance in the Coastal Environment or adjacent to waterbodies

Te Tai o Poutini Plan must also give effect to Policy 11 of the NZCPS 2010 and the RPS which include specific provisions for protection of indigenous biological diversity in the coastal environment. This chapter includes provisions for protection of significant indigenous biodiversity within the coastal environment (above mean high water springs) as shown on the Planning maps.[61] **This chapter also includes provisions for** ~~Where~~ indigenous vegetation clearance ~~is proposed~~ within riparian margins next to rivers, lakes and **coastal** wetlands**.** ~~refer to the Natural Character and Margins of Waterbodies chapter of the Plan for the Rules around this clearance.~~ [62]

Plantation/Commercial Forestry[63]

Plantation forestry is principally regulated by the Resource Management (National Environmental Standard for ~~Plantation~~ **Commercial** Forestry) Regulations ~~2017~~ **2023** (NES-

[56] Royal Forest and Bird Protection Society of New Zealand Inc S560.192
[57] RMA Schedule 1, clause 16(2)
[58] West Coast Penguin Trust S275.014
[59] Westpower Limited S547.247
[60] Royal Forest and Bird Protection Society of New Zealand Inc S560.035
[61] Royal Forest and Bird Protection Society of New Zealand Inc S560.475
[62] RMA Schedule 1, clause 16(2)
[63] RMA Schedule 1, clause 16(2)

~~P~~**C**F).[64] However the NES-~~P~~**C**F allows that district plans can be more stringent to protect ~~s~~**S**ignificant ~~n~~**N**atural ~~a~~**A**reas[65] and significant indigenous biodiversity within the coastal environment as provided for in the NZCPS Policy 11. Where provisions within this chapter **are more stringent, they**[66] over-rule the requirements of the NES – ~~P~~**C**F **and** an advice note to that effect is included within the **relevant**[67] **r**~~R~~ule.

~~Strategic Objectives~~

~~The Strategic Objectives are particularly relevant when assessing matters under the Ecosystems and Indigenous Biodiversity Chapter. The Natural Environment, Mineral Extraction and Connections and Resilience Strategic Objectives are particularly relevant.~~[68]

Wetlands on the West Coast

The Resource Management (National Environmental Standards for Freshwater) Regulations 2020 (NESF) includes regulations of activities within, and within setbacks from, natural wetlands. These activities are managed by the West Coast Regional Council under the NESF. It should be noted that the setbacks for activities within those regulations may be different to those set out in this Plan and may require resource consent to be sought from the Regional Council.[69] The West Coast Regional Council Land and Water Plan identifies a list of Regionally Significant Wetlands**, in Schedule 1**.[70] In accordance with the West Coast Regional Policy Statement, these areas are known as Significant Natural Areas and have specific Rules around their management in the Regional Land and Water Plan. ~~They are also subject to regulation by the West Coast Regional Council under the National Environmental Standard for Freshwater Management - which also has regulations around how other wetlands can be managed.~~[71]

Other relevant Te Tai o Poutini Plan provisions

Strategic ~~Objectives~~ **Directions**[72]- The Strategic Objectives **and Policies**[73] are ~~particularly~~[74] relevant when assessing matters under the Ecosystems and Indigenous Biodiversity Chapter. The Natural Environment**, Poutini Ngāi Tahu**,[75] Mineral Extraction and ~~Connections~~ **Climate Change**[76] and Resilience Strategic Objectives **and Policies are relevant.**

Coastal Environment - the Coastal Environment Chapter contains the objectives, policies and rules for activities within the coastal environment overlay - including buildings and structures and earthworks.

Natural Features and Landscapes – the Natural Features and Landscapes Chapter contains provisions in relation to the landscapes and natural features in Schedules Five and Six. Poutini Ngāi Tahu values are part of what makes these areas significant.

[64] RMA Schedule 1, clause 16(2)
[65] Royal Forest and Bird Protection Society of New Zealand Inc S560.193
[66] Royal Forest and Bird Protection Society of New Zealand Inc S560.193
[67] Royal Forest and Bird Protection Society of New Zealand Inc S560.193
[68] RMA Schedule 1, clause 16(2) moved below to under 'Other relevant Te Tai Poutini Provisions'
[69] Royal Forest and Bird Protection Society of New Zealand Inc S560.195
[70] RMA Schedule 1, clause 16(2)
[71] Royal Forest and Bird Protection Society of New Zealand Inc S560.195
[72] Westpower Limited S547.249
[73] Westpower Limited S547.250
[74] Consequential Plan-wide amendment
[75] Te Rūnanga o Ngāi Tau, Te Rūnanga of Ngāti Waewae and Te Rūnanga o Makaawhio S620.136
[76] Consequential amendment from Strategic Directions Recommendation Report

Natural Character and Activities Adjacent to Waterbodies - the Natural Character and the Margins of Waterbodies Chapter contains the objectives, policies and rules relating to activities adjacent to waterbodies, including buildings and structures and earthworks.

Activities on the Surface of Water – the Activities on the Surface of Water Chapter contains provisions for activities on the surface of waterbodies.

Historic Heritage - the Historic Heritage Chapter contains the provisions in relation to the sites and areas identified in Schedule One.

Notable Trees - the Notable Trees Chapter contains the provisions in relation to the trees identified in Schedule Two. Some trees are listed in this schedule due to their botanical values.

Also where relevant refer to policies in the Energy, Infrastructure and Transport Chapters.[77]

4.3. ECO - Ecosystems and Indigenous Biodiversity Objectives

Submissions and Further Submissions

280. Twenty-one submissions points and 83 further submissions relating to the ECO Objectives (as a whole) were summarised in a Table on pages 59-63 of the s42A Report. Twelve submission points sought to retain the objectives as notified and nine sought to add additional objectives. Ten further submissions opposed a new objective, and 73 further submissions supported submissions that sought to add a new objective.

281. Sixteen submission points and nine further submission points relating to Objective **ECO-O1** were summarised in a Table on page 64-66 of the s42A Report. Eight submissions supported the retention of the objective as notified and eight sought amendments. Four further submissions opposed submissions that sought amendments, and five further submissions supported submissions.

282. Twenty-eight submission points and ten further submission points relating to Objective **ECO-O2** were summarised in a Table on page 67-69 of the s42A Report. Fifteen submissions supported the objective as notified, two sought it be deleted and 11 sought amendments. Nine further submissions opposed submissions that sought amendments, and one further submission supported submissions.

283. Seven submission points and two further submission points relating to Objective **ECO-O3** were summarised in a Table on page 71-72 of the s42A Report. Four submissions supported the objective as notified, and three sought amendments. One further submission opposed a submission that sought amendments, and one further submission supported submissions.

284. Eighteen submission points and eight further submission points relating to Objective **ECO-O4** were summarised in a Table on page 74-75 of the s42A Report. Thirteen submissions supported the objective as notified, and five sought amendments. Three further submissions opposed submissions that sought amendments, and five further submissions supported submissions.

[77] Consequential Plan-wide amendment

285. The Panel has considered the submissions and further submissions and adopts the summaries in the s42A Report.

Section 42A Report

Objectives (General)

286. In relation to the objectives generally, Ms Easton acknowledged the support from the submitters[78] that sought to retain the objectives as notified. However, she noted her recommended amendments in response to other submissions on specific objectives.

287. Ms Easton also acknowledged and supported the submission point made by the Director General (S602.064) that sought to reorder the objectives so that ECO-O4 becomes ECO-O1 to improve readability.

288. In response to the submissions of Frida Inta (S553.063) and the Buller Conservation Group (S552.063) that sought to add a new objective relating to ecosystem services, Ms Easton did not support them. She did not agree that the Plan needed to have reference to ecosystem services.

289. Ms Easton did not support various submission points[79] (or the further submission points) that sought to add a new objective to enable regard to be had to the protection afforded to ecosystems within public conservation land when considering resource consents that had effects on ecosystems and indigenous biodiversity. She considered the wording was more appropriate as a policy, but did not support this either.

ECO-O1

290. Ms Easton acknowledged the support from the submitters[80] that sought to retain the objective as notified. However, she noted her recommended amendments in response to other submissions.

291. Ms Easton did not support Frida Inta (553.064) and the Buller Conservation Group's (S552.064) requests to make an amendment to the objective by adding the following phase to the objective:

> *To identify and protect areas of significant indigenous vegetation and significant habitats of indigenous fauna **and to recognise their importance to the character and quality of the natural and physical environment and to the wellbeing of the people and communities** on the West Coast/Te Tai o Poutini.*

292. Ms Easton considered the notified wording of the objective was very clear in its intent.

293. Ms Easton supported Suzanne Hills (443.020) and Clare Backes' (S444.003) requests to add "*and map*" to the objective because it provided clarity that mapping was required.

[78] Grey District Council (S608.039), David Ellerm (S581.024), Koiterangi Lime Co. Ltd (S577.027, S577.031), Catherine Smart-Simpson (S564.024), William McLaughlin (S567.168), Steve Croasdale (S516.031), Geoff Volckman (S563.020), Chris & Jan Coll (S558.085), Chris J Coll Surveying (S566.085), Laura Coll McLaughlin (S574.085) and Buller District Council (S538.196)
[79] TiGa Minerals and Metals Limited (S493.045), WMS Group (S599.049), Birchfield Coal Mines Ltd (S601.032), BRM Developments Limited (S603.021), Birchfield Ross Mining Limited (S604.026), Phoenix Minerals Limited (S606.022) and Whyte Gold Limited (S607.021)
[80] Katherine Crick (S101.007), Laura Garber (S278.003), Te Mana Ora (S190.312), Grey District Council (S608.040), Peter Langford (S615.040), Karamea Lime Company (S614.040), David Moore (S65.009) and Waka Kotahi NZ Transport Agency (S450.079)

294. In response to Inger Perkins' (462.011) request to include the review of the SNA in the Grey District, Ms Easton did not support any amendment to ECO-O1. However, she acknowledged that there was a requirement to reassess the SNA in the Grey District under the NPSIB criteria. She considered that this was best addressed in ECO-P1.

295. In response to the submission point made by Te Tumu Paeroa (S440.022) that sought the addition of the phrase "*in conjunction with landowners*", Ms Easton supported the relief sought in part. She supported the intent of the addition as it aligned with the direction of the NPSIB and the TTPP Committee. However, Ms Easton preferred the word "*partnership*" instead of "*conjunction*" as this was consistent with the NPSIB.

296. Ms Easton supported in part the relief sought by the Forest and Bird (S560.196) to reference the requirement to undertake mapping of SNA across all the districts. She noted her recommendation above to refer to the maps acknowledged this. She did not support including the additional text requested because a timeframe was set out in ECO-P1.

297. Ms Easton did not support Inger Perkins' (S462.012) request to include a proactive mechanism for the identification of SNA in the objective because she considered the NPSIB and RPS provide clear direction on the principles and process for identification of SNA.

298. The s42A Report recommended that **ECO-O1** be amended as follows:

> ***ECO-O~~1~~4***
>
> *To identify, **map** and protect **in partnership with landowners** areas of significant indigenous vegetation and significant habitats of indigenous fauna on the West Coast/Te Tai o Poutini.*

ECO-O2

299. Ms Easton acknowledged the support from the submitters[81] that sought to retain the objective as notified. However, she noted her recommended amendments in response to other submissions.

300. In response to Karen Lippiatt (S439.025) and Clare Backes' (S444.004) requests to delete ECO-O2 because there were no circumstances in which development could maintain or enhance the values of an SNA, Ms Easton did not support the relief sought. She set out examples where this could be achieved and considered that ECO-O2 was consistent with the RPS (Chapter 7, Objective 3).

301. Ms Easton did not support Inger Perkins' (S462.013) request to include a proactive mechanism for the identification of SNA in the objective. She noted that ECO-P1 addressed the process of identifying SNA.

302. In response to Westpower's (S547.251) request to amend the objective to reflect the wording of Objective 3 in the RPS, Ms Easton did not support the relief sought. She

[81] Katherine Crick (S101.008), WMS Group (S599.050), TiGa Minerals and Metals Limited (S493.046), Te Mana Ora (S190.313), Birchfield Coal Mines Ltd (S601.033), BRM Developments Limited (S603.022), Birchfield Ross Mining Limited (S604.027), Phoenix Minerals Limited (S606.023), Whyte Gold Limited (S607.022), Grey District Council (S608.041), Waka Kotahi NZ Transport Agency (S450.080), Horticulture New Zealand (S486.028), Terra Firma Mining Limited (S537.011), Federated Farmers of New Zealand (S524.059) and Minerals West Coast (S569.007)

considered the objective already gave effect to the RPS and did not need to duplicate the wording to achieve that.

303. Ms Easton did not support the similar relief sought in the submission points made by NZ Coal and Carbon Limited (S472.013), Straterra (S536.046) and Bathurst (S491.013) to add reference to mitigation, offset or compensation to the objective because she considered these were tools used at a policy and rule level to achieve an objective.

304. In response to Bathurst's (S491.012) request to delete '*appropriate*' and add references to the BCZ and MINZ, Ms Easton did not support the relief sought. She considered the references to the mining zones would substantially alter the intent of the objective, which was about the protection of SNA. She noted Minute 31 directed the Reporting Officer for the Mineral Extraction hearing stream to consider indigenous vegetation clearance in the mining zones.

305. In response to the Director General's (S602.066) request to change some of the language in the objective, Ms Easton supported the relief sought in part. She supported using "*protected*" instead of "*maintained*" as this reflected Policy 7 of the NPSIB. However, she did not support replacing "*provide for*" with "*allow*" nor the addition of "*and where appropriate restored*".

306. Ms Easton did not support Forest and Bird's (S560.197) request for amendments to strengthen the language and make the objective more restrictive because she considered the notified language gave effect to the RPS and NPSIB.

307. Ms Easton did not support Manawa's (S438.075) request to delete "*where the values of the area can be maintained or enhanced*" from the objective because she considered this was a key qualifier relating to subdivision and development and gave effect to the RPS.

308. In response to the submission points made by Frida Inta (S553.006) and Buller Conservation Group (S552.006) that sought to split the objective into two on the basis that "*protection and exploitation*" cannot be included in the same objective, Ms Easton did not support the relief sought. She considered resource management involved balancing competing matters and, in this instance, the second part of the objective qualified the first, clarifying its intention.

309. The s42A Report recommended that **ECO-O2** be amended as follows:

> ***ECO-O2***
>
> *To provide for appropriate subdivision, use and development within areas of significant indigenous vegetation and significant habitats of indigenous fauna where the values of the area can be ~~maintained~~ **protected** or enhanced.*

ECO-O3

310. Ms Easton acknowledged the support from the submitters[82] that sought to retain the objective as notified. However, she noted her recommended amendments in response to other submissions.

[82] Katherine Crick (S101.009), Te Rūnanga o Ngāi Tau, Te Rūnanga of Ngāti Waewae and Te Rūnanga o Makaawhio (S620.137), Te Mana Ora (S190.314), Grey District Council (S608.042)

311. In response to Inger Perkins' (S462.014) request to make amendments so that the approach to significant indigenous biodiversity was consistent regardless of ownership or land tenure, Ms Easton did not support the relief sought. She noted the NPSIB specifically provided for '*specified Māori land'*.

312. Ms Easton supported the relief sought by Te Tumu Paeroa (S440.023) to define '*Poutini Ngāi Tahu land'* and '*Te Runanga o Ngāi Tahu land'* because the NPSIB had specific provisions for '*Specified Māori Land'*. Based on the NPSIB definition for '*specified Māori Land'*, Ms Easton considered '*Poutini Ngāi Tahu land*' was a subset of '*specified Māori land'*. She noted the recommended amendments in the Introduction and General Provisions s42A Report for the definition of '*Poutini Ngāi Tahu'* were that it included Te Runanga o Ngāi Tahu as the iwi authority. She therefore did not consider a definition for '*Te Runanga o Ngāi Tahu land'* was necessary given her earlier recommendation to add definitions for '*Poutini Ngāi Tahu land*' and '*specified Māori land'*.

313. Ms Easton did not support Forest and Bird's (S560.198) request to amend the wording of the objective because she noted the NPSIB referred to the '*management'* of SNA on Māori land and therefore she preferred this language (rather than protection). She also did not support the other amendments sought based on other recommendations relating to the same terminology.

314. The s42A Report recommended that **ECO-O3** be amended as follows:

> ***ECO-O3***
>
> *To provide for tino rangatiratanga in relation to management of areas of significant indigenous vegetation and significant habitats of indigenous fauna where these are located on Poutini Ngāi Tahu ~~and Te Rūnanga o Ngāi Tahu~~ land.*

315. The s42A Report also recommended new definitions for '*specified Māori land*' and '*Poutini Ngāi Tahu land*" as previously set out as part of the Definitions section of this decision.

ECO-O4

316. Ms Easton acknowledged the support from the submitters[83] that sought to retain the objective as notified. However, she noted her recommended amendments in response to other submissions.

317. Ms Easton considered the remaining five submission points[84] made by various submitters together, as they all sought amendments to the objective with similar intent, including adding '*protect'*, '*enhance or restore'* and '*extent*' to the objective. She did not support these amendments because she did not consider these were consistent with the RPS or the NPSIB.

318. The s42A Report recommended no changes to ECO-O4, other than to rename it ECO-O1.

[83] Te Rūnanga o Ngāi Tau, Te Rūnanga of Ngāti Waewae and Te Rūnanga o Makaawhio (S620.138), Katherine Crick (S101.010), WMS Group (S599.051), TiGa Minerals and Metals Limited (S493.047), Te Mana Ora (S190.315), Birchfield Coal Mines Ltd (S601.034), BRM Developments Limited (S603.023), Birchfield Ross Mining Limited (S604.028), Phoenix Minerals Limited (S606.028), Whyte Gold Limited (S607.023), Grey District Council (S608.043), David Moore (S65.010) and Waka Kotahi NZ Transport Agency (S450.081)

[84] West Coast Penguin Trust (S275.002), Inger Perkins (S462.015), Director General (S602.065), Forest and Bird (S560.199), Karen Lippiatt (S429.026)

319. In response to questions from the Panel, Ms Easton agreed that the wording proposed in Mr Brass' evidence was consistent with the NPSIB.

Hearing and Submitter Evidence/Statements

Objectives (General)

320. Ms Inta reiterated the need for a new objective relating to ecosystem services. She referred to clause 3.24(2)(d) of the NPSIB which sets out when consent authorities consider resource consent applications that would have a more than minor effect on indigenous biodiversity, the application must identify the ecosystem services associated with the indigenous biodiversity on the site. She also considered that ecosystem services could be referenced in ECO-P7.

321. Mr Brass, for the Director General, confirmed support for the recommendation to move ECO-O4 to be the first objective.

ECO - O1

322. Ms Inta reiterated her preferred wording for the objective as set out in her submission. She stated there was importance in conveying why the objective exists. She suggested looking at the New Plymouth District Plan for better wording.

323. Mr Kennedy, for Westpower, noted that the further submission (FS222.019) in relation to ECO-O1 should have been accepted by Ms Easton given her support for the underlying submission point and requested her recommendations be updated.

ECO - O2

324. Mr Kennedy, for Westpower, reiterated the request to amend the wording of the objective to reflect Objective 3 of the RPS, notwithstanding that he accepted that the proposed objective was a combination of two objectives in the RPS. His proposed wording was as follows:

> *To provide for ~~appropriate~~* ***sustainable*** *subdivision, use and development* ***to enable people and communities to maintain or enhance their economic, social and cultural wellbeing in*** *areas of significant indigenous vegetation and significant habitats of indigenous fauna where the values of the area can be maintained or enhanced.*

325. Mr Kennedy also noted the summary of recommendations incorrectly recorded submission (S547.251) was accepted in the s42A Report.

326. Ms Snoyink, for Forest and Bird reiterated the submission to strengthen the language of ECO-O2. In particular, she sought the deletion of '*or enhance*' from the objective because it was inconsistent with s6(c) of the RMA.

327. Ms Inta suggested minor amendments to ECO-O2 to improve clarity by replacing '*the*' with '*those*'.

328. Ms Hunter, for Bathurst, reiterated the submission point to ensure that the intent of the MINZ and BCZ were also suitably recognised in ECO-O2. She acknowledged the s42A Report recommendation did not support the submission and that there may not be an explicit

requirement to amend the objective as sought. Notwithstanding this, she sought to ensure that the ECO provisions did not trump the enabling provisions of the MINZ or BCZ.

329. Ms Hunter commented that a number of the terms used in the objectives and policies were not defined, and she suggested using terms that were defined so that clarity was improved and there is better alignment with the NPSIB. She also considered that alignment with the intent of the NPSIB could be improved in ECO-O2 by maintaining indigenous biodiversity so that there is no net loss. The suggested wording for the objective is as follows:

> ~~*To provide for appropriate subdivision, use and development*~~ ***Manage development and use*** *within* ***significant natural areas to achieve an overall no net loss in significant indigenous biodiversity value,*** ~~*areas of significant indigenous vegetation and significant habitats of indigenous fauna or where the values of the area can be maintained or enhanced.*~~

330. Ms Hunter reiterated the submission point made by Bathurst to include reference to lawfully established activities in ECO-O2. She noted the NPSIB directed local authorities to acknowledge specified established activities (clause 3.15). She explained that the MINZ and BCZ were founded on the understanding that they mirror existing licences, permits and consents and as such they qualify as '*specified established activities*' for the purpose of the clause in the NPSIB.

331. Dr Bramley, for Bathurst, supported the amendment proposed by Ms Hunter to include the effects management hierarchy. He also noted the s42A Report did not support the addition of words '*and where appropriate restored'* because the definition of restoration in the NPSIB relates to '*modified or degraded'* areas, and as this policy relates to significant natural areas it was unlikely to meet that definition. He considered it was incorrect to assume that significant areas were not modified or degraded and advised that it was common for habitats that were rare to also be degraded and still be the 'best example' of that habitat so as to be considered significant. As such, he supported the addition of the words '*and where appropriate restored*' in the objective.

332. Ms Styles, for Manawa, explained the suggested amendments to the objective were intended to simplify the objective and to have it read more as an objective (outcome statement) rather than a policy (action). She offered another alternative for the objective as follows:

> *Within areas of significant indigenous vegetation and significant habitats of indigenous fauna, appropriate subdivision, use and development is provided for, and indigenous biodiversity values are protected.*

333. Ms Smith, for Terra Firma, accepted the recommended amendments despite not being exactly as those sought.

ECO - O3

334. Ms Pull, for Poutini Ngāi Tahu, considered the definition for '*Poutini Ngāi Tahu land*' recommended in the s42A Report would narrow the application of what Ms Pull understood it to mean. Her understanding was that the provisions in the Plan should apply to land owned or managed by Poutini Ngāi Tahu, and as such she proposed alternative wording for ECO-O3 as follows:

> *To provide for tino rangatiratanga in relation to management of areas of significant indigenous vegetation and significant habitats of indigenous fauna where these are located on **land managed or owned** by Poutini Ngāi Tahu ~~land~~.*

ECO - O4

335. Mr Kennedy, for Westpower, noted the s42A summary of recommendations recorded accepting in part the further submission of Westpower in relation to ECO-O4 (FS222.153). However, as the base submission was supported, and no changes were recommended he supported the recommendation.

336. Mr Brass, for the Director General, reiterated the request to add the words '*enhance and where appropriate restore*' to the objective. He considered the objective was providing more detail and specific direction than the NPSIB and therefore did not consider that ECO-O4 (to be amended to ECO-O1) should be constrained to the drafting used in the NPSIB.

337. Ms Perkins, for the West Coast Penguin Trust, supported changes for consistency with the NPSIB. She referred to clause 1.7(1)(b) which included references to restoring and enhancing ecosystems and habitats and clause 1.2(1)(b)(iii) that included restoring indigenous biodiversity to achieve its overall maintenance and no overall loss. She considered there was an expectation that the TTPP would do more than ensure consistency with the RPS and that there was an opportunity to strengthen the Plan. On this basis, she reiterated the submission to amend the wording of ECO-O4 to read as follows:

> *To maintain**, protect and enhance** the range and diversity of ecosystems and indigenous species found on the West Coast/Te Tai o Poutini.*

338. Ms Hunter, for Bathurst, confirmed support for the s42A Report recommendation to retain to ECO-O4 as notified.

Reporting Officer Reply Evidence

Objectives (General)

339. Ms Easton's Right of Reply responded to questions from the Panel regarding Ms Inta's request to include a new objective relating to ecosystem services. She considered ecosystem services were used in an economic context to value services and not an RMA context. She noted there was specific direction in the Plan, NPSIB and RPS around climate change and natural hazards and considered the importance of healthy ecosystems in these contexts was more appropriately recognised in a district plan.

ECO - O1

340. Ms Easton's Right of Reply responded to questions from the Panel relating to Ms Inta's request to have additional wording in ECO-O1. She maintained additional wording was not necessary and considered the objective was sufficiently clear and simple. She also considered the New Plymouth objectives (tabled by Ms Inta) and preferred those in the TTPP.

341. Ms Easton's Right of Reply addressed the implications arising from Te Tumu Paeroa withdrawing some submission points and advised the submission relating to ECO-O1 was not withdrawn. In considering matters raised in the hearing and discussions in planning

caucusing, she considered the reference to landowners should be '*in consultation'* rather than '*in partnership*'. Ms Easton's recommended wording for ECO-O4 was as follows:

> ***ECO- O~~1~~4***
>
> *To identify, **map,** and protect **in consultation with landowners**, areas of significant indigenous vegetation and significant habitats of indigenous fauna on the West Coast/Te Tai o Poutini.*

ECO - O2

342. Ms Easton's Right of Reply agreed that ECO-O2 read like a policy and noted that this was reiterated by Ms Styles during expert caucusing. However, Ms Easton she did not consider there was any scope within the submissions to redraft it.

Hearing Panel's Evaluation

ECO – O1

343. The Panel accepts Ms Easton's recommended amendments and agrees that using '*consultation with landowners*' is appropriate instead of '*in conjunction with landowners'* given the obligation is on the district councils. The Panel also accepts the recommendation to renumber this objective ECO-O4.

ECO – O2

344. Ms Easton's recommended amendment to replace '*maintained*' with '*protected*' acknowledges Objective ECO – O2, as notified, was inconsistent the RPS Chapter 7 Objective 2 - to protect areas of significant indigenous vegetation and significant habitats of indigenous fauna. However, ECO-O2 also gives effect to RPS Chapter 7 Objective 3 - to provide for sustainable subdivision, use and development to enable people and communities to maintain or enhance their economic, social and cultural wellbeing. As noted, earlier in this Report, the Panel considers Chapter 7 Objective 3 is inconsistent with the purpose of RMA and s6(c). We also consider it is inconsistent with the direction of the NPSIB.

345. The NPSIB anticipates that significant indigenous vegetation and significant habitats of indigenous fauna will be identified as SNA using a consistent approach (Policy 6) and will be protected by avoiding or managing adverse effects from new subdivision, use and development (Policy 7). It only provides for '*certain established activities'* (Policy 9) within and outside SNA. It requires that activities that contribute to New Zealand's social, economic, cultural, and environmental wellbeing are recognised and provided for as set out in in the NPSIB (Policy 10). It does not '*provide for appropriate subdivision, use and development within areas of significant indigenous vegetation and significant habitats of indigenous fauna where the values of the area can be maintained or enhanced*'.

346. Similarly, the RPS policies (policies 3 to 5) relating to SNA only apply if Policy 2 is met. Policy 6 only allows existing lawfully established activities to continue if the adverse effects are the same or similar in scale, character or intensity; and the adverse effects are no more than minor and maintain the values of the SNA.

347. The NPSIB clause 3.10 requires new subdivision, use and development in (or affecting) SNA (except as provided for in clause (1)(a) to (d)) to avoid adverse effects, except as provided in clause 3.11:

(a) on loss of ecosystem representation and extent;

(b) disruption to sequences, mosaics, or ecosystem function;

(c) fragmentation of SNAs or the loss of buffers or connections within an SNA;

(d) a reduction in the function of the SNA as a buffer or connection to other important habitats or ecosystems; and

(e) a reduction in the population size or occupancy of Threatened or At Risk (declining) species that use an SNA for any part of their life cycle.

348. Other adverse effects on SNA, not listed above or as a result of the exceptions in clause 3.12 (SNA on specified Māori land), must be managed by applying the effects management hierarchy, using each step sequentially and in compliance with the principles for biodiversity offsetting (NPSIB Appendix 3) and biodiversity compensation (NPSIB Appendix 4).

349. NPSIB clause 3.15 manages adverse effects of '*established activities*' (including maintenance, operation and upgrade) that are in, or affects, an SNA and is not a new subdivision, use or development. Subclause (2) requires local authorities to include objectives, policies, and methods in their policy statements and plans to enable specified established activities, or specified types of established activities, to continue where the effects of the activity on an SNA (including cumulative effects):

(a) are no greater in intensity, scale, or character over time than at the commencement date; and

(b) do not result in the loss of extent, or degradation of ecological integrity, of an SNA.

350. These are important qualifiers that established activities must meet to continue and if these are not met, the activity must be managed under clauses. 10 to 3.14 or clause 3.18 (as relevant).

351. Given the above assessment, the Panel finds ECO-O2 does not give effect to the RMA, NPSIB and RPS, so we consider it must either be deleted as requested by two submitters or amended to be consistent with the higher order direction.

352. The Panel notes the submission points of Frida Inta (S553.006) and the Buller Conservation Group (S553.006) requested the ECO-O2 be separated into two objectives. We agree with this approach. While the NPSIB provides detailed direction on managing the effects of activities, we consider this can be captured at an objective level as two simple objectives relating to protection and use. We recommend two objectives that are consistent with the NPSIB. We consider this also addresses the Director General's submission point.

353. The Panel draws on our analysis of the NPSIB above in relation to the rule framework.

ECO – O3

354. The Panel accepts Ms Easton's reasoning and recommended amendments. We have considered Ms Pull's request to include land managed by Poutini Ngāi Tahu but consider this objective is specific to land owned by Poutini Ngāi Tahu.

ECO – O4

355. The Panel accepts Ms Easton's recommendation to make this the first objective as requested by the Director General, in recognition that this objective is consistent with the one overarching objective of the NPSIB – to maintain indigenous biodiversity.

356. The Panel considers there is scope to amend the Objective to be consistent with the NPSIB based on submissions that seek amendments to protect indigenous biodiversity and to give effect to the RPS Chapter 7. We note that Objective 4 of Chapter 7 of the RPS is to maintain

the regions' freshwater and terrestrial indigenous biodiversity, which is consistent with the NPSIB Objective.

357. As discussed above in relation to definitions, the Panel considers it is appropriate to reflect the wording of the NPSIB, including guidance as to what '*maintaining indigenous biodiversity*' means, within the objective.

358. The Panel considers this objective addresses a gap in the notified framework regarding the higher order direction to maintain indigenous biodiversity generally, as opposed to the protection of significant indigenous biodiversity.

New Objectives

359. The Panel accepts Ms Easton's recommendation to not add any new objectives in response to submissions for the reasons provided in the s42A Report.

Hearing Panel's Recommendation

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

ECO – O~~1~~5[85]
To identify**, map**[86] and protect **in consultation with landowners**[87] areas of significant indigenous vegetation and significant habitats of indigenous fauna on the West Coast/Te Tai o Poutini.
ECO – O2
~~To provide for appropriate subdivision, use and development within areas of significant indigenous vegetation and significant habitats of indigenous fauna where the values of the area can be maintained or enhanced.~~ **To protect areas of significant indigenous vegetation and significant habitats of indigenous fauna.** [88]
ECO – O3 **To manage the adverse effects of subdivision, use and development on significant indigenous vegetation and significant habitats of indigenous fauna.** [89]
ECO – O~~3~~4

[85] Director General of Conservation S602.064
[86] Suzanne Hills S443.020, Clares Backes S444.003
[87] Te Tumu Paeroa Office of the Māori Trustee S440.003
[88] Buller Conservation Group S552.006, Frida Inta S553.006. Director General of Conservation S602.066
[89] Buller Conservation Group S552.006, Frida Inta S553.006

To provide for tino rangatiratanga in relation to management of areas of significant indigenous vegetation and significant habitats of indigenous fauna where these are located on Poutini Ngāi Tahu ~~and Te Rūnanga o Ngāi Tahu~~[90] land.

ECO – O41[91]

To maintain ~~the range and~~ **indigenous bio**diversity ~~of ecosystems and indigenous species found on the~~ **across** West Coast/Te Tai o Poutini **so there is at least no overall loss in indigenous biodiversity, while providing for the social, economic, and cultural wellbeing of people and communities now and in the future**.

Maintaining indigenous biodiversity requires:

1. **the maintenance and at least no overall reduction of all the following:**

a. **the size of populations of indigenous species:**

b. **indigenous species occupancy across their natural range:**

c. **the properties and function of ecosystems and habitats used or occupied by indigenous biodiversity:**

d. **the full range and extent of ecosystems and habitats used or occupied by indigenous biodiversity:**

e. **connectivity between, and buffering around, ecosystems used or occupied by indigenous biodiversity:**

f. **the resilience and adaptability of ecosystems; and**

2. **where necessary, the restoration and enhancement of ecosystems and habitats.** [92]

4.4. ECO - Ecosystems and Indigenous Biodiversity Policies

Submissions and Further Submissions

361. Eleven submissions points and 13 further submissions relating to the ECO policies (as a whole) were summarised in a Table on pages 76-78 of the s42A Report. Twelve submission points sought to retain the objectives as notified and nine sought to add additional objectives. Ten further submissions opposed submissions that sought a new objective, and 73 further submissions supported submissions that sought to add a new objective.

362. Forty-eight submission points and 20 further submission points relating to **ECO-P1** were summarised in a Table on page 79-85 of the s42A Report. Four submissions supported the retention of the policy asnotified, one sought its deletion and 43 sought amendments. Twelve further submissions opposed submissions that sought amendments, and eight further submissions supported submissions.

[90] Consequential amendment to reflect new definition of 'Poutini Ngāi Tahu land' Te Tumu Paeroa Office of the Māori Trustee S440.003
[91] Director General of Conservation S602.064
[92] John Caygill S290.008, Royal Forest and Bird Protection Society of New Zealand Incorporated S560.025, Inger Perkins S462.009, Lynley Hargreaves S481.026

363. Forty-six submission points and 22 further submission points relating to **ECO-P2** were summarised in a Table on page 88-93 of the s42A Report. Twelve submissions supported the retention of the policy as notified and 36 sought amendments. Fifteen further submissions opposed submissions that sought amendments, and seven further submissions supported submissions.

364. Forty-two submission points and nine further submission points relating to **ECO-P3** were summarised in a Table on page 98-101 of the s42A Report. Thirty-four submissions supported the retention of the policy as notified and eight sought amendments. Five further submissions opposed submissions that sought amendments, and four further submissions supported submissions.

365. Twenty-four submission points relating to **ECO-P4** were summarised in a Table on page 103 – 104 of the s42A Report. Nineteen submissions supported the retention of the policy as notified, two sought it be deleted, and three sought amendments.

366. Twelve submission points and one further submission point relating to **ECO-P5** were summarised in a Table on page 105 – 106 of the s42A Report. Eight submissions supported the retention of the policy as notified, and four sought amendments. The further submission opposed a submission seeking amendment.

367. Twenty-seven submission points and 16 further submission points relating to **ECO-P6** were summarised in a Table on page 107 – 113 of the s42A Report. Three submissions supported the retention of the policy as notified, 22 sought amendments and two sought clarifications. Nine further submissions opposed submissions that sought amendments, and seven further submissions supported submissions.

368. Fifty-three submission points and 85 further submission points relating to **ECO-P7** were summarised in a Table on page 115 – 125 of the s42A Report. Twenty-three submissions supported the retention of the policy as notified and 30 sought amendments. Eight further submissions opposed submissions that sought amendments, and 27 further submissions supported submissions.

369. Thirty-three submission points and eight further submission points relating to **ECO-P8** were summarised in a Table on page 127 – 131 of the s42A Report. Seventeen submissions supported the retention of the policy as notified and 16 sought amendments. Five further submissions opposed submissions that sought amendments, and three further submissions supported submissions.

370. Forty-three submission points and 15 further submission points relating to **ECO-P9** were summarised in a Table on page 133 – 137 of the s42A Report. Thirty-two submissions supported the retention of the policy as notified and 11 sought amendments. Seven further submissions opposed submissions that sought amendments, and eight further submissions supported submissions.

371. Twenty-three submission points and seven further submission points relating to **ECO-P10** were summarised in a Table on page 139 – 142 of the s42A Report. Fourteen submissions supported the retention of the policy as notified, eight sought amendments and one sought it be deleted. Three further submissions opposed submissions that sought amendments, and four further submissions supported submissions.

372. Eleven submission points and one further submission point relating to **MINZ-P5** were summarised in a Table on page 144 - 145 of the s42A Report. Seven submissions supported the retention of the policy as notified, one sought it be deleted and three sought amendments. The further submission supported a submission.

Section 42A Report

Policies (General)

373. In relation to the policies (as a group), Ms Easton acknowledged the support from the submitters[93] that sought to retain the policies as notified. She also acknowledged those submitters[94] that supported specific policies. However, she noted her recommended amendments in response to other submissions on specific objectives.

374. Ms Easton did not support the relief sought in two submission points[95] made by Forest and Bird to replace the policies with those from the RPS Chapter 7. She did not agree that replicating these policies would cover all matters to the level of detail required in a district plan. She considered 'give effect to' did not mean 'to copy exactly'. She noted the RPS was developed prior to the NPSIB and other national policy documents being prepared.

375. In response to other submissions made by Forest and Bird (S560.211 and S560.482) that sought to add two new policies, Ms Easton did not support the relief sought. She considered that both were complex and better suited to an RPS or amendments to notified policies in the pTTPP.

376. Ms Easton did not support the relief sought by Forest and Bird (S560.415) in another submission which sought to include direction requiring SNA be identified and mapped as part of the regulation of mining activities. She considered the RPS and the NPSIB set the framework for the identification of SNA.

377. In response to the submission point made by Suzanne Hills (443.02) that sought the policies be amended to give effect to the RPS, Ms Easton considered this was already the case and no amendments were required to specifically achieve this outcome.

378. The s42A Report recommended no amendments as a result of these submission points.

ECO – P1

379. Ms Easton responded to the submissions received on this policy based on the key themes. She also identified that as the policy specifically related to the identification of SNA it should (to the extent there was scope) give effect to the NPSIB.

380. Ms Easton acknowledged the submission points[96] that supported ECO-P1 as notified. However, she noted her recommended amendments in response to other submissions.

[93] Westland District Council (S181.015), Grey District Council (S608.044) and David Ellerm (S581.025)
[94] Lindy Mason (S355.001) and Dean Mason (S356.002)
[95] S560.008 and S560.206
[96] Avery Brothers (S609.003), Te Mana Ora (Community and Public Health) of the NPHS/Te Whata Ora (S190.316), Grey District Council (S608.045), Karen Lippiatt (S439.027), Leonie Avery (S507.034), Jared Avery (S508.034), Kyle Avery (509.034), Avery Bros (S510.034), Bradshaw Farms (S511.034), Paul Avery (S512.034), Brett Avery (513.034), Buller District Council (S538.197)

381. In response to the submission points[97] that sought a deferral of the proposed June 2027 date, by when the Buller and Westland Councils were to have identified the SNA in their districts, Ms Easton did not support the relief sought. This was because the Plan did not currently give effect to the RPS in this respect and the matter was one of national importance. She noted that other submission points[98] sought that this date be brought forward.

382. Given the NPSIB was now in place and there was a requirement to give effect to it as soon as practicable (to the extent that there is scope within submissions), Ms Easton recommended that ECO-P1 be amended to reflect the direction of the NPSIB. She noted some submissions[99] sought that reference be given to the RPS. She identified the following points from the NPSIB that were relevant in making her recommendation:

    (a) SNA must be identified and included with a plan change by August 2028 (clause 3.9 (1));

    (b) SNA must be identified through a district wide assessment (clause 3.8.(1));

    (c) The assessment must be done using the criteria in Appendix 1 of the NPSIB, therefore replacing the RPS criteria which are largely consistent;

    (d) The assessment must be done in accordance with the principles set out in clause 3.8 (2), being partnership, transparency, quality, access, consistency and boundaries;

    (e) If the values or extent of an SNA are disputed by the landowner, a physical inspection must be undertaken. (Clause 3.8 (3));

    (f) There is provision to confirm the SNA status of sites already identified as SNA (Clause 3.8 (5)) (i.e. in Grey District); and

    (g) Department of Conservation administered land may not be required to be physically assessed and can be identified as an SNA where certain other criteria are met (clause 3.8 (8))

383. Ms Easton updated the s42A Report comments about the Amendment Bill/Act and noted the RMAA now deferred some of these requirements. However, she noted the fundamental requirement to identify SNA, as set out in the RPS, remained regardless of the NPSIB and therefore the identification of the SNA must proceed, just not under the NPSIB.

384. Ms Easton recognised the issues raised in submission points[100] and supported these in part in relation to the following matters:

    (a) The need to give certainty to landowners with existing Schedule Four SNA.

[97] Peter Langford (S615.041, S615.227), Karamea Lime Company (S614.041, S614.227), Catherine Smart-Simpson (S564.025), Geoff Volckmann (S563.021), William McLaughlin (S567.169, S567.731), Chris & Jan Coll (S558.086, S558.705), Chris J Coll Surveying Limited (S566.086, S566.705), Laura Coll McLaughlin (S574.086, S574.705), John Brazil (S360.093), Steve Croasdale (S516.032), Koiterangi Lime Co Limited (S577.028, S577.032)

[98] Forest and Bird (S560.200), Pual Elwell-Sutton (S144.002), Michael Orchard (S583.005)

[99] Transpower (S299.073), Clare Backes (S444.005), Director General (S602.067), Forest and Brid (S560.200), Manawa Energy Limited (S438.076), Frida Inta (S553.065), Buller Conservation Group (S552.065)

[100] Jacobus Wiskerke (S95.003), Michael Snowden (S492.011), Transpower (S299.073), Westpower (S547.252), Horticulture NZ (S486.029), Federated Farmers of New Zealand (S524.058, S524.060), Suzanne Hills (S443.021, S443.022), Clare Backes (S444.005), Waka Kotahi NZ Transport Agency (S450.082), Frida Inta (S553.065), Buller Conservation Group (S552.065)

(b) To clarify if other areas in the Grey District may be SNA.

(c) The cost associated with identifying SNA.

(d) The risk that delayed identification of SNA could lead to the deliberate removal of them before they are formally protected

385. Ms Easton recommended amendments **ECO-P1** to address the concerns as follows:

ECO-P1

Identify areas of significant indigenous vegetation and fauna habitat ***and include these in Schedule Four through a Plan Change which will be introduced no later than August 2028. The Significant Natural Area identification process will be undertaken as follows:***

1. ***The criteria and process set out in the National Policy Statement for Indigenous Biodiversity Appendix 1 will be used to identify and map Significant Natural Area;***

2. *In the Grey District ~~these~~ areas* ***that*** *are* ***already*** *identified in Schedule Four* ***will be confirmed as meeting the National Policy Statement for Indigenous Biodiversity criteria by the end of 2025****;*

3. ***Region – wide, Regionally Significant Wetlands will be confirmed as meeting the National Policy Statement for Indigenous Biodiversity criteria by the end of 2025;***

4. *In the* ***Grey****, Buller and Westland Districts* ***the assessment and identification of other Significant Natural Area will be undertaken by June 2027.***

5. ***Until a site has been assessed as to whether it contains a Significant Natural Area a general indigenous vegetation clearance rule will apply to that site.***

6. ***Once a site has been assessed a less restrictive general vegetation clearance rule will apply to other indigenous vegetation on that site that is outside of the Significant Natural Area.***

~~i. The criteria set out in Appendix 1 of the West Coast Regional Policy Statement will be used to assess significance;~~

~~ii. Areas of significant indigenous vegetation and fauna habitat will be identified through the resource consent process until such time as district wide identification and mapping of significant natural areas is undertaken;~~

~~iii. Buller and Westland district wide assessment, identification and mapping of significant natural areas will be undertaken and completed by June 2027; and~~

~~iv. Identified areas of significant indigenous vegetation and fauna habitat will be added to Schedule Four through a Plan Change.~~

386. Ms Easton made minor amendments to the recommended wording in her supplementary statement relating to the timeframe for completing the SNA identification process, extending it to June 2027 (reflecting the requirements of the RMAA), as follows:

…

> 2. *In the Grey District* ~~***these***~~ *areas* ***that*** *are* ***already*** *identified in Schedule Four* ***will be confirmed as meeting the National Policy Statement for Indigenous Biodiversity criteria by the end of June 2027****;*
>
> ***3. Region – wide, Regionally Significant Wetlands will be confirmed as meeting the National Policy Statement for Indigenous Biodiversity criteria by the end of June 2027;***
>
> *…*

ECO – P2

387. Before considering the submissions relating to this policy, Ms Easton made some general comments about this policy and in particular the relevant NPSIB provisions that were not in effect when the pTTPP was notified. She noted the direction in the NPSIB had guided her recommendations related to the submissions.

388. Ms Easton acknowledges the submission points[101] that support ECO-P2 as notified. However, she noted her recommended amendments in response to other submissions.

389. Ms Easton did not support the relief sought in the submission point made by Minerals West Coast (S569.006) to delete ECO-P2 in its entirety because there was clear direction in both the RPS and the NPSIB for district plans to include protection for SNA.

390. Similarly, Ms Easton did not support the submission point made by Forest and Bird (S560.201) that sought to delete ECO-P2 and replace it with RPS Chapter 7 policies 2 and 6 because she considered the policies were not appropriate at a district level and were drafted before the NPSIB came into effect.

391. Ms Easton supported the relief sought by Poutini Ngāi Tahu (S620.139) to replace "*cultural purpose*" with "*activities*" because this aligned with the definition for "*Poutini Ngāi Tahu Activities*", which ensured consistency through the Plan.

392. In response to the submission point made by Te Tumu Paeroa (S440.024) that sought to widen the scope of clause (b) to include "*Māori landowner cultural purposes*", Ms Easton did not support the relief sought. She considered the provisions to support tino rangatiratanga of Poutini Ngāi Tahu should be specific to Poutini Ngāi Tahu, not wider Māori landowners.

393. In response to the numerous submission points[102] that sought amendment of clause (d) of the policy to provide for "*operational need*" as well as functional need, Ms Easton supported the relief sought in part, where it was consistent with the NPSIB. She noted the NPSIB made provision for subdivision, use or development within an SNA if it met certain exemptions[103] set out in clause 3.11 and had a functional or operational need to be in that location. Ms Easton did not support addition of the words "*technical*" and "*locational*" because the terms

[101] Roger Ewer (S316.003), Grey District Council (S608.046), Trevor Hayes (S377.001) and Katherine Crick (S101.011)

[102] WMS Group (S599.052), TiGa Minerals and Metals Limited (S493.048), Birchfield Coal Mines Ltd (S601.035), BRM Developments Limited (S603.024), Birchfield Ross Mining Limited (S604.029), Phoenix Minerals Limited (S606.025), Whyte Gold Limited (S607.024), Peter Langford (S615.042), Karamea Lime Company (S614.042), Koiterangi Lime Co LTD (S577.029, S577.033), Catherine Smart-Simpson (S564.026), KiwiRail Holdings Limited (S442.049), Grey District Council (S608.628), William McLaughlin (S567.170), Steve Croasdale (S516.033), Westpower Limited (S547.253), Geoff Volckman (S563.022), Chris & Jan Coll (S558.088), Chris J Coll Surveying Limited (S566.088), Laura Coll McLaughlin (S574.088), Waka Kotahi NZ Transport Agency (S450.083), Silver Fern Farms (S441.016), Bathurst Resources (S491.015), Terra Firma Mining Limited (S537.012), Manawa Energy (S438.077) and Straterra (S536.047)

[103] Specified infrastructure, mineral extraction that provides significant national public benefit, aggregate extraction with a regional or national benefit

were only in RPS policy in relation to regionally significant infrastructure and were not used in the NPSIB, which supersede the RPS direction.

394. In response to submission points[104] that sought similar relief to make the policy more stringent, Ms Easton supported the submission points in part. She notes amendments sought included the replacement of "*no more than minor*" with "*less than minor*", the addition of a reference to *"cumulative effects*", reordering of the clauses, the replacement of "*allow"* with *"make provision for*", replacement of "*significant indigenous vegetation or significant habitats of indigenous fauna*" with "*Significant Natural Areas*", replacement of "*activities*" with "*structures*", qualification of "*lawfully established activities*" and adding reference to the effects management hierarchy.

395. Ms Easton preferred the wording from the Director General submission because it would best give effect to the NPSIB and the intent of the RPS. Notwithstanding, she also recommended other amendments to reflect the other submission points she supported.

396. In response to submission points[105] that sought either the addition of "*and*" or "*or*" after clause (d) in the policy, Ms Easton preferred "*and*" to align with the direction in the NPSIB and RPS. Notwithstanding this, she considered the drafting of the policy would be improved by relocating clause (e) to the preliminary statement.

397. In response to submission points[106] that sought to widen the activities provided for in the policy, Ms Easton did not support the relief sought by Federated Farmers or Manawa Energy because she considered it was either covered by the reference to "*lawfully established activities"* or was vague or too wide reaching. Ms Easton considered the submission made by Bathurst to add a reference to the activities anticipated in the MINZ or BCZ in depth. She considered the requested inclusion on the basis that the draft NPSIB made reference to mineral and aggregate extraction, and coal mining. She noted at the hearing that since the s42A Report had been written the reference to coal mining had been removed from the NPSIB. Ultimately, Ms Easton did not support the relief sought by Bathurst.

398. In response to the submission points[107] that sought to amend clause (d) to allow for mitigation, or management using the effects management hierarchy, Ms Easton noted that by accepting the amendments sought by the Director General the relief sought in these submissions was also addressed.

399. The s42A Report recommended amending **ECO-P2** as follows:

> *ECO-P2*
>
> *~~Allow~~* ***Provide for*** *activities within areas of significant indigenous vegetation or significant habitats of indigenous fauna* ***where the activity has no more than minor adverse effects on the significant indigenous vegetation or fauna habitat and****:*
>
> *a. This is for a lawfully established activity* ***and adverse effects are no greater in intensity, scale, or character over time than at the operative date and do not result in the loss of ecosystem representation or degradation of ecological integrity****; or*

[104] Buller Conservation Group (S552.066), Frida Inta (S553.066), Suzanne Hills (S443.023), Clare Backes (S444.006), Forest and Bird (S560.476), Director General of Conservation (S602.068)
[105] Buller District Council (S538.198), Manawa Energy (S438.077) and Federated Farmers (S524.061), Director General of Conservation (S602.068)
[106] Federated Farmers (S524.061), Manawa Energy (S438.077), Bathurst Resources (S491.014)
[107] Aggregate and Quarry Association (S521.005), New Zealand Coal & Carbon Limited (S472.014) and Te Mana Ora (S190.317)

*b. It is for ~~a~~ Poutini Ngāi Tahu **Activities** ~~cultural purpose~~; or*

c. This is undertaken on Poutini Ngāi Tahu ~~or Te Rūnanga o Ngāi Tahu~~ land in accordance with an Iwi/Papatipu Rūnanga Management Plan; or

*d. **The adverse effects of the activity on the significant indigenous vegetation or fauna habitat are managed in accordance with the effects management hierarchy and** the activity has a functional need **or operational need** to be located in the area, **and is for the purpose of**:*

i. Construction or upgrade of regionally significant infrastructure; or

ii. Mineral extraction that provides significant national benefit; or

iii. Aggregate extraction that provides significant national or regional benefit; or

iv. The operation or expansion of any coal mine that was lawfully established before 4 August 2023; except that, after 31 December 2030, this exception applies only to such coal mines that extract coking coal

~~e. The activity has no more than minor adverse effects on the significant indigenous vegetation or fauna habitat.~~

400. Ms Easton made minor amendments to the recommended wording in her supplementary statement to reflect the RMAA that removed restrictions relating to coal mining. The recommended wording deleted clause (d)(iv).

ECO – P3

401. Ms Easton acknowledged the 34 submission points that supported ECO-P3 (or specific parts of it) as notified. However, she noted her recommended amendments in response to other submissions.

402. In response to the submission point made by Te Tumu Paeroa (S440.025) that sought to have clause (d) of the policy also apply to Māori landowners, Ms Easton did not support the relief sought. She noted that a Māori landowner may not whakapapa to Poutini Ngāi Tahu and therefore would not have mana whenua status. She noted that similar responses had been provided in other hearing streams regarding similar submission points.

403. In response to the submission point made by Federated Farmers (S524.062) that sought to amend the policy to provide detail on what additional subdivision rights will be provided for, Ms Easton did not support the relief sought. She did not consider it appropriate to detail the rule provisions in the policy. Notwithstanding this, she noted that more specificity would be useful. She recommended amendments to clause (a) to provide the policy context for the creation of additional allotments where the legal protection of an SNA took place as part of a subdivision.

404. In response to the submission point made by the Director General (602.069) that sought the addition of two new clauses, Ms Easton supported the relief sought.

405. In relation to Forest and Bird's (S560.202) requested amendments, the s42A Report recorded the following:

(a) Ms Easton did not support deleting "*enhancement*" because of its association with offsetting and compensation and the NPSIB directs use of the effects management hierarchy.

(b) Ms Easton did not support the replacement of "*allowing*" with "*considering*" in relation to additional subdivision rights because the intent of the policy was to provide support for the subdivision provisions. However, she agreed that "*allowing*" may imply permitted activities and recommended replacing this with "*providing for*".

(c) Ms Easton did not support adding a new clause "*considering subdivision proposal of land that includes or lies adjacent to a Significant Natural Area*" because it was a more generalised consideration and was not related to intent of the policy to incentivise the legal protection of indigenous biodiversity.

(d) Ms Easton did not support the replacement of "*Areas of Significant Indigenous Biodiversity*" with "*Significant Natural Areas*" because the definition of "*Areas of Significant Indigenous Biodiversity*" was broader and reflected the intention of the TTPP Committee to support the protection of significant indigenous vegetation and significant habitats of indigenous fauna regardless of whether it is an SNA.

406. In response to the West Coast Penguin Trust's (S275.003) request to also refer to "*the protection of indigenous fauna habitat*", Ms Easton supported the relief sought in part. She supported the reference to "*indigenous fauna habitat*" but not the relief that sought to regulate exotic vegetation.

407. Ms Easton did not support Frida Inta (S553.067) and Buller Conservation Group (S552.067) requests to add reference to "*natural indigenous character*" because she considered the policy was specifically about supporting ecological values and not natural character. She also did not support the requests to reword clause (a) because the suggested wording would unintentionally imply that only areas where legal protection already existed were provided with additional subdivision rights. She considered this was not the intention of the policy, which was to incentivise the legal protection of indigenous vegetation and biodiversity.

408. The s42A Report recommended amending **ECO-P3** as follows:

ECO-P3

Encourage the protection, enhancement and restoration of significant indigenous biodiversity ***and the protection of significant indigenous fauna habitat*** *by:*

a. ~~***Allowing***~~ ***Providing for up to 3*** *additional* ~~***subdivision rights***~~ ***bonus allotments and reducing minimum allotment sizes when subdividing*** *if an area of significant indigenous vegetation or significant habitat of indigenous fauna within the same property is legally protected as part of the subdivision,*

b. *Promoting the creation of connections and ecological corridors between areas of significant indigenous biodiversity;*

c. *Promoting the use of eco-sourced species from the relevant ecological district;*

d. *Supporting opportunities for Poutini Ngāi Tahu to exercise their cultural rights and responsibilities as mana whenua and kaitiaki in restoring, protecting and enhancing areas of significant indigenous biodiversity;* ~~***and***~~

e. Supporting initiatives by landowners, community groups and others to protect, restore and maintain areas of significant indigenous biodiversity;

f. Promoting site and landscape scale biosecurity programmes to manage plant and animal pests; and

g. Supporting any other measures to protect, enhance and restore biodiversity.

ECO – P4

409. Ms Easton acknowledged and supported the 19 submission points that sought to retain ECO-P4 as notified.

410. Ms Easton did not support Frida Inta (S553.068) and the Buller Conservation Group (S552.068) requests to delete this policy because they do not consider ecotourism can enhance values.

411. In response to the submission point made by Forest and Bird (S560.203) that sought to amend the wording of the policy to lessen the support of ecotourism, Ms Easton did not support the relief sought. She considered ecotourism activities could enhance the values of SNA. Additionally, she noted the policy responded to a strategic objective that recognised the significance of tourism to the West Coast.

412. In response to the submission point made by Katherine Crick (S101.031) that supported the policy and sought that it be applied to mining ventures proposed for Barrytown, Ms Easton clarified that the policy could be applied throughout all districts covered by the Plan.

413. Ms Easton supported in part Laura Garber's (S278.005) request to amend the policy to make specific reference to requiring ecotourism activities to complement and enhance the native flora and fauna of significance. However, she considered it was inappropriate to specify what ecotourism activities the policy would apply to, and considered that this judgment was best applied as part of the assessment of a resource consent application.

414. The s42A Report recommended no amendments to ECO-P4.

ECO – P5

415. Ms Easton acknowledged and supported the eight submission points that sought to retain ECO-P5 as notified.

416. In response to the submission points made by Poutini Ngāi Tahu (S620.421) that sought to have this policy include "*Sites of Significance to Māori if they are owned by Poutini Ngāi Tahu*", Ms Easton did not support the relief sought. She considered that if there was land to which this policy should apply, it would be more appropriate that the land be identified as Māori Purpose Zone, instead of being subject to another overlay.

417. In response to the similar submission points made by Forest and Bird (S560.204) to require adverse effects to be managed in accordance with the RPS and Frida Inta (S553.069) and Buller Conservation Group (S552.069) requests to replace "*minimises*" with "*ensures less than minor*", Ms Easton did not support the relief sought. She noted the submissions need to be considered in light of the NPSIB provisions that relate to specified Māori Land and how SNA on specified Māori land are to be managed. While she noted there were currently no

SNA on this land, she considered it remained a possibility and therefore the notified version of the policy gives effect to the NPSIB.

418. The s42A Report recommend no amendments to ECO-P5.

ECO – P6

419. Ms Easton acknowledged the submission points from Te Mana Ora (S190.321), David Moore (S65.013) and GDC (S608.050) that sought to retain ECO-P6 as notified. However, she noted her recommended amendments in response to other submissions.

420. Ms Easton did not support the submission points made by New Zealand Coal and Carbon Limited (S472.015) and Straterra (S536.024 and S536.048) that sought to remove the word "*avoid*" from the policy because she considered the policy gives effect to the RPS, which provided strong direction to avoid the adverse effects set out in ECO-P6.

421. In response to the submission points[108] that sought to make provision for biodiversity offsetting or compensation, Ms Easton did not support the relief sought. This was because biodiversity offsetting and compensation were provided for in very limited circumstances in both the RPS and the NPSIB and she considered there was other policy addressing these circumstances.

422. In response to the submission points from Westpower (S547.255) and Forest and Bird (S560.205) that sought to replace this policy with RPS Chapter 7 Policy 2, Ms Easton did not support the relief sought. She noted this would duplicate a technical policy from the RPS to the TTPP and she considered ECO-P6 gives effect to the policy from the RPS.

423. In response to the submission points[109] that sought to add the words "*with the exception of manuka and kanuka*" to clause (b) of the policy, Ms Easton did not support the relief sought. She noted the policy was implementing the requirements of the RPS and it referenced the Threatened Environments Classification system. She noted manuka and kanuka present in a category one or two Threatened Environment Classification may be associated with fauna habitat or plants that only occur in that land environment. She explained that this part of the policy did not mean that all vegetation in all locations should be protected, rather it focussed very carefully on the types of land environments (ecosystem types) that are threatened in the ecological districts on the West Coast.

424. Ms Easton did not support Westpower's (S547.254) request to replace "*assessing consents*" with "*providing for*" because she considered the policy was an assessment criteria policy to assist with the resource consent process.

425. In response to the similar submission points made by the AQA (S521.006) and Bathurst (S491.016) that sought to enable the effects management hierarchy rather than avoiding effects, Ms Easton did not support the relief sought. This was because it did not reflect the direction of the RPS. While she acknowledged the NPSIB made provision for the use of the effects management hierarchy for a range of specified activities, she considered that this was best addressed in a separate policy.

[108] William McLaughlin (S567.175), Chris J Coll Surveying Limited (S566.093), Chris & Jan Coll (S558.093) and Laura Coll McLaughlin (S574.93)
[109] WMS Group (S599.054), TiGa Minerals and Metals Limited (S493.050), Birchfield Coal Mines Ltd (S601.037), BRM Developments Limited (S603.026), Birchfield Ross Mining Limited (S604.031), Phoenix Minerals Limited (S606.027), Whyte Gold Limited (S607.026), Birchfield Ross Mining Limited (S604.112)

426. In response to Transpower's (S299.074) request to clarify the relationship between activities set out in the Energy Chapter and the ECO Chapter, Ms Easton acknowledged that the matter was not easily dealt with in this policy. She considered there could be merit in including a specific policy relating to the National Grid in the ECO Chapter and she invited Transpower to provide appropriate wording at the hearing.

427. Ms Easton did not support Manawa's (S438.078) request to have the policy only apply to areas of significant indigenous vegetation and significant habitats of indigenous fauna because she considered the policy would then not give effect to the RPS, which has a focus on the protection of threatened species. She also did not support the request to amend clause (b) to refer to species rather than environments because the Threatened Environments Classification used is based on environments not species. To address any confusion or unfamiliarity with the classification system referred to in the policy, she recommended the inclusion of a definition.

428. In response to the submission point made by Federated Farmers (S524.063) that sought more explanation for ECO-P6(c), Ms Easton supported the relief sought. She recommended the inclusion of an advice note referring plan users to the NZ Threat Classification website where the current threat status of a species can be identified.

429. Ms Easton supported the relief sought by the Director General (S602.070) to simplify clause (c) of the policy. She agreed that the amended wording better supported the direction of the NPSIB and eliminated the difficulty of how to determine "*a reasonably measurable reduction*".

430. In response to the submission point made by the West Coast Penguin Trust (S275.004) that sought amendments to clause (c) to extend the level of species referred to, Ms Easton supported the relief sought in part. She acknowledged that the relief sought is similar to the Director General's submission and that the recommendation responding to that submission also addresses the Penguin Trust submission.

431. The s42A Report recommended amending **ECO-P6** as follows:

> *ECO-P6*
>
> *When ~~assessing consents~~* ***providing*** *for subdivision, use and development, avoid activities which will:*
>
> *a. Prevent an indigenous species or community being able to persist in their habitats within their natural range in the Ecological District;*
>
> *b. Result in a degradation of the threat status, further measurable loss of indigenous cover or disruption to ecological processes, functions or connections in land environments in category one or two of the Threatened Environment Classification at the Ecological District level; and*
>
> *c. Result in a ~~reasonably measurable~~ reduction in the ~~local~~ population* ***size or occupancy of Threatened or At Risk (Declining) species*** *~~of threatened taxa in the Department of Conservation Threat Categories 1 – 3a – nationally critical, nationally endangered and nationally vulnerable~~* ***or in the population size or occupancy of locally endemic species****.*
>
> ***Advice Note:***

Information on the Threat Classification status of individual species can be found on the New Zealand Threat Classification System data base at https://nztcs.org.nz

ECO – P7

432. Ms Easton acknowledged the submission points that sought to retain ECO-P7 as notified or specifically supported clause (h) of the policy. However, she noted her recommended amendments in response to other submissions.

433. In response to the submission point made by Poutini Ngāi Tahu (S620.143) that sought for this policy to apply to all areas of indigenous vegetation and habitat fauna, not just those areas identified as '*significant*', Ms Easton supported the relief sought in part. She commented that as the identification of significant indigenous biodiversity had not been undertaken on the West Coast, that was the practical effect of this policy. To clarify this, Ms Easton recommended that the policy refer to "*areas of significant indigenous biodiversity*" (which is a defined term), rather than "*areas of indigenous vegetation and habitat fauna*".

434. Ms Easton did not support Forest and Bird's (S560.207) request to apply to SNA and the land adjacent to them because she considered this was consistent with previous recommendations. However, she noted that the recommendation to refer to a defined term (as set out in response to the Poutini Ngāi Tahu submission above) would partly address the submission point.

435. In response to the various submission points[110] that sought an addition relating to the "*functional and operational needs*" of an activity, Ms Easton supported the relief in part. She considered that with some amendment there was an appropriate link to the NPSIB and RPS in relation to regionally significant infrastructure (**RSI**), and mineral and aggregate extraction with significant national benefit.

436. In response to the submission points[111] that sought additions related to the temporary or permanent nature of effects, Ms Easton supported the relief in part. She acknowledged that the RPS included policy that supported the provision for minor and transitory adverse effects, and as such recommended adding a clause relating to this.

437. Ms Easton supported the relief sought by New Zealand Coal and Carbon Limited (S472.016) and Straterra (S536.049) to add *"/or*" in clause (b) after "*protection and*", as there were scenarios where vegetation may already be formally protected.

438. Ms Easton supported the addition of a reference to the effects management hierarchy in clause (g) as sought by Te Mana Ora (S190.322) because she considered this was consistent with the NPSIB.

439. In response to the submission point made by the Director General (S602.071) that sought multiple matters of relief, s42A Report records the following:

[110] Forest and Bird (S560.477), TiGa Minerals and Metals Limited (S493.051), Whyte Gold Limited (S607.027), WMS Group (S599.055), Birchfield Coal Mines Ltd (S601.038), Phoenix Minerals Limited (S606.094), Birchfield Ross Mining Limited (S604.113), BRM Developments Limited (S603.027), Manawa Energy (S438.079) and Buller District Council (S538.203)

[111] Buller District Council (S538.203), Peter Langford (S615.046), Karamea Lime Company (S614.046), Koiterangi Lime Co LTD (S577.037), Catherine Smart-Simpson (S564.030), William McLaughlin (S567.177), Steve Croasdale (S516.036), Geoff Volckman (S563.025), Chris & Jan Coll (S558.095), Chris J Coll Surveying Limited (S566.095) and Laura Coll McLaughlin (S574.095)

(a) Ms Easton's recommendation responding to the submissions about functional and operational need also addressed the request to reference locational constraints in relation to RSI and renewable electricity generation.

(b) Ms Easton did not support including reference to whether an assessment of alternatives had been provided because she considered this type of assessment was only necessary under the RMA when there were significant adverse effects on significant indigenous biodiversity. She noted that the same matter was considered in a previous hearing stream and that an advice note was recommended to be added to ECO-R5.

(c) Ms Easton did not support adding "*minimising*" to clause (h), as she did not agree it improved clarity.

(d) Ms Easton supported adding a new clause – "*the extent of net gain achieved by biodiversity offsetting or compensation*" because this was consistent with the direction of the NPSIB.

440. In response to the submission point made by Manawa (S438.079) that sought multiple matters of relief, the s42A Report records:

(a) Ms Easton supported replacing "*critical infrastructure*" with "*regionally significant infrastructure*" because this was consistent with Plan-wide recommendations.

(b) Ms Easton supported deleting "*or adjacent to*" from clause (c) because this was consistent with the RPS.

(c) Ms Easton supported in part adding "*significant*" in relation to residual adverse effects to be offset or compensated for but recommended "*more than minor*" to be consistent with NPSIB terminology.

441. Ms Easton supported in part Forest and Bird's (S560.478) request to replace the term '*active management'* in clause (b) with "*measures to restore or improve all or part*" to make it clear what active management is. She did not support adding a new clause relating to the adequacy of the assessment applying to the significance criteria in the RPS because she considered the NPSIB criteria superseded the RPS and the process for identifying SNA is set out in ECO-P1.

442. Ms Easton did not support Westpower's (S547.0502 and S547.0505) request to add "*managing the adverse effects of activities*" because she considered assessment applied to resource consents. She did not support expanding clause (a) to include all energy activities and infrastructure because in the context of SNA, only RSI should be considered as specified infrastructure as provided for in the NPSIB. She also did not support amending the wording of clause (h) because she considered other recommended changes provided better clarity and consistency with the NPSIB.

443. Ms Easton did not support the Frida Inta (S553.070) and the Buller Conservation Group (S552.070) request to replace "*subdivision, use and development*" with "*resource consent process*" because it was the activity being assessed not the process. She also did not support including "*cumulative effects within the catchment/district*" or placing priority on avoiding effects before considering the effects management hierarchy. She considered cumulative effects were already addressed in the policy and other amendments recommended in terms of the effects management hierarchy were more appropriate and consistent with the NPSIB

and RPS. Ms Easton supported making a reference to adverse effects on biodiversity in clause (d) to make the intent clearer.

444. The s42A Report recommended amending **ECO-P7** as follows:

ECO-P7

When assessing resource consents in areas of significant indigenous ***biodiversity*** ~~*vegetation and significant habitats of indigenous fauna*~~*, consider the following matters:*

a. The necessity for the activity to provide for ~~*critical*~~ ***regionally significant*** *infrastructure or renewable electricity generation;*

b. The functional needs or operational needs of regionally significant infrastructure, or and aggregate extraction of significant national public benefit;

c. Whether the adverse effects are minor or transitory;

*d. Whether formal protection and****/or*** ~~*active management of*~~ ***measures to restore or improve*** *all or part of any area of significant indigenous vegetation or habitat will occur as part of the subdivision, use or development;*

e. The extent to which the proposed activity recognises and provides for Poutini Ngāi Tahu cultural and spiritual values, rights and interests;

f. The cumulative ***adverse*** *effects of activities* ***on biodiversity*** *within* ~~*or adjacent to*~~ *any area of significant indigenous vegetation or habitat;*

g. The effects the activity may have on the introduction or spread of exotic weed species and pest animals both terrestrial and aquatic;

h. The impacts on mahinga kai;

i. The impact of the activity on the values of any area of significant indigenous vegetation or habitat, or threatened species and how any potential impact could be avoided, remedied or mitigated ***by applying the effects management hierarchy****; and*

j. The appropriateness of any biodiversity offsetting or compensation in accordance with Policy 9 to offset any ***more than minor*** *residual adverse effects that remain after avoiding, remedying and mitigating measures have been applied; and*

k. ***The extent of net gain achieved by biodiversity offsetting or compensation.***

445. The Panel notes the recommended wording in the s42A Report Appendix 1 differed as follows:

b. The functional needs or operational needs of regionally significant infrastructure, mineral extraction of significant national public benefit or aggregate extraction of significant regional or national public benefit;

c. Whether this is for the operation or expansion of a coal mine that meets the requirements of Clause 3.11(1) of the National Policy Statement for Indigenous Biodiversity;

ECO-P8

446. Ms Easton acknowledged the submission points that sought to retain ECO-P8 as notified. However, she noted her recommended amendments in response to other submissions.

447. Ms Easton did not support Forest and Bird's (S560.208) request to replicate the wording from Policy 8 of the RPS because the RPS policy did not cover all matters set out in ECO-P8 and the direction of the NPSIB.

448. In response to the submission points made by West Coast Penguin Trust (S275.005) and Clare Backs (S444.007) that sought to replace "*maintain*" with "*protect, maintain and support the enhancement of*", Ms Easton did not support the relief sought. She noted the policy related to the wider indigenous ecosystems beyond SNA and in this context she considered the appropriate terminology was "*maintain*" to reflect the difference in weight.

449. In response to the submission points made by Frida Inta (S553.071) and Buller Conservation Group (S552.071) that sought the rearrangement and addition of words, the most significant being a reference to "*ecosystem services*", Ms Easton supported the relief in part.

450. In response to the submission points made by WMS Group (S599.056), TiGa Minerals and Metals Limited (S493.052) that sought to amend the wording of clause (b) of the policy to change the phrasing to refer to "*managing*" instead of "*minimising*", Ms Easton supported the relief in part.

451. In response to the submission point made by Bathurst (S491.017) that sought to replace the reference to protected wildlife with "*significant habitats of indigenous fauna*", Ms Easton supports the relief in part.

452. In response to the various submission points[112] that sought to amend the wording of clause (d) to replace "*preserving*" with "*managing adverse effects*" on protected wildlife, Ms Easton supported the relief sought.

453. Ms Easton did not support the submission point made by Forest and Bird (S560.479) that sought to amend the wording of clause (b) to change "*minimising*" to "*avoid, remedy or mitigate*".

454. In making her recommendations on the above submission points, Ms Easton referred to the direction and wording of the RPS, the NPSIB and the NZCPS in relation to areas outside of SNA.

455. In relation to the submission point made by Te Tumu Paeroa (S440.026) that sought to replace "*providing*" with "*improving where appropriate*" in relation to clause (b) and for the policy to refer to all Māori landowners, Ms Easton supported the relief sought in part. She considered "*improving where appropriate*" was better terminology as there may be circumstances where providing access was inappropriate. She did not support the reference to all Māori landowners.

456. Ms Easton supported the Director General's (S602.072) request to amend clause (e) and to add an additional clause "*encourage and enable site and landscape scale biodiversity programmes to manage plant and animal pests*" because this was consistent with the strategic direction of the chapter. She also acknowledged that the amendments sought to

[112] TiGa Minerals and Metals Limited (S493.051), Whyte Gold Limited (S607.027), WMS Group (S599.055), Birchfield Coal Mines Ltd (S601.038) and Phoenix Minerals Limited (S606.094)

clause (e) to replace "*recognising the benefits of*" to "*encourage and enabling active conservation*" was also more consistent with the strategic direction.

457. In response to NZAAA's (S166.014) request to add a new clause relating to providing for the clearance of weeds and pests, Ms Easton supported the relief in part. She considered that the recommendation to accept the Director General submission on this policy better addressed this submission.

458. Ms Easton did not support Westpower's (S547.256) request to add a new clause – "*providing for the sustainable use of indigenous habitats and ecosystems for the benefit of the community*" because she considered this did not fit with the intent of the policy.

459. Ms Easton supported Frida Inta (S553.073) and Buller Conservation Group (S552.073) requests to delete elements of duplication with ECO-P10 by deleting ECO-P8(c) and combining it with ECO-P10(b).

460. The s42A Report recommended amending **ECO-P8** as follows:

ECO-P8

Maintain indigenous habitats and ecosystems across the West Coast/Te Tai o Poutini by:

~~***a.***~~ *Maintaining, and where appropriate enhancing or restoring the functioning of ecological corridors, linkages, dunes and indigenous coastal vegetation and wetlands;*

~~***b.***~~ *Minimising adverse effects on, and providing improving access, where appropriate, to areas of indigenous biodiversity which are significant to Poutini Ngāi Tahu;*

~~***c. Restricting the modification or disturbance of coastal indigenous vegetation, dunes, estuaries and wetlands;***~~

~~***d.***~~ ***c.*** ~~***Preserving***~~ ***Managing adverse effects on*** ~~***protected wildlife***~~ ***threatened and at-risk species****; and*

~~***e.***~~ ***d. Encouraging and enabling site and landscape scale biosecurity programmes to manage plant and animal pests***

~~***f.***~~ ***e.*** ~~*Recognising the benefits of*~~ ***Encouraging and enabling*** *active* ***conservation*** *management of indigenous biodiversity, including voluntary animal and plant pest and stock control and/or formal legal protection*

ECO-P9

461. Ms Easton acknowledged the submission points that sought to retain ECO-P9 as notified. However, she noted her recommended amendments in response to other submissions.

462. In response to various submission points[113] that sought similar relief related to amending the wording of this policy, Ms Easton supported the relief in part.

[113] Forest and Bird (S560.209), Suzanne Hills (S443.025, S443.026), Westpower Limited (S547.257), Inger Perkins (S462.016), Buller Conservation Group (S552.072), Frida Inta (S553.072), Karen Lippiatt (S439.028), Federated Farmers of New Zealand (S524.064), Director General of Conservation (S602.073) and Manawa Energy (S438.080)

463. Ms Easton acknowledged that the direction of the RPS had largely been superseded by the NPSIB with regard to biodiversity offsetting and compensation and the effects management hierarchy. She also confirmed that she had given greater weight to the NPSIB with regard to this policy, and where there was scope in the submissions to do so.

464. On this basis, Ms Easton recommended amending ECO-P9 as follows:

> ***ECO - P9***
>
> ~~*Provide for biodiversity offsets and compensation to manage residual adverse effects of an activity where:*~~
>
> ~~*a. The goal of the biodiversity offsets is no net loss and, preferably, a net gain of biodiversity;*~~
>
> ~~*b. The conservation outcomes are measurable and positive; and*~~
>
> ~~*c. The biodiversity offsets or compensation are in accordance with best practice, including but not limited to NZ Government guidance on biodiversity offsetting.*~~
>
> ***Provide for biodiversity offsetting and biodiversity compensation as part of the effects management hierarchy in accordance with the principles set out in Appendix 3 and Appendix 4 in the National Policy Statement for Indigenous Biodiversity**.*

ECO-P10

465. Ms Easton acknowledged the submission points that sought to retain ECO-P10 as notified. However, she noted her recommended amendments in response to other submissions.

466. In response to the submission point made by Westpower (S547.258) that sought to delete the policy and relocate it to the Coastal Chapter, Ms Easton did not support the relief sought. She noted all indigenous vegetation clearance was dealt with in the ECO Chapter, including within the coastal environment.

467. Ms Easton did not support the relief sought by the West Coast Penguin Trust (S275.014) to reference Te Mana o te Taiao – Aotearoa New Zealand Biodiversity Strategy in the policy because she considered the document principally drives the Department of Conservation and its Conservation Boards in the management of their land and responsibilities.

468. In response to the submission point made by Laura Garber (S278.006) that sought to protect indigenous biodiversity in the coastal environment from subdivision, use and development, Ms Easton supported the relief sought. However, she did not support negating resource consents for mineral extraction on coastal low-lying land because a district plan could do this.

469. In response to the similar submission points made by TiGa Minerals and Metals Limited (S493.053), WMS Group (S599.057) and Waka Kotahi NZTA (S540.086) that sought that clause (b) of the policy only applies to "*significant*" adverse effects on "*other*" indigenous vegetation, Ms Easton did not support the relief sought. She considered this was inconsistent with RPS Chapter 9 Policy 1.

470. In response to the submission point made by the Director General (S602.074) that sought various amendments to the policy, the s42A Report records:

(a) Ms Easton supported the request to add a clause referencing Policy 11 (a) of the NZCPS because it was consistent with the NPSIB, particularly in relation to threatened and at-risk taxa.

(b) Ms Easton did not support deleting "*significant*" from clause (a) in relation to indigenous biodiversity because she considered the submitter had misquoted the notified policy which did not include "*significant*" in front of adverse effects.

(c) Ms Easton supported adding reference to Policy 11(b) of the NZCPS over a reference to the effects management hierarchy as set out in the NPSIB because the NZCPS prevails over the NPSIB.

471. In response to the submission point made by Forest and Bird (S560.481) that sought similar amendments to the Director General, Ms Easton considered her recommendations in response to the Director General's submission also addressed the relief sought.

472. The s42A Report recommended amending **ECO-P10** as follows:

> ***ECO – P10***
>
> *Protect indigenous biodiversity in the coastal environment from inappropriate subdivision, use and development by:*
>
> ***a. Avoiding adverse effects on indigenous biodiversity set out in Policy 11(a) of the NZCPS, and***
>
> *b. Avoiding adverse effects on significant indigenous biodiversity; and*
>
> ***c.*** *Avoiding, remedying or mitigating* ~~*other*~~ *adverse effects on* ***coastal*** *indigenous vegetation,* ***dunes, estuaries, wetlands,*** *habitats and species within the coastal environment* ***in accordance with the effects management hierarchy and Policy 11(b) of the NZCPS.***

MINZ-P5

473. Ms Easton acknowledged that this policy was considered as part of the Mineral Extraction hearing, where it was recommended to be deleted. However, she noted the submissions were also reallocated to the ECO Chapter hearing Stream so that they could be considered in the context of the NPSIB and the wider ECO Chapter provisions.

474. Ms Easton noted that the policy relates to the relationship between mineral extraction and SNA and that the NPSIB now provides a framework and direction relating to this. She noted the exceptions provided in the NPSIB to enable mineral extraction in an SNA was limited to activity providing a significant national benefit, and where it could be demonstrated that there was a functional or operational need to be located in the SNA, and that there was no practicable alternative location. Ms Easton's view was that few of the mineral extraction activities on the West Coast would meet these tests.

475. Ms Easton considered that the recommendations she has made to ECO-P2 and ECO-P9 sufficiently provide for these matters, and she supported the recommendation from the Mineral Extraction Chapter hearing to delete MINZ-P5.

Hearing and Submitter Evidence/Statements

Policies (General)

476. Mr Brass, for Director General, addressed the policies generally. He considered that the suite of policies in the ECO Chapter failed to give full effect to clause 3.10(2) of the NPSIB, in particular subclauses (b)-(d). It was his opinion that there were significant gaps relating to avoiding effects on disruption, fragmentation and loss of function. He analysed the difference between the policies in the NPSIB and the RPS and concluded there were gaps in terms of the "*avoid*" requirements in RPS Chapter 7 Policy 2, which the TTPP must give effect to. Mr Brass noted that only one ECO objective required protection of RMA s6(c) maters and none of the policies required protection, except for ECO-P6.

ECO – P1

477. Ms Snoyink, for Forest and Bird, confirmed general support for the s42A Report recommendations that set out an approach and timeline for the assessment, identification and mapping of SNA across the three districts. However, she considered that the approach relating to indigenous vegetation clearance prior to a site assessment being undertaken should be clearer. She noted the reworded policy provided no direction for case-by-case assessment when a landowner sought resource consent before the process set out in the policy took place. Her statement set out the following amendments to ECO-P1 (based on s42A Report recommendation):

> ***A.*** *Identify areas of significant indigenous vegetation and fauna habitat….*
>
> *1. The criteria ….*
>
> *2. In the Grey …*
>
> *3. Region – wide …*
>
> *5. Until a* ***Plan Change has been notified for identified Significant Natural Areas to be included in Schedule Four*** ~~*site has been assessed as to whether it contains a Significant Natural Area*~~ *a* ~~*general*~~ ***restrictive*** *indigenous vegetation clearance rule will apply to that site.*
>
> *6. Once a site has been assessed* ***and a Plan Change notified to identify Significant Natural areas on that site or for the District,*** *a less restrictive general vegetation clearance rule will apply to other indigenous vegetation on that site that is outside of* ***any identified*** ~~***the***~~ *Significant Natural Area.*
>
> ***B. Prior to a Plan Change being notified to identify Significant Natural Areas under A above, protect significant natural areas meeting the criteria in Appendix 1 of the RPS by:***
>
> ***1. enabling indigenous vegetation clearance necessary for the operation and maintenance of lawfully established buildings, structures and infrastructure where adverse effects are no more than minor; and***
>
> ***2. for other indigenous vegetation clearance requiring an assessment in accordance with Appendix 1 of the RPS or the NPSIB to ensure that adverse effects can be appropriately avoided, remedied or mitigated to protect significant values and otherwise maintain indigenous biodiversity.***

478. Mr Kennedy, for Westpower, acknowledged the recommended wording contained dates relating to when the processes would be met, but still had concern about the recommended amendments. He considered that the addition relating to wetlands was not a matter for a

district plan and would be addressed through regional plan processes; and did not support the addition of clause (3) to the policy. He questioned whether the recommended timeframes for assessing and identifying SNA in clause (4) would allow time for consultation with landowners. He considered clauses (5) and (6) required amendments to clarify that affected parties would have opportunity to participate in the identification process, as follows:

> *Until a site has been ~~assessed as to whether it contains a Significant Natural Area~~ **identified in the plan** a general indigenous vegetation clearance rule will apply to that site.*

479. Mr Brass acknowledged the significant amendments recommended to align it with the NPSIB and was generally comfortable with the policy. and in particular the timeframes and the reference to the NPSIB criteria. However, he had reservations about the SNA already identified in the Grey District and was unclear if they would require reassessment to be consistent with the NPSIB criteria. He relied on the evidence of Dr Marshall and Ms Mealey and concluded that it is possible not all SNA in the Grey District had been included in Schedule Four.

480. Ms Styles, for Manawa, agreed it was appropriate to align the policy with the NPSIB but considered it was overly complex and that some of the clauses read as methods rather than policy. She had reservations about the ability to meet the timeframes. She suggested the policy be reworded as follows, and that the additional detailed procedural matters be described in a schedule:

> ***To identify and map areas of significant indigenous vegetation and fauna habitat, using the criteria and process set out in Appendix 1 of the National Policy Statement for Indigenous Biodiversity 2023, and include these in Schedule Four through a Plan Change.***

481. Ms Linscott, for Federated Farmers, agreed with Ms Easton that the process for identifying SNA will attract opposition from landowners. She also considered that the cost associated with identifying the SNA will vastly exceed the $500,000 figure suggested in the s42A Report. She sought to remove the reference to Appendix 1 in the policy and to delete recommended clauses (5) and (6).

482. Ms Sannazzaro, for Federated Farmers, sought to ensure that the onus and cost of assessing and identifying SNA did not fall to the property owner. She generally agreed with the recommended amendments in the s42A Report, but requested removal of the dates, reference to Appendix 1 and deleting new clauses (5) and (6).

483. Ms Inta supported the recommendation but identified a minor typo in ECO-P1.

484. Ms Whitney, for Transpower, confirmed that she had no general concerns about ECO-P1, but suggested deleting clause (6) because of practical implementation difficulties.

485. Ms Hills supported the inclusion of the process for identifying SNA, but she did not support the approach to vegetation clearance and requested the suggested amendments by Forest and Bird.

ECO – P2

486. Ms Snoyink supported the recommended amendment to change "*allow*" to "*provide for*", but outlined concerns that only selected parts of the NPSIB had been included. She

highlighted the adverse effects required to be avoided by clause 3.10(2) and the effects identified in RPS Chapter 7 Policy 2 that were not included. She noted it was not clear how effects would be managed in accordance with the effects management hierarchy and that this only applied to clause (d) of the policy. She considered relying on the definition of effects management hierarchy was inadequate to ensure applicants demonstrate how each step is applied.

487. Ms Pull, for Poutini Ngāi Tahu considered the definition for "*Poutini Ngāi Tahu land*" recommended in the s42A Report would narrow its application from what she understood it to mean. She considered the provisions in the pTTPP should apply to land owned or managed by Poutini Ngāi Tahu and requested alternative wording for ECO-P2 as follows:

> *ECO-P2*
>
> ***~~Allow~~*** ***Provide for*** *activities within areas of significant indigenous vegetation or significant habitats of indigenous fauna* ***where the activity has no more than minor adverse effects on the significant indigenous vegetation or fauna habitat and****:*
>
> *…*
>
> *c. This is undertaken on* ***land managed or owned by*** *Poutini Ngāi Tahu* ***~~or Te Rūnanga o Ngāi Tahu land~~*** *in accordance with an Iwi/Papatipu Rūnanga Management Plan; or*

488. The joint position of Poutini Ngāi Tahu and Te Tumu Paeroa dated 14 August 2024 recorded an agreed position on ECO-P2 that read as follows:

> *ECO-P2*
>
> *…; or*
>
> *d. This is undertaken on* ***Māori land in accordance with a resolution of owners of a trust constituted under Te Ture Whenua Māori Act 1993, or where no such trust has been constituted, in accordance with a resolution of assembled owners made in accordance with the Māori Assembled Owners Regulations 1995.***

489. Ms Sheard's legal submissions on behalf of Bathurst sought amendments to ECO-P2 to ensure the following:

(a) That the intent of the MINZ and BCZ were recognised and provided for;

(b) That established and operating mineral extraction activities were recognised and provided for;

(c) That the ability to apply the full effects management hierarchy was provided for;

(d) That recognition was given to both operational and functional need for activities located within areas of significant indigenous vegetation or significant habitats of indigenous fauna; and

(e) Consistency with the NPSIB by referencing the test of no overall net loss and that ECO-P2 applied only to scheduled SNA and not all areas of indigenous biodiversity.

490. Ms Hunter, for Bathurst, supported the s42A Report recommended amendments to refer to the functional and operational need of activities to be located within SNA and to reference the effects management hierarchy. Her evidence also referenced her evidence for the Mineral Extraction hearing related to the definition of "*lawfully established activity*". She considered ECO-P2 should be revised to appropriately acknowledge that activities already approved to take place may permit biodiversity loss and that those effects had been considered acceptable. Ms Hunter proposed amendments to the s42A Report version of ECO-P2 as follows:

> *ECO – P2*
>
> *Provide for activities within areas of **significant natural areas as defined in Schedule 4**:*
>
> *a. This is for a lawfully established activity and adverse effects are no greater in intensity, scale, or character ~~over time~~ **than what has already been authorised to occur** ~~than at the operative date~~ and do not result in the loss of ecosystem representation or degradation of ecological integrity; or*
>
> *b. It is for Poutini Ngāi Tahu Activities; or*
>
> *c. This is undertaken on Poutini Ngāi Tahu land in accordance with an Iwi/Papatipu Rūnanga Management Plan; or*
>
> *d. The adverse effects of the activity on the significant indigenous vegetation or fauna habitat **within the SNA** are managed in accordance with the effects management hierarchy and the activity has a functional need or operational need to be located in the area, and is for the purpose of:*
>
> *i. Construction or upgrade of regionally significant infrastructure; or*
> *ii. Mineral extraction that provides significant national benefit; or*
> *iii. Aggregate extraction that provides significant national or regional benefit; or*
> *iv. The operation or expansion of any coal mine that was lawfully established before 4 August 2023; except that, after 31 December 2030, this exception applies only to such coal mines that extract coking coal.*

491. Dr Bramley, for Bathurst, did not support the proposed addition of "*where the activity has no more than minor adverse effects on the significant indigenous vegetation or fauna*". He considered that both offsetting and compensation were intended to address more than minor residual adverse effects and should be contemplated only after steps to avoid, minimise and remedy adverse effects were sequentially exhausted. He noted the policy enabled effects to be managed in accordance with the effects management hierarchy, but that this did not seem to be supported by the wording of ECO-O2. Dr Bramley did not support the s42A Report recommendation to add the words "*and adverse effects are no greater in intensity, scale, or character over time than at the operative date, and do not result in the loss of extent or degradation of ecological integrity*". He considered the amended wording could effectively make extensions to existing lawful activities a prohibited activity because an extension was by definition greater in scale.

492. Ms Styles supported the addition of "*operational need*" in the policy. She also reiterated the need to include recognition in the policy for activities that contribute to wellbeing and climate change mitigation or adaption measures. She noted clause (d) requiring application of effects hierarchy to all activities was not appropriate for renewable electricity generation and suggested amendments to the s42A recommendation version, as follows:

> *ECO-P2*

> *Provide for activities within areas of significant indigenous vegetation or significant habitats of indigenous fauna where the activity has no more than minor adverse effects on the significant indigenous vegetation or fauna habitat and,* ***other than for renewable electricity generation activities:***
> *…*

493. Mr Kennedy supported adding "*operational need*" in the policy. However, he was concerned that the recommended amendments had changed the intention of the policy from one that '*allows*' for uses, to one that more broadly '*provides*' for them. He considered that if the recommended wording remained, additional amendments were necessary to allow for lawfully established activities and those having a functional need. He suggested two policies as follows:

> *ECO-P2****A***
>
> *Allow activities within areas of significant indigenous vegetation or significant habitats of indigenous fauna where;*
>
> *a. This is for a lawfully established activity* ***and adverse effects are no greater in intensity, scale, or character over time than at the operative date and do not result in the loss of ecosystem representation or degradation of ecological integrity****; or*
>
> ***b. The adverse effects of the activity on the significant indigenous vegetation or fauna habitat are managed in accordance with the effects management hierarchy and the activity has a functional need or operational need to be located in the area, and is for the purpose of:***
>
> ***i. Construction or upgrade of regionally significant infrastructure; or***
>
> ***ii. Mineral extraction that provides significant national benefit; or***
>
> ***iii. Aggregate extraction that provides significant national or regional benefit;***
>
> ***or***
>
> ***iv. The operation or expansion of any coal mine that was lawfully established before 4 August 2023; except that, after 31 December 2030, this exception applies only to such coal mines that extract coking coal.***
>
> ***ECO-P2B***
>
> ***Provide for activities within areas of significant indigenous vegetation or significant habitats of indigenous fauna where:***
>
> *a. It is for a Poutini Ngāi Tahu* ***Activities*** *cultural purpose; or*
>
> *b. This is undertaken on Poutini Ngāi Tahu or Te Rūnanga o Ngāi Tahu land in accordance with an Iwi/Papatipu Rūnanga Management Plan; or*
>
> *c. The activity has no more than minor adverse effects on the significant indigenous vegetation or fauna habitat.*

494. Ms Whitney acknowledged the recommended amendments to ECO-P2 were significant in order to give effect to the NPSIB. However, she expressed concern that there was no recognition that the NPSIB provisions did not apply to electricity transmission activities or assets. She considered the policy did not give effect to the NPSETA and did not reconcile

with ENG-P8. She suggested amending the policy so that it did not apply to the National Grid.

495. Ms Linscott did not support the s42A Report recommended amendment to ECO-P2 and considered the notified policy was clearer and more succinct. She did not agree that clause (a) would provide for farm and pasture maintenance because it could result in the loss of ecosystem representation or the degradation of ecological integrity. She considered onus would be on landowners to prove this and that would potentially establish a litigious relationship.

496. Ms Sannazzaro considered the policy should be more specific about providing for the maintenance of improved pasture in order to give effect to clause 3.17 of the NPSIB.

497. Mr Brass acknowledged the s42A Report recommendation had incorporated some of the submission points made by the Director General and sought to give effect to the NPSIB. However, he recommended rewording clause (a) "*loss of ecosystem representation*" to "*loss of extent*" to align with the wording of the NPSIB.

498. Ms Smith for Terra Firma, raised concern about how new mineral extraction opportunities might be treated given the reference to '*significant national benefit'* in the recommended wording for ECO-P2. She suggested the policy was reworded to apply to any mining operation without the '*significant national benefit'* qualifier.

499. Ms Inta noted minor syntax amendments to clause (d) "*functional ~~need~~ or operational need".* She also considered the full NPSIB statement concerning mineral, aggregate and coal extraction should be incorporated into clause (d).

500. Ms Michelle Grinlinton-Hancock's tabled letter on behalf of KiwiRail Holdings Limited supported adding "*operational need*" in the policy. However, she considered other changes had significantly restricted the policy so that only activities that have no more than minor effects on significant indigenous vegetation or fauna habitat were provided for. She considered this extended beyond what the policy as notified intended, which was to enable specific activities. She noted confusion between the introductory statement of the policy and the separate clauses which would result in conflicting interpretation. She suggested retaining clause (d) and deleting the recommended additions from clause (a) and the introductory statement.

501. Ms Hills supported the change in wording from "*allow*" to *"provide for*". However, she considered the policy only partially incorporated clause 3.11(1)(a)(ii) of the NPSIB leaving out a critical part of the clause - "*that could not otherwise be achieved using resources within New Zealand*". She also had a concern that the application of the effects management hierarchy was not available for all activities.

ECO – P3

502. Ms Snoyink accepts the s42A Report amendment to change "*allowing*" to "*providing for*", as well as the addition of the two new clauses. However, she reiterated the submission point that the term '*enhancement*' was inappropriate and requested the additional clause sought in the submission.

503. Ms Pull accepted the s42A recommendation to not add "*Māori landowners*" to the policy. Te Tumu Paeroa formally withdrew their submission point on ECO-P3 on 22 August 2024, after reaching agreement with Poutini Ngāi Tahu.

504. Mr Brass supported the s42A Report recommended changes.

505. Ms Perkins for the West Coast Penguin Trust, supported adding "*indigenous fauna habitat*".

506. Ms Inta acknowledged the recommended changes were an improvement. However, she still supported inclusion of a separate policy to maintain, restore and enhance indigenous biodiversity that was not considered significant. Furthermore, she had reservations whether SNA would need protection or restoration given the nature of their significance.

507. Mr Kennedy supported the wording of the additional clauses as set out in the s42A Report.

508. Ms Hills supported the change to the wording from "*allow*" to "*provide for*".

ECO – P4

509. Ms Inta expressed concern about the cycle trails and their location within SNA because they increase weed and pests in these areas and create edge effects. She sought that more scrutiny (than afforded by ECO-P4) be given to establishing cycle trails within SNA.

510. Ms Snoyink reiterated the concerns set out in Forest and Bird's submission. She acknowledged that if other relief was made to reference the policies from the RPS, the concerns with this policy would be resolved.

ECO – P5

511. Ms Snoyink reiterated the concerns set out in Forest and Bird's submission. Like ECO-P4, she acknowledged that if other relief was made to reference the policies from the RPS, the concerns with this policy would be resolved.

512. Ms Pull explained the Poutini Ngāi Tahu submission sought to provide for indigenous vegetation clearance on sites and areas of significance to Māori to enable rangatiratanga. The table attached to her evidence records that she accepted the s42A Report recommendation to not make any changes to the policy.

ECO-P6

513. Mr Kennedy acknowledged that replication of the RPS policy was not necessary to give effect to the policy. However, considered in the context of an 'avoid' policy, there should be some reference to the NPSIB. He also raised concern that there was potential conflict between both ECO-P1 and ECO-P6 and the NPSIB, and that it needed to make it clear that the NPSIB included exceptions to the strict avoidance. He noted Westpower's submission that sought to replace "*assessing consents*" with "*providing for*" was not supported by Ms Easton in the commentary of the S42A report. However, the recommended wording for the policy (at paragraph 300) made the requested change and he therefore sought clarification.

514. Ms Snoyink reiterated the concern set out in Forest and Bird's submission that the policy did not accurately give effect to RPS Chapter 7 Policy 2.

515. Ms Whitney reiterated concern that this policy had a strong 'avoid' directive that was not clearly confined to significant indigenous vegetation or SNA. In response to the s42A Report invitation for Transpower to provide alternative wording for this policy, Ms Whitney suggested that ECO-P6 not apply to the National Grid, and that ENG-P8 be relied on instead.

516. Ms Styles reiterated that this policy could be better aligned with higher order documents and clarify whether the policy applied to all indigenous biodiversity or only SNA. She also sought clarification as to what document was referred to in clause (b) of the policy. She considered the recommended changes to clause (c) made the policy extremely restrictive and she suggested that a qualifier be added to the wording. She suggested amendments as follows:

> *When providing for subdivision, use and development* ***within areas of significant indigenous biodiversity****, avoid activities which will:*
>
> *a. Prevent an indigenous species or community being able to persist in their habitats within their natural range in the Ecological District;*
>
> *b. Result in a degradation of the threat status, further measurable loss of indigenous cover or disruption to ecological processes, functions or connections in land environments in category one or two of the Threatened Environment Classification at the Ecological District level* ***as at [date of plan being operative]****; and*
>
> *c. Result in a* ***significant*** *reduction in the population size or occupancy of Threatened or At Risk (Declining) species or in the population size or occupancy of locally endemic species.*

517. Ms Linscott supported the addition of the recommended advice note.

518. Mr Brass supported the s42A Report recommendation but questioned any unintended consequences of the recommended wording relating to the addition of "*locally endemic species*". He suggested that the focus of the policy would be shifted from being on local populations of species (that may also be found elsewhere) to only those species that are not found elsewhere, which was not appropriate. He suggested retaining the word "*local population*" in clause (c). He was also concerned that ECO-P6 did not give effect to clauses 3.10(2)(b)-(d) of the NPSIB and that this would create a gap in the Plan because there would not be a policy to assess activities that do not comply with ECO-R7. He therefore suggested adding a new clause as follows:

> ***e. within a Significant Natural Area, result in: disruption to sequences, mosaics or ecosystem function; fragmentation or the loss of buffers or connections; or reduction in the function of the Significant Natural Area as a buffer or connection to important habitats or ecosystems.***

519. Mr Brass also observed there was an error in the recommendation relating to the submission point to replace "*assessing consents*" with "*providing for*".

520. Ms Hunter sought clarification regarding the application of ECO-P6 and whether it related to activities within scheduled SNA or if it more broadly applied to any areas of indigenous biodiversity. If it was the latter, she was concerned about the broader applicability and suggested applying the scope of clause 3.16 from the NPSIB, which enabled the application of the effects management hierarchy.

521. Dr Bramley supported Ms Hunter's evidence to apply the effects management hierarchy.

522. Ms Perkins acknowledged the amendments recommended in the s42A Report and was generally supportive of them. However, she would like the '*declining*' At Risk classification sub-category to be removed.

523. Ms Hills supported the change to the wording for clause (c).

ECO-P7

524. Ms Pull accepted the s42A Report recommendation in relation to the areas of vegetation the policy relates to.

525. Ms Snoyink reiterated Forest and Bird's concern that the policy did not give effect to RPS Chapter 7 Policy 2. She considered it was necessary for the RPS Appendix 1 criteria to be referenced in this policy, as the policy will be relevant before the identification process as set out in ECO-P1 has taken place. She accepted the references to the biodiversity offsetting and compensation requirements of the NPSIB, but had concerns about clause (k). This was because ECO-P9 did not set any direction as to the appropriateness of these measures, and therefore she considered that the new clause (l), relating to net gain, would fit better with ECO-P9. She considered the addition of a clause in ECO-P7 would be beneficial, recognising that there were limits to offsetting. Ms Snoyink considered the policy was unclear in terms of how to apply the effects management hierarchy; and that there was little direction for how adverse effects were to be addressed outside of SNA.

526. Ms Styles considered the policy could be better aligned with higher order documents and that clauses (j), (k) and (l) not apply to renewable electricity generation activities. She suggested the policy could either exempt renewable electricity generation from the policy in its entirety, or include a subset as follows:

i. The impacts on mahinga kai;

and, other than for renewable electricity generation activities;

527. Mr Brass acknowledged the recommended changes in the s42A Report to align with the NPSIB. However, he reiterated the submission point that locational restraints should be referred to in the policy because he didn't agree that the "*functional and operational need*" addition satisfactorily addressed locational restraints. He offered alternative wording as follows:

b. The functional needs or operational needs of regionally significant infrastructure, or mineral and aggregate extraction of significant national public benefit, ***and whether there are any practicable alternative locations for those activities****;*

528. Mr Kennedy accepted the recommended amendments in the s42A Report.

529. Ms Whitney acknowledged Transpower had not made a submission on this policy but considered the general submission point provided scope. She noted the s42A Report recommendation had amended this policy to make it relevant to the National Grid and that clauses (j), (k) and (i) required the application of the effects management hierarchy based on the provisions of the NPSIB. However, she advised the NPSIB did not apply to electricity transmission and that there was no higher order policy directive to offset or compensate for effects of electricity transmission on indigenous biodiversity. To address this, she sought that ECO-P7 not apply to the National Grid and ENG-P8 be relied on.

530. Ms Hunter supported the general intent of the recommended amendments to ECO-P7. However, she commented that the policy related to "*significant indigenous biodiversity*"

which, the definition indicates was only applicable to the subdivision rules. She considered it would be appropriate to align the terminology in ECO-P7.

531. Ms Smith, for Terra Firma, was concerned how new mineral extraction opportunities might be treated given the reference to '*significant national public benefit'* in the recommended wording for ECO-P7. She suggested in her statement that the policy should be rephrased to apply to any mining operation without the '*significant national benefit'* qualifier.

532. Ms Inta considered the policy was relevant to activities both around and within SNA, and given this, suggested amendments to the opening statement of the policy as follows:

> *When assessing resource consents in areas ~~of~~ **where** significant indigenous ~~vegetation and significant habitats of indigenous fauna~~ **biodiversity**, **may be impacted** consider the following matters:*

533. Ms Inta noted clauses (a) and (b) were essentially the same, and that the retention of clause (b), with the addition of renewable electricity generation would be adequate, as follows:

> *a. The functional needs or operational needs of regionally significant infrastructure, mineral extraction of significant national public benefit, **renewable electricity generation**, or aggregate extraction of significant regional or national benefit.*

534. Ms Inta reiterated her submission point regarding cumulative effects and disagreed with Ms Easton that they were already addressed. She considered cumulative effects in any SNA was not the same as cumulative effects across the region and she suggests an amendment. She also did not support the recommendation to delete "*or adjacent to*" from the policy. She suggested the following amendment to ECO-P7(g):

> *f. The cumulative **adverse effects ~~of activities~~ on the biodiversity** ~~within or adjacent to~~ **of** any area of significant indigenous vegetation or habitat**, of activities within or adjacent to those areas; and the cumulative effects within the catchment/district**;*

535. Ms Hills considered the policy should include a reference to using the RPS Appendix 1 criteria given the identification of SNA may not be immediate. She noted the amendment to clause (a) which deletes "*critical*" replacing it with "*regionally significant*", which was not defined. She reiterated her comments from ECO-P2 relating to including the complete NPSIB wording in relation to mineral extraction. She also considered that clause (f) was weakened with the removal of the words "*or adjacent to*" and referenced adjacent airspace as an example.

ECO-P8

536. Ms Pull's evidence noted that the further submission from Poutini Ngāi Tahu sought to disallow the amendments sought by Te Tumu Paeroa in relation to the addition of "*where appropriate*" to clause (b). She considered the term was very broad and could relate to a number of matters such as health and safety, the threat to species during nesting times or the amount of mahinga kai in the area. Te Tumu Paeroa formally withdrew their submission point on ECO-P8 on 22 August 2024, after reaching agreement with Poutini Ngāi Tahu. Ms Pull identified that Policy 19 in the NZCPS provided a detailed list of when a restriction on public access was necessary and suggested that clause (b) of the policy be amended based on the NZCPS as follows:

~~*b. Minimising adverse effects on, and improving access, where appropriate to areas of indigenous biodiversity which are significant to Poutini Ngāi Tahu;*~~

Minimising adverse effects on, and enhancing access to areas of indigenous biodiversity which are significant to Poutini Ngāi Tahu except when restrictions are necessary for:

- ***i. Protecting an identified feature or species of a SNA;***
- ***ii. To protect sites and activities of cultural value to Poutini Ngāi Tahu;***
- ***ii. To protect public health or safety; and***
- ***iii. Alternative access routes are considered***

537. Mr Brass supported the s42A Report recommendations to encourage and enable active management and biosecurity programmes. He also sought clarification about the recommendation to delete clause (c).

538. Ms Hunter supported the s42A Report recommendation for the wording of this policy.

539. Dr Bramley considered that an explicit reference to the effects management hierarchy in ECO-P8(c) would be beneficial from an ecological point of view.

540. Mr Kennedy reiterated Westpower's submission point and considered there was value in recognising that sustainable use can play a role in maintaining these values. He sought to add a new clause as follows:

> ***f. Providing for the sustainable use of indigenous habitats and ecosystems for the benefit of the community.***

541. Ms Whitney confirmed she was generally comfortable with this policy, although she had some concern with clause (a) and how it might apply to the National Grid. Her preference was that ENG-P8 apply instead.

542. Ms Inta noted that the s42A Report had not considered the proposed rewording for clause (a) of the policy, to add "*indigenous biodiversity, including*". She considered the word "*voluntary*" was superfluous in clause (e), and that "*and*" should be deleted from the end of the clause. She also sought to reinforce that this policy related to indigenous biodiversity that was not within an SNA. She suggested an addition to the opening statement of the policy as follows:

> *Maintain indigenous habitats and ecosystems across the West Coast/Te Tai o Poutini* ***including those not identified as significant natural areas*** *by*

543. Ms Hills questioned why clause (c) had been removed from the policy.

ECO-P9

544. Ms Snoyink supported relying on the NPSIB policy in relation to biodiversity compensation and offsetting. However, she considered that unless there was a direct conflict between the NPSIB and the RPS, the requirements of RPS Chapter 7 Policy 2 must still be met.

545. Mr Kennedy acknowledged that the NPSIB was the most recent document relating to biodiversity compensation and offsetting. However, he noted it did not exist at the time of notification and submissions, and therefore maintained his view that the direction in the RPS still had relevance and should be the basis for the wording of the policy.

546. Ms Whitney reiterated her previous points that the effects management hierarchy did not apply to the National Grid; and her request that ECO-P9 not apply to the National Grid and instead ENG-P8 be relied on.

547. Mr Brass supported rewording the policy based on the direction and provisions of the NPSIB.

548. Ms Styles reiterated that biodiversity compensation and offsetting did not apply to renewable electricity generation and requested the addition of an advice note to clarify that the policy did not apply in those circumstances.

549. Ms Hunter and Dr Bramley confirmed general agreement with the recommended amendments for this policy.

550. Ms Inta, Ms Hills and Ms Smith all noted support for the changes to this policy.

551. Ms Linscott supported the changes to this policy. However, she suggested removing the references to Appendix 3 and 4 in case the NPSIB should be amended, making these references incorrect.

ECO-P10

552. Mr Brass supported the recommended amendments in the s42A Report.

553. Ms Snoyink acknowledged that some of the changes sought in the submission have been accepted. However, she noted that the amendment to include "*avoiding significant adverse effects*" in clause (b) had not been accepted. She considered that the recommended wording relating to Policy 11(b) needs further clarification, and suggested the following:

> *c. Avoiding, remedying or mitigating other adverse effects on coastal indigenous vegetation, dunes, estuaries, wetlands, habitats and species within the coastal environment in accordance with the effects management hierarchy and* ***by avoiding significant adverse effects, avoiding, remedying and mitigating other adverse effects on indigenous biodiversity in accordance with Policy 11(b) of the NZCPS****.*

554. Mr Kennedy reiterated Westpower's submission point to relocate this policy to the Coastal Environment Chapter. He explained the rationale for the submission reflected the RPS that specifically included all matters related to the coast in the same chapter. He also commented on the recommended amendments to the policy and noted the RPS directed that matters in Policy 11(a) of the NZCPS must be identified in the plan. To make this clear he suggested additional wording to the clause in ECO-P10 as follows:

> *Areas and values in Policy 11(a) of the NZCPS will be identified in the plan.*

555. Mr Kennedy also requested amendments to clause (c) be clarified to ensure that the provisions of the NZCPS are being given priority.

556. Ms Whitney considered the reworded policy did not reconcile the NPSETA and the NZCPS. However, she considered ENG-P8 reconciled the national direction and therefore ECO-P10 was not appropriate to be applied to the National Grid.

557. Ms Perkins reiterated the request to include a reference to Te Mana o te Taiao – Aotearoa, the New Zealand Biodiversity Strategy into the policy. She did not agree with Ms Easton that the purpose of this document was principally to guide the Department of Conservation in the management of their land. She considered it was designed to drive conservation action at local, regional and national levels and was therefore relevant in the context of this policy. She also acknowledged the amendments to incorporate references to Policy 11 of the NZCPS and she supported this.

558. Ms Hills supported the Forest and Bird submission in relation to this policy.

MINZ-P5

559. Mr Brass supported the recommendation in the S42A report to delete this policy.

Reporting Officer Reply Evidence (including JWS)

ECO – P1

560. Following the hearing, the Panel issued Minute 54 (3 December 2024) requesting that the planning witnesses caucus on a range of matters, including how SNA should be identified. The planners were asked to consider whether provisions could be simplified and made easier to read, understand and interpret. A Joint Witness Statement (**JWS**) dated 17 February 2025 records the outcome of caucusing between the planners[114].

561. The JWS records the planners agreed to make the following changes to ECO-P1:

(a) Removing clauses (5) and (6) from the s42A Report Appendix 1 version;

(b) To simplify clauses (1) to (4) and refer to a schedule; and

(c) Incorporate a schedule that outlines the process for SNA identification and reconfirmation.

562. The JWS recorded Mr Kennedy had questions about the ability to meet the timeframes set out in the reworded policy.

563. Ms Easton's Right of Reply addressed questions from the Panel, the evidence presented and the JWS. Appendix 1 of the Right of Reply recommended amendments as follows:

> ***ECO - P1***
>
> *Identify* ~~*areas of significant indigenous vegetation and fauna habitat*~~ ***significant natural areas and include these in Schedule Four through a Plan Change which will be introduced no later than August 2028. The Significant Natural Area identification process will be undertaken*** ~~*as follows*~~ ***in accordance with the criteria and process set out in the National Policy Statement for Indigenous Biodiversity Indigenous Biodiversity and as outlined in Schedule xxx and will include:***
> ~~*1. The criteria and process set out in the National Policy Statement for Indigenous Biodiversity Appendix 1 will be used to identify and map Significant Natural Area;*~~

[114] Ms Lois Easton, Mr Martin Kennedy, Ms Stephanie Styles, Ms Rachael Pull, Mr Chris Horne, Ms Pauline Whitney, Ms Kate Sannazzaro, Ms Claire Hunter and Mr Murray Brass

2. ~~In the Grey District these areas that are already identified in Schedule Four will be confirmed as meeting the National Policy Statement for Indigenous Biodiversity criteria by the end of 2025;~~
3. ~~Region – wide, Regionally Significant Wetlands will be confirmed as meeting the National Policy Statement for Indigenous Biodiversity criteria by the end of 2025;~~
*4. ~~i.In the~~ **Grey**, Buller and Westland District~~s~~ - wide ~~the~~ assessment, ~~and~~ identification and mapping of other additional Significant Natural Areas which will be undertaken and completed by June 2027; and*
ii. Confirming that areas already identified in Schedule Four, as well as Regionally Significant Wetlands identified in Schedule 1 of the West Coast Regional Land and Water Plan meet the National Policy Statement for Indigenous Biodiversity criteria
5. ~~Until a site has been assessed as to whether it contains a Significant Natural Area a general indigenous vegetation clearance rule will apply to that site.~~
~~6. Once a site has been assessed a less restrictive general vegetation clearance rule will apply to other indigenous vegetation on that site that is outside of the Significant Natural Area.~~
~~i. The criteria set out in Appendix 1 of the West Coast Regional Policy Statement will be used to assess significance;~~
~~ii. Areas of significant indigenous vegetation and fauna habitat will be identified through the resource consent process until such time as district wide identification and mapping of significant natural areas is undertaken;~~
~~iii. Buller and Westland district wide assessment, identification and mapping of significant natural areas will be undertaken and completed by June 2027; and~~
~~iv. Identified areas of significant indigenous vegetation and fauna habitat will be added to Schedule Four through a Plan Change~~.

Schedule XXX – Principles and Process for Significant Natural Area identification.

Existing Significant Natural Areas in Schedule Four

In the Grey District, some Significant Natural Areas (SNAs) have already been identified, mapped and scheduled in Te Tai o Poutini Plan. The NPSIB provides for these to be confirmed as SNAs meeting the NPSIB criteria without requiring a full new assessment. This will be undertaken primarily as a desk top exercise using existing ecological reports. Landowners will be advised, and if they would like a field re-assessment to confirm the boundaries and/or significance of their site, then this will be undertaken.

This process is restricted to existing sites scheduled in the plan. No new SNAs can be added through this process.

Existing Regionally Significant Wetlands

Regionally significant wetlands are also known as SNAs and identified in the West Coast Regional Land and Water Plan, Schedule 1. These are found across the West Coast and will be confirmed as meeting the NPSIB criteria through a desk top exercise using existing ecological reports. Landowners will be advised, and if they would like a field re-assessment to confirm the boundaries and/or significance of their site, then this will be undertaken.

This process is restricted to existing wetlands included in Schedule 1 of the West Coast Regional Land and Water Plan. No new SNAs or regionally significant wetlands can be added through this process.

Identifying New Significant Natural Areas

[1] New SNAs will be identified through a district wide assessment for each of the three districts. While the Grey District has previously undertaken an SNA identification exercise, it was with different criteria than are now required, and it is expected that some more SNAs could be identified.

[2] In the Buller and Westland Districts, there has been no previous SNA identification process and it is expected that a range of new SNAs will be identified.

[3] The process which will be followed is that in the first instance a desk top study will be undertaken to identify potential SNAs. Landowners will then be contacted to ask permission to undertake a field assessment to identify if the area, or part of the area, is an SNA, and what the boundaries are.

[4] If the landowner refuses permission for a field assessment then the Councils will use the best information available to determine the values of the potential SNA and map it accurately.

[5] Both the desk top and field assessment will be undertaken using the criteria set out in Appendix 1 of the NPSIB and in accordance with the principles detailed below.

[6] All landowners will be notified in writing– including with maps and information on the ecological values of the sites, if the district wide assessment identifies an SNA on their property.

[7] The Councils will keep landowners informed as to the timeframe and Plan Change process to introduce the identified SNAs into Te Tai o Poutini Plan. Through this process the principles required by Section 3.8 of NPSIB and set out below will be followed:

a. *partnership: territorial authorities engage early with tangata whenua and landowners and share information about indigenous biodiversity, potential management options, and any support and incentives that may be available:*
b. *transparency: territorial authorities clearly inform tangata whenua and landowners about how any information gathered will be used and make existing information, draft assessments and other relevant information available to tangata whenua and relevant landowners for review:*
c. *quality: wherever practicable, the values and extent of natural areas are verified by physical inspection; but if a physical inspection is not practicable (because, for instance, the area is inaccessible, or a landowner does not give access) the local authority uses the best information available to it at the time:*
d. *access: if a physical inspection is required, permission of the landowner is first sought and the powers of entry under section 333 of the Act are used only as a last resort:*
e. *consistency: the criteria in Appendix 1 are applied consistently, regardless of who owns the land:*
f. *boundaries: the boundaries of areas of significant indigenous vegetation or significant habitat of indigenous fauna are determined without regard to artificial margins (such as property boundaries) that would affect the extent or ecological integrity of the area identified.*

What Rules Apply Until the Plan Change

Until a site has been assessed as to whether it contains a Significant Natural Area and a Plan Change introduced with the new SNAs, the general indigenous vegetation clearance rules will apply across the three districts. Once all SNAs have been identified the chapter will also be reviewed as part of the Plan Change. This will implement the NPS-IB and is expected to introduce a new set of indigenous vegetation clearance rules and will also address whether regulation is still required for indigenous vegetation clearance outside of an SNA.

564. The JWS records that the planners did not reach agreement on all changes to the policy, with evidence still standing. Notwithstanding this, the planners agreed the policy should be redrafted to become two policies - one relating to mapped SNA and the other to the wider Areas of Significant Indigenous Biodiversity. Annexure 1 of the JWS records agreed amendments.

565. In Reply, Ms Easton addressed questions from the Panel, evidence presented at the hearing and the JWS, and confirmed her recommendation that ECO-P2 be split into two, separating renewable electricity generation and electricity transmission from the rest of the policy. She also confirmed her recommendation that the defined term of "*area of significant indigenous biodiversity*" be used instead of "*area of significant indigenous vegetation and significant indigenous fauna habitat*".

566. In response to the Bathurst's legal submissions, Ms Easton advised that the separation of the policy into two largely addressed these matters. She acknowledged Bathurst's request to include regional benefit but did not support this because of the clear direction of the NPSIB that mineral extraction must be of national benefit.

567. Ms Easton responded to the tabled evidence made by KiwiRail. She agreed that the recommended amendments to the policy resulted in it becoming excessively onerous and therefore revised her recommendation to remove the references to adverse effects from clause (a) as follows:

> *a. This is for a lawfully established activity ~~and adverse effects are no greater in intensity, scale, or character over time than at the operative date~~ and do not result in the loss of ecosystem representation or degradation of ecological integrity; or*

568. Additional to the planners JWS, another JWS between Ms Pull (Poutini Ngāi Tahu), Ms Huirama (Te Tumu Paeroa) and Ms Easton was prepared dated 28 February 2025. The JWS records the parties agreed to an additional clause in ECO-P2 as follows:

> ***This is clearance of kanuka, manuka or bracken on Specified Māori land.***

569. In Reply, Ms Easton recommended adding this new clause to ECO-P2 to reflect the agreement.

570. Ms Easton also responded to Mr Brass's evidence for the Director General in relation to "*loss of ecosystem representation*" versus "*extent*". She noted clause 3.10 of the NPSIB required that both loss of ecosystem representation and extent were to be avoided. On this basis she agreed with DOC that "*and extent*" should be added to clause (a) of ECO-P2, as follows:

> *a. This is for a lawfully established activity ~~and adverse effects are no greater in intensity, scale, or character over time than at the operative date~~ and do not result in the loss of ecosystem representation **and extent** or degradation of ecological integrity; or*

571. Appendix 1 of the Right of Reply shows recommended amendments as follows:

> *ECO-P2*
>
> *~~Allow~~ **Provide for** activities within areas of significant indigenous ~~vegetation or significant habitats of indigenous fauna~~ **biodiversity where the activity has no more than minor***

adverse effects on the values of the areas of significant ~~indigenous vegetation or fauna habitat~~ biodiversity and*:*

*a. This is for a lawfully established activity ~~and adverse effects are no greater in intensity, scale, or character over time than at the operative date~~ **and do not result in the loss of ecosystem representation and extent or degradation of ecological integrity**; or*

*b. **This is for the maintenance of improved pasture as part of a regular cycle of periodic maintenance; or***

*c. It is for ~~a~~ Poutini Ngāi Tahu **Activities** ~~cultural purpose~~; or*

d. This is undertaken on Poutini Ngāi Tahu ~~or Te Rūnanga o Ngāi Tahu~~ land in accordance with an Iwi/Papatipu Rūnanga Management Plan; or

~~d. The adverse effects of the activity on the significant indigenous vegetation or fauna habitat are managed in accordance with the effects management hierarchy and the activity has a functional need or operational need to be located in the area, and is for the purpose of:~~

~~i. Construction or upgrade of regionally significant infrastructure; or~~

~~ii. Mineral extraction that provides significant national benefit; or~~

~~iii. Aggregate extraction that provides significant national or regional benefit; or~~

~~iv. The operation or expansion of any coal mine that was lawfully established before 4 August 2023; except that, after 31 December 2030, this exception applies only to such coal mines that extract coking coal~~

*e. **This is for the construction or upgrade of regionally significant infrastructure.***

~~e. The activity has no more than minor adverse effects on the significant indigenous vegetation or fauna habitat.~~

ECO – P2A

Provide for activities within Significant Natural Areas identified within Schedule Four where the adverse effects of the activity on the significant natural area are managed in accordance with the effects management hierarchy and the activity has a functional need or operational need to be located in the area, and is for the purpose of:

- ***i. Construction or upgrade of regionally significant infrastructure; or***
- ***ii. Mineral extraction that provides significant national public benefit;***
- ***iii. Aggregate extraction that provides significant national or regional public benefit.***

ECO - P3

572. In Reply, Ms Easton responded to the requested changes Ms Inta sought. She remained of the view that ECO – P3 appropriately addressed both matters raised and noted that the maintenance, enhancement and restoration of overall indigenous biodiversity was addressed in ECO – P8. She also considered that an SNA could benefit from protection and restoration such as fencing, weed and pest management and through the control of edge effects. She recommended no further amendments.

573. Ms Easton acknowledged Te Tumu Paeroa had withdrawn submission S440.025 on ECO – P3.

ECO – P4

574. Ms Easton responded to the concerns about cycleways raised by Ms Inta and clarified the use of words "*provide for*", rather than "*allow"* in ECO – P4 indicated that resource consent would be generally required. She considered the policy did not support a permitted activity. She noted the permitted activity rule for indigenous vegetation clearance in SNA was very restrictive.

575. Ms Easton recommended retaining ECO-P4 as notified.

ECO - P5

576. Ms Easton recommended retaining ECO-P5 as notified.

ECO - P6

577. The JWS records the planners considered this policy during their caucusing and did not reach an agreed position as to the policy as a whole. However, they agreed to amend the opening wording of the policy as shown in Annexure 1 is as follows:

> ***In relation to all indigenous biodiversity ~~W~~when*** *assessing consents for subdivision, use and development, avoid activities which will:*

578. In Reply, Ms Easton reconsidered her recommendation for ECO-P6 in light of the evidence presented at the hearing by various submitters as set out below:

(a) In response to Mr Brass' evidence, Ms Easton confirmed that the word "*local*" had been mistakenly deleted from the recommended amendments in clause (c) and she recommended that it be reinstated.

(b) In response to Mr Brass' evidence that suggested the inclusion of an additional clause to give effect to clauses 3.10(2)(b)-(d) of the NPSIB and to address the policy gap created in the plan for non-complying activities that do not comply with ECO-R7, Ms Easton agreed and supported the proposed addition. She considered that there was scope for the amendment due to her recommendation to accept a submission point from Forest and Bird in relation to ECO-R8A (where a non-complying activity was recommended).

(c) In response to Mr Kennedy's view that the policy was not consistent with the RPS, Ms Easton maintained her view that it did, and that it was not necessary to repeat the policy.

(d) Ms Easton clarified her recommendation regarding replacing "*assessing consents*" with *"providing for*" and confirmed that she supported the Westpower submission to make the replacement.

(e) In response to Ms Perkins' request for the protection of additional species in the coastal environment, Ms Easton reviewed the NZCPS and considered the recommended wording for ECO-P6 adequately dealt with threatened and at-risk species.

579. Appendix 1 of the Right of Reply showed the recommended amendments to ECO-P6 as follows:

> ***ECO - P6***
>
> ***In relation to all indigenous biodiversity**, ~~W~~**when** ~~assessing consents~~ **providing** for subdivision, use and development, avoid activities which will:*
>
> *a. Prevent an indigenous species or community being able to persist in their habitats within their natural range in the Ecological District;*
>
> *b. Result in a degradation of the threat status, further measurable loss of indigenous cover or disruption to ecological processes, functions or connections in land environments in category one or two of the Threatened Environment Classification at the Ecological District level; and*
>
> *c. Result in a ~~reasonably measurable~~ reduction in the local population **size or occupancy of Threatened or At Risk (Declining)** species ~~of threatened taxa in the Department of Conservation Threat Categories 1 – 3a – nationally critical, nationally endangered and nationally vulnerable~~ **or in the population size or occupancy of locally endemic species; and***
>
> ***d. Within a Significant Natural Area, result in: disruption to sequences, mosaics or ecosystem function; fragmentation or the loss of buffers or connections; or reduction in the function of the Significant Natural Area as a buffer or connection to important habitats or ecosystems.***

ECO-P7

580. The JWS records the planners considered this policy during their caucusing and did not reach an agreed position as to the policy as a whole. However, they agreed on minor amendments as follows:

(a) To remove the reference to "*net gain*" in recognition that it was not a requirement for compensation;

(b) To delete clause (c) and the reference to coal mining; and

(c) To delete references to renewable electricity generation.

581. The JWS records the planners recognised that due to SNA not yet being identified, simplification of the policy may not be possible. Annexure 1 of the JWS records the agreed changes.

582. In Reply, Ms Easton reconsidered her recommendation for ECO-P7 in light of the evidence presented at the hearing, the JWS and questions from the Panel. In response to the drafting concerns raised by Ms Inta, Ms Easton noted that some had been addressed in the JWS. However, in response to how cumulative effects are addressed in the policy, Ms Easton did not consider it appropriate for an applicant to have to consider the effects of an activity on the entire region. She considered that ECO-P8 specifically addressed the maintenance and enhancement of biodiversity across the districts.

583. In response to whether there was scope to incorporate matters from Section 3.10 of the NPSIB into this policy, Ms Easton considers that this was limited, and accordingly she did not recommend any changes.

584. Appendix 1 of the Right of Reply shows recommended amendments to ECO-P7 as follows:

> *ECO-P7*
>
> *When assessing resource consents in areas of significant indigenous ~~vegetation and significant habitats of indigenous fauna~~ **biodiversity**, consider the following matters:*
>
> *a. The necessity for the activity to provide for ~~critical~~ **regionally significant** infrastructure ~~or renewable electricity generation~~;*
>
> ***b. The functional needs or operational needs of regionally significant infrastructure, mineral extraction of significant national public benefit or aggregate extraction of significant regional or national public benefit;***
>
> *~~c. Whether this is for the operation or expansion of a coal mine that meets the requirements of Clause 3.11(1) of the National Policy Statement for Indigenous Biodiversity;~~*
>
> ***d. Whether the adverse effects are minor or transitory;***
>
> *e. Whether formal protection and**/or** ~~active management of~~ **measures to restore or improve** all or part of any area of significant indigenous vegetation or habitat will occur as part of the subdivision, use or development;*
>
> *f. The extent to which the proposed activity recognises and provides for Poutini Ngāi Tahu cultural and spiritual values, rights and interests;*
>
> *g. The cumulative **adverse** effects of activities **on biodiversity** within ~~or adjacent to~~ any area of significant indigenous vegetation or habitat;*
>
> *h. The effects the activity may have on the introduction or spread of exotic weed species and pest animals both terrestrial and aquatic;*
>
> *i. The impacts on mahinga kai;*
>
> *j. The impact of the activity on the values of any area of significant indigenous vegetation or habitat, or threatened species and how any potential impact could be avoided, remedied or mitigated **by applying the effects management hierarchy**; ~~and~~*
>
> *k. The appropriateness of any biodiversity offsetting or compensation in accordance with Policy 9 to offset any **more than minor** residual adverse effects that remain after avoiding, remedying and mitigating measures have been applied; **and***
>
> **l. *The extent of ~~net gain~~ benefit achieved by biodiversity offsetting or compensation.***

ECO-P8

585. The JWS records the planners considered this policy during their caucusing and agreed that the policy should be renamed as ECO-P1A and moved up in position within the set of policies. Additionally, it was agreed that it is a general policy and not one to be applied at an individual consent level. Annexure 1 of the JWS shows the agreed amendments, with the exception of Mr Kennedy.

586. In Reply, Ms Easton reconsidered her recommendation for ECO-P8 in light of questions from the Panel, evidence presented at the hearing and the JWS.

587. In response to the concerns raised by Ms Inta, Ms Easton acknowledged that her submission point was not discussed in the s42A Report, and she agreed to include the additional phrase "*indigenous biodiversity, including*" in the policy at clause (a) because it improved clarity and was consistent with the direction of the NPSIB.

588. Ms Easton confirmed that there was no scope for the inclusion of the amendments suggested in Ms Pull's evidence given that Te Tumu Paeroa had withdrawn the submission that Poutini Ngāi Tahu made a further submission on. Ms Easton also returned wording to the notified version in clause (b), for the same reason.

589. In response to questions from the Panel as to whether ECO-P8 should better reflect the NPSIB and RPS Chapter 7 Policy 2 more comprehensively, Ms Easton advised that she had reviewed the higher order documents and made no additional recommendations.

590. The Right of Reply recommended amendment to ECO-P8, as follows:

> *ECO-P~~8~~**1A***
>
> *Maintain indigenous habitats and ecosystems across the West Coast/Te Tai o Poutini **at a district scale** by:*
>
> *a. Maintaining, and where appropriate enhancing or restoring **indigenous biodiversity including** the functioning of ecological corridors, linkages, dunes and indigenous coastal vegetation and wetlands;*
>
> *b. Minimising adverse effects on, and providing access to areas of indigenous biodiversity which are significant to Poutini Ngāi Tahu;*
>
> *c. Restricting the modification or disturbance of coastal indigenous vegetation, dunes, estuaries and wetlands;*
>
> *c.~~d.~~ ~~Preserving~~ **Managing adverse effects on** ~~protected wildlife~~ **threatened and at-risk species**; ~~and~~*
>
> *d.~~e~~. **Encouraging and enabling site and landscape scale biosecurity programmes to manage plant and animal pests;***
>
> *e. ~~f~~ ~~Recognising the benefits of~~ **Encouraging and enabling** active **conservation** management of indigenous biodiversity, including voluntary animal and plant pest and stock control and/or formal legal protection; **and***
>
> *f. **Except in relation to the National Grid and Renewable Electricity Generation Activities, provide for biodiversity offsetting and biodiversity compensation as part of the effects management hierarchy in accordance with the principles set out in Appendix 3 and Appendix 4 in the National Policy Statement for Indigenous Biodiversity.***

ECO-P9

591. The JWS records the planners agreed that recommended new policy (acknowledging the s42A Report recommended deleting the first part and clause (a) – (c) and replacing it with a new paragraph) should be incorporated into ECO-P8 and relocated to the beginning of the

policy set in ECO-P1A. Additionally, they agreed to amend the wording to exclude the National Grid and renewable electricity generation activities.

592. In Reply, Ms Easton agreed and recommended amendments as follows:

> ~~***ECO – P9***~~
>
> ~~*Provide for biodiversity offsets and compensation to manage residual adverse effects of an activity where:*~~
> ~~*a. The goal of the biodiversity offsets is no net loss and, preferably, a net gain of biodiversity;*~~
> ~~*b. The conservation outcomes are measurable and positive; and*~~
> ~~*c. The biodiversity offsets or compensation are in accordance with best practice, including but not limited to NZ Government guidance on biodiversity offsetting.*~~
>
> ***ECO-P1A***
>
> ***Except in relation to the National Grid and Renewable Electricity Generation Activities provide for biodiversity offsetting and biodiversity compensation as part of the effects management hierarchy in accordance with the principles set out in Appendix 3 and Appendix 4 in the National Policy Statement for Indigenous Biodiversity****.*

ECO-P10

593. The JWS records the planners agreed (with the exception of Mr Kennedy) on some changes to reflect amendments to definitions. They also agreed to relocate the policy to the beginning of the policy set as ECO-P1B. The agreed changes are shown in Annexure 1 of the JWS.

594. In Reply, Ms Easton reconsidered her recommendation for ECO-P10 in light of the evidence presented at the hearing, the JWS and questions from the Panel. She confirmed that she reviewed the TiGa Minerals submission point and that she agreed clause (c) of the policy should refer to "*significant*" adverse effects, as this is the direction provided from the NZCPS.

> ***c.*** *Avoiding, remedying or mitigating ~~other~~* ***significant*** *adverse effects on* ***coastal*** *indigenous vegetation,* ***dunes, estuaries, wetlands,*** *habitats and species within the coastal environment* ***in accordance with the effects management hierarchy and Policy 11(b) of the NZCPS.***

595. In response to the Panel's observations that clauses (a) and (b) were a duplication of each other, Ms Easton did not agree. She explained that Policy 11(a) of the NZCPS lists a range of ecosystem types and locations where adverse effects must be avoided and that those areas may be identified as SNA. However, she confirmed this identification had not yet been undertaken.

596. Appendix 1 of the Right of Reply recommended amendments as follows:

> ***ECO – P~~10~~1B***
>
> *Protect indigenous biodiversity in the coastal environment from inappropriate subdivision, use and development by:*
>
> *a.* ***Avoiding adverse effects on indigenous biodiversity set out in Policy 11(a) of the NZCPS, and***

b. Avoiding adverse effects on significant indigenous biodiversity; and

*c. Avoiding, remedying or mitigating ~~other~~ **significant** adverse effects on **coastal** indigenous vegetation, **dunes, estuaries, wetlands,** habitats and species within the coastal environment **in accordance with the effects management hierarchy and Policy 11(b) of the NZCPS.***

Hearing Panel's Evaluation

ECO – P1

597. The Panel accepts Ms Easton's recommendation to amend ECO-P1 to reflect the wording agreed in the JWS and to add a new appendix (new Appendix Thirteen) to guide the SNA process. We accept that although the driver to complete this work is the RPS, the criteria to be used should be the NPSIB criteria to reflect the higher order direction. We accept the evidence that the RPS criteria and the NPSIB criteria are equivalent, but that the NPSIB criteria provides more clarity as to how one criterion is applied.

598. The Panel considers the recommended ECO-P1 partly addresses the relief sought in many of the submissions received; however, we consider the Director General's submission requests use of nationally consistent criteria, which we accept is now provided by the NPSIB. We also note that no submitters specifically sought to delete the policy.

599. The Panel has carefully considered the timeframe for completing the district-wide assessments, which was subject of a number of submissions, and agree the timeframe agreed and recommended is achievable. Importantly, we accept that ECO-P1, as recommended in the JWS gives effect to the RPS and the NPSIB. We have made minor changes to the wording of the new appendix to ensure the references to the existing regional significant wetlands is for information only to plan users and not to inappropriately direct regional council processes.

ECO – P2

600. The Panel generally accepts Ms Easton's reasoning and recommendation to amend ECO-P2 as shown in Appendix 1 of the Right of Reply. We agree that separating the policy into two policies enables clearer drafting to reflect the direction of the NPSIB regarding management of adverse effects on SNA from new subdivision, use and development; and managing the effects of established activities on SNA. We have had regard to the JWS and the submission points that remained outstanding following this process.

601. The Panel agrees with the Director General that clause (a) in relation to lawfully established activities should also include '*and the adverse effects are no greater in intensity, scale or character over time than at 4 August 2023 and do not result in the loss of ecosystem representation and extent or degradation of ecological integrity'.* We consider this is consistent with clause 3.15 of the NPSIB. It is important that both parts of the clause are included to ensure the adverse effects of existing activities are no greater than when the NPSIB commenced. We acknowledge Ms Hunter's evidence that there are activities that are already approved that may permit biodiversity loss and that those effects had been considered acceptable, but consider this is addressed through existing resource consents. We also acknowledge Dr Bramley's concern that this could prevent the extension of existing activities but consider the NPSIB direction is appropriate to prevent cumulative effects. The NPSIB is clear that activities that have adverse effects greater in intensity, scale or character than at the commencement date of the NPSIB must be considered as a new use or

development. Existing lawful uses are able to continue as authorised by resource consents or through existing use rights under the RMA.

602. The Panel have considered the position agreed between Poutini Ngāi Tahu and Te Tumu Paeroa on 14 August 2024 and recommend that the term "*Specified Māori land*" is used to respond to the submission point S440.024 instead of the lengthy option put forward. The Panel are of the view that Poutini Ngāi Tahu land is a subset of "*Specified Māori land*", and that land within the jurisdiction of the Māori Trustee needs to be included in the policy in accordance with the NPSIB definition and clause 3.18 of the NPSIB in order to give effect to the national direction. We note Te Tumu Paeroa sought to add '*or Māori land*' to clause (b) (as notified but renumbered as (c) below) but consider reference to '*Specified Māori land'* should be added to clause (d) instead, as alternative relief.

603. The Panel consider there is no scope to add a new clause '*This is the clearance of kanuka, manuka or bracken on Specified Māori land*', as shown in Appendix 1 of the Right of Reply.

604. The Panel accepts Ms Easton's recommended wording for ECO-P2A (renumbered ECO-P3), which effectively removes clause (d) from ECO-P1 (as notified) to create ECO-P2A, which was agreed to by all planners at expert caucusing. We note the exception to this was Ms Hunter, for Bathurst, who continued to seek the addition of '*regional*' benefits to clause (ii). We agree with Ms Easton that this is inconsistent with the direction of the NPSIB under clauses 3.11, which is specifically limited to '*mineral extraction that provides significant national public benefit that could otherwise not be achieved using resources within New Zealand'.*

605. The Panel also considers it is not appropriate to include only certain parts of clause 3.11 of the NPSIB and consider that ECO-P2A should include the requirement that '*there are no practicable alternative locations'* because this is an important component in determining functional need or operational need. We also consider that clauses (ii) and (iii) should include the last part of the clause as used in the NPSIB '*could not otherwise be achieved using resources within New Zealand*'. We consider there is scope to do this within the submission points that seek the provisions give effect to RMA s6(c) and the higher order statutory direction.

606. The Panel considers '*functional need and operational need'* is the appropriate terminology given both these terms are defined in the Plan.

607. The Panel acknowledges the evidence of Ms Styles in relation to renewable electricity generation activities and that the NPSIB effects management hierarchy does not apply to these activities. However, we note the JWS records that all the planning experts agreed on the wording of ECO-P2A, with the exception of Ms Hunter. We therefore accept Ms Styles no longer considered the exception for renewable electricity generation activities outlined in her evidence (summarised above) was required. We also note that the RPS sets out a step by step process that is similar to the effects management hierarchy that applies to renewable electricity generation activities.

ECO - P3

608. The Panel generally accepts Ms Easton's reasoning and recommendation to amend ECO-P3 (renumbered ECO-P4) as shown in Appendix 1 of the Right of Reply. However, we consider it is appropriate that the '*protection, enhancement and restoration'* part of the sentence

also applies to this by slightly amending the wording. We also recommend adding '*indigenous biodiversity'* to new clause (g).

609. The Panel acknowledges Ms Inta's concern that there is a policy gap in terms of the overall requirement to maintain indigenous biodiversity and not just significant biodiversity values. The Panel consider this is addressed under ECO-P8 (ECO-P1A in Appendix 1 of the Right of reply).

ECO – P4

610. The Panel accepts Ms Easton's reasoning and recommendation to retain ECO-P4 (renumbered ECO-P5) as notified. We disagree with Ms Inta that the policy is too permissive because only ecotourism activities that complement the protection and enhancement of significant values are provided for in this policy. We also acknowledge Forest and Bird's request to include reference to SNA and RPS Chapter 7 Policies 2 to 6. However, we consider the wording of this policy is more limiting because it only provides for ecotourism activities that complement the protection and enhancement of significant values.

ECO – P5

611. The Panel accepts Ms Easton's reasoning and recommendation to retain ECO-P5 as notified (renumbered ECO-P6). We acknowledge Forest and Bird's request to include reference to SNA and RPS Chapter 7 Policies 2 to 6; and Ms Inta and the Buller Conservation Group's request to replace '*minimises'* with '*ensures less than minor*'. However, we consider '*minimises*' should be replaced with '*manages*' because this is consistent with the NPSIB and our approach taken Plan-wide.

ECO – P6

612. The Panel has had regard to the JWS and the submission points that remain outstanding following this process.

613. The Panel generally accepts Ms Easton's reasoning and recommendation to amend ECO-P6 (renumbered ECO-P7) as shown in Appendix 1 of the Right of Reply. We accept that this policy is intended to apply to all indigenous biodiversity and gives effect to environmental bottom lines in the RPS and NPSIB. We consider the amended wording clarifies this and gives effect to the RPS and NPSIB in response to the evidence of Mr Brass.

614. The Panel agrees with Ms Easton that use of '*Threatened and At Risk (Declining*)' is consistent with the direction of the NPSIB. We also agree that it would be inappropriate to exclude mānuka and kānuka on category one or category two land in the Threatened Environment Classification. We consider the inclusion of an advice note in relation to the New Zealand Threat Classification system is helpful.

615. The Panel agrees with Ms Easton that it is not appropriate to provide for biodiversity offsetting and compensation in this policy given the very limited circumstances where this is appropriate under the direction of the NPSIB and the RPS. We agree this is best dealt with in a separate policy. Similarly, we consider renewable electricity generation is best dealt with in a separate policy.

ECO – P7

616. The Panel has had regard to the JWS and the submission points that remain outstanding following this process. We accept that renewable electricity generation is best dealt with in a separate policy.

617. The Panel generally accepts Ms Easton's reasoning and recommendation to amend ECO-P7 (renumbered as ECO-P8) as shown in Appendix 1 of the Right of Reply, with the exceptions discussed below.

618. The Panel agrees that '*functional need and operational need'* should be added to give effect to the RPS and NPSIB, as it applies to: regionally significant infrastructure that is '*specified infrastructure'*; mineral extraction that provides significant national public benefit that could not otherwise be achieved using resources within New Zealand; and aggregate extraction that provides significant national or regional public benefit that could not otherwise be achieved using resources within New Zealand. However, we also consider this must also include the NPSIB qualifiers that there is a functional need or operational need for the new subdivision, use or development to be in that particular location; and there are no practicable alternative locations for the new subdivision, use or development. This reflects clause 3.11 of the NPSIB and not just select parts.

619. The Panel accepts the recommendation to delete '*or adjacent to'* from clause (d) (now clause (f) below) is appropriate given the direction of the NPSIB.

620. The Panel recommends replacing the reference to '*Policy 9*' in clause (h) (now clause (j) below) as a consequential amendment to reflect the recommended deletion of ECO-P9. We consider this should be replaced with reference to two new appendices reflecting the principles in Appendix 3 and Appendix 4 of the NPSIB as these outline when biodiversity offsetting and biodiversity compensation is not appropriate. We consider that adding these principles will assist Plan users because they will not need to refer to another document.

621. The recommended new clause (k) was focussed on '*the extent of benefit*', which the Panel considers is not consistent with the RPS or NPSIB, and could include benefits that are not related to biodiversity values. We note the JWS records the planners agreed to replace '*net gain*' with *'benefit*' because this was not a requirement of compensation. However, we note the NPSIB uses this term in relation to both the principles of biodiversity offsetting (Appendix 3) and the principles of biodiversity compensation (Appendix 4). The Panel accepts the recommendation to add new clause (k) but consider the wording should be *'extent of net gain in indigenous biodiversity values'*. We note that earlier in this Report, we recommend adding a definition for '*net gain*' using the NPSIB definition to clarify this term and support its use in the policies.

ECO – P8

622. The Panel generally accepts Ms Easton's reasoning and recommendation to amend ECO-P8 (renumbered as ECO-P9) as shown in her Right of Reply, which the exceptions outlined below. We note this policy was not included in Appendix 1. We accept the recommendation to renumber this to be the second policy in the Chapter.

623. The Panel does not consider there is scope to add '*at a district scale'* as suggested by the planners in Annexure 1 of the JWS. We note Ms Easton did not provide a footnote to a submission point requesting this change.

624. The Panel consider using *'maintaining*' as recommended in clause (a) is incorrect given '*maintain*' is in the lead sentence and recommend *'protecting'* in this context, which is consistent with the objective in the NPSIB, where maintaining indigenous biodiversity is to be achieved by protecting and restoring indigenous biodiversity.

625. In relation to clause (c) (now renumbered (d)), the Panel agrees with the use of '*Protecting significant habitats of indigenous fauna*', as requested by Bathurst, because this is more aligned with the RPS and NPSIB than the recommended amendment to '*Managing adverse effects'*, as requested by WMS Group and TiGa Minerals. It also avoids replacing '*protected wildlife'* with '*threatened and at risk species'*, which, although appropriate, was not requested in submissions.

626. The Panel accepts adding the new clause (g) (shown as new clause (f) in the Right of Reply) but consider the second part of the sentence should not be included because the NPSIB does not apply to the National Grid and Renewable Electricity Generation Activities. However, we agree that highlighting the exclusion from this policy is helpful given these activities are now specifically addressed in new ECO-P1C.

ECO -P9

627. The Panel accepts Ms Easton's reasoning and recommendation to delete ECO-P9 and relocate part of this to ECO-P8 (renumbered ECO-1A below). We consider this addresses the submission points that seek to use the RPS or national direction for biodiversity offsetting and compensation. We accept is it appropriate to use the direction of the NPSIB in this regard.

ECO – P10

628. The Panel generally accepts Ms Easton's reasoning and recommendation to amend ECO-P10, as shown in Appendix 1 of the Right of Reply. However, we consider this policy should reflect the general wording of NZCPS Policy 11(a) instead of referring to it for the ease of plan interpretation and use given this is an "avoid" direction.

629. The Panel accepts in part Forest and Birds submission point (S560.480) to delete '*from inappropriate subdivision, use and development*' because it does not reflect the clear wording of NZCPS Policy 11. We also recommend reordering the wording of clause (c) to '*Using the effects management hierarchy to avoid'* to improve interpretation. We are satisfied the wording of clause (c) encapsulates the key matters in NZCPS Policy 11.

630. The Panel agree with Ms Perkins that Te Mana o te Taiao – Aotearoa New Zealand Biodiversity Strategy includes relevant guidance for local authorities. However, we agree with Ms Easton that reference to it in ECO-P10 is not appropriate. We consider it is appropriate to reference this document in the ECO Chapter Overview and this is addressed earlier in this Report.

ECO-P1C

631. The Panel generally accepts Ms Easton's recommendation to add new ECO-P11, as shown as ECO-P1C in Appendix 1 of the Right of Reply, to address the National Grid and renewable electricity generation activities. We acknowledge this came out of the planning caucusing with Ms Styles and Ms Whitney. We accept this new policy is needed because the NPSIB

does not apply to these activities. We are satisfied the new policy is consistent with the RPS provisions.

New Policy

632. The Panel accepts the submission point of Lynley Hargreaves (S481.026), in relation to the whole chapter, requesting recognition of climate change and the values that ecosystems play in mitigating climate change and its effects. We consider there should be a new policy giving effect to clause 3.6 of the NPSIB. We consider this also partly addresses the Manawa submission point S438.077 (in relation to ECO-P2) and Forest and Bird submission point S560.192. Importantly, it aligns with Strategic Direction CCR-P7.

633. The Panel consider this should reflect the wording of the NPSIB as follows:

ECO – P12

To promote the resilience of indigenous biodiversity to climate change and recognise its role in mitigating the effects of climate change.

Hearing Panel's Recommendation

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

ECO – P1	Identify ~~areas of significant indigenous vegetation and fauna habitat~~ **significant natural areas and include these in Schedule Four through a Plan Change introduced no later than August 2028. The Significant Natural Area identification process will be undertaken in accordance with the criteria and process set out in the National Policy Statement for Indigenous Biodiversity and as outlined in Appendix Thirteen and will include:** ~~1. In the Grey District these areas are identified in Schedule Four;~~ **1.** ~~In the~~ **Grey**, Buller and Westland District~~s~~**-wide assessment, identification and mapping of Significant Natural Areas, which will be undertaken and completed by June 2027; and** **2. Confirming that areas already identified in Schedule Four, as well as Regionally Significant Wetlands identified in Schedule 1 of the West Coast Regional Land and Water Plan meet the National Policy Statement for Indigenous Biodiversity criteria.** [115] ~~i. The criteria set out in Appendix 1 of the West Coast Regional Policy Statement will be used to assess significance;~~ ~~ii. Areas of significant indigenous vegetation and fauna habitat will be identified through the resource consent process until such time as district~~

[115] Director General of Conservation S602.067

~~wide identification and mapping of significant natural areas is undertaken;~~

~~iii. Buller and Westland district wide assessment, identification and mapping of significant natural areas will be undertaken and completed by June 2027; and~~

iv. ~~Identified areas of significant indigenous vegetation and fauna habitat will be added to Schedule Four through a Plan Change.~~

Appendix Thirteen – Principles and Process for Significant Natural Area identification.

Existing Significant Natural Areas in Schedule Four

In the Grey District, some Significant Natural Areas (SNA) have already been identified, mapped and scheduled in Te Tai o Poutini Plan. The NPSIB provides for these to be confirmed as SNA meeting the NPSIB criteria without requiring a full new assessment. This will be undertaken primarily as a desk top exercise using existing ecological reports. Landowners will be advised, and if they would like a field re-assessment to confirm the boundaries and/or significance of their site, then this will be undertaken.

This process is restricted to existing sites scheduled in the Plan. No new SNA can be added through this process.

Existing Regionally Significant Wetlands

Regionally significant wetlands identified in the West Coast Regional Land and Water Plan, Schedule 1 are SNA under the NPSIB definition. No new regionally significant wetlands can be added through this process.

Identifying New Significant Natural Areas

[1] **New SNA will be identified through a district-wide assessment for each of the three districts. While the Grey District has previously undertaken an SNA identification exercise, it was with different criteria than the RPS Appendix 1 or NPSIB Appendix 1, and it is expected that some more SNA could be identified.**

[2] **In the Buller and Westland Districts, there has been no previous SNA identification process and it is expected that a range of new SNA will be identified.**

[3] **The process that will be followed is that in the first instance a desk top study will be undertaken to identify potential SNA. Landowners will then be contacted to ask permission to undertake a field assessment to identify if the area, or part of the area, is an SNA, and what the boundaries are.**

[4] **If the landowner refuses permission for a field assessment, then the Councils will use the best information available to determine the values of the potential SNA and map it accurately.**

[5] **Both the desk top and field assessment will be undertaken using the criteria set out in Appendix 1 of the NPSIB and in accordance with the principles detailed below.**

[6] **All landowners will be notified in writing – including with maps and information on the ecological values of the sites, if the district-wide assessment identifies an SNA on their property.**

[7] **The Councils will keep landowners informed as to the timeframe and Plan Change process to introduce the identified SNA into Te Tai o Poutini Plan.**

Through this process the principles required by Section 3.8 of the NPSIB and set out below will be followed:

a. partnership: Councils engage early with tangata whenua and landowners and share information about indigenous biodiversity, potential management options, and any support and incentives that may be available;

b. transparency: Councils clearly inform tangata whenua and landowners about how any information gathered will be used and make existing information, draft assessments and other relevant information available to tangata whenua and relevant landowners for review;

c. quality: wherever practicable, the values and extent of natural areas are verified by physical inspection; but if a physical inspection is not practicable (because, for instance, the area is inaccessible, or a landowner did not give access) the local authority uses the best information available to it at the time;

d. access: if a physical inspection is required, permission of the landowner is first sought and the powers of entry under section 333 of the Act are used only as a last resort;

e. consistency: the criteria in NPSIB Appendix 1 are applied consistently, regardless of who owns the land; and

f. boundaries: the boundaries of areas of significant indigenous vegetation or significant habitat of indigenous fauna are determined without regard to artificial margins (such as property boundaries) that would affect the extent or ecological integrity of the area identified.

What Rules Apply Until the Plan Change

Until a site has been assessed as to whether it contains a Significant Natural Area and a Plan Change introduced with the new SNA, the general indigenous vegetation clearance rules will apply across the three districts.

	Once all SNA have been identified, the Ecosystems and Indigenous Biodiversity Chapter will also be reviewed as part of the Plan Change. This will implement the NPS-IB and is expected to introduce a new set of indigenous vegetation clearance rules, and will also address whether regulation is still required for indigenous vegetation clearance outside of an SNA. [116]
ECO – P2	~~Allow~~ **Provide for** activities within areas of significant indigenous ~~vegetation or significant habitats of indigenous fauna~~ **biodiversity**[117] where: a. This is for a lawfully established activity **and the adverse effects are no greater in intensity, scale or character over time than at 4 August 2023, and do not result in the loss of ecosystem representation and extent or degradation of ecological integrity;**[118] or b. **This is for maintenance of improved pasture as part of a regular cycle of periodic maintenance; or**[119] c. It is for ~~a~~ Poutini Ngāi Tahu **Activities** ~~cultural purpose;~~ [120] or d. This is undertaken on Poutini Ngāi Tahu ~~or Te Rūnanga o Ngāi Tahu~~[121] land in accordance with an Iwi/Papatipu Rūnanga Management Plan **or on specified Māori land**; or**[122]** e. **This is for the construction or upgrade of regionally significant infrastructure.** f. ~~The activity has a functional need to be located in the area;~~ **g.** ~~The activity has no more than minor adverse effects on the significant indigenous vegetation or fauna habitat.~~ [123]
ECO – P3	**Provide for activities within Significant Natural Areas within Schedule Four where the adverse effects of the activity on the significant natural area are managed in accordance with the effects management hierarchy, the activity has a functional need or operational need to be located within the area and there is no practicable alternative location, and it is for the purpose of:** **a. Construction or upgrade or regionally significant infrastructure; or** **b. Mineral extraction that provides significant national public benefit that could not otherwise be achieved using resources within New Zealand; or** **c. Aggregate extraction that provides significant national or regional public benefit that could not otherwise be achieved using resources within New Zealand.**

[116] Director General of Conservation S602.068
[117] Royal Forest and Bird Protection Society of New Zealand Incorporated S560.476
[118] Director General of Conservation S602.067
[119] Federated Farmers of New Zealand S524.061
[120] Te Rūnanga o Ngāi Tau, Te Rūnanga of Ngāti Waewae and Te Rūnanga o Makaawhio S620.139
[121] Consequential amendment to reflect new definition of 'Poutini Ngāi Tahu land' Te Tumu Paeroa Office of the Māori Trustee S440.003
[122] Te Tumu Paeroa the Office of the Māori Trustee S440.024
[123] Clare Backes S444.006

ECO – P~~3~~4 Encourage the protection, enhancement and restoration of significant indigenous biodiversity **and the protection of significant habitat for indigenous fauna**[124] by:

a. ~~Allowing~~ **Providing for**[125] **up to three** additional ~~subdivision rights~~ **bonus allotments and reduced minimum allotment sizes when subdividing**[126] if ~~an~~ area**s** of significant indigenous vegetation or significant habitat of indigenous fauna within the same property ~~is~~ **are** legally protected as part of the subdivision;

b. Promoting the creation of connections and ecological corridors between areas of significant indigenous biodiversity;

c. Promoting the use of eco-sourced species from the relevant ecological district;

d. Supporting opportunities for Poutini Ngāi Tahu to exercise their cultural rights and responsibilities as mana whenua and kaitiaki in restoring, protecting and enhancing areas of significant indigenous biodiversity; ~~and~~

e. Supporting initiatives by landowners, community groups and others to protect, restore and maintain areas of significant indigenous biodiversity**;**

f. **Promoting site and landscape scale biodiversity programmes to manage plant and animal pests; and** [127]

g. **Supporting any other measures to protect, enhance and restore indigenous biodiversity.**[128]

ECO – P4~~5~~ Provide for eco-tourism activities that complement the protection and/or enhancement of areas of significant indigenous vegetation or significant habitats of indigenous fauna and contribute to the vitality and resilience of the economy and wellbeing of the community.

ECO – P~~5~~6 Enable the use of Māori Purpose Zoned land with areas of indigenous vegetation and indigenous fauna habitat, where land use and subdivision is consistent with tikanga and mātauranga Māori and ~~minimises~~/**manages**[129] adverse effects on any significant values of the vegetation or fauna habitat.

[124] West Coast Penguin Trust S275.003
[125] Royal Forest and Bird Protection Society of New Zealand Incorporated S560.202
[126] Federated Farmers of New Zealand S524.062
[127] Director General of Conservation S602.069
[128] Director General of Conservation S602.069
[129] Frida Inta S553.069 and Buller Conservation Group S552.069, Royal Forest and Bird Protection Society of New Zealand Incorporated S560.204

ECO – P~~6~~7 **In relation to all indigenous biodiversity,**[130] ~~W~~**w**hen ~~assessing consents~~ **providing**[131] for subdivision, use and development, avoid activities ~~which~~ **that**[132] will:

a. Prevent an indigenous species or community being able to persist in their habitats within their natural range in the Ecological District;

b. Result in a degradation of the threat status, further measurable loss of indigenous cover or disruption to ecological processes, functions or connections in land environments in category one or two of the Threatened Environment Classification at the Ecological District level; ~~and~~

c. Result in a ~~reasonably measurable~~ reduction in the local population **size or occupancy of Threatened or At Risk (Declining) species** ~~of threatened taxa in the Department of Conservation Threat Categories 1 – 3a - nationally critical, nationally endangered and nationally vulnerable~~ **or in the population or occupancy of locally endemic species; and**[133]

d. **Within a Significant Natural Area, result in:**

i. disruption to sequences, mosaics or ecosystem function;

ii. fragmentation or the loss of buffers or connections; or

iii. reduction in the function of the Significant Natural Area as a buffer or connection to important habitats or ecosystems. [134]

Advice Note:

Information on the Threat Classification status of individual species can be found on the New Zealand Threat Classification System database at https://nztcs.org.nz. [135]

ECO – P~~7~~8 When assessing resource consents in areas of significant indigenous **biodiversity** ~~vegetation and significant habitats of indigenous fauna~~,[136] consider the following matters:

a. The necessity for the activity to provide for ~~critical~~ **regionally significant**[137] infrastructure ~~or renewable electricity generation~~;[138]

b. The functional need or operational need of regionally significant infrastructure, mineral extraction of significant national public benefit, or aggregate extraction of significant regional or national public benefit

[130] Manawa Energy Limited S438.078
[131] Westpower Limited S547.254
[132] RMA First Schedule, Clause 16
[133] Director General of Conservation S602.070
[134] Director General of Conservation S602.070
[135] Federated Farmers of New Zealand S524.063
[136] Consequential amendment to the new definition for 'Areas of Significant Indigenous Biodiversity'
[137] Manawa Energy Limited S438.079
[138] Consequential amendment to the new ECO-P1C

to locate in that area,[139] **and whether there are any practicable alternative locations for those activities;** [140]

c. Whether the adverse effects are minor or transitory; [141]

~~b.~~**d.** Whether formal protection and**/or**[142] ~~active management of~~ **measures to restore or improve**[143] all or part of any area of significant indigenous vegetation or habitat will occur as part of the subdivision, use or development;

~~c.~~**e.**The extent to which the proposed activity recognises and provides for Poutini Ngāi Tahu cultural and spiritual values, rights and interests;

~~d.~~**f.** The cumulative **adverse**[144] effects of activities **on biodiversity**[145] within ~~or adjacent to~~[146] any area of significant indigenous vegetation or habitat;

~~e.~~**g.** The effects the activity may have on the introduction or spread of exotic weed species and pest animals**,**[147] both terrestrial and aquatic;

~~f.~~**h.** The impacts on mahinga kai;

~~g.~~**i** The impact of the activity on the values of any area of significant indigenous vegetation or habitat, or threatened species**,**[148] and how any potential impact could be avoided, remedied or mitigated**, including by applying the effects management hierarchy**;[149] ~~and~~

~~h.~~**j.** The appropriateness of any biodiversity offsetting or compensation in accordance with **the principles in Appendix Fourteen and Appendix Fifteen from the NPSIB**~~Policy 9~~ to ~~offset~~ **address**[150] any **more than minor**[151] residual adverse effects that remain after avoiding, remedying and mitigating measures have been applied; **and**

k. The extent of net gain in indigenous biodiversity values achieved by biodiversity offsetting or compensation.[152]

ECO -P~~8~~9 Maintain indigenous habitats and ecosystems across the West Coast/Te Tai o Poutini by:

[139] Manawa Energy Limited S438.079, Director General of Conservation S602.071
[140] Director General of Conservation S602.071
[141] Buller District Council S538.203, Peter Langford S615.046, Karamea Lime Company S614.046, Koiterangi Lime Co Ltd S577.037, Catherine Smart-Simpson S564.030, William McLaughlin S567.177, Steve Croasdale S516.036, Geoff Volckman S563.025, Chris & Jan Coll S558.095, Chris J Coll Surveying Limited S566.095 and Laura Coll McLaughlin S574.095
[142] New Zealand Coal & Carbon Limited S472.016 and Straterra S536.049
[143] Royal Forest and Bird Protection Society of New Zealand Incorporated S560.478
[144] Frida Inta S553.070 and Buller Conservation Group S552.070
[145] Frida Inta S553.070 and Buller Conservation Group S552.070
[146] Manawa Energy Limited S438.079, Westpower Limited S547.0502
[147] RMA First Schedule, Clause 16
[148] RMA First Schedule, Clause 16
[149] Te Man Ora S190.322, Frida Inta S553.070, Buller Conservation Group S552.070, Director General of Conservation S602.071
[150] Consequential amendments to deleting ECO-P9 to give effect to the NPSIB
[151] Manawa Energy Limited S438.079
[152] Director General of Conservation S602.071

a. ~~Maintaining,~~**Protecting,**[153] and where appropriate enhancing or restoring**,**[154] **indigenous biodiversity, including**[155] the functioning of ecological corridors, linkages, dunes and indigenous coastal vegetation and wetlands;

b. Minimising adverse effects on, and providing access to, areas of indigenous biodiversity which are significant to Poutini Ngāi Tahu;

c. Restricting the modification or disturbance of coastal indigenous vegetation, dunes, estuaries and wetlands;

d. ~~Preserving~~**Protecting the significant habitats of indigenous fauna,** ~~protected wildlife~~ **including threatened and at-risk species**;[156] ~~and~~

e. Encouraging and enabling site and landscape scale biosecurity programmes to manage plant and animal pests; and [157]

e.**f.**~~Recognising the benefits of~~ **Encouraging and enabling** active **conservation** management of indigenous biodiversity, including voluntary animal and plant pest and stock control and/or formal legal protection**:**

Except in relation to the National Grid and Renewable Electricity Generation Activities.[158]

~~**ECO – P9**~~ ~~Provide for biodiversity offsets and compensation to manage residual adverse effects of an activity where:~~

~~a. The goal of the biodiversity offsets is no net loss and, preferably, a net gain of biodiversity;~~

~~b. The conservation outcomes are measurable and positive; and~~

c. ~~The biodiversity offsets or compensation are in accordance with best practice, including but not limited to NZ Government guidance on biodiversity offsetting.~~[159]

ECO - P10 Protect indigenous biodiversity in the coastal environment ~~from inappropriate subdivision, use and development~~[160] by:

a. Avoiding adverse effects on:

i. indigenous species that are listed as threatened or at risk in the New Zealand Threat Classification System lists;

[153] West Coast Penguin Trust S275.005, Clare Backes S444.007 and RMA First Schedule, Clause 16
[154] RMA First Schedule, Clause 16
[155] Frida Inta S553.071 and Buller Conservation Group S552.071
[156] Bathurst Resources Limited and BT Mining Limited S491.017 and RMA First Schedule, Clause 16
[157] Director General of Conservation S602.072, New Zealand Agricultural Aviation Association S166.014
[158] Transpower New Zealand Limited S299.072, Manawa Energy Limited S438.074
[159] Royal Forest and Bird Protection Society of New Zealand Incorporated S560.209, Suzanne Hills S443.026, Westpower S547.257, Director General of Conservation S602.073
[160] Royal Forest and Bird Protection Society of New Zealand Incorporated S560.480 and S560.481

	ii. species that are listed by the International Union for Conservation of Nature and Natural Resources as threatened; **iii. indigenous ecosystems and vegetation types that are threatened in the coastal environment, or are naturally rare;** **iv. habitats of indigenous species where the species are at the limit of their natural range, or are naturally rare;** **v. areas containing nationally significant examples of indigenous community types;** **vi. areas set aside for full or partial protection of indigenous biological diversity under other legislation; and**[161] b. Avoiding adverse effects on significant indigenous biodiversity; and **c. Using the effects management hierarchy to a**~~A~~void[162]~~ing, remedying or mitigating other~~ **significant**[163] adverse effects on indigenous vegetation, **dunes, estuaries, coastal wetlands,** habitats and species within the coastal environment.[164]
ECO – P11	**In relation to the National Grid and renewable electricity generation activities, the adverse effects on indigenous biodiversity will be managed:** **a. In relation to the National Grid by:** **i. Recognising and providing for the operation, maintenance and upgrade of existing National Grid assets, and in areas of significant indigenous biodiversity and SNA identified in Schedule Four, avoiding, remedying or mitigating adverse effects to the extent practicable;** **ii. Where appropriate, using substantial upgrades as an opportunity to reduce existing adverse effects;** **iii. For new activities, seeking to avoid adverse effects on areas of significant indigenous biodiversity and SNA identified in Schedule Four and where, having regard to the route, site and method selection and functional need or operational need, it is not practicable to avoid all adverse effects, to remedy or mitigate any residual adverse effects to the extent practicable;** **iv. For new activities within the coastal environment seeking to avoid significant adverse effects on indigenous biodiversity values that meet the criteria in Policy 11 (b) of the NZCPS 2010, and where**

[161] Director General of Conservation S602.074, Royal Forest and Bird Protection Society of New Zealand Incorporated S560.480 and S560.481
[162] Director General of Conservation S602.074
[163] WMS Group (HQ) Limited and WMS Land Co. Limited S599.053, TiGa Minerals and Metals Limited S493.057
[164] Director General of Conservation S602.074, Royal Forest and Bird Protection Society of New Zealand Incorporated S560.480 and S560.481

adverse effects cannot be avoided, remedy or mitigate any residual adverse effects to the extent practicable;

b. In relation to renewable electricity generation activities by:

i. Recognising and providing for the operation, maintenance, repair and upgrade of existing renewable electricity generation activities, and in areas of significant indigenous biodiversity and SNA identified in Schedule Four, avoiding, remedying or mitigating adverse effects to the extent practicable;

ii. Where appropriate, using substantial upgrades as an opportunity to reduce existing adverse effects;

iii. Seeking to avoid adverse effects on areas of significant indigenous biodiversity and SNA identified in Schedule Four and where it is not practicable to avoid because of functional need or operational need, remedy or mitigate any residual adverse effects to the extent practicable;

iv. Within the coastal environment, seeking to avoid significant adverse effects on indigenous biodiversity values that meet the criteria in Policy 11 (b) of the NZCPS 2010, and where adverse effects cannot be avoided, remedy or mitigate any residual adverse effects to the extent practicable;

c. By considering the net gain for biodiversity values of biodiversity offsetting or compensation where this is offered.

ECO- 12 **To promote the resilience of indigenous biodiversity to climate change and recognise its role in mitigating the effects of climate change.**[165]

4.5. ECO - Ecosystems and Indigenous Biodiversity Rules

Submissions and Further Submissions

635. Fourteen submission points and 16 further submissions relating to the ECO rules (as a whole) were summarised in a Table on pages 147 - 150 of the s42A Report. Fourteen submission points sought amendments, with nine further submissions opposing amendments and seven further submissions supporting amendments.

636. Seven submission points and seven further submissions relating to the ECO permitted activities rules (as a whole) were summarised in a Table on pages 153 - 154 of the s42A Report. One submission point sought to delete the permitted rules and six submissions sought amendments. Five further submissions supported submissions that sought amendments, and two further submissions opposed submissions that sought amendments.

637. Eighty-eight submission points and 61 further submissions relating to **ECO-R1** were summarised in a Table on pages 155 - 169 of the s42A Report. Twelve submission points

[165] Lynley Hargreaves S481.026

sought to retain the rule as notified and 26 submissions sought amendments or clarification. Fourteen further submissions supported submissions, 45 further submissions opposed submissions, and one was neutral.

638. Sixty-one submission points and 28 further submissions relating to **ECO-R2** were summarised in a Table on pages 177 - 184 of the s42A Report. Five submission points sought to retain the rule as notified, 10 submission points sought to delete the rule, and 46 submissions sought amendments or clarification. Sixteen further submissions supported submissions, and 12 further submissions opposed submissions.

639. Seventeen submission points and one further submission relating to **ECO-R3** were summarised in a Table on pages 189 - 190 of the s42A Report. Two submission points sought to retain the rule as notified, two submission points sought to delete the rule, and 13 submissions sought amendments. The further submission supported a submission to amend the rule.

640. Seventy submission points and six further submissions relating to **ECO-R4** and **SUB-R7** were summarised in a Table on pages 192 - 199 of the s42A Report. Three submission points sought to retain the rule as notified, one submission point sought to delete the rule, and 66 submission points sought amendments. Five further submissions supported a submission to amend the rule, and one further submission supported the submission to delete the rule (ECO-R4).

641. Thirty-four submission points and eight further submissions relating to **ECO-R6** and **SUB-R9** were summarised in a Table on pages 203 - 208 of the s42A Report. One submission point sought to retain the rule as notified, one submission point sought to delete the rule, and 32 submission points sought amendments. Four further submissions supported a submission to amend the rule, and three further submissions supported submissions to amend the rule. One further submission supported deleting Rule ECO-R6.

642. Thirty-six submission points and two further submissions relating to **ECO-R8** and **SUB-R15** were summarised in a Table on pages 210 - 213 of the s42A Report. One submission point sought to retain the rule as notified, one submission point sought to delete the rule, and 34 submission points sought amendments. One further submission opposed a submission to amend the rule and one further submission supported deleting Rule ECO-R8.

643. Twenty-five submission points and one further submission relating to **ECO-R9** and **SUB-R27** were summarised in a Table on pages 215 - 216 of the s42A Report. One submission point sought to retain the rule as notified, 23 submission points sought to delete the rule, and one submission point sought amendments. One further submission supported deleting Rule ECO-R9.

644. Forty-four submission points and 10 further submissions relating to **ECO-R5** were summarised in a Table on pages 216 - 221 of the s42A Report. Six submission points sought to retain the rule as notified, 38 submission points sought amendments. Three further submissions supported a submission to amend the rule, and seven further submissions opposed amendments to the rule.

645. Thirty-one submission points and 19 further submissions relating to **ECO-R7** were summarised in a Table on pages 221 - 225 of the s42A Report. Thirteen submission points sought to retain the rule as notified, 18 submission points sought amendments. All the further submissions opposed amendments to the rule.

646. Thirteen submission points relating to **ECO-R10** were summarised in a Table on pages 230 - 231 of the s42A Report. Twelve submission points sought to retain the rule as notified, and one sought amendment.

647. Thirteen submission points relating to **ECO-R11** were summarised in a Table on page 231 of the s42A Report. Twelve submission points sought to retain the rule as notified, and one sought amendment.

Section 42A Report

Rules (General)

648. In response to the submission points made by the AQA (S521.001) and Straterra (S536.020) that both sought the rules be amended to reflect various aspects of the RPS, Ms Easton did not support the relief sought. This was consistent with her previous recommendations and the legal advice that the NPSIB overrules the RPS where there is any conflict.

649. Ms Easton did not support the submission point made by Forest and Bird (S560.010) that sought for an ecological assessment to be included with all consent applications for all indigenous vegetation clearance. She noted that there was very low capacity to undertake these assessments on the West Coast and she did not consider it to be necessary in instances where vegetation clearance would be minimal.

650. In response to the submission point made by Margaret Montgomery (S446.003) that sought for all natural environment rules to be restricted discretionary activities, Ms Easton did not support the relief sought. This was because the higher order documents set out a clear protective direction for indigenous biodiversity. She considered that when activities had a risk of significant adverse effects on indigenous biodiversity it was appropriate to apply a discretionary or non-complying activity status so that the full range of issues could be addressed.

651. In response to the submission point made by Hadley Mills (S543.003) that sought the addition of a series of permitted activity rules to allow for bush clearing, earthworks, waterway culverts, bridges and any other activity associated with multi-use recreation trails, Ms Easton did not support the relief sought. She acknowledged the rationale for the submission, but did not consider that rules should be drafted specifically for this purpose.

652. In response to submission points made by Forest and Bird (S560.483, S560.493, S560.024) that sought the inclusion of additional rules, Ms Easton responded as follows:

    (a) She did not support the need for additional rules in other chapters to protect significant habitats. She noted that while this may be necessary in the future, the first priority was to identify significant habitats;

    (b) She did not support the inclusion of a controlled activity rule in the residential zones to clear indigenous vegetation for the purpose of establishing a building platform and access on sites where a building did not yet exist. This was because it assumed that all indigenous vegetation clearance would require a resource consent, and Ms Easton considered that in some scenarios it could be permitted; and

(c) She did not support making all vegetation clearance necessary for mineral extraction a non-complying activity. This is because she did not consider it to be consistent with either the RPS or the NPSIB.

653. In response to the submission points from Papahaua Resources Limited (S500.029) and Rocky Mining Limited (S474.005) that sought a specific restricted discretionary activity for mining, Ms Easton did not support the relief sought. This was because she did not consider it was appropriate to have a blanket approach, and the NPSIB directed a more nuanced approach.

654. Ms Easton supported GDC's (S608.055) request for a new rule for permitted activities within an SNA because both the RPS and the NPSIB anticipate limited permitted activities within an SNA. However, she considered the rule drafted by GDC was too permissive given the direction of clause 3.15 of the NPSIB in relation to established activities. She considered a permitted rule relating to established activities and a maximum area of vegetation clearance would be appropriate, and recommended the addition of a new rule.

655. In response to the similar submission points made by BDC (S538.208) and Rebecca Inwood (422.001) that sought permitted activity provisions following the identification and scheduling of SNA in the Buller District, Ms Easton supported the relief sought. She considered the rule recommended in response to the GDC submission would also address these submission points.

656. The s42A Report recommended a new rule in response to the submissions as follows:

ECO – R1B Indigenous Vegetation Clearance within a Significant Natural Area

Activity Status Permitted

Where this is:

1. ***For the maintenance, operation and repair of established activities including but not limited to: tracks, fences, drains, structures, infrastructure and renewable electricity generation activities where the removal is within 3m of the established activity and is limited to a maximum area of 50m² per individual SNA;***

2. ***Necessary to remove vegetation that endangers human life or existing buildings or structures where this is certified by a Council Approved Arboricultural Contractor;***

3. ***For the safe and efficient operation (including maintenance and repair) of any formed public road, rail corridor or access where the removal is within 3m of the formed width of the road, rail corridor or access where this is undertaken by a Road or Rail Controlling Authority ;***

4. ***To comply with section 43 of the Fire and Emergency Act 2017;***

5. ***To enable removal of unwanted organisms declared under the Biosecurity Act 2015.***

Permitted Rules

657. Ms Easton did not support Brian Anderson's (S576.009) request to delete the permitted activity rules because she considered there were some circumstances where it was

appropriate to provide for vegetation clearance as a permitted activity, and that national direction expected this.

658. In response to the four submission points[166] that sought for the permitted activity rules to be more enabling, Ms Easton did not support the relief sought. She reiterated that any permitted activity should be within the scope of national and regional direction.

659. Ms Easton did not support Greg Maitland's (S571.013) request to change the rule so that land clearance and disturbance was based on a percentage of land area because she considered this was not effects based and could lead to significant adverse effects.

660. In response to Forest and Bird's (S560.0215) request, that the absence of the comprehensive identification of SNA, all indigenous vegetation clearance be treated as if it were in an SNA, Ms Easton did not support the relief sought. Nevertheless, she acknowledged the concern that SNA may be cleared before being identified and noted that this issue had been addressed in relation to ECO-P1, ECO-R1 and ECO-R2.

661. Ms Easton supported in part Katherine Gilbert's (473.003) request to amend the rule framework to ensure it protects the biodiversity of SNA prior to their identification. Similar to the Forest and Bird submission above, Ms Easton acknowledged the concern that SNA may be cleared before being identified and noted she had addressed this issue in relation to ECO-P1, ECO-R1 and ECO-R2.

662. The s42A Report recommended no amendments to the permitted activity rules generally, as a result of these submissions.

ECO – R1

663. Ms Easton acknowledged the submission points that sought to retain ECO-R1 as notified. However, she noted her recommended amendments in response to other submissions.

664. Ms Easton supported Lynne Lever and Greg Tinney's (S320.003) request for clarification regarding the permitted areas and clearance areas and agreed the notified rule was unclear.

665. In response to Poutini Ngāi Tahu's (S620.145) request to delete '*cultural harvest'* in clause (3)(x) and to refer to '*Poutini Ngāi Tahu <u>Activities</u>'*, Ms Easton did not support the relief sought. This was because she considered the rule provided for Poutini Ngāi Tahu Activities on Māori Purpose land and the rule should not be widened to all land.

666. In response to GDC's (S608.493) request to change the wording of clause (3) to refer to '*<u>in the</u> margins of waterbodies',* Ms Easton noted that the submission had incorrectly referred to Rule NC-R1 rather than ECO-R1. Notwithstanding this, she did not consider the amendment was necessary.

667. In response to Westpower's (S547.259) and BDC (S538.208) requests that sought to split ECO-R1 into two rules so that there was a rule for activities in the Grey District and another rule for Buller and Westland Districts, Ms Easton supported the relief sought. She considered this would improve clarity of the rule and its implementation within different parts of the region.

[166] Geoff Voickman (S563.029), Steve Croasdale (S516.040), William McLaughlin (S567.181 and S567.183)

668. Ms Easton did not support BDC's (S538.209) request to remove the reference to the '*coastal environment*' in the heading of the rule because she considered it would result in vegetation clearance in the coastal environment being treated the same as the rest of the West Coast, which was not consistent with the NZCPS or the RPS, where coastal indigenous biodiversity must receive a higher degree of protection.

669. In response to Forest and Bird's (S560.216) request to include an advice note to explain where information can be found regarding the Threatened Environment Classification and protected species, Ms Easton supported the relief sought in part. She noted her recommendation to include a definition for '*Threatened Environment Classification*' and a link to where the information is found. She recommended deleting the reference to "*protected species*" as there was no need to define that term.

670. In response to the numerous submission points[167] that sought changes to the stringency of the rule, Ms Easton summarised the various relief sought in the s42A Report. She noted her recommendation considered the NPSIB direction, which sets the framework for which rules of the ECO Chapter should apply.

671. Ms Easton identified that the submission points raised some fundamental issues, the first being whether there should be a separate rule for the Grey District where SNA were already identified. Ms Easton supported the relief sought by Westpower and BDC to separate the rule to address this issue.

672. Ms Easton identified that the second fundamental issue raised in submissions was how best to manage indigenous vegetation clearance in Buller and Westland Districts until the SNA identification process was undertaken. For the same reasons as her recommendation for ECO-P1, Ms Easton gave priority to the NPSIB over the RPS.

673. Ms Easton recognised that there was a need for an interim approach that allowed for some appropriate permitted activities, but did not threaten the viability of yet to be identified SNA. She noted that her recommendation for ECO-P1 provided the basis for this approach. Taking account of the submission points, Ms Easton considered that the rule should provide for the following:

(a) "Established activities" and their maintenance, operation, repair and upgrade.

(b) Poutini Ngāi Tahu Activities on Poutini Ngāi Tahu land and Māori Purpose Zoned land.

(c) Cultural harvest.

[167] Forest & Bird (S560.216, S560.484, S560.485, S560.490, S560.491, S560.487, S560.488), Frida Inta (S553.213, S553.214, S553.075, S553.076), Director General (S602.075, S602.010), Buller Conservation Group (S552.211, S552.209, S552.075, S552.210, S552.076), Suzanne Hills (S443.028, S443.027), Clare Backes (S444.008, S444.009, S444.010), Brian Anderson (S576.013), Inger Perkins (S462.008), Katherine Gilbert (473.016), Lynley Hargreaves (S481.020), Scoped Planning and Design Limited (617.009, S617.008), NZ Agricultural Aviation Association (S166.015, S166.016), Koiterangi Lime Co Limited (S577.041), Catherine Smart-Simpson (S564.034), Geoff Volkerman (S563.171), Peter Langford (S615.050), Karamea Lime Company (S614.050), Leonie Avery (S507.039), Jared Avery (S508.039), Kyle Avery (S509.039), Avery Bros (S510.039), Bradshaw Farms (S511.039), Paul Avery (S512.039), Brett Avery (S513.039), Neil Mouat (S535.014), Avery Brothers (S609.038), Aggregate Quarry Association (S521.007), Emi Schroder (S369.003), Snodgrass Road Submitters (S619.030, S619.031), Te Rūnanga o Ngāi Tau, Te Rūnanga of Ngāti Waewae and Te Rūnanga o Makaawhio (S620.398), Grey District Council (S608.056), West Coast Regional Council (S488.003), Tony Schroder (S343.004), Westpower Limited (S547.260, S547.261, S547.262, S547.263, S547.264, S547.265, S547.266, S547.267), Bathurst Resources Limited & BT Mining Limited (S491.018, S491.019), Transpower New Zealand (S299.075), Te Tumu Paeora (S440.027), Buller District Council (S538.207), Horticulture NZ (S486.030), Federated Farmers of NZ (S524.065), Manawa Energy Limited (S438.081), Chorus NZ Ltd, Spark NZ Trading Ltd, Vodafone NZ Ltd (S663.044)

(d) Maintenance of improved pasture for farming where it is part of a regular cycle of periodic maintenance.

(e) The construction of new fences and traplines associated with conservation activities, or to exclude stock or pest animals from indigenous vegetation, margins of waterbodies or the coast.

(f) To comply with Section 43 of the Fire and Emergency Act.

(g) To enable the removal of unwanted organisms declared under the Biosecurity Act.

(h) For the installation of temporary network activities following a state of emergency declaration.

(i) To establish a building platform and access for a residential dwelling where there is no dwelling on the allotment.

(j) For the construction of an above ground or below ground network utility or the National Grid.

674. Ms Easton recommended that in the circumstance prior to the identification of the SNA in the Buller and Westland Districts, the permitted activity rule should allow a maximum of 2,000m² of indigenous vegetation clearance per site over a three-year period, and 5,000m² for the specific identified purposes in the notified rule. In ONL in the Grey District, she recommended a maximum of 5,000m² for specific purposes.

675. In relation to clause 5(i) regarding kanuka/manuka and bracken, Ms Easton recommended an amendment to restrict the amount of clearance and link it to the maintenance of improved pasture as provided for in the NPSIB.

676. Ms Easton also considered that amendments to the rule were required for Grey District where an SNA assessment and identification had already been undertaken. She considered that in this District the rule should focus on the indigenous vegetation clearance provisions within ONL.

677. The s42A Report recommended amending **ECO-R1** as follows:

> ***ECO - R1 - Indigenous vegetation clearance and disturbance within the Buller and Westland Districts and outside of the coastal environment***
>
> *Activity Status Permitted*
>
> *Where:*
>
> 1. *It is **on a site where an SNA assessment has been undertaken by a suitably qualified ecologist in accordance with the criteria in the NPSIB and is** outside of:*
>
> i. *a**n** ~~scheduled~~ **identified** Significant Natural Area ~~as identified~~ **including those** in Schedule Four; **and***
>
> ii. ***An Outstanding Natural Landscape identified in Schedule 5; and***

2. ***Within the Riparian Margin of a River, Lake or Coastal Wetland the ~~it is~~*** *clearance* ***is*** *permitted by ~~the Natural Character and the Margins of Waterbodies~~ Rule ~~NC - R1~~**ECO - RXXX**; or*

3. ***It is on a site where no SNA assessment has been undertaken and is a maximum area of 2000m² over any continuous 3 year period; or***

4. ***It on a site where no SNA assessment has been undertaken, or is within an Outstanding Natural Landscape and is a maximum area of 5000m² per site over any continuous 3- year period; and*** *it is necessary for one of the following purposes:*

   i. *It is the removal of windthrown timber through:*

      a. *Use of helicopter recovery methods; or*

      b. *Where ground-based recovery is only undertaken from areas adjacent to existing vehicle tracks; or*

   ii. *The maintenance, operation and repair of ~~lawfully~~ established* ***activities: including but not limited to roads, the rail corridor, accessways,*** *tracks, fences, structures, buildings, ~~critical~~* ***regionally significant*** *infrastructure, network utilities, renewable electricity generation activities,* ***shelterbelts and woodlots*** *or natural hazard mitigation ~~activities~~* ***structures****;*

   iii. *For the installation of temporary network* ***or electricity generation*** *activities following a regional or local state of emergency declaration* ***or environmental monitoring facilities****;*

   iv. *To prevent a serious threat to people, property, structures or services* ***where this is certified by a Council Approved Arboricultural Contractor***

   v. ~~*To ensure the safe and efficient operation (including maintenance and repair) of any formed public road, rail corridor or access;*~~

   vi. *For the construction of new fences and traplines associated with Conservation Activities or to exclude stock or pest animals* ***from indigenous vegetation or the margins of waterbodies, or the coast****;*

   vii. *To upgrade or create new public walking or cycling tracks up to 3m in width undertaken by the Council or its approved contractor;*

   viii. *To comply with section 43 of the Fire and Emergency Act 2017;*

   ix. *For construction, ~~or~~ operation,* ***repair or upgrade*** *of an above ground or below ground network utility or the national grid where:*

      a. *The construction corridor did not exceed 3m in width; and*

      b. *All machinery used in construction is cleaned and made free of weed material and seeds prior to entering the site; and*

      c. *Rehabilitation of disturbed areas is undertaken following the completion of construction;*

   x. *It is cultural harvest undertaken by Poutini Ngāi Tahu; or*

xi. *It is **for Poutini Ngāi Tahu Activities** on MPZ - Māori Purpose Zoned **or Poutini Ngāi Tahu** land and undertaken in accordance with an Iwi/Papatipu Rūnanga Management Plan; or*

xii. *It is within an area subject to a QEII National Trust Covenant or Ngā Whenua Rahui Kawaneta, a Reserves or Conservation Act covenant or a Heritage covenant under the Heritage New Zealand/Pouhere Taonga Act and the vegetation disturbance is authorised by that legal instrument;*

xiii. ***It is for the purpose of maintenance of improved pasture for farming and involves the removal or clearance of manuka, kānuka and bracken only that is not part of any wetland and which is under 15 years old; or***

xiv. ***It is for the establishment of a residential building platform and access to the site that did not exceed 500m² in area per allotment; or***

xv. ***The clearance is unavoidable in the course of removing pest plants and pest animals in accordance with any regional pest management plan or the Biosecurity Act 1993, or is removal of unwanted organisms declared under the Biosecurity Act 2015.***

~~*5. Within the Grey District it is clearance outside of an Outstanding Natural Landscape identified in Schedule Five; or*~~

~~*i. It is the removal or clearance of mānuka, kānuka and bracken only that is not part of any wetland and which is under 15 years old, not exceeding 5ha per site over any continuous three year period, subject to provision of notice to the relevant District Council at least 20 working days prior to the proposed clearance including:*~~

~~*a. Details of the location of the proposed clearance;*~~

~~*b. Area of the proposed clearance; and*~~

~~*c. Verification by documentary, photographic or other means that the vegetation is less than 15 years old and not part of any wetland; or*~~

~~*ii. It is a maximum area of 5000m² per site, in total, over any continuous three year period.*~~

Advice Notes:

1. *Where clearance of mānuka, kānuka or bracken is proposed under Standard 5 (**xii**i) of this rule, if proof that the vegetation is less than 15 years old or that the site is not a wetland, is unavailable, then a resource consent will be required.*

~~*2. Where indigenous vegetation clearance is proposed within the riparian margins of a waterbody refer to these sections of the Plan for the Rules around this clearance.*~~

3. *Where indigenous vegetation clearance is proposed in or on a site or area of significance to Māori then Rule SASM - R4 will also apply.*

4. *Where indigenous vegetation clearance is proposed within a wetland this is also subject to rules within the NES - Freshwater which is administered by the West Coast Regional Council.*

5. *This rule also applies to plantation **commercial** forestry activities, where this provision is more stringent than the NES - ~~P~~**C**F in relation to significant natural areas.*

Activity status where compliance not achieved:

Refer Rule ECO – R1B where standard 1 is not achieved. Refer Rule ECO – RXXX where standard 2 is not achieved.

~~*Discretionary*~~ ***Controlled*** *where standard* ***3*** ~~*1*~~ *or 4 is not achieved.*

~~*Refer Natural Character and Margins of Waterbodies Chapter where standard 2 is not achieved.*~~

~~*Within the Grey District refer standard 4 where standard 3 is not achieved.*~~

~~*Within the Buller and Westland Districts Controlled or Restricted Discretionary (depending on activity type) where standard 5 is not achieved.*~~

678. The s42A Report also recommended adding a new Rule **ECO-R1A**, as follows:

ECO - R1A - Indigenous vegetation clearance and disturbance within the Grey District and outside of the coastal environment

Activity Status Permitted

Where:

1. ***It is outside of an identified Significant Natural Area including those in Schedule Four; and***

2. ***Within the Riparian Margin of a River, Lake or Coastal Wetland the It is clearance is permitted by the Rule ECO - RXXX; and***

3. ***Within an Outstanding Natural Landscape it is a maximum area of 5000m² per site over any continuous 3-year period and is necessary for one of the following purposes:***

    i. ***It is the removal of windthrown timber through:***

        a. ***Use of helicopter recovery methods; or***

        b. ***Where ground based recovery is only undertaken from areas adjacent to existing vehicle tracks; or***

    ii. ***The maintenance, operation and repair of lawfully established activities: including but not limited to: roads, the rail corridor, accessways, tracks, fences, structures, buildings, regionally significant infrastructure, network utilities, renewable electricity generation activities, shelterbelts, woodlots, and natural hazard mitigation structures; or***

    iii. ***For the installation of temporary network or electricity generation activities following a regional or local state of emergency declaration or environmental monitoring facilities; or***

    iv. ***To prevent a serious threat to people, property, structures or services where this is certified by a Council Approved Arboricultural Contractor; or***

    v. ***For the construction of new fences and traplines associated with Conservation Activities or to exclude stock or pest animals from indigenous vegetation or the margins of waterbodies, or the coast; or***

vi. To upgrade or create new public walking or cycling tracks up to 3m in width undertaken by the Council or its approved contractor; or

vii. To comply with section 43 of the Fire and Emergency Act 2017; or

viii. For construction, operation, repair or upgrade of an above ground or below ground network utility or the national grid where:

a. The construction corridor did not exceed 3m in width; and

b. All machinery used in construction is cleaned and made free of weed material and seeds prior to entering the site; and

c. Rehabilitation of disturbed areas is undertaken following the completion of construction; or

ix. It is cultural harvest undertaken by Poutini Ngāi Tahu; or

x. It is for Poutini Ngāi Tahu Activities on MPZ - Māori Purpose Zoned land or Poutini Ngāi Tahu Land and undertaken in accordance with an Iwi/Papatipu Rūnanga Management Plan; or

xi. It is within an area subject to a QEII National Trust Covenant or Ngā Whenua Rahui Kawaneta, a Reserves or Conservation Act covenant or a Heritage covenant under the Heritage New Zealand/Pouhere Taonga Act and the vegetation disturbance is authorised by that legal instrument; or

xii. It is for the purpose of maintenance of improved pasture for farming and involves the removal or clearance of manuka, kānuka and bracken only that is not part of any wetland and which is under 15 years old; or

xiii. It is for the establishment of a residential building platform and access to the site that did not exceed 500m² in area per allotment; or

xiv. The clearance is unavoidable in the course of removing pest plants and pest animals in accordance with any regional pest management plan or the Biosecurity Act 1993, or is removal of unwanted organisms declared under the Biosecurity Act 2015.

Advice Notes:

1. ***Where clearance of mānuka, kānuka or bracken is proposed under Standard 3 (xii) of this rule, if proof that the vegetation is less than 15 years old or that the site is not a wetland, is unavailable, then a resource consent will be required.***

2. ***Where indigenous vegetation clearance is proposed in or on a site or area of significance to Māori then Rule SASM - R4 will also apply.***

3. ***Where indigenous vegetation clearance is proposed within a wetland this is also subject to rules within the NES - Freshwater which is administered by the West Coast Regional Council.***

4. ***This rule also applies to plantation commercial forestry activities, where this provision is more stringent than the NES - PF in relation to significant natural areas.***

Activity status where compliance not achieved:

Refer Rule ECO – R1B where standard 1 is not achieved. Refer Rule ECO – RXXX where standard 2 is not achieved. Discretionary where Standard 3 is not achieved.

ECO – R2

679. Ms Easton acknowledged the submission points that sought to retain ECO-R2 as notified. However, she noted her recommended amendments in response to other submissions.

680. In response to three submission points[168] that sought deletion of the rule, Ms Easton did not support the relief sought. She referred to Policy 11 of the NZCPS and the RPS which both direct that all adverse effects on significant indigenous biodiversity should be avoided. She noted the NZCPS was the primary national direction in relation to this rule.

681. Ms Easton did not support Westpower's (S547.0503) request to relocate this rule to the Coastal Environment Chapter because it specifically related to vegetation clearance in this overlay.

682. Ms Easton analysed the submission points in relation to this rule in two groups: those that sought to make the rule less restrictive; and those that sought to make it more restrictive. Ms Easton considered the submissions generally and in the context of Policy 11 of the NZCPS, the NPSIB and the RPS. She addressed the key matters raised as four questions as follows:

a. Should the rule apply to urban areas?

   Ms Easton noted that given the towns of Hokitika, Greymouth and Westport are all located in the coastal environment, she considered most significant habitats of fauna and areas of indigenous vegetation would be located in public open spaces. Therefore, she did not consider that the restrictions on vegetation clearance as set out in ECO-R2 should apply to urban zoned properties (i.e. Residential, Commercial and Industrial Zones).

b. Should the rule be different in the Grey District compared to Buller and Westland?

   Ms Easton noted that because the Grey District had identified SNA in the coastal environment, and the rule as notified excluded vegetation clearance from these areas, she had considered whether a less restrictive rule for the remaining area of the Grey District coastal environment would be appropriate. She recommended the rule should be the same across all districts because of the direction in the NZCPS and RPS that required significant adverse effects on all indigenous biological diversity in the coastal environment be avoided and that all adverse effects should be avoided, remedied or mitigated.

c. What is an appropriate permitted activity limit for vegetation clearance outside of urban areas?

   Ms Easton considered that the 500m² area as notified was an appropriate permitted area and reflected the sensitivity of the environment.

[168] Birchfield Ross Mining Limited (S604.035), Tim and Phaedra Robins (S579.005) and Forest and Bird (S560.217)

d. What activities should be provided for within the coastal environment in terms of allowing for indigenous vegetation clearance?

Ms Easton noted that the NZCPS provided direction for environmental outcomes, while the RPS provided a clearer path with specific exclusions for the National Grid. She noted both the RPS and the NZCPS made provision for activities with a functional need to be in the coastal environment, while the RPS also makes provision for activities to continue where they have been legally established.

683. In considering the submission points and her analysis of the key matters above, Ms Easton recommended the rule should allow for the following:

(a) Indigenous vegetation clearance on RESZ - Residential, COMZ -Commercial and Mixed Use, PORTZ – Port and IND – Industrial zoned land.

(b) Established activities and structures and their maintenance, operation and repair, where this was at the same or similar scale, character and intensity as at the date of notification of the Plan, including drains and improved pasture, tracks, infrastructure and buildings and other specified activities sought by submitters.

(c) To prevent a serious threat to human life or existing buildings or structures.

(d) Maintenance, repair, operation and upgrade of the National Grid, regionally significant infrastructure and environmental monitoring facilities.

(e) Upgrading of public walking and cycling tracks.

(f) Fencing.

(g) Upgrading of network utilities, renewable energy generation or the National Grid.

(h) Establishment of a building platform and access to a building site in an approved subdivision or where there is no existing residential building on the site.

(i) Cultural harvest.

(j) Vegetation clearance on Poutini Ngāi Tahu Land where this was undertaken in accordance with an Iwi/Papatipu Rūnanga Management Plan.

684. The s42A Report recommended amending **ECO-R2** as follows:

ECO – R2 - Indigenous vegetation clearance in the Coastal Environment

Activity Status Permitted

Where:

~~*1. This is for:*~~

~~*i. Walking/cycling tracks, roads, farm tracks or fences;*~~

~~*ii. Operation, maintenance, repair, upgrading and installation of new network utility infrastructure and renewable electricity generation activities; or*~~

~~*iii. Establishment of a building platform and access to a building site in an approved subdivision or where there is no existing residential building on the site*~~

4. *The indigenous vegetation clearance did not occur in any area identified as a Significant Natural Area in Schedule Four****; and***

2. *The extent of indigenous vegetation disturbed and/or cleared per site did not exceed an area of 500m² in area per site in any three year period;* ***and***

3. *The indigenous vegetation clearance did not disturb, damage or destroy nesting areas or habitat of* ~~*protected*~~ ***threatened or at risk*** *species; and*

4. The indigenous vegetation clearance did not occur in an area of land environment of category one or two of the Threatened Environment Classification; and

5. The indigenous vegetation clearance is for the following purposes:

i. ***For the maintenance, operation and repair of established activities and structures including but not limited to: roads, the rail corridor, accessways, tracks, fences, drains, structures, regionally significant infrastructure, network utilities, environmental monitoring facilities, natural hazard mitigation structures and renewable electricity generation activities, where this is at the same or similar scale, character and intensity as at 14 July 2022; or***

ii. ***To prevent a serious threat to human life or existing buildings or structures where this is certified by a Council Approved Arboricultural Contractor; or***

iii. ***To upgrade or create new public walking or cycling tracks up to 3m in width undertaken by the Council or its approved contractor or***

iv. ***For the construction of new fences and traplines associated with Conservation Activities or to exclude stock or pest animals from indigenous vegetation or the margins of waterbodies, or the coast or***

v. ***For the operation, maintenance, repair or upgrade of network utility infrastructure, renewable energy generation or the national grid; or***

vi. ***It is cultural harvest undertaken by Poutini Ngāi Tahu; or***

vii. ***It is for Poutini Ngāi Tahu Activities on MPZ - Māori Purpose Zoned land or Poutini Ngāi Tahu Land and undertaken in accordance with an Iwi/Papatipu Rūnanga Management Plan; or***

viii. ***It is for the purpose of maintenance of improved pasture for farming and involves the removal or clearance of manuka, kānuka and bracken only that is not part of any wetland and which is under 15 years old; or***

ix. ***It is for the establishment of a building platform and access to a building site in an approved subdivision or where there is no existing residential building on the site; or***

x. ***The clearance is undertaken on a RESZ – Residential Zone, COMZ – Commercial and Mixed Use Zone or IND – Industrial Zone property within the towns of Greymouth, Hokitika or Westport.***

Advice Notes:

~~*1. Where indigenous vegetation clearance is proposed within the riparian margins of a waterbody refer these sections of the Plan for the Rules around this clearance.*~~

2. Where indigenous vegetation clearance is proposed in or on a site or area of significance to Māori then Rule SASM - R4 will also apply.

3. Where indigenous vegetation clearance is proposed within a wetland this is also subject to rules within the NES - Freshwater which is administered by the West Coast Regional Council.

*4. This rule also applies to ~~plantation~~ **commercial** forestry activities, where this provision is more stringent than the NES - ~~P~~**CF**.*

***Activity status where compliance not achieved:** Restricted Discretionary*

ECO – R3

685. Ms Easton acknowledged the submission points that sought to retain ECO-R3 as notified. However, she noted her recommended amendments in response to other submissions.

686. In response to the submission points made by Forest and Bird (S560.495) that sought to delete the rule because a controlled activity status was insufficient to manage the adverse effects, Ms Easton did not support the relief sought.

687. Ms Easton did not support the submission point made by Michael Orchard (S583.002) that sought to rely on MPI Indigenous Forestry rules to manage indigenous production forestry.

688. Ms Easton's recommendation to not support the submissions made by Forest and Bird and Mr Orchard was based on the direction from clause 3.10(b) of the NPSIB, which specifically excluded the harvesting of indigenous trees from an SNA when it is carried out in accordance with a forest management plan or permit under s3A of the Forests Act. Ms Easton considered that the Forests Act provided a robust mechanism for most matters related to managing the sustainable harvest of indigenous vegetation. She considered this combined with the NPSIB supported he view that a controlled activity status was appropriate.

689. In response to the numerous submission points[169] that sought for the rule to be more enabling of development, Ms Easton supported the relief in part.

690. In response to the submission point from GDC (S608.058) that sought to remove the phrase '*and outside of the coastal environment'*, Ms Easton did not support the relief sought. This was because the NZCPS and RPS have a strong policy direction to manage indigenous biodiversity in the coastal environment.

691. In response to the submission point made by Poutini Ngāi Tahu (S620.147) that sought to either delete ECO-P7 or add a new matter of control to ECO-R3 referencing Poutini Ngāi Tahu values, rights and interests, Ms Easton supported the relief sought in part. However, she was unclear if the concerns raised in the submission related to Poutini Ngāi Tahu values being affected by others undertaking indigenous forestry, or whether indigenous forestry undertaken by Poutini Ngāi Tahu should be better provided for. Ms Easton recommended

[169] Peter Langford (S615.052), Karamea Lime Company (S614.052), Koiterangi Lime Co LTD (S577.043), Catherine Smart-Simpson (S564.036), William McLaughlin (S567.182), Steve Croasdale (S516.041), Geoff Volckman (S563.030), Chris & Jan Coll (S558.101), Chris J Coll Surveying Limited (S566.101), Laura Coll McLaughlin (S574.101)

including an additional matter of control relating to Poutini Ngāi Tahu values and invited Poutini Ngāi Tahu to comment further at the hearing if necessary.

692. The s42A Report recommended amending **ECO-R3** as follows:

> ***ECO – R3 - Indigenous vegetation clearance or disturbance where this is in accordance with an approved plan or permitted issued under the Forests Act 1949***
>
> *Activity Status Controlled*
>
> *Where:*
>
> 1. *The indigenous vegetation clearance and disturbance is in accordance with an approved Sustainable Forest Management Plan or permit or personal use approval issued by the Ministry for Primary Industries under the Forests Act 1949;*
>
> 2. *The indigenous vegetation clearance is outside of ~~any Significant Natural Area identified in Schedule Four and outside of~~ the Coastal Environment; and*
>
> 3. *The indigenous vegetation clearance is not located in an area of land environment of category one or two of the Threatened Environment Classification.*
>
> *Matters of control are:*
>
> a. *The matters outlined in Policies ECO - P6, ECO - P7 and where relevant NFL - P6;*
>
> b. *The protection of habitats of threatened or at risk species;*
>
> c. ***The management of impacts on Poutini Ngāi Tahu values as set out in the Tangata Whenua chapter***
>
> d. *Compliance with the terms of an approved Sustainable Forest Management Plan or permit or personal use approval issued by the Ministry for Primary Industries under the Forests Act 1949; and*
>
> e. *The measures to avoid, remedy, or mitigate any adverse effects on any significant indigenous vegetation and significant habitats of indigenous fauna.*
>
> *Advice Note:*
>
> 1. *Where indigenous vegetation clearance is proposed within the riparian margins of a waterbody refer to these sections of the Plan for the **additional** Rules around this clearance.*
>
> 2. *Where indigenous vegetation clearance is proposed in or on a site or area of significance to Māori then Rule SASM - R4 will also apply.*
>
> 3. *Where indigenous vegetation clearance is proposed within a wetland this is also subject to rules within the NES - Freshwater which is administered by the West Coast Regional Council.*
>
> *Activity status where compliance not achieved: Restricted Discretionary*

ECO – R4/SUB – R7

693. Before analysing the submissions received in relation to these rules (which are identical in both chapters), Ms Easton explained that the rule was published in both the ECO and SUB Chapter for the purposes of the notification of the Plan. This was to assist with context and consultation. However, she noted the intention was that the rule would only be included in the SUB Chapter when the Plan became operative. Notwithstanding this, she advised that consideration of the rule had been allocated to this hearing stream.

694. Ms Easton acknowledged the submission points[170] that sought to retain ECO-R4 as notified. However, she noted her recommended amendments in response to other submissions. She also acknowledged and supported the submission point made by the Director General (S602.077) to delete the duplicate ECO-R4 rule.

695. In response to the numerous submission points[171] that sought for the rule to only apply to subdivision within a Scheduled area of significant indigenous biodiversity, that there be no requirement for legal protection of vegetation, and that clearance of significant indigenous vegetation be allowed where the adverse effects could be offset or compensated, Ms Easton did not support the relief sought. This was because the rule was intended as an incentive where some public benefit is obtained in exchange for the creation of lots.

696. In response to the submission points that sought for alternative wording related to the legal protection of significant indigenous biodiversity, Ms Easton supported the relief sought in the submission point made by BDC (S538.211 and S538.260) that sought to delete the specific reference to a conservation covenant with an authorised agency. This was because she considered other legal mechanisms such as consent notices were also appropriate. Ms Easton did not support the relief sought in the other submission points[172] which sought the use of private covenants because there would be no organisation administering the covenant.

697. In response to the submission point made by Poutini Ngāi Tahu (S620.148 and S620.186) that sought for the matters of control to include "*Poutini Ngāi Tahu values, rights and interests"* and other matters in ECO-P7, Ms Easton supported the relief sought in part. She did not support inclusion of the reference to other matters in ECO-P7 because she considered the rule did not allow for development within an area of significant indigenous biodiversity.

698. Ms Easton supported the relief sought in the submission point from Westpower (S547.268) to have Advice Note (2) refer to SUB-R2 because it provided clarity to the plan user.

699. In response to the submission points made by Forest and Bird (S560.219 and S560.269) that sought to make various amendments to the rule, Ms Easton advised the following:

    (a) She did not support the amendment to refer to "*Significant Natural Areas*" as she did not support the previous submission relating to the definition of this term.

[170] Te Mana Ora (S190.329, S190.422), Waka Kotahi NZ Transport Agency (S450.089, S450.126) and Federated Farmers of New Zealand (S524.067, S524.084)

[171] Neil Mouat (S535.017, S535.024), Leonie Avery (S507.041, S507.049), Jared Avery (S508.041, S508.049), Kyle Avery (S509.049, S509.041), Avery Bros (S510.041, S510.049), Bradshaw Farms (S511.049, S511.041), Paul Avery (S512.041, S512.049), Brett Avery (S513.041, S513.049), Avery Brothers (S609.103, S609.039, S609.102), Chris & Jan Coll (S558.226), Chris J Coll Surveying Limited (S566.226) and Laura Coll McLaughlin (S574.226)

[172] Laura Coll McLaughlin (S574.228), Chris J Coll Surveying Limited (S566.228), William McLaughlin (S567.298) and Chris & Jan Coll (S558.228)

(b) She supported the addition requiring an assessment against the significance criteria where an SNA assessment had not already been undertaken but recommended use of the NPSIB criteria (rather than the RPS) and that it be undertaken by a "*suitably qualified ecologist*".

(c) She supported the amendment to clause (3) that referred to a future building site and the requirement for including the location of residential building platforms and access. However, she considered that a consent notice (rather than a covenant) was the appropriate mechanism.

(d) She supported amending the reference to "*minimise*" to "*avoid, remedy or mitigate*".

700. Ms Easton supported the submission points[173] that sought to amend the title of the rule to provide clarity. To make it clear that ECO-R4/SUB-R7 was an incentive and only applied to subdivision that results in an area of significant indigenous biodiversity being protected, Ms Easton recommended amending the rule title to add '*where legal protection of an area of significant indigenous biodiversity is proposed'*.

701. In response to the submission points that were concerned that "*Areas of Significant Indigenous Biodiversity*" have not been mapped in the Buller or Westland Districts, Ms Easton considered that the addition of a definition resolved the concerns. Additionally, she considered the reference to the performance standard in the rule, made the requirements clearer.

702. In response to multiple submission points[174] that sought to clarify the term "*parent title*", Ms Easton explained that it was the title that existed when the plan was notified. She recommended including a definition for the term as follows:

Parent title means a resource of title in existence on 14 July 2022.

703. In response to multiple submission points[175] that sought to make the rule less restrictive, Ms Easton did not support the relief sought. This was because the rule was an incentive rule and she considered the level of restriction was reasonable given it has a controlled activity status and offered a bonus lot.

704. In response to the submission point made by Davis Ogilvie & Partners Limited (S465.015) that sought to amend the rule so that the new allotment must contain the area of significant indigenous biodiversity and be for the purpose of legal protection, Ms Easton did not support the relief sought. She considered it was not critical which allotment contained the area of significant indigenous biodiversity given the key matter was that it be protected.

705. In response to another submission point made by Davis Ogilvie & Partners (S465.017) that sought the rule be amended so there be no minimum allotment size, Ms Easton supported the relief sought in part. She considered that in a rural location it was normal for at least 1,000m² to accommodate on-site servicing. She also accepted that there would be occasion where subdivision was intended to create an allotment to contain a small area of significant

[173] Chris & Jan Coll (S558.224), William McLaughlin (S567.294), Chris J Coll Surveying Limited (S566,224) Laura Coll McLaughlin (S574.224)
[174] William McLaughlin (S567.297), Chris & Jan Coll (S558.227), Chris J Coll Surveying Limited (S566.227) and Laura Coll McLaughlin (S574.227)
[175] Steve Croasdale (S516.051), Karamea Lime Company (S614.074), Peter Langford (S615.074), Koiterangi Lime Co LTD (S577.056), Catherine Smart-Simpson (S564.052), Geoff Volckman (S563.046), Laura Coll McLaughlin (S574.223), Chris & Jan Coll (S558.223), Lara Kelly (S421.006), William McLaughlin (S567.293) and Chris J Coll Surveying Limited (S566.223)

indigenous biodiversity. Therefore, she recommended amending the minimum lot size to 1,000m².

706. In response to the multiple submission points[176] that sought to remove the requirement for all the significant indigenous biodiversity to be contained within one allotment, Ms Easton did not support the relief sought. She referred to feedback from the QEII Trust received during the development of the plan that advised when areas had been split across multiple titles, poorer environmental outcomes resulted, at a greater financial cost.

707. Ms Easton supported the relief sought in the submission points made by Frida Inta (S553.117) and the Buller Conservation Group (S552.117) that requested the words "*within the area*" be added to clause (3) to make it clear that no clearance of any part of the area of significant indigenous biodiversity should occur.

708. Ms Easton supported the relief sought in the submission point made by GDC (S608.637) to include a matter of control related to the provision of three waters infrastructure and services.

709. In response to the submission point made by Westpower (S547.367) that sought the addition of new clauses to the matters of control, Ms Easton commented as follows:

(a) The addition relating to the provision of infrastructure was addressed by her recommendation to accept the relief sought by GDC.

(b) The addition relating to the provision of easements was addressed by the requirements of the Subdivision Standards.

(c) The addition relating to the management of reverse sensitivity effects was supported.

710. In response to the submission point made by BDC (S538.254 and S538.261) that sought for references to "*natural hazards or geotechnical considerations*" and "*critical infrastructure*" be included, Ms Easton supported the relief sought and agreed that these matters should be added to the matters for control.

711. The s42A Report recommended deleting **ECO-R4.**

712. The s42A Report recommended amending **SUB-R7** as follows:

> ***SUB – R7 – Subdivision of Land to Create Allotments Containing an Area of Significant Indigenous Biodiversity <u>Where Legal Protection of the Area of Significant Indigenous Biodiversity is Proposed</u>***
>
> *Activity Status Controlled*
>
> *Where:*
>
> *1. One new allotment with a minimum lot size of ~~4~~<u>1</u>,000m² is created from the parent title, provided that in the GRUZ - General Rural Zone there is a balance area remaining on the original title of at least 4 ha; and*

[176] Chris & Jan Coll (S558.225), William McLaughlin (S567.295), Chris J Coll Surveying Limited (S566.225) and Laura Coll McLaughlin (S574.225)

2. ***An assessment of the site against the significance criteria in the NPSIB is provided with the application and this is undertaken by a suitably qualified ecologist where this has not already been undertaken as part of a district wide SNA assessment;***

3. *The area of significant indigenous biodiversity is legally protected in perpetuity by way of a conservation covenant with an authorised agency* ***or via consent notice on the title and is contained within a single allotment;***

4. The subdivision will not result in buildings or access ways being located within the identified area of significant indigenous biodiversity or the need for clearance ***within the area*** *of significant indigenous vegetation to provide for* ***a future building site or*** *future access to any site; and*

5. Subdivision standards S2-S11 are complied with.

Matters of control are:

a. Subdivision layout, access, design, location and proximity of building platforms to areas of significant indigenous biodiversity;

b. The provision of infrastructure and services for drinking water, wastewater, stormwater, telecommunications and energy;

c. The adequacy of water supply for firefighting;

d. Specification of the location of building sites and access through the use of consent notices;

e. Management of potential reverse sensitivity effects on existing land uses, including network utilities and regionally significant infrastructure, rural activities or significant hazardous facilities;

f. Measures to address any natural hazards or geotechnical constraints;

g. Management of earthworks, including earthworks for the location of building platforms and access ways;

h. The protection of habitats of threatened or at risk species; and

i. The measures to ~~*minimise*~~ ***avoid, remedy or mitigate*** *any adverse effects on:*

i. The significant indigenous biodiversity;

ii. ~~*The cultural significance to*~~ *Poutini Ngāi Tahu* ***Values****.*

Advice Note*: This rule did not apply to subdivisions to create allotments for network utilities, access or reserves which are subject to* ***either of*** *Rule****s SUB – R2 or*** *SUB - R4.*

Activity status where compliance not achieved: *Restricted Discretionary where standard 1 is not complied with. Discretionary where standards 2-45 are not complied with.*

ECO – R6/SUB – R9

713. Ms Easton acknowledged that most submission points relating to this rule were the same as those made in reference to ECO-R4/SUB-R7. Therefore, she did not analyse these

submission points in detail, as her recommendations largely aligned with those made for ECO-R4/SUB-R7. In summary, her recommendations were as follows:

(a) She supported the submission point made by the Director General (S602.079) to delete ECO-R6 (duplicate rule).

(b) She supported the submission point made by Poutini Ngāi Tahu (S620.150) to refer to Poutini Ngāi Tahu values.

(c) She did not support multiple submission points[177] that sought for the rule to only apply to scheduled areas of significant indigenous biodiversity, provide for buildings and accessways to be located within SNA if there was alternative mitigation through biodiversity offsetting and environmental compensation.

(d) She supported the submission point made by BDC (S538.213) that sought the use of a consent notice as a legal protection mechanism.

(e) She supported the part of the submission point made by Forest and Bird (S560.221 and S560.270) that sought to include an assessment of significance as a performance standard, to include a reference to future building sites or accessways and to replace "*minimise*" with "*avoid, remedy or mitigate*" in relation to adverse effects. She did not support changing the title of the rule to refer to SNA.

(f) She did not support the submission point made by Davis Ogilvie & Partners (S465.016) that sought for allotments created by the parent title to contain the area of significant indigenous biodiversity.

(g) She supported in part the submission point made by Davis Ogilvie & Partners (S465.018) that sought no minimum lot size and recommended reducing the minimum lot size to 1,000m².

(h) She supported the submission points made by Westpower (S547.375) and GDC (S608.639) that sought to include infrastructure and services for drinking water, wastewater and stormwater as well as water supply for firefighting services as matters of discretion.

(i) She did not support the submission point made by Westpower (S547.376) that sought to add a matter of discretion related to easements.

(j) She supported the submission point made by Westpower (S547.377) that sought to add a matter of discretion to manage reverse sensitivity effects.

(k) She supported the submission point made by BDC (S538.256 and S538.261) that sought to include a matter of discretion relating to critical/regionally significant infrastructure, natural hazards and geotechnical considerations.

[177] Avery Brothers (S609.040), Peter Langford (S615.075), Karamea Lime Company (S614.075), Koiterangi Lime Co LTD (S577.058), Catherine Smart-Simpson (S564.053), Steve Croasdale (S516.052), Geoff Volckman (S563.047), Avery Brothers (S609.100), Avery Brothers (S609.040), Leonie Avery (S507.042, S507.051), Jared Avery (S508.042), S508.051), Kyle Avery (S509.042, S509.051), Avery Bros (S510.042, S510.051), Bradshaw Farms (S511.042, S511.051), Paul Avery (S512.042, S512.051), Brett Avery (S513.042, S513.051), Neil Mouat (S535.018, S535.025)

(l) She partially supported the submission point made by Lara Kelly (S421.007) that sought to amend the rule heading, but not to make the rule less restrictive.

714. In response to the submission points made by Frida Inta (S553.079) and the Buller Conservation Group (S552.079) that sought to add additional matters of discretion, Ms Easton did not support the relief sought. This was because she considered the matters were unnecessary given that the rule was an incentive rule that did not provide for any vegetation clearance to establish the lots or the residential units on them.

715. In response to the submission point made by Margaret Montgomery (S446.055) that sought more clarity when determining the ecological value of the site, Ms Easton supported the relief sought. She considered that the recommendation to change the title of the rule would address the relief sought.

716. The s42A Report recommended deleting **ECO-R6.**

717. The s42A Report recommended amending **SUB-R9** as follows:

> ***SUB – R9 – Subdivision of Land to Create Allotments Containing an Area of Significant Indigenous Biodiversity Where Legal Protection of the Area of Significant Indigenous Biodiversity is Proposed not meeting Rule SUB-R7***
>
> *Activity Status Restricted Discretionary*
>
> *Where:*
>
> 1. *Up to three allotments with a minimum lot size of **41**,000m2 are created from the parent title;*
>
> 2. ***An assessment of the site against the significance criteria in the NPSIB is provided with the application and this is undertaken by a suitably qualified ecologist where this has not already been undertaken as part of a district wide SNA assessment;***
>
> 3. *The area of significant indigenous biodiversity is legally protected in perpetuity by way of a conservation covenant with an authorised agency **or via consent notice on the title** and is contained within a single allotment;*
>
> 4. *The subdivision will not result in buildings or access ways being located within any Significant Natural Area identified in Schedule Four **or the need for clearance of significant indigenous vegetation to provide for a future building site or future access to any site**; and*
>
> 5. *Subdivision standards S2-S11 are complied with.*
>
> *Discretion is restricted to:*
>
> *i. Whether there are other regulations impacting the site that have meant the land is unable to be used for economic rural uses;*
>
> *ii. The extent to which the subdivision layout, access, allotment size and design and the location of building platforms may adversely impact the significant indigenous vegetation and/or significant habitat of indigenous fauna;*
>
> ***iii. The provision of infrastructure and services for drinking water, wastewater, stormwater, telecommunications and energy***

iv. ***<u>The adequacy of water supply for firefighting</u>***

v. ***<u>Management of potential reverse sensitivity effects on existing land uses, including network utilities and regionally significant infrastructure rural activities or significant hazardous facilities</u>***

vi. *Management of earthworks including earthworks for the location of building platorms and access ways;*

vii. *The protection of habitats of threatened or at risk species.*

viii. *The measures to ~~minimise~~* ***<u>avoid, remedy or mitigate</u>*** *any adverse effects on:*

i. *The significant indigenous biodiversity; and*

ii. *~~The particular cultural, spiritual and/or heritage values, interests or associations of importance to~~ Poutini Ngāi Tahu <u>Values</u> ~~as kaitiaki and mana whenua that are associated with the significant indigenous vegetation and/or significant habitats of indigenous fauna and the potential impact on those values, interests or association~~*

Activity status where compliance not achieved: *Discretionary*

ECO – R8/SUB – R15

718. Ms Easton acknowledged the submission points from Te Mana Ora that (S190.333 and S190.430) that sought to retain ECO-R8/SUB-R15 as notified. However, she noted her recommended amendments in response to other submissions.

719. Ms Easton supported the submission point made by the Director General (S602.081) to delete the duplicate ECO-R8 rule. However, she recommended a consequential amendment to add an advice note to SUB-R15 referring the relevance of the Ecosystem and Biodiversity Chapter.

720. In response to submission points[178] that sought to delete the performance standards and the escalation of the activity status to non-complying, Ms Easton supported the relief sought. Ms Easton acknowledged the submitters' concerns that within the Buller District the majority of the indigenous vegetation is likely to meet the NPSIB criteria and be an SNA, and therefore subdivision of these areas would be a non-complying activity. She also acknowledged that clause 3.10 of the NPSIB applied and that the listed effects in 3.10(2) must be avoided, and that all other adverse effects must be managed by applying the effects management hierarchy. Ms Easton concluded that the NPSIB anticipated that there may be appropriate subdivision within SNA. She reviewed how subdivision was managed in relation to other RMA s6 matters and recorded that these were generally restricted discretionary or discretionary activities. She advised she had not found a district plan where subdivision was a non-complying activity in an SNA.

[178] Avery Brothers (S609.041), Neil Mouat (S535.019, S535.026), Leonie Avery (S507.043, S507.053), Jared Avery (S508.043, S508.053), Kyle Avery (S509.043, S509.053), Avery Bros (S510.043,S510.053), Bradshaw Farms (S511.043, S511.053), Paul Avery (S512.043, S512.053), Brett Avery (S513.043, S513.053) and the Buller District Council (S538.215, S538.267), Peter Langford (S615.080), Karamea Lime Company (S614.080), Koiterangi Lime Co LTD (S577.063), Catherine Smart-Simpson (S564.058), Lara Kelly (S421.009), William McLaughlin (S567.309), Steve Croasdale (S516.056), Geoff Volckman (S563.052), Chris & Jan Coll (S558.240) and Chris J Coll Surveying Limited (S566.240)

721. Ms Easton did not support submission points made by Forest and Bird (S560.223 and S560.271), Buller Conservation Group (S552.121) and Frida Inta (S553.121) that sought further restrictions in relation to activities subject to this rule because of the reasons set out above.

722. The s42A Report recommended deleting **ECO-R8.**

723. The s42A Report recommended amending **SUB-R15** as follows:

> ***SUB – R15 – Subdivision of Land to Create Allotments Containing an Area of Significant Indigenous Biodiversity not meeting Rule SUB-R9***
>
> *Activity Status Discretionary*
>
> *Where:*
>
> ~~*1. The area of significant indigenous biodiversity is legally protected in perpetuity by way of a conservation covenant with an authorised agency and is contained within a single allotment;*~~
>
> ~~*2. The subdivision will not result in buildings or accessways being located within any Significant Natural Area identified in Schedule Four; and*~~
>
> ~~*3. Subdivision Standards S2 - S11 are complied with.*~~
>
> ***Activity status where compliance not achieved:*** ~~***Non-complying***~~ ***N/A***
>
> ***Advice Note: When assessing resource consent applications under this rule, the policies in the ECO Chapter should also be referred to.***

ECO – R9/SUB – R27

724. Ms Easton acknowledged the submission point from Te Mana Ora (S190.334 and S190.442) that sought to retain ECO-R9/SUB-R27 as notified. However, she noted her recommendation to delete the rule in response to other submissions and previous recommendations.

725. Ms Easton supported the submission point made by the Director General (S602.082) to delete the duplicate ECO-R9 rule.

726. Ms Easton did not support the relief sought by Forest and Bird (S560.225 and S560.273) given her previous recommendations in relation to SUB-R15.

727. The s42A Report recommended deleting **ECO-R9** and **SUB-R27.**

ECO – R5 and ECO – R7

728. Ms Easton acknowledged the submission points that sought to retain ECO-R5[179] and ECO-R7[180] as notified. However, she noted her recommended amendments in response to other submissions.

729. Ms Easton did not support the relief sought in the submission points[181] that sought that both rules be amended to be more enabling. She noted the submitters had not provided any detail to support the relief sought.

ECO – R5

730. In response to the submission point made by Federated Farmers (S524.068) that sought ECO-R5 be a controlled activity rather than a restricted discretionary activity, Ms Easton did not support the relief sought. She considered that, until a regionwide assessment of the indigenous vegetation had been undertaken in accordance with the NPSIB (or RPS), a restricted discretionary activity rule was necessary to meet the requirements of the higher order documents.

731. Ms Easton supported in part the relief sought by Poutini Ngāi Tahu (S620.149) to have a matter for discretion include Poutini Ngāi Tahu values because this was consistent with her other recommendations.

732. In response to the similar submission points[182] that sought to have a new matter of discretion included in the rule related to the functional or operational need for the activity to locate within the area where indigenous vegetation clearance was proposed, Ms Easton supported the relief sought. This was because the NPSIB specifically provides for activities that have a functional or operation need to be in the location.

733. Ms Easton did not support the submission point made by Westpower (S547.269) that sought for the inclusion of a duplicate rule in the Coastal Environment Chapter for the reasons previously outlined in response to a similar submission point made by Westpower.

734. In response to similar submission points made by Westpower (547.270), Forest and Bird (S560.497) and the Director General (S602.078) that sought amendments or the deletion of clause (1)(i) of the rule, Ms Easton supported the relief sought in part. She noted the submission points acknowledge that in Buller and Westland it can be expected that there would be unidentified areas of SNA that the rule would apply to and the submitters had suggested ways to address the matter. Ms Easton did not recommend deleting the rule, but rather recommended adding a clarification to the rule as follows:

[179] Buller Conservation Group (S552.078), Frida Inta (S553.078), Snodgrass Road submitters (S619.032), Te Mana Ora (S190.330), KiwiRail Holdings Limited (S442.053), Buller District Council (S538.212) and Transpower New Zealand Limited (S299.077)

[180] Director General of Conservation (S602.080), WMS Group (S599.061), TiGa Minerals and Metals Limited (S493.057), Te Mana Ora (S190.332), Birchfield Coal Mines Ltd (S601.043), BRM Developments Limited (S603.032), Birchfield Ross Mining Limited (S604.037), Phoenix Minerals Limited (S606.033), Whyte Gold Limited (S607.031), Transpower New Zealand Limited (S299.078), New Zealand Coal & Carbon Limited (S472.017) and Buller District Council (S538.214), Ngāi Tahi (S620.142)

[181] Peter Langford (S615.053, S615.054), Karamea Lime Company (S614.053, S614.054), Koiterangi Lime Co LTD (S577.044, S577.045), Catherine Smart-Simpson (S564.037 S564.038), William McLaughlin (S567.185, S567.186), Steve Croasdale (S516.042, S516.043), Geoff Volckman (S563.031, S563.032), Chris & Jan Coll (S558.104, S558.105), Chris J Coll Surveying Limited (S566.103, S566.105), Laura Coll McLaughlin (S574.104, S574.105) and Neil Mouat (S535.067, S535.068)

[182] WMS Group (S599.060), TiGa Minerals and Metals Limited (S493.056), Birchfield Coal Mines Ltd (S601.042), Birchfield Ross Mining Limited (S604.036), Whyte Gold Limited (S607.030), Phoenix Minerals Limited (S606.093), Birchfield Ross Mining Limited (S604.115) and BRM Developments Limited (S603.069)

i. A Significant Natural Area identified in Schedule Four ***or in an area that has been assessed in accordance with the Significant Natural Area criteria in the NPSIB that meets the criteria to be a Significant Natural Area***

735. Ms Easton supported the submission point made by Westpower (S547.271) to add "*at the ecological district level*" to clause 1(ii) of the rule.

736. In response to the similar submission points made by Westpower (S547.272) and the Director General (S602.078) that sought to change the wording of the matter of discretion (b), Ms Easton supported the submissions in part. She recommended amendments to the matter and using guidance from the NPSIB and her previous recommendations to refer to "*regionally significant infrastructure*" instead of "*critical infrastructure*".

737. Ms Easton did not support the addition of a new matter of discretion referring to the benefits of the proposed activity as sought by Westpower (S547.273).

738. Ms Easton did not support the relief sought by Forest and Bird (S560.497) that sought specific additions relating to the National Grid, which was consistent with her recommendation on their similar submission point relating to ECO-R1. She noted her view was consistent with that for the previous rule.

739. Ms Easton did not support the relief sought by Forest and Bird (S560.220) that sought to change the title of the rule, which was consistent with her recommendation on their similar submission points relating to ECO-R1 to ECO-R3.

740. Ms Easton did not support the relief sought by Forest and Bird (S560.494) that sought a specific provision for indigenous forestry, which was consistent with her recommendation on their similar submission point relating to ECO-R3.

741. In response to Forest and Bird's (S560.496) request for the performance standards to be amended in relation to cycle and walking tracks, Ms Easton did not support the relief and noted her recommendations to include these matters in the controlled activity rule.

742. In response to similar submission points made by Forest and Bird (S560.498) and the Director General (S602.078) that sought amendment to clause (c) to replace "*protected*" with "*at risk (declining) species*" or "*at risk*", Ms Easton supported the relief sought in part. She recommended amendment using "*threatened or at risk (declining) species*", which was consistent with the NPSIB.

743. Ms Easton did not support the submission point made by Forest and Bird (S560.499) that sought to amend clause (h) to replace the reference to ECO-P6 and ECO-P7 because these policies were specific assessment criteria policies that Ms Easton considered appropriate.

744. In response to the submission point by Forest and Bird (S560.500) that sought amendments to the advice notes, Ms Easton supported the relief sought in part. She supported amendments to Advice Note (1) to improve clarity. However, she did not support deleting Advice Note (4) which was consistent with previous recommendations.

745. Ms Easton did not support the submission point made by Forest and Bird (S560.501) that sought to make amendments to direct the plan user to other rules that apply when compliance was not achieved with ECO-R5, including references to the CE Chapter rules.

746. In response to the submission point made by BDC (S538.254) that sought to include a new matter of discretion relating to natural hazards and geotechnical constraints, Ms Easton supported the relief sought. This was because the clearance of vegetation could have impacts on these matters.

747. In response to the submission point made by BDC (S538.261) that sought a reference to critical infrastructure in the matters of discretion, Ms Easton supported the relief sought. She considered that the recommendations responding to Westpower and the Director General addressed this submission point.

748. The s42A Report recommended amending **ECO-R5** as follows:

> ***ECO - R5***
>
> ***Indigenous vegetation clearance not meeting Permitted or Controlled Activity Standards***
>
> ***Activity Status Restricted Discretionary***
>
> *Where:*
>
> 1. *This is not within:*
>
> i. *A Significant Natural Area identified in Schedule Four* ***or in an area that has been assessed in accordance with the Significant Natural Area criteria in the NPSIB that meets the criteria to be a Significant Natural Area****;*
>
> ii. *An area of land environment of category one or two of the Threatened Environment Classification* ***at the ecological district level****;*
>
> iii. *An Outstanding Natural Landscape identified in Schedule Five;*
>
> iv. *An Outstanding Natural Feature identified in Schedule Six;*
>
> v. *An area of High Coastal Natural Character identified in Schedule Seven; or*
>
> vi. *An area of Outstanding Coastal Natural Character identified in Schedule Eight.*
>
> *Discretion is restricted to:*
>
> a. ~~*Whether there are other regulations impacting the site that have meant the land is unable to be used for economic rural uses*~~*;*
>
> b. ~~*Constraints imposed by*~~ ***Consideration of the*** *functional* ***need*** *or operational need of network utilities,* ***renewable energy generation*** *and* ~~*critical*~~ ***regionally significant*** *infrastructure;*
>
> ***c. The functional or operational need for the activity to locate within the area where indigenous vegetation clearance is proposed to occur***
>
> d. *Effects on habitats of any threatened or* ~~*protected*~~ ***at risk (declining)*** *species;*
>
> e. *Effects on the threat status of land environments in category one or two of the Threatened Environments Classification;*
>
> f. *Effects on ecological functioning and the life supporting capacity of air, water, soil and ecosystems;*

g. Effects on the intrinsic values of ecosystems;

h. Effects on recreational values of public land;

i. Natural hazard management and geotechnical considerations;

*j. **Poutini Ngāi Tahu values** and*

k. The matters outlined in Policies ECO - P6 and ECO - P7.

Advice Note:

~~1. Where indigenous vegetation clearance is proposed within the riparian margin of a waterbody refer to this section of the Plan for the Rules around this clearance.~~

2. Where indigenous vegetation clearance is proposed in or on a site or area of significance to Māori then Rule SASM - R4 will also apply.

3. Where indigenous vegetation clearance is proposed within a wetland this is also be subject to rules within the NES - Freshwater and Regional Land and Water Plan which are administered by the West Coast Regional Council.

*4. This rule also applies to ~~plantation~~ **commercial** forestry activities, where this provision is more stringent than the NES – ~~P~~**C**F and the indigenous vegetation clearance is within the coastal environment.*

ECO – R7

749. In response to the submission point made by Forest and Bird (S560.222) that sought amendment to require an assessment to demonstrate that the clearance and disturbance was not within an SNA, and in the case that it was, that the activity status should be non-complying, Ms Easton did not support the relief sought. She has referred to the NPSIB provisions and concluded that only vegetation clearance within an SNA that was not provided for in the exceptions listed in clause 3.11 and would result in adverse effects outlined in clause 3.10(2) should be a non-complying activity.

750. In response to the submission point made by Forest and Bird (S560.502) that sought an amendment to the activity status when compliance was not achieved, Ms Easton supported the relief sought where this aligned with her other recommendations.

751. In response to the submission point made by Forest and Bird (S560.504) that sought a new ECO discretionary rule, Ms Easton did not support the relief sought, as a consequence of not accepting previous submission points also made by Forest and Bird.

752. In response to the submission point made by Forest and Bird (S560.224) that sought to add a new ECO non-complying rule and a new advice note, Ms Easton supported the relief in terms of the non-complying activity status where it aligned with her other recommendations. This was because Ms Easton considered it was appropriate to address clause 3.10(2) of the NPSIB. She did not support the addition of the new advice note.

753. In response to the submission points made by Westpower (S547.274) and Bathurst (S491.020) that sought amendments to Advice Note (1), Ms Easton supported the relief sought because the changes were either grammatical or improved clarity for Plan users.

754. The s42A Report recommended amending **ECO-R7** as follows:

> ***ECO - R7***
>
> ***Indigenous vegetation clearance not meeting ECO - R5***
>
> ***Activity Status Discretionary***
>
> ***Where:***
>
> ***1. An ecological assessment undertaken by a suitably qualified ecologist identifies that the clearance will not result in any of the following:***
>
> ***a. Loss of ecosystem representation and extent***
>
> ***b. Disruption to sequences, mosaics or ecosystem function***
>
> ***c. Fragmentation of Significant Natural Areas or the loss of buffers or connections with a Significant Natural Area***
>
> ***d. A reduction in the function of the Significant Natural Area as a buffer or connection to important habitats or ecosystems***
>
> ***e. A reduction in the population size or occupancy of any threatened or at risk (declining) species that use the Significant Natural Area.***
>
> ***OR***
>
> ***2. This is for mineral extraction (other than coal) that provides significant national public benefit that could not otherwise be achieved using resources within New Zealand ; or***
>
> ***3. This is for the operation or expansion of any coal mine that was lawfully established before 4 August 2023; except that, after 31 December 2030, this exception applies only to such coal mines that extract coking coal; or***
>
> ***4. This is for a single residential dwelling on an allotment created before 4 August 2023; or***
>
> ***5. This is for a commercial forestry activity and is required for the commercial forestry activity to continue.***
>
> ***Advice Note:***
>
> *1. Where assessing resource consents for indigenous vegetation clearance under this rule, assessment against the **objectives and** policies of ~~both~~ the Ecosystems and Biodiversity Chapter and Natural Features and Landscapes Chapters and the **MINZ and BCZ Zone objectives and policies** will be required **where relevant.***
>
> *2. This rule also applies to ~~plantation~~ **commercial** forestry activities, where this provision is more stringent than the NES - ~~P~~**C**F.*

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

755. The s42A Report recommended adding new Rule **ECO-R8A** to the Plan as follows:

ECO – R8A

Indigenous vegetation clearance not meeting ECO – R7

Activity Status Non – complying.

Activity status where compliance not achieved: N/A

756. Ms Easton made minor amendments to the recommended wording of this rule in her supplementary statement to reflect the RMA Amendment Act relating to coal mining. The recommended wording related to clause (2) as follows:

> ***2. This is for mineral extraction ~~(other than coal)~~ that provides significant national public benefit that could not otherwise be achieved using resources within New Zealand ; or***

ECO – R10 and ECO – R11

757. Ms Easton acknowledged the large majority of submission points that sought to retain ECO-R10 and ECO-R11 as notified.

758. In response to the submission points from Forest and Bird (S560.226 and S560.227) that sought to make these rules prohibited activities, Ms Easton did not support the relief sought. This was because she was aware of research involving biological techniques to manage pest species and a prohibited activity status could have unforeseen consequences.

759. The s42A Report recommended no amendments to either ECO-R10 or ECO-R11.

Hearing and Submitter Evidence/Statements

Rules (General) and Permitted activity rules

760. Mr Brass, for the Director General, acknowledged the s42A Report recommendation to include a new rule (ECO-R1B) and accepted that there could be circumstances where an activity could appropriately be permitted in an SNA. He confirmed he was generally comfortable with the new rule. However, he did consider clause (5) was too broad and suggested a minor amendment as follows:

> ***5. Necessary to ~~To~** enable removal of unwanted organisms declared under the Biosecurity Act 2015.*

761. Ms Snoyink, on behalf of Forest and Bird, reiterated the submission point that, as a comprehensive survey had not yet been undertaken to map the SNA, it was necessary to require a resource consent for indigenous vegetation clearance (other than for specific purposes and within limits). She also considered that a rule related to general vegetation clearance outside of SNA that would apply after the SNA assessment and mapping was complete could be included in the plan now. She considered there should be limited clearance for specific purposes and with appropriate limits, but not within the coastal environment.

762. Ms Snoyink supported new Rule ECO-R1B, as set out in the s42A Report. She agreed that there were circumstances where some vegetation clearance could be permitted within an SNA. However, she expressed uncertainty for how the rule might apply to '*assessed areas'* that were not identified in the Plan. Nevertheless, she generally accepted clauses (2), (3), (4) and (5) of the rule, although noted some uncertainty about how clause (2) was intended to work. She also supported the amendment to clause (5) as proposed by the Director General.

763. With regard to clause (1), Ms Snoyink had concerns related to what might constitute "*established activities*". She acknowledged that the NPSIB provided direction for local authorities with respect to established activities but noted this was for "*specified established activities*" only. She did not consider that the necessary requirements of the Council were met as clause (1) of ECO-R1B was currently drafted. She suggested the following amendment:

> 1. *For the maintenance, operation and repair of **lawfully** established ~~activities~~ **buildings** and structures including tracks, fences, drains, ~~structures~~, infrastructure and renewable electricity generation activities where:*
>
> ~~*a. This is at the same or similar scale, character and intensity as at 14 July 2022; and*~~
>
> *b. The clearance is within 3m of the **lawfully** established ~~activity~~ **building or structure** and **clearance** is limited to a maximum area of 50m² ~~per individual SNA~~;*

764. Mr Kennedy, for Westpower, acknowledged the reason for the inclusion of new rule ECO-R1B was to provide for the maintenance, operation and repair of infrastructure and renewable electricity generation. However, he considered it was problematic in terms of existing electricity infrastructure because of the electricity operator's obligations to comply with electrical safety distances around lines. He also identified differences in the wording of clause (1) and the NPSIB in terms of providing for the "*repair*" rather than "*upgrade*" of an established activity. He also identified differences in the wording of clause 1(b), noting that the NPSIB made provision for retaining any existing rights under sections 10 or 20A of the RMA. He accepted the rationale for the rule but considered that it required fine-tuning.

765. Ms Linscott, for Federated Farmers, commented on the recommended addition of new rule ECO-R1B. She noted an SNA on a farmer's property could impinge on their day to day operations and could result in costly and cumbersome requirements to ensure compliance. She suggested there was an opportunity on the West Coast to strike a balance between protecting ecosystems and landowner property rights. She supported a permitted activity for the maintenance, operation and repair of established farming activities within SNA. However, she opposed the spatial limits recommended in the rule and considered there was no evidence for the limits, which appeared arbitrary. She considered 50m² was unworkable given that there was likely to be large areas of SNA on privately owned rural land. She noted that greater areas may need to be cleared in (for example) emergency situations, such as restoring access after a storm event. Ms Linscott suggested amended wording for clause (1) as follows:

> 1. *For the maintenance, operation and repair of established activities including but not limited to: tracks, fences, drains, structures, infrastructure and renewable electricity generation activities ~~where the removal is within 3m of the established activity and is limited to a maximum area of 50m² per individual SNA~~ **and the removal is limited to the smallest extent practicable to undertake that activity**.*

766. Ms Linscott did not support the requirement in clause (2) that a Council approved contractor must certify that it was necessary to remove vegetation when it endangered human life or buildings. She considered this would add delays and cost that was unacceptable in the circumstances. She suggested amended wording for clause (2) as follows:

> 2. *Necessary to remove vegetation that endangers human life or existing buildings or structures.* ~~*where this is certified by a Council Approved Arboricultural Contractor*~~

767. Ms Hills considered that, prior to the identification of SNA, the rules relating to vegetation clearance should apply to all vegetation and any clearance should be only for a specific purpose and within limits. She also commented on new rule ECO-R1B. She was unsure about the application of the 50m² limit and whether this was in relation to an annual area or per activity and considered the rule should apply to all SNA. She supported Forest and Bird's position in regard to this rule.

768. Ms Whitney, for Transpower, commented on the recommended addition of new ECO-R1B. She noted concerns with the rule and the potential for it to capture vegetation clearance related to the National Grid. To address this, she suggested amendments to the rule to recognise the National Grid, as well as the addition of a new controlled activity rule relating to the upgrade, maintenance, operation and repair of the National Grid within an SNA as follows:

> ***ECO - R1C Indigenous Vegetation Disturbance and Clearance within an identified Significant Natural Area associated with the maintenance, operation, repair or upgrade of the National Grid, where not regulated by the Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009***
>
> ***Activity Status Controlled***
>
> ***Where this is:***
>
> ***1. Associated with the maintenance, operation, repair or upgrade of the National Grid***
>
> ***Matters of control are:***
>
> ***a. The measures to avoid, remedy or mitigate any adverse effects on the significant indigenous biodiversity.***
>
> ***b. The operational needs and technical requirements of the National Grid***
>
> ***Activity Status where compliance not achieved: N/A***

ECO-R1

769. Mr Brass supported, in principle, the s42A Report recommendation to separate this rule based on where SNA had already been identified. However, he noted concerns regarding the specific content of the rules as follows:

(a) In scenarios where an SNA assessment had been undertaken and the site was outside of any SNA, Mr Brass considered that this would allow for a site-specific assessment to be a permitted activity. He noted this relied on a third party to determine a permitted activity status, without Council having the ability to test the assessment. He considered this failed to meet the Council's obligations under RMA s6(c), the NPSIB and the RPS.

(b) The addition of "*and*" and "*or*" between clauses created conflict and confusion about the interpretation of the rule and depending on the interpretation, the area of vegetation clearance could be unrestricted. This was not supported by Mr Brass and he supported a maximum clearance of 5,000m² per site in any three year period for any area outside of an SNA.

(c) There could be additional areas in the Grey District containing significant indigenous vegetation or significant habitats of indigenous fauna. Therefore, Mr Brass considered that all three districts should be treated the same.

(d) The reference to ECO-RXXX (relating to riparian margins) was uncertain and the content of this rule was not included in the recommendations. He presumed this came from recommendations in the Natural Character and Margins of Waterbodies s42A Report.

770. Mr Brass suggested that ECO-R1A be deleted and Rule ECO-R1 be revised (a clean version) as follows:

> ***ECO - R1 - Indigenous vegetation clearance and disturbance outside of the coastal environment***
>
> ***Activity Status Permitted***
>
> ***Where:***
>
> ***2. It is outside of:***
>
> ***i. any identified Significant Natural Area including those in Schedule Four; and***
>
> ***ii. any Outstanding Natural Landscape identified in Schedule 5;***
>
> ***and it meets one of the following criteria;***
>
> ***3. Within the Riparian Margin of a River, Lake or Coastal Wetland the clearance is permitted by Rule ECO - RXXX; or***
>
> ***4. Until a District-wide SNA assessment in accordance with Policy ECO-P1 has been undertaken for the District where the site is located and Schedule Four has been updated to include the identified SNA, it is a maximum area of 2000m² over any continuous 3 year period; or***
>
> ***5. After a District-wide SNA assessment in accordance with Policy ECO-P1 has been undertaken for the District where the site is located and Schedule Four has been updated to include the identified SNA, it is a maximum area of 5000m² over any continuous 3 year period; or***
>
> ***6. It on a site where no District-wide SNA assessment in accordance with Policy ECO-P1 has been undertaken and Schedule Four updated to include the identified SNA, or is within an Outstanding Natural Landscape, and is a maximum area of 5000m² per site over any continuous 3-year period; and it is necessary for one of the following purposes:…"***

771. Ms Snoyink reiterated Forest and Bird's submission point that until a comprehensive assessment to map significant natural areas as been completed, any permitted activity for indigenous vegetation clearance must be relatively stringent. She considered that a consenting requirement should apply, until the plan was updated to include mapped SNA,

to ensure that an appropriate assessment against the SNA criteria was undertaken. In reference to recommended new ECO-R1A, she supported Mr Brass' evidence and considered the rule should be deleted. She considered that until a full assessment was completed to identify SNA across all three districts, any clearance of vegetation should be treated as if it were within an SNA.

772. Mr Kennedy supported the s42A Report recommendation to separate ECO-R1 based on where SNA were already identified. However, he had concerns regarding the specific content of the rules as follows:

(a) Use of the word '*sites*'. He suggested amendments to clarify that it was "*identification in the plan*" that guides the components of the rule.

(b) A limit of 5,000m² of vegetation clearance limit was problematic for linear infrastructure and the NPSIB has no limit for specified established activities. He suggested that in reference to "*established activities*" that there should be no limit for vegetation removal.

(c) The rule made provision for the "*repair*" of "*established activities*" but also needed to include "*upgrade*" of established activities (at clause 4(ii) of the rule) to give effect to the NPSIB.

(d) The submission point that sought to provide for a 10m construction corridor width was not discussed in the s42A Report and was necessary to ensure the rule was achievable and provided for electrical safety distances.

(e) Similar amendments should also apply to clauses 3(ii) and 3(viii) of new Rule ECO-R1A, including as it relates to ONL, especially as they relate to established activities.

773. Ms Inta on behalf of herself and the Buller Conservation Group commented on the recommended changes to each clause in ECO-R1 as follows:

(a) Ms Inta considered clause (1) of the rule would enable "carte blanche" removal of vegetation not identified as SNA. She also considers that a reference to the RPS should be included in the rule and that the use of the word "*site*" should be reconsidered.

(b) Ms Inta did not support the word "*and*" at the end of clause (1) or the word "*or*" at the end of clause (2). She considered these words confused the rule and that clause (2) should stand alone.

(c) Ms Inta supported the addition of clause (3).

(d) Ms Inta suggests amendments to clarify the wording of clause (4) and did not support the 5,000m² maximum area for vegetation clearance. She suggested amendments:

> *4. It **is** on a site where no SNA assessment has been undertaken, ~~or is~~ **including** within an Outstanding Natural Landscape …*

(e) Ms Inta noted that the removal of windthrown timber for anything other than firewood would require an MPI sustainable harvest permit (clause 4(i)).

(f) Ms Inta considered it was unnecessary to construct fence lines (especially requiring up to 5,000m² of clearance) within indigenous vegetation as provided in clause 4(vi) and considered this would only be necessary on the forest boundary.

(g) Ms Inta suggested that the 3m width provided in clause 4(vii) was excessive and that it should be reduced to 1.5m. She also recommended additional wording to protect mature trees, as follows:

> *vii. To upgrade or create new public walking or cycling tracks up to ~~3m~~ **1.5m** in width undertaken by the Council or its approved contractor **provided mature trees (greater than 30cm diameter) are avoided**;*

(h) Ms Inta suggested that the age of the vegetation referred to in clause (4)(xiii) should be reduced to 10 years, as by 15 years moss ecosystems may have begun establishing.

774. Despite the suggested amendments Ms Inta made regarding clause (4) of the rule, she ultimately did not think the clause was necessary because she considered clause (3) was sufficient. She considered the removal of 5,000m² every three years would continue to allow the degradation of the ecosystems. Additionally, she considered ECO-R1A and ECO-R1B both breached policies in the RPS and the NPSIB by providing for up to 5,000m² of vegetation clearance. She noted the reference to ECO-RXXX in ECO-R1 was confusing and was unsure exactly what it referred to.

775. Ms Linscott, for Federated Farmers, commented on the recommended amendments to ECO-R1 as follows:

(a) Clause 4(ii) should include "*drains and waterlines*" as established activities.

(b) "*Council Approved Arboricultural Contractor*" should be deleted from clause 4(iv).

(c) While clause 4(xiii) supported the ability to remove indigenous vegetation for the purposed of maintenance of improved pasture, the restriction of 5,000m² per site over 3 years should be deleted, along with the reference to the vegetation only being manuka, kanuka and bracken. She suggested that clause 4(xiii) be deleted and renumbered to clause (5) and amended as follows:

> *5. **It is on a site where no SNA assessment has been undertaken or is within an Outstanding Natural Landscape and it ~~It~~** is for the purpose of maintenance of improved pasture for farming and involves the removal or clearance of ~~manuka, kānuka and bracken only~~ **indigenous vegetation** that is not part of any wetland and which is under 15 years old.*

(d) As a consequence of the above request, Advice Note (1) should be deleted.

(e) That the same amendments as set out above also be made to ECO-R1A.

776. Ms Sannazzaro, for Federated Farmers, also considered ECO-R1/ECO-R1A and largely reiterated the submission points and the points made by Ms Linscott. She made the following additional comments:

(a) A reference to "*animals*" should be added to clause 4(iv).

(b) As an alternative to clause 4(xiii), she suggested a separate clause would work better, as follows:

5. ***It is on a site where no SNA assessment has been undertaken or is within an Outstanding Natural Landscape and it*** ~~***It***~~ *is for the purpose of maintenance of improved pasture for farming****, and***

v. ***It is part of a regular cycle of periodic maintenance and any adverse effects are no greater in intensity, scale, or character than previously;***

vi. and ~~*involves*~~ *the removal or clearance of* ~~*manuka, kānuka and bracken only*~~ ***indigenous vegetation*** ~~*that*~~ *is not part of any wetland and* ~~*which*~~ *is under 15 years old.*

(c) Advice Note (1) should be deleted.

777. Ms Pull, for Poutini Ngāi Tahu, considered the definition for "*Poutini Ngāi Tahu land*" recommended in the s42A Report would narrow the application of what Ms Pull understood this to mean. She considered the rules should apply to land owned or managed by Poutini Ngāi Tahu, and proposed alternative wording for ECO-R1 clause (4)(xi) and ECO-R1A clause (3)(x) as follows:

ECO-R1

ii. It is for Poutini Ngāi Tahu Activities on MPZ - Māori Purpose Zoned or ***land managed or owned by*** *Poutini Ngāi Tahu* ~~*land*~~ *and undertaken in accordance with an Iwi/Papatipu Rūnanga Management Plan; or*

ECO-R1A

x. It is for Poutini Ngāi Tahu Activities on MPZ - Māori Purpose Zoned or ***land managed or owned by*** *Poutini Ngāi Tahu* ~~*land*~~ *and undertaken in accordance with an Iwi/Papatipu Rūnanga Management Plan; or*

778. Te Tumu Paeroa and Poutini Ngāi Tahu reached an agreed position on ECO-R1 to resolve the submission point S440.027, in their joint statement dated 14 August 2024, which incorporated an additional clause to say "*it is on Māori Land and clearance is limited to manuka, kanuka and bracken*", and an additional advice note stating "*some indigenous vegetation may impact Taonga Species identified in the Ngāi Tahu Claims Settlement Act*".

779. Ms Styles, for Manawa, reiterated that the submission points that sought to ensure the rule was clear and made appropriate provision for renewable electricity generation. She considered rules ECO-R1, ECO-R1A, ECO-R1B, ECO-R2 and ECO-R7 as a group and was of the view the recommended amendments made them very complex. She did not support the permitted limit of 2,000m² for indigenous vegetation clearance outside of SNA and considered this was too restrictive for renewable electricity generation activities, and that it did not adequately enable renewable electricity generation activities as a matter of national importance. She also considers that it was appropriate for the rules to allow for the upgrade and construction of renewable electricity generation activities, in the same way as it did for other activities. Overall, Ms Styles sought a less complex rule and a separate clause allowing for greater indigenous vegetation clearance for renewable electricity generation activities.

780. Ms Hunter, for Bathurst, reiterated that it would be appropriate to maintain a permitted activity status for the clearance of indigenous vegetation in the BCZ and MINZ, particularly where such clearance may already be authorised by an existing approval suite such as a Coal Mining Licence. She noted the redrafted rule had no clear provision for clearing or disturbing indigenous vegetation where it may be associated with an existing mineral extraction operation. She suggested that this could be resolved by retaining a reference to "*lawfully established activities*" and that the associated definition be as proposed in her evidence presented in the Mineral Extraction hearing. Notwithstanding this, she considered a more effective approach to address the submission point would be to have a standalone rule in either the ECO or BCZ Chapters, as follows:

> ***Indigenous vegetation clearance and disturbance in the BCZ.***
>
> ***Activity Status Permitted***
>
> ***Where:***
>
> 1. ***It is associated with either a permitted or controlled activity in accordance with Rule BCZ -X and X.***
>
> ***Indigenous vegetation clearance and disturbance in the BCZ.***
>
> ***Activity Status Restricted Discretionary***
>
> ***Where:***
>
> 1. ***It is associated with a restricted discretionary activity in accordance with Rule BCZ – X; and***
> 2. ***The effects management hierarchy is applied.***

781. Mr Horne, for the Telecommunications Companies, acknowledged the amendments to ECO-R1 and generally supported these in regard to indigenous vegetation clearance for network utilities as they applied to telecommunication networks. He suggested it would be appropriate to provide a rule allowing for up to 20m² of vegetation clearance for network utilities per site over a rolling three-year period.

782. Ms Hills considered ECO-R1 was difficult to understand and interpret. She was concerned that the confusion would risk misinterpretation and put indigenous biodiversity at risk. She considered the clearance of 2,000m² of indigenous vegetation should not be a permitted activity. She questioned the meaning of "*site*", vegetation status, the justification for allowing clearance of manuka and kanuka that was less than 15 years old, and the need to clear vegetation to construct a fence. She noted her comments also apply to ECO-R1A.

783. Ms Whitney, for Transpower, considered the recommended rule framework was difficult to navigate and interpret. She attributes this to the following:

(a) Provision of a default activity status but with no specific default rule reference;

(b) No rule ECO-RXXX despite it being referenced;

(c) The duplication and the contradictory nature of the provisions for the operation or repair of the National Grid; and

(d) The mix of terminology within the ECO Chapter (e.g. "*areas of significant indigenous vegetation and significant habitats of indigenous fauna*", "*Significant Natural Areas*", "*Area of Significant Indigenous Biodiversity*").

784. Ms Whitney noted clause (4)(ix) was the primary part of the rule that was relevant for the National Grid but considered the 3m wide construction corridor was unlikely to be sufficient. She also commented that it was unclear what rule would apply if compliance with clause (4) could not be met, and confusion related to the 5,000m² clearance limit. She considered clause (4)(ii) would be a better clause for enabling vegetation clearance associated with existing National Grid assets. She suggested the following amendments to the rule:

ECO - R1

…

3. It is on a site where no SNA assessment has been undertaken and is a maximum area of 2000m² over any continuous 3 year period ***or is associated with the operation, maintenance, repair or upgrade of the National Grid; or***

4. It ***is*** *on a site where no SNA assessment has been undertaken, or is within an Outstanding Natural Landscape and is a maximum area of 5000m² per site over any continuous 3- year period; and it is necessary for one of the following purposes:*

…

ii. The maintenance, operation and repair of established activities: including but not limited to roads, the rail corridor, accessways, tracks, fences, structures, buildings, regionally significant infrastructure, network utilities, renewable electricity generation activities, shelterbelts and woodlots or natural hazard mitigation structures ***and the operation, maintenance, repair and upgrade of the National Grid****;*

…

*ix. For construction, or operation, repair or upgrade of an above ground or below ground network utility****,*** *or* ***for*** *the* ***development of the*** *national grid where:*

785. Ms Whitney also considered the addition of ECO-R1A and while she acknowledged the similarities with ECO-R1, she noted subtle differences as follows:

(a) There was no general clause to enable up to 2,000m² of vegetation clearance;

(b) Clause (3) was confined only to within ONL;

(c) Clauses (1) and (2) were followed by "*and*" which was different from ECO-R1 where "*or*" was used.

786. Ms Whitney's concerns with ECO-R1A were similar to those set out in relation to ECO-R1, and she suggested amendments as follows:

ECO - R1A

…

X. It is a maximum area of 2,000m² over any continuous 3 year period, or is associated with the operation, maintenance, repair, upgrade or development of the National Grid; or

3. ***It is on a site where no SNA assessment has been undertaken, or is*** *Within an Outstanding Natural Landscape* ***and*** *it is a maximum area of 5000m² per site over any continuous 3-year period and is necessary for one of the following purposes:*

…

ii. The maintenance, operation and repair of lawfully established activities: including but not limited to: roads, the rail corridor, accessways, tracks, fences, structures, buildings, regionally significant infrastructure, network utilities, renewable electricity generation activities, shelterbelts, woodlots, and natural hazard mitigation structures ***and the operation, maintenance, repair and upgrade of the National Grid****; or*

…

1. *For construction, operation, repair or upgrade of an above ground or below ground network utility**,** or **for** the **development of the** national grid where:*
   a. *The construction corridor did not exceed 3m in width; and*
   b. *All machinery used in construction is cleaned and made free of weed material and seeds prior to entering the site; and*
   c. *Rehabilitation of disturbed areas is undertaken following the completion of construction; or*

…

787. Ms Lynne Lever spoke at the hearing on behalf of herself and Mr Greg Tinney in relation to ECO-R1 and ECO-R2. She sought clarification of the limit for indigenous vegetation clearance within and outside the coastal environment, particularly in relation to small land parcels and those landowners letting gorse regenerate into bush. She considered the 500m^2 in the coastal environment would force people into getting a resource consent for activities such as relocating water tanks and letting light in for sphagnum moss growth. She considered the 5,000m^2 for listed activities only was concerning, as was the requirement to use a Council Approved Arboricultural Contractor. She considered they should be able to take the odd Rimu tree to restore their cottage by getting a permit under the Forest Act and not the RMA as well.

788. The statement from WCRC acknowledged and supported the addition of "*environmental monitoring facilities*" to the rule. It noted 20m² of permitted vegetation clearance in riparian margins was appropriate and provided for minimal vegetation trimming around hydrology monitoring equipment. However, it noted that combining "*environmental monitoring facilities*" in the same clause as "*temporary electricity generation activities*" had created uncertainty. To address this, it suggested adding a comma after the reference to "*state of emergency declaration*" or moving "*environmental monitoring facilities*" to the start of clause (iii).

789. The statement from WCRC acknowledged and supported the addition of ECO-R1B subject to two amendments as follows:

(a) The reference to necessary vegetation removal that "*endangers*" human life or existing buildings was not considered to be appropriate in relation to structures and should be amended to "*interferes with the functioning of*" or similar.

(b) The requirement to have vegetation trimming certified by a Council Approved Agricultural Contractor was considered to be unnecessarily onerous.

ECO-R2

790. Mr Brass acknowledges the recommended amendments to this rule were not exactly as sought in the submission. However, he was satisfied that the recommended redrafting largely aligned with the recommended permitted activities outside the coastal environment where an SNA assessment had not been carried out. He confirmed he was therefore comfortable with the recommendation.

791. Ms Snoyink acknowledged the recommended amendments were an improvement but retained concerns regarding the specific content of the rule as follows:

(a) The references to "*established activities*" in the same line as set out for ECO-R1B.

(b) A width should be specified with regard to clauses (5)(i), (iv) and (v).

(c) Clause (5)(iv) should be clarified to restrict fencing to where indigenous vegetation would be protected and restored.

(d) Clause (5)(ix) should not apply to subdivision approved after the plan becomes operative.

(e) Clause (5)(x) could result in the clearance of significant indigenous biodiversity given SNA have not been comprehensively identified.

(f) The use of the term "*improved pasture*" should not be used until SNA are identified. She suggested the following wording for clause (5)(viii):

> *It is for the purpose of* ***maintaining lawfully established*** ~~*maintenance of improved*~~ *pasture* ~~*for farming and involves*~~ ***and is limited to*** *the removal or clearance of manuka, kānuka and bracken only that is:*
>
> *a.* ***less than 15 years old*** ~~*not part of any wetland*~~ *and*
>
> *b. which is* ***not part of any wetland*** ~~*under 15 years old*~~

792. Mr Kennedy for Westpower, maintained his view that ECO-R2 should be relocated to the Coastal Environment Chapter but acknowledged Council staff preferred the current format. With regard to the recommended amendments to the rule, he noted many of his concerns were the same as those relating to ECO-R1, as follows:

(a) The 500m² vegetation clearance limit was problematic for linear infrastructure and should be increased for infrastructure, with reference to a "work site", and no limit for vegetation removal for "*established activities*".

(b) Threatened Environment Classification areas referred to in clauses (3) and (4) should be mapped to assist plan users.

(c) Provision for the "*repair*" of "*established activities*" and the "*upgrade*" of established activities (at clause (5)(i) of the rule) to give effect to the NPSIB.

(d) Clause (5)(v) relates to new activities and limit for vegetation clearance would apply.

(e) Clause (5)(x) achieves the opposite of the intended outcome and it appears to limit the clearance of vegetation on urban sites rather than it being unrestricted; and should be addressed by removing the coastal environment mapping from urban areas to avoid confusion.

793. Ms Inta considered the 3m width for creating or upgrading a cycle or walking track was overly generous and risked the coastal ecosystems. She reiterated her concerns regarding providing for vegetation clearance for fence lines and the age for permitting manuka, kanuka and bracken clearance. She also noted the Forest and Bird submission did not request for Advice Note 1 to be deleted, rather it requested more explanation.

794. Ms Linscott and Ms Sannazzaro reiterated the same concerns for ECO-R2 as discussed in relation to ECO-R1. They opposed clause (2) restricting vegetation clearance to 500m² over three years because it was unworkable for farmers and would lead to an influx of resource consent applications that Councils were ill equipped to deal with, or non-compliance with the rule.

795. Ms Styles considered the permitted activity rules as a whole, as summarised above.

796. Mr Horne acknowledged the amendments and noted these had removed the provision for the installation of new infrastructure as a permitted activity in the coastal environment. He considered there should be a permitted pathway for the provision of network utility infrastructure in the coastal environment and noted there was a permitted pathway to clear vegetation for new dwellings where there was not one already on a site. He considered clearance of vegetation within a road reserve should be permitted and suggested the amendment to ECO-R2 as follows:

> ***ECO – R2***
>
> *…*
> *5. The indigenous vegetation clearance is for the following purposes:*
> *…*
> *v. For the operation, maintenance, repair* ~~***or,***~~ *upgrade* ***or construction*** *of network utility infrastructure, renewable energy generation or the national grid; or*
> *…*
> *xi.* ***The clearance is undertaken in a formed road reserve***

797. Ms Hills noted similar concerns to her concerns with ECO-R1, that ECO-R2 was difficult to understand and interpret. She also questioned the need for a separate rule for Grey District.

798. Ms Whitney noted the rule only applied to the coastal environment and there was only a small area of Transpower assets in this area which were regulated by NESETA. She therefore accepted the recommended wording for ECO-R2.

799. The KiwiRail letter reiterated the submission point that was necessary to provide for vegetation clearance when it was related to activities related to critical infrastructure. It acknowledged the recommended amendments and raised concerns that the original intent of the rule has changed as follows:

(a) Installation and upgrading were no longer provided for as a permitted activity;

(b) The maintenance, operation and repair of established activities was limited to where this was the same or similar scale, character and intensity as at 14 July 2022;

(c) The rule included a permitted pathway for network utility provision where it was for operation, maintenance, repair or upgrade without the same or similar scale, character and intensity caveat, but did not include installation; and

(d) A new area of protection had been added to the rule (Threatened Environment Classification) and it was uncertain where these areas were.

800. KiwiRail requested amendments to the rule as follows:

(a) "*Installation*" and "*upgrading*" be reinstated to the rule at clause (5)(i) to be consistent with clause (5)(v);

(b) Delete the three year period;

(c) Delete clause (4) (Threatened Environment Classification) or map the areas; and

(d) Clarify clause (5)(ii) did not preclude the application of RMA s330 (Emergency works).

801. Mr Tuck's letter on behalf of Silver Fern Farms confirmed he accepted the s42A Report recommendation regarding the permitted activities under rule ECO-R2(5)(i) and (x).

802. The statement from WCRC acknowledged and supported the addition of "*environmental monitoring facilities*" to the rule, but considered that the requirement to have any clearance certified by a Council Approved Arboricultural Contractor was unnecessarily onerous.

ECO-R3

803. Ms Snoyink noted Forest and Bird retained the position set out in the submission, which was to delete the rule.

804. Ms Pull supported the inclusion of a matter of control related to ensuring that Poutini Ngāi Tahu values are considered when making decisions on relevant resource consents. She considered the matter of control should be consistent with ECO-P7 and use the same terminology as follows:

> ***The extent to which the proposed activity recognises and provides for Poutini Ngāi Tahu cultural and spiritual values, rights and interests (including impact on mahinga kai).***

ECO-R4/SUB-R7

805. Ms Linscott and Ms Sannazzaro, for Federated Farmers, did not support the addition of the words "*where legal protection is proposed*" to the title of the rule and were not satisfied with the explanation in the s42A Report. They were unclear what planning provision enabled "*proposed*" legal protection. They also opposed the addition of clause (2) on the basis that the NPSIB placed the responsibility for identifying SNA with district councils and not consent applicants. They noted the s42A Report referred to the public benefit of indigenous vegetation and that clause (2) privatised the cost of the public benefit to private landowners.

806. Ms Inta considered SUB-R7 should include an advice note referencing the ECO Chapter. She also considered that clause (i) should refer to all indigenous biodiversity, not only that which was significant, and that the effects management hierarchy should apply.

807. Mr Kennedy, for Westpower, maintained his view that there should be a matter of control that related to the provision of easements. He did not consider it sufficient to refer to the subdivision standards, including SUB-S10. He suggested adding a new matter of control as follows:

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

808. Ms Pull accepted the amendment to refer to Poutini Ngāi Tahu values.

ECO-R6/SUB-R9

809. Ms Linscott and Ms Sannazzaro noted that their comments made in relation to ECO-R4/SUB-R7 also applied to this rule.

810. Ms Inta accepted the s42A Report recommendation to add additional matters of discretion requested. She also referred to a submission point made in relation to SUB-R9 which related to a buffer distance for development (i.e. building, roads and access) from an SNA. She noted that in the Subdivision Chapter hearing the recommendation was to transfer the submission point to this hearing stream, but that this had not been addressed.

811. Mr Kennedy, for Westpower, noted his comments made in relation to ECO-R4/SUB-R7 also applied to this rule and he maintained his view that there should be a matter of discretion that related to the provision of easements.

812. Ms Pull accepted the amendment to refer to Poutini Ngāi Tahu values.

ECO-R8/SUB-R15

813. Ms Snoyink recorded Forest and Bird was generally supportive of deleting the duplicated subdivision rules from the ECO Chapter. However, she suggested that the recommended advice note for this rule should also be added to all the relevant subdivision rules. She did not support the removal of the clauses from SUB-R15, or the removal of the non-complying default where compliance was not achieved, for the reasons as set out in the submission.

814. Ms Inta considered that an advice note should refer to clause 3.10 and 3.11 of the NPSIB. She also reiterated the matter of a buffer zone and considered an explanation of the term "N/A" was needed.

ECO-R9/SUB-R27

815. Ms Snoyink recorded Forest and Bird was concerned about the recommendation to delete this rule, and the subsequent reliance on SUB-R15 as the "catch-all" rule for any other subdivision. She explained that this was because SUB-R15 was specific to creating lots to contain an SNA, while SUB-R27 was broader and captured any subdivision within an SNA. Therefore, it is Ms Snoyink's opinion that SUB-R27 should be retained to capture subdivision within SNA where the subdivision is not to "create allotments containing an SNA". She also remained concerned that the use of the term "*area of significant indigenous biodiversity*" created inconsistency and uncertainty with other terms used in the ECO Chapter. Ms Snoyink maintained her view that any subdivision within an SNA where it was not intended to protect the SNA within an allotment should have a non-complying activity status.

ECO-R5/ECO-R7/ECO-R8A

816. Ms Snoyink noted Forest and Bird was generally supportive of the recommendations but continued to have some minor concerns as follows:

(a) That the rule could be applied to an area that has not been assessed;

(b) It was unclear what benefit the addition of "*at ecological level*" brings to clause (2) of ECO-R5;

(c) She questioned whether the matters of discretion were adequate to consider the policies from the RPS and the NPSIB; and

(d) ECO-R7 as recommended could be read as the requirements for granting consent, which was not appropriate.

817. Mr Brass, for the Director General, acknowledged the recommended amendments were not exactly as those sought, but noted he was generally supportive of the recommended structure of the redrafted rules. However, he made comment as follows:

(a) He agreed and was supportive of the recommendations to ECO-R5 that require an assessment in accordance with SNA criteria for sites outside of already identified SNA.

(b) He noted some uncertainty as to why some exceptions from the NPSIB 3.11 were reflected in the rule structure and others are not.

(c) He had some concern that a non-complying consenting pathway was provided for activities that the NPSIB seek to avoid.

(d) He considered there was a policy gap for the assessment of non-complying activities, and without this, he considered that ECO-R8A should be split to create a prohibited activity status for any activity that would breach NPSIB 3.10(2).

818. Mr Kennedy, for Westpower, generally supported the recommendation relating to ECO-R5. However, he maintained his view that ECO-R5 should be relocated to the Coastal Environment Chapter and that a new matter of discretion should be included that would enable the consideration of the benefits of the proposed activity.

819. Mr Kennedy considered the recommended changes to ECO-R7 were significant in the context of the rules and had not been appropriately assessed. He noted that only some of the exceptions from clause 3.11 of the NPSIB had been incorporated into ECO-R7. He did not agree with the amendments to limit the applicability of the rule, including the lack of provision for infrastructure matters, and preferred the rule as notified with a minor amendment to Advice Note (1).

820. Ms Whitney, for Transpower, noted ECO-R5 did not relate to disturbance and therefore considered there was a rule gap relating to disturbance activities within ECO-R1 and ECO-R1A. She advised that, subject to an amendment to the rule to add "*disturbance*", she supported the amended rule.

821. Ms Whitney also commented that ECO-R7 did not include provision for "*disturbance*" in the rule. She had concerns that a non-complying resource consent application would be necessary for the development or construction of National Grid assets and considered this would not give effect to the NPSET or ENG-P8. She suggested the addition of a new rule, ECO-R7A as follows:

> ***ECO-R7A***
>
> ***Indigenous Vegetation Disturbance and Clearance within an identified Significant Natural Area or not meeting ECO-R5 or ECO-R7, associated with the development of the National Grid***
>
> ***Activity Status Discretionary***
>
> ***Where this is:***
>
> ***1. Associated with the development of the National Grid***
>
> ***Activity Status where compliance not achieved: N/A***

822. Ms Styles, for Manawa, noted that changing the recommended default status for ECO-R7 to non-complying could result in renewable electricity generation activities being non-complying while mineral extraction and forestry would remain discretionary activities. She considered that the rule cascade from restricted discretionary to discretionary was unusual.

823. Ms Linscott, for Federated Farmers, considered adding "*by the District Council*" to clause (1)(i) of ECO-R5 would help clarify that the obligation for completing an SNA assessment was the responsibility of the Council and not consent applicants (or landowners).

> *A Significant Natural Area identified in Schedule Four or in an area that has been assessed **by the District Council** in accordance with the Significant Natural Area criteria in the NPSIB that meets the criteria to be a Significant Natural Area.*

824. Ms Hunter, for Bathurst, reiterated the submission point to have lawfully established activities acknowledged, and that regard be had to the objectives and policies of the BCZ and MINZ Chapters. She considered the redrafted rule and the amendments to Schedule Four would likely trigger a requirement for a resource consent where indigenous vegetation removal was undertaken as part of existing mining operations. She explained that this was because an area of the zone was identified as a Schedule 2 Regionally Significant Wetland in the West Coast Regional Land and Water Plan. Given this, she did not support the recommended amendments to Schedule Four that elevate the status of all scheduled regional wetlands to SNA.

825. Ms Pull accepted the amendment to refer to Poutini Ngāi Tahu values. Her summary statement highlighted the enablement of Māori land through the permitted activity rule but noted the change in the default activity status to non-complying was a significant change from notified. She noted the need to avoid activities that impact Threatened Environment Classifications, but considered this needed to be balanced against ECO-P6, which seeks to enable use and development of Māori land. She considered that if the Threatened Environment Classification remained in ECO-R2, then ECO-R5 should be consequentially amended to enable Māori land within this category to be considered.

826. Ms Inta considered the matters of discretion in clauses (b) and (c) in ECO-R5 were similar and should be combined. She also suggested that in clause (1) should reference both the NPSIB and RPS and she suggested the following wording:

> *An ecological assessment undertaken by a suitably qualified and experience ecologist identifies, **using NPS-IB Appendix 1, supported by WC-RPS Appendix 1**, that the clearance will not result in any of the following:*

827. Ms Hills considered ECO-R5 should include a requirement to assess areas that were yet to be assessed against the SNA criteria. She noted that in ECO-R7 the first two clauses from NPSIB clause 3.11 were referred to, but not clause (c).

828. Mr Tuck's letter on behalf of Silver Fern Farms confirmed that he accepted the s42A Report recommendation regarding the permitted activities under rule ECO-R5(1)(c).

829. Mr Phil McKinnel tabled a letter on behalf of Birchfield Coal Mines reiterating support for the rules as notified, and outlined concerns with the amended wording for ECO-R7 and the addition of ECO-R8A as follows:

(a) The requirements of the NPSIB clause 3.10(2) were applied more widely than SNA without justification;

(b) There was no justification to support the default non-complying status for vegetation clearance;

(c) The non-complying activity status was considered to be prohibitive in the context of the objectives and policies and did not fit with the scheme of the Plan, as non-complying activities were not in other chapters;

(d) There was no scope for having greater control over indigenous vegetation clearance in category 1 or 2 Threatened Environment Classification, ONL, ONF, high natural character areas and outstanding natural character areas;

(e) NPSIB provisions have been cherry-picked without any explanation and did not give effect to the NPSIB; and

(f) Regard must be given to the NPSIB through a s104 assessment in any event.

Reporting Officer Reply Evidence (including JWS)

830. The JWS records the planners agreed to redraft the permitted activity rules focusing on activities. They also agreed to move the clearance limits into standards to apply to the permitted activity rules to improve clarity. While they agreed to change the structure of the rules, the JWS notes the individual submission points on the content, the standards, or the activity status were subject to remaining disagreement.

831. The JWS records areas of disagreement between the planners were as follows:

(a) Ms Easton retained the view that a different approach was warranted in Grey District where SNA identification had taken place; and

(b) Mr Kennedy retained the position set out in his evidence and the Westpower submission.

832. The wording for the permitted activity rules (replacing both ECO-R1 and ECO-R2 as notified, and ECO-R1, ECO-R1A and ECO-R2 from the s42A Report recommendation) in the JWS were shown in Annexure 1 of the JWS.

ECO – R1, ECO – R1A and ECO – R2

833. In her Right of Reply, Ms Easton provided information from her review of other district plans in relation to exclusions from indigenous clearance rules for maintenance and advised these did not make exceptions for trimming. However, she acknowledged the West Coast context was quite unique with electricity distribution and telecommunication lines substantially traversing bush clad areas. She noted two of the plans reviewed had vegetation clearance restrictions within SNA and the coastal environment only and the other plans with more comprehensive rules with specific exclusions for gardens, shelterbelts, plantation forestry and horticulture. She noted that in all cases the exclusions were addressed in the rules and not in the definition of indigenous vegetation clearance.

834. Ms Easton's Right of Reply reconsidered her recommendation for ECO-R1 and ECO-R1A in light of her analysis of other district plans and the evidence presented at the hearing by various submitters. She noted the following points:

(a) The planner caucusing recommended a significant restructure of the permitted activity rules, resulting in five separate rules, which Ms Easton considered addressed the matters raised in evidence relating to readability and complexity.

(b) The new structure of the rules was generally set out as follows:

i. ECO – RXX1A – General standards

ii. ECO – RXX2 to ECO – RXX4 – Specific circumstances

iii. ECO – RXX5 – All other circumstances

(c) As recorded in the JWS, the planners generally considered that it was simpler to have the same rules apply across all three districts. However, Ms Easton did not support this view because she considered the rules should recognise that SNA had already been identified in the Grey District. Her recommendation, therefore, included an amendment to clause 3(b) of ECO-RXX1A to reflect this.

(d) In response to statements presented by some landowners (e.g. Ms Lynne Lever) that the recommended rules would require resource consent for very small areas of vegetation clearance if it were not linked to a specific activity, Ms Easton recommended an amendment to ECO-RXX1A enabling a small area of vegetation clearance outside of the coastal environment when it was not linked to a specific activity.

(e) In response to Mr Brass' evidence which set out the maximum areas of vegetation clearance that would be acceptable to the Director General of Conservation, Ms Easton confirmed she had incorporated this into the relevant rule.

835. Ms Easton also responded to the tabled letter from KiwiRail in relation to this rule. She considered some of the matters raised by KiwiRail had been addressed by the suite of permitted activity rules redrafted as part of the planner caucusing, including:

(a) Providing for maintenance, operation, repair and upgrade of lawfully established activities and structures;

(b) Providing for clearance of 20m² per linear 100m length for linear infrastructure; and

(c) Providing for installation of new network utility infrastructure where the construction corridor did not exceed 3m in width.

836. Ms Easton confirmed that it had been recommended to include the Threatened Land Environment maps in the TTPP, which was a point raised by KiwiRail.

837. The JWS between Ms Pull (Poutini Ngāi Tahu), Ms Huirama (Te Tumu Paeroa) and Ms Easton records the parties agreed to further amendments to ECO-RXX4 as follows:

> *ECO – R4 Indigenous vegetation clearance* ***on Māori Purpose Zoned Land, Poutini Ngāi Tahu Land*** ~~*for Poutini Ngāi Tahu Activities*~~ ***or on Specified Māori Land*** *outside of Significant Natural Areas*
>
> *Activity Status: Permitted*
>
> *Where:*

1. *It is cultural harvest undertaken by Poutini Ngāi Tahu; or*
2. *It is ~~for Poutini Ngāi Tahu Activities~~ on Māori Purpose Zoned land or Poutini Ngāi Tahu land and undertaken in accordance with an Iwi/Papatipu Rūnanga Management Plan;* ***or***
3. ***It is clearance of kanuka, manuka or bracken on Specified Māori Land.***

Activity status where compliance not achieved: Restricted Discretionary

838. Appendix 1 of the Right of Reply showed Ms Easton's recommended replacement of previously recommended rules ECO-R1, ECO-R1A and ECO-R2 with new rules ECO-RXX1A, ECO-RXX1, ECO – RXX2, ECO-RXX3, ECO-RXX4 and ECO-RXX5, as follows:

ECO – RXX1A General Standards

All Permitted activities outside of a Significant Natural Area must comply with the following relevant standards.

1. *Within the coastal environment:*
   a. *Any indigenous vegetation clearance is a maximum of 500m² per site over any continuous 3-year period or is a maximum of 20m² on any individual infrastructure work site, or 20m² per linear hundred metre length for linear infrastructure; and*
   b. *The indigenous vegetation clearance did not disturb, damage or destroy nesting areas or habitat of threatened or at risk species; and*
   c. *The indigenous vegetation clearance did not occur in an area of land environment of category one or two of the Threatened Environment Classification; and*
2. *Within the riparian margin of a water body:*
   a. *It is a maximum of 20m² per linear 200m length of riparian margin; and*
3. *In all other locations outside of a Significant Natural Area it is:*
   a. *A maximum of 2000m² on any site over any continuous 3-year period on a site that has not had an SNA assessment undertaken in accordance with Policy ECO – P1; or*
   b. *A maximum of 5000m² on any site over any continuous 3-year period on a site that has had an SNA assessment in accordance with Policy ECO – P1 or within the Grey District, has an SNA included within Schedule 4 that is located on the same property; or*
   c. *Is a maximum of 20m² on any individual infrastructure work site, or 20m² per linear 100m length for linear infrastructure; and*
4. *Unless carried out by a statutory agency or their nominated contractor responsible for natural hazard mitigation, the clearance is not located within areas used and identified for natural hazard mitigation structures that are owned or managed by a statutory agency.*

Except that the maximum vegetation clearance provisions in these general standards do not apply where:

i. *Specific to Clause 3, it is necessary to provide for the ongoing safe and efficient operation, maintenance and repair of the National Grid, electricity distribution and telecommunications lines; or*

ii. *For all Clauses, the indigenous vegetation clearance is for network utility operations within any RESZ – Residential Zone, COMZ – Commercial and Mixed Use Zone, PORTZ – Port Zone, or IND – Industrial Zone property within the towns of Greymouth, Hokitika or Westport;*

iii. *For all clauses, the indigenous vegetation clearance is of vegetation planted and managed:*
   I. *as part of a domestic or public garden for amenity purposes; or*
   II. *as a shelterbelt; or*
   III. *for the purpose of harvesting as plantation forestry*

Activity status where compliance not achieved: *Restricted Discretionary*

ECO – RXX1 Indigenous Vegetation Clearance for Network Utility Operations, Renewable Electricity Generation Activities and the National Grid outside of Significant Natural Areas

Activity Status: Permitted

Where:

1. It is for the maintenance, operation, repair or upgrade of lawfully established activities and structures ; or
2. It is for the installation of temporary network or electricity generation activities following a regional or local state of emergency declaration; or
3. It is necessary to remove vegetation that endangers human life or existing buildings or structures; or
4. It is for construction of new network utility infrastructure, renewable electricity generation activities or the national grid where:
   a. The construction corridor for linear infrastructure such as pipes and lines does not exceed 3m in width; and
   b. All machinery used in construction is cleaned and made free of weed materials and seeds prior to entering the site; and
   c. Rehabilitation of disturbed areas is undertaken following completion of construction; and
   d. Within a riparian margin of a waterbody new network utilities and connections are underground or located within a legal road or attached to an existing bridge.

Activity status where compliance not achieved: *Restricted Discretionary*

ECO – RXX2 Indigenous vegetation clearance for maintenance and repair of lawfully established structures and activities outside of Significant Natural Areas not provided for in Rule ECO – R1

Activity status: Permitted

Where:

1. The clearance is for the maintenance and repair of established activities and structures including but not limited to tracks, accessways, fences, pipelines, drains, natural hazard mitigation structures, shelterbelts and woodlots, environmental monitoring facilities and infrastructure; or
2. The clearance is for the maintenance of improved pasture for farming ,where this is clearance of manuka, kanuka or bracken only that is less than 15 years old and not part of any wetland.

Advice Notes:

1. Where clearance of mānuka, kānuka or bracken is proposed under this rule, if proof that the vegetation is less than 15 years old or that the site is not a wetland, is unavailable, then a resource consent will be required.
2. In relation to standard 1, the reference to infrastructure applies where the infrastructure is not regulated by Rule ECO – RXX1.

Activity status where compliance not achieved: *Restricted Discretionary*

ECO – RXX3 Indigenous vegetation clearance in urban areas outside of Significant Natural Areas not provided for in Rule ECO – R1 or ECO – R2

Activity Status: Permitted

Where

1. *It is undertaken on a RESZ – Residential Zone, COMZ – Commercial and Mixed Use Zone, PORTZ – Port Zone, or IND – Industrial Zone property within the towns of Greymouth, Hokitika or Westport;*

Activity status where compliance not achieved: *Restricted Discretionary*

ECO – RXX4 Indigenous vegetation clearance on Māori Purpose Zoned Land, Poutini Ngāi Tahu Land or on Specified Māori Land outside of Significant Natural Areas

Activity Status: Permitted

Where

1. *It is cultural harvest undertaken by Poutini Ngāi Tahu; or*
2. *It is on Māori Purpose Zoned land or Poutini Ngāi Tahu land and undertaken in accordance with an Iwi/Papatipu Rūnanga Management Plan;*
3. *It is clearance of kanuka, manuka or bracken on Specified Māori Land.*

Activity status where compliance not achieved: *Restricted Discretionary*

ECO – RXX5 Indigenous vegetation clearance outside of a Significant Natural Area not provided for in another Permitted Activity Rule

Activity Status Permitted

Where this is:

1. *For the construction of new fences and traplines associated with Conservation Activities or to exclude stock or pest animals from indigenous vegetation or the margins of waterbodies, or the coast; or*
2. *Necessary to remove vegetation that endangers human life or existing buildings or structures; or*
3. *For the construction of parks facilities, parks furniture or public access points within an Open Space and Recreation Zone; or*
4. *For installation of an environmental monitoring and extreme weather event monitoring facility; or*
5. *For the establishment of a river crossing point up to 3m wide; or*
6. *For new natural hazard mitigation structures undertaken by a statutory agency or their nominated contractor; or*
7. *Unavoidable in the course of removing pest plants and pest animals in accordance with any regional pest management plan or the Biosecurity Act 1993, or is removal of unwanted organisms declared under the Biosecurity Act 2015; or*
8. *To comply with section 43 of the Fire and Emergency Act 2017; or*
9. *To upgrade public walking or cycling tracks up to 3m in width undertaken by the Council or its approved contractor; or*
10. *Within an area subject to a QEII National Trust Covenant or Ngā Whenua Rahui Kawaneta, a Reserves or Conservation Act covenant or a Heritage covenant under the Heritage New Zealand/Pouhere Taonga Act and the vegetation disturbance is authorised by that legal instrument; or*

11. *For the establishment of a building platform and access to a building site in an approved subdivision or where there is no existing residential building on the site that did not exceed 500m² clearance per allotment and where this is not located within a riparian margin of a waterbody; or*
12. *For mineral exploration or prospecting activities within the MINZ - Mineral Extraction Zone or BCZ – Buller Coalfield Zone; or*
13. *Outside of the coastal environment or riparian margins of waterbodies it is removal of windthrow timber through:*
    i. *Use of helicopter recovery methods; or*
    ii. *Where ground-based recovery is only undertaken from areas adjacent to existing vehicle tracks*
14. *For any other purpose, where this is not located within a riparian margin of a waterbody or the coastal environment, and did not exceed 2,000m² clearance per property over a 3 year period.*

Activity status where compliance not achieved: *Controlled Activity where this is indigenous vegetation clearance with an approved plan or permit issued under the Forests Act, Otherwise Restricted Discretionary.*

ECO – R1B

839. Ms Easton recommended adding *'lawfully established activities'* to clause (1) and deleting '*Arboricultural*' from clause (2). Appendix 1 of the Right of Reply showed recommended new rule ECO-R1B, as follows:

ECO -R1B Indigenous Vegetation Clearance within a Significant Natural Area

Activity Status Permitted

Where this is:

1. For the maintenance, operation and repair of lawfully established activities and structures including tracks, fences, drains, structures, infrastructure and renewable electricity generation activities where:
   a. This is at the same or similar scale, character and intensity as at 14 July 2022; and
   b. The clearance is within 3m of the established activity and is limited to a maximum area of 50m² per individual SNA;
2. Necessary to remove vegetation that endangers human life or existing buildings or structures where this is certified by a Council Approved Contractor;
3. For the safe and efficient operation (including maintenance and repair) of any formed public road, rail corridor or access where the removal is within 3m of the formed width of the road, rail corridor or access where this is undertaken by a Road or Rail Controlling Authority;
4. To comply with section 43 of the Fire and Emergency Act 2017;
5. To enable removal of unwanted organisms declared under the Biosecurity Act 2015.

ECO – R3

840. Ms Easton's Right of Reply made no comment regarding this rule.

ECO – R4/SUB – R7

841. Ms Easton's Right of Reply reconsidered her recommendation for SUB – R7 in light of the evidence presented at the hearing by various submitters and questions from the Panel. She made the following points:

(a) In response to Ms Inta's request to add reference to the effects management hierarchy to give effect to the NPSIB, Ms Easton noted this was outside of the scope of Ms Inta's submission. However, she acknowledged could be within the scope of Mr Neil Mouat's submission.

(b) Ms Easton did not consider that having reference to the effects management hierarchy would be appropriate in the context of this rule because it was an incentive-based rule giving a bonus lot for subdivision. She considered allowing for vegetation clearance if there was an alternative mitigation, such as biodiversity offsetting or compensation, would defeat the purpose of the rule and was inappropriate.

(c) In response to questions from the Panel as to whether there was scope to add a timeframe for any assessment, Ms Easton did not find any scope in submissions. However, she noted the RPS became operative in 2020 and she did not believe that many assessments had been carried out with reference to the significance criteria. As such, she considered the concern of an 'old' assessment was only likely to arise towards the end of the life of the Plan.

(d) In response to the questions relating to a gap in the rule (and SUB-R9) to avoid significant adverse effects on other biodiversity, Ms Easton noted that she could not find a submission that provided scope to address this.

(e) Due to the recommended reference to the RPS significance criteria in the definition of "*Area of Significant Indigenous Biodiversity*", Ms Easton considered that clause (2) of SUB-R7 should also refer to the RPS rather than the NPSIB.

(f) Ms Easton also recommended minor amendments to the drafting of the rule to improve clarity.

842. Appendix 1 of the Right of Reply showed **ECO-R4** deleted (as recommended in the s42A Report) and recommended changes to **SUB-R7** as follows:

> ***SUB - R7***
>
> ***Subdivision of Land to Create Allotments Containing an Area of Significant Indigenous Biodiversity Where Legal Protection of the Area of Significant Indigenous Biodiversity is Proposed***
>
> *Activity Status: Controlled*
>
> *Where:*
> 1. *One new allotment with a minimum lot size of ~~4~~**1**,000m² is created from the parent title, provided that in the GRUZ - General Rural Zone there is a balance area remaining on the original title of at least 4 ha; and*
> 2. ***An assessment of the site against the significance criteria in the ~~NPSIB~~ WCRPS Appendix 1 is provided with the application and this is undertaken by a suitably qualified or experienced ecologist unless the site has already been ~~assessed~~ identified as ~~to be~~ an SNA as part of a district – wide SNA assessment process; and***
> 3. *~~The~~ **Any** area**s** of significant indigenous biodiversity ~~is~~ **are** legally protected in perpetuity by way of a conservation covenant with an authorised agency **or via consent notice on the title** and ~~is~~ **are** contained within a single allotment; **and***
> 4. *The subdivision will not result in buildings or access ways being located within the identified area of significant indigenous biodiversity or the need for clearance **within***

the area *of significant indigenous vegetation to provide for* ***a future building site or*** *future access to any site; and*

5. *Subdivision standards S2-S11 are complied with.*

Matters of control are:

a. *Subdivision layout, access, design, location and proximity of building platforms to areas of significant indigenous biodiversity;*
b. ***The provision of infrastructure and services for drinking water, wastewater, stormwater, telecommunications and energy;***
c. ***The adequacy of water supply for firefighting;***
d. ***Specification of the location of building sites and access through the use of consent notices;***
e. ***Management of potential reverse sensitivity effects on existing land uses, including network utilities and regionally significant infrastructure, rural activities or significant hazardous facilities;***
f. ***Measures to address any natural hazards or geotechnical constraints;***
g. *Management of earthworks, including earthworks for the location of building platforms and access ways;*
h. *The protection of habitats of threatened or at-risk species; and*
i. *The measures to ~~minimise~~* ***avoid, remedy or mitigate*** *any adverse effects on:*
   i. *The significant indigenous biodiversity;*
   ii. *~~The cultural significance to~~ Poutini Ngāi Tahu Values.*

Advice Note:

This rule does not apply to subdivisions to create allotments for network utilities, access or reserves which are subject to ***either of*** *Rule****s SUB – R2 or*** *SUB - R4.*

Activity status where compliance not achieved: *Restricted Discretionary where standard 1 is not complied with. Discretionary where standards 2-4****5*** *are not complied with.*

ECO – R6/SUB – R9

843. Ms Easton's Right of Reply reconsidered her recommendation for SUB-R9 in light of the evidence presented at the hearing by various submitters and questions from the Panel. In response Ms Inta's point regarding buffer areas, she noted the relevant submission points (S552.121 and S553.121) had been incorrectly assigned to SUB-R15. She considered that it would be appropriate to amend the matters of discretion to include a reference to buffers in clause (b). Ms Easton also recommended similar minor amendments to SUB-R7.

844. Appendix 1 of the Right of Reply showed **ECO-R6** deleted (as recommended in the s42A Report) and recommended changes to **SUB-R9** as follows:

SUB – R9

Subdivision of Land to Create Allotments Containing an Area of Significant Indigenous Biodiversity ***Where Legal Protection of the Area of Significant Indigenous Biodiversity is Proposed*** ***not meeting Rule SUB-R7***

Activity Status: Restricted Discretionary

Where:

1. *Up to three allotments with a minimum lot size of 4****1****,000m^2, are created from the parent title;*

2. ***An assessment of the site against the significance criteria in the ~~NPSIB~~ RPS Appendix 1 is provided with the application and this is undertaken by a suitably qualified or experienced ecologist unless the site has already been ~~assessed~~ identified as ~~to be~~ an SNA as part of a district – wide SNA assessment process;***

3. *~~The~~**Any** area**s** of significant indigenous biodiversity ~~is~~ **are** legally protected in perpetuity by way of a conservation covenant with an authorised agency or via consent notice on the title and ~~is~~ **are** contained within a single allotment;*

4. *The subdivision will not result in buildings or access ways being located within any Significant Natural Area identified in Schedule Four **or the need for clearance of significant indigenous vegetation to provide for a future building site or future access to any site**; and*

5. *Subdivision standards S2-S11 are complied with.*

Discretion is restricted to:

a. *Whether there are other regulations impacting the site that have meant the land is unable to be used for economic rural uses;*
b. *The extent to which the subdivision layout, access, allotment size and design and the location of building platforms may adversely impact the significant indigenous vegetation and/or significant habitat of indigenous fauna **and whether buffering of significant areas is also appropriate**;*
c. ***The provision of infrastructure and services for drinking water, wastewater, stormwater, telecommunications and energy;***
d. ***The adequacy of water supply for firefighting;***
e. ***Management of potential reverse sensitivity effects on existing land uses, including network utilities and regionally significant infrastructure, rural activities or significant hazardous facilities;***
f. *Management of earthworks including earthworks for the location of building platforms and access ways;*
g. *The protection of habitats of threatened or at risk species;*
h. *The measures to ~~minimise~~ **avoid, remedy or mitigate** any adverse effects on:*
   i. *The significant indigenous biodiversity; and*
   ii. *~~The particular cultural, spiritual and/or heritage values, interests or associations of importance to~~ Poutini Ngāi Tahu Values ~~as kaitiaki and mana whenua that are associated with the significant indigenous vegetation and/or significant habitats of indigenous fauna and the potential impact on those values, interests or association.~~*

Activity status where compliance not achieved: *Discretionary*

ECO – R8/SUB – R15

845. In Reply, Ms Easton made no further comment regarding this rule.

ECO – R9/SUB – R27

846. In response to questions from the Panel whether it was necessary for there to be a non-complying activity for subdivision in order to give effect to the "avoid" directions in the NPSIB, Ms Easton considered there was not. She reiterated that the "avoid" direction specifically related to identified SNA, and therefore she considered SUB-R27 was inappropriate as it related to bonus lots. She also did not consider that the NPSIB specifically sets a direction that a non-complying activity status for the subdivision on land in an SNA was required. She instead referred to the specific matters in clause 3.10(2) which she

considered were addressed in ECO-P6 and which any discretionary activity would be assessed against.

847. In Reply, Ms Easton made no further amendments to her recommendations for this rule.

ECO – R5 and ECO – R7

848. The JWS records the planners did not agree and that the submissions and evidence relating to ECO-R5 still stood. However, Annexure 1 showed agreed minor amendments to the recommended wording of both ECO-R5 and ECO-R7.

849. The JWS between Ms Pull (Poutini Ngāi Tahu), Ms Huirama (Te Tumu Paeroa) and Ms Easton records the parties agreed to adding a new advice note in ECO-R7 as follows:

> 1. *<u>When assessing resource consents for indigenous vegetation clearance on Specified Māori Land under this rule, the provisions of subclause 3.18(2) of the NPSIB in relation to Specified Māori Land must be taken into account.</u>*

850. The JWS also identified that there was insufficient scope within the submissions to make more substantial changes to reflect the direction on Specified Māori Land within the NPSIB. Therefore, they recommend including a new Method to highlight that these additional changes would need to occur when the Plan was updated to reflect the NPSIB requirements, as follows:

> ***<u>Method ECO – M1: The TTPP Committee will</u>***
>
> a. *<u>Identify in conjunction with Specified Māori Land owners how best to implement the NPSIB in relation to Specified Māori Land in accordance with the decision making principles in Schedule xxx of the TTTP and the provisions of the NPSIB; and</u>*
>
> b. *<u>Identify in partnership with Poutini Ngāi Tahu how best to to fully implement the NPSIB in relation to the decision making principles, tangata whenua provisions and the Ngāi Tahu Claims Settlement Act; and</u>*
>
> c. *<u>As part of giving effect to the NPSIB, the TTPP Committee will consider a Plan Change to implement the actions of this method and Policy ECO-P1.</u>*

851. Appendix 1 of the Right of Reply recommended amendments to ECO-R5 and ECO-R7 as follows:

> ***ECO - R5 Indigenous vegetation clearance not meeting Permitted or Controlled Activity Standards <u>outside of a Significant Natural Area</u>***
>
> ***Activity Status Restricted Discretionary***
>
> *Where:*
> *1. This is not within:*
> - *i. A Significant Natural Area identified in Schedule Four ~~or in an area that has been assessed in accordance with the Significant Natural Area criteria in the NPSIB that meets the criteria to be a Significant Natural Area~~;*
> - *ii. An area of land environment of category one or two of the Threatened Environment Classification **<u>at the ecological district level</u>**;*
> - *iii. An Outstanding Natural Landscape identified in Schedule Five;*
> - *iv. An Outstanding Natural Feature identified in Schedule Six;*
> - *v. An area of High Coastal Natural Character identified in Schedule Seven; or*

vi. An area of Outstanding Coastal Natural Character identified in Schedule Eight.

Discretion is restricted to:

a. ~~Whether there are other regulations impacting the site that have meant the land is unable to be used for economic rural uses;~~
*b. ~~Constraints imposed by~~ **Consideration of the** functional **need** or operational need of network utilities, **renewable energy generation** and ~~critical~~ **regionally significant** infrastructure;*
*c. **The functional or operational need for the activity to locate within the area where indigenous vegetation clearance is proposed to occur;***
*d. Effects on habitats of any threatened or ~~protected~~ **at risk (declining)** species;*
e. Effects on the threat status of land environments in category one or two of the Threatened Environments Classification;
f. Effects on ecological functioning and the life supporting capacity of air, water, soil and ecosystems;
g. Effects on the intrinsic values of ecosystems;
h. Effects on recreational values of public land;
*i. **Natural hazard management and geotechnical considerations;***
j. Poutini Ngāi Tahu values; and
*k. ~~The matters outlined in Policies ECO - P6 and ECO - P7.~~ **Effects on any values that would meet the significance criteria in Appendix 1 of the NPSIB.***

Advice Note:

1. ~~Where indigenous vegetation clearance is proposed within the riparian margin of a waterbody refer to this section of the Plan for the Rules around this clearance.~~

2. Where indigenous vegetation clearance is proposed in or on a site or area of significance to Māori then Rule SASM - R4 will also apply.

3. Where indigenous vegetation clearance is proposed within a wetland this is also be subject to rules within the NES - Freshwater and Regional Land and Water Plan which are administered by the West Coast Regional Council.

*4. This rule also applies to ~~plantation~~ **commercial** forestry activities, where this provision is more stringent than the NES - PF and the indigenous vegetation clearance is within the coastal environment.*

***Activity status where compliance not achieved**: Discretionary*

ECO - R7 Indigenous vegetation clearance not meeting ~~ECO - R5~~ Permitted, Controlled or Restricted Activity Rules

Activity Status Discretionary

Where:

1. An ecological assessment undertaken by a suitably qualified and experience ecologist identifies that the clearance will not result in any of the following:

a. Loss of ecosystem representation and extent

b. Disruption to sequences, mosaics or ecosystem function

c. Fragmentation of Significant Natural Areas or the loss of buffers or connections with a Significant Natural Area

d. A reduction in the function of the Significant Natural Area as a buffer or connection to important habitats or ecosystems

e. A reduction in the population size or occupancy of any threatened or at risk (declining) species that use the Significant Natural Area.

2. This is for mineral extraction (other than coal) that provides significant national public benefit that could not otherwise be achieved using resources within New Zealand ; or

3. ~~*This is for the operation or expansion of any coal mine that was lawfully established before 4 August 2023; except that, after 31 December 2030, this exception applies only to such coal mines that extract coking coal; or*~~

4. This is for a single residential dwelling on an allotment created before 4 August 2023; or

5. This is for a commercial forestry activity and is required for the commercial forestry activity to continue; or

6. This is for a renewable electricity generation activity, the national grid or regionally significant infrastructure.

Advice Notes:

1. *Where assessing resource consents for indigenous vegetation clearance under this rule, assessment against the* ***relevant objectives and*** *policies of* ~~*both*~~ *the Ecosystems and Biodiversity Chapter,* ~~*and*~~ *Natural Features and Landscapes Chapter,* ***the Coastal Environment Chapter, the Energy, Infrastructure and Transport Chapters*** *and the* ***MINZ and BCZ*** ~~*objectives and policies*~~ ***Zone Chapters*** *will be required.*

2. ***In relation to Significant Natural Areas****, t*~~*T*~~*his rule also applies to* ~~*plantation*~~ ***commercial*** *forestry activities, where this provision is more stringent than the NES -* ~~*P*~~***C****F.*

3. ***When assessing resource consents for indigenous vegetation clearance on Specified Māori Land under this rule, the provisions of subclause 3.18(2) of the NPSIB in relation to Specified Māori Land must be taken into account.***

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

ECO – R8A

852. In Reply, Ms Easton made no further recommendations in relation to this new rule.

ECO – R10 and ECO – R11

853. In Reply, Ms Easton made no further recommendations in relation to these rules

Hearing Panel's Evaluation

854. The Panel acknowledges the significant input from submitters and the expert planners into the ECO rules to achieve a clearer and less complex rule framework. This was no simple task given the important nuances of the NZCPS and the NPSIB, and the fact the RPS is yet to give effect to the NPSIB. In making our recommendations, we have had regard to the outcomes of the planners JWS and the JWS between Ms Huirama, Ms Pull and Ms Easton.

855. The Panel has also had regard to the outstanding submission and further submission points. Our evaluation focuses on where the Panel disagrees with Ms Easton's recommendations. Where the Panel accept Ms Easton's recommendations, and this is not discussed, it can be assumed we accept her reasoning as outlined in her s42A Report or Right of Reply.

856. The Panel notes the submission points of the Director General on ECO-R1 and ECO-R2 (as well as other submitters on the whole chapter), which seek to ensure significant indigenous biodiversity values are protected in the interim period until district-wide SNA assessments have been completed, remain outstanding. As noted earlier, the requirements of the NPSIB assume this has occurred and the provisions distinguish between inside and outside SNA.

857. A key issue for the Panel in considering the rule framework is how to protect significant indigenous vegetation and significant habitats of indigenous fauna, while enabling established activities to continue and new subdivision, use and development to occur, before a district-wide SNA assessment has been undertaken and incorporated into the Plan. We are mindful that the plan change required to include identified SNA under ECO-P1, as required under the RPS, will also involve a review of the ECO provisions. In our view, this is when the provisions may be able to be more permissive outside SNA because there will be more certainty that significant values will be protected. It will also be the time to give full effect to the NPSIB, which is drafted on the basis of indigenous vegetation being inside or outside of an SNA. In this regard, we consider the ECO rules are an 'interim' rule framework where activities outside those that are permitted and controlled need to be assessed through a consent process.

858. In recognition of the work done in the Grey District, the Panel accepts that there is sufficient certainty to have a restricted discretionary rule that applies outside SNA. While there is some risk that some significant values have not been identified, we consider the work undertaken justifies a more lenient approach in the interim period. This is also reflected in an increased permitted limit of vegetation clearance in the Grey District in ECO-R1.

859. The Panel must give effect to the RPS, NZCPS and NPSIB, and we consider there is a very high level of alignment in this higher order direction that significant indigenous biodiversity values must be protected and indigenous biodiversity generally must be maintained to give effect to s6(c) of the RMA. We also agree that the environmental bottom lines in the RPS and NPSIB must be reflected in the rule framework, as sought by some submitters.

ECO - R1 and ECO - R2

860. The Panel accepts Ms Easton's recommendation to delete ECO-R1 and ECO-R2 as notified and replace these rules with new rules ECO-RXX1A, ECO-RXX1, ECO – RXX2, ECO-RXX3, ECO-RXX4, ECO-RXX5 and ECO – R1B, as shown in Appendix 1 of the Right of Reply. We agree that these two rules as notified were trying to do too much and as a result were quite complex and difficult to interpret. We acknowledge this new permitted activity rule framework largely reflects the agreements reached in the planners' JWS. However, we also acknowledge that there are a few submission points that remain and have considered these in making our recommendations below. We have largely accepted the permitted activity rules as recommended by Ms Easton.

861. For new rules ECO-RXX1A (new ECO-R1), ECO-RXX1 (new ECO-R2), ECO – RXX2 (new ECO – R3), ECO-RXX3 (new ECO-R4), ECO-RXX4 (new ECO-R5), ECO-RXX5 (new ECO-R6) and ECO-R1B (new ECO-R7), the Panel does not identify specific submission points for the new rules. We consider the scope to make changes to ECO-R1 and ECO-R2 (as notified) is very broad

and we are satisfied that the recommended replacement rules respond to matters raised in submissions.

862. The Panel has made minor amendments to change from past tense to present tense by replacing '*did*' with '*will*'; and replacing '*nominated contractor*' with '*authorised contractor acting on its behalf',* which is a plan-wide amendment for consistency. We consider ECO-R1(4) is very poorly worded. We consider the clause is trying to enable the clearance of vegetation on and around hazard mitigation structures, however, this is not clear as drafted. We consider the wording should be amended to begin the clause with '*Except where*' (instead of '*Unless*') and to delete the word '*not*' to improve clarity.

863. In relation to new rules ECO-R1 and ECO-R6 (recommended ECO-RXX1A and ECO-RXX5), the Panel considers use of the term '*over any continuous 3-year period*' is problematic for three key reasons. First, it is fraught with difficulty in terms of determining compliance because there is no date from which this three year period starts. Second, allowing ongoing indigenous vegetation clearance after each three-year period does not give effect to the NPSIB or RPS because it will not avoid the cumulative loss of indigenous vegetation and will not maintain indigenous biodiversity. Third, the limits in the permitted activity rules will need to be reviewed following completion of the district-wide SNA assessment, which is required to be completed in three years time. It is therefore unnecessary to provide for ongoing vegetation clearance beyond this interim period, particularly given the extent of activities provided for, including lawfully established activities and regionally significant infrastructure, such as network utility infrastructure, the National Grid, renewable electricity generation activities.

864. For these reasons, the Panel recommends deleting the reference to '*over any continuous 3-year period*' and consider activities (excluding those provided for) that require the clearance of indigenous vegetation above the limits agreed should be assessed through a resource consent process to ensure areas of significant biodiversity are protected and indigenous biodiversity is maintained by applying the effects management hierarchy. The Panel records that this recommendation in relation to removing the three year period is not supported by Commissioner Becker as detailed in Appendix 2.

865. The Panel has considered the full range of submissions seeking greater restrictions and reduced restrictions, but accept Ms Easton's view that the limits set in the permitted activity rules are appropriate to give effect to the high order statutory direction, while enabling vegetation clearance until the district-wide SNA assessments are complete.

866. The Panel has considered the evidence of submitters presented at the Natural Character and Margins of Waterbodies Chapter hearing in relation to the ECO rules. We consider the concerns raised by Ms Styles (for Manawa) and Mr Kennedy (for Westpower) in relation to riparian margins are addressed by the permitted activity rules. We acknowledge that Westpower sought integration between the rules for vegetation clearance limits in riparian margins and earthworks to enable network utility operations involving above and below ground linear infrastructure. We have reviewed the relevant rules and consider these have been appropriately provided for. However, the Panel notes that Ms Easton's recommendation at the Natural Character and Margins of Waterbodies Chapter was to increase the extent of allowed vegetation clearance in a riparian margin from $20m^2$ to $25m^2$ per linear 200 m length to align with the Regional Land and Water Plan. She did not support increasing the width of permitted river crossings from 3m to 10m for energy activities, as sought by Westpower, because of the potential for adverse effects on the natural character

of the margins of waterbodies. We accept these recommendations and have amended ECO-R2(a) to 25m^2.

867. The Panel considers that network utility operations are appropriately provided for in new Rule ECO-R2. However, we agree with Mr Kennedy that 3m in ECO-R2(4)(a) should be increase to 10m given this clause specifically applies to indigenous vegetation clearance for new network utility operations, renewable electricity generation activities and the National Grid outside of SNA.

868. The Panel acknowledges the submissions that sought to enable vegetation clearance for building sites. We consider the permitted activity rules appropriately provide for this while recognising the sensitivity of the coastal environment in terms of indigenous biodiversity values and habitats. We have provided for an exception in ECO-R1(1)(a) for the Hartmount Place and Ross Place subdivision where indigenous vegetation clearance is a maximum of 500m^2 per site in the, provided that at least an equivalent amount is retained on the site. This reflects the recommendation in the Settlement Zone Chapter Recommendation Report in response to a submission that sought to prevent the clearance of the entire 1,000m^2 sites given the unique bush covered coastal environment in that location.

869. In relation to new Rule ECO-R2(3), the Panel has deleted '*outside of a SNA it is'* because this is already in the lead sentence before the clause.

870. In new Rule ECO-R4 (recommended ECO-RXX3), the Panel considers it is appropriate to include Reefton.

871. The Panel considers renumbered new Rule ECO-R5 (recommended ECO-RXX4) appropriately enables customary harvest and use of Poutini Ngāi Tahu land outside of an SNA, but as recommended we consider it is too restrictive in relation to specified Māori land. We consider owners of specified Māori land should be able to rely on the vegetation clearance limits in new rule ECO-R1 to the extent that owners of freehold title can. Poutini Ngāi Tahu have the ability to produce iwi management plans in order to provide for application of the rule, which is not a pathway available to other owners of specified Māori land. This would effectively create a new barrier to development of specified Māori land, which would not give effect to clause 3.18 of the NPSIB.

872. While the Panel accepts that more work is required to fully give effect to this aspect of the NPSIB, it would be contrary to national direction to introduce a more restrictive regime on specified Māori land than exists on freehold title. For that reason, the Panel does not recommend incorporating ECO-R5(3) "*it is clearance of kānuka, manuka or bracken on Specified Māori Land*". The Panel note that Te Tumu Paeroa submission point S440.027 originally identified disadvantage to Māori land owners in notified ECO-R1 and sought greater leniency in recognition of the history of Māori land. Rather than greater leniency, the Panel recommendation ensures no disadvantage and compliance with national direction by amending the clause to require owners of specified Māori land to comply with ECO-R1 and ECO-R3, in circumstances where there is no applicable iwi management plan.

873. The Panel acknowledges new rule ECO-R7 (recommended ECO-R1B) gives effect to NPSIB clause 3.15 in relation to managing the effects of established activities on SNA. Clause 3.15(2) requires councils to include objectives, policies and methods to enable specified established activities, or specific types of established activities, to continue where the effects of the activity on an SNA (including cumulative effects):

> *(a) are no greater in intensity, scale, or character over time than at the commencement date; and*
>
> *(b) do not result in the loss of extent, or degradation of ecological integrity, of an SNA.*

874. However, the Panel notes that only clause 3.15(2)(a) has been included in the rule and not clause 3.15(2)(b). We consider it is not an option to only include one of the qualifiers when this is clearly an '*and*' requirement. We consider both clauses provide important limits to enabling established activities to continue having adverse effects on SNA and both must be included in the rule to give effect to the NPSIB and RMA s6(c).

875. The Panel has considered whether clause (b) of the rule as recommended by Ms Easton (and agreed in the planner JWS) - '*The clearance is within 3 metres of the lawfully established activity and is limited to a maximum area of 50m² per individual Significant Natural Area*' - is sufficient to ensure there is no loss of extent, or degradation of ecological integrity of an SNA. We conclude it is, given the activities listed in clause (1) of the rule, combined with the limits in clauses (a) and (b), which are conjunctive.

876. The Panel considers indigenous vegetation clearance for mineral extraction activities in the BCZ and MINZ should not be permitted and should be assessed through a resource consent process.

ECO – R3

877. The Panel accepts Ms Easton's reasoning and recommended amendments to ECO-R3 (renumbered as ECO-R8), as shown in Appendix 1 of the Right of Reply, with the exception of reference to manuka, kanuka and bracken in clause (2). The Panel did not receive evidence supporting the inclusion of this clause and therefore adhere to the NPSIB clause 3.17 approach of towards '*improved pasture*'. We note the recommended inclusion of '*additional*' in Advice Note (1) was not referenced in the s42A Report but accept this is a clarification for plan users under clause 16 of the Schedule 1 of the RMA. We have made consequential changes to the advice notes to reflect the renumbering of the ECO rules. We have also updated the advice note in relation to vegetation clearance within riparian margins to reflect that ECO-R1 or ECO-R10 apply.

ECO-R4/SUB-R7

878. The Panel accepts Ms Easton's recommendation to delete ECO-R4 and the recommended amendments to SUB-R7, as shown in Appendix 1 of the Right of Reply. Overall, the Panel considers Ms Easton's recommendations are appropriate given the intention of the rule is to incentivise the protection of significant biodiversity values, while enabling some subdivision and use. We agree that in this context, the use of biodiversity offsetting and compensation is not appropriate. We also agree that cross reference to the ECO Chapter is not appropriate given the intention of the rule.

879. The Panel notes that Appendix 1 of the s42A Report and Appendix 1 of the Right of Reply do not include clause (b) '*The design and provisions of access*' as notified. It seems to have been unintentionally omitted from the matters of control and is not shown with strike through for deletion either. We consider this is a drafting error and have therefore shown this in the recommendation box below.

880. The Panel agrees with Ms Easton's reasoning in relation to new clause (2) to require use of the RPS Appendix 1 criteria until a district-wide assessment is undertaken using the NPSIB Appendix 1 criteria. However, we consider the wording as recommended could be clearer that the district-wide SNA assessment required under ECO-P1 must use the NPSIB Appendix 1 criteria.

881. The Panel agree with Ms Easton's recommended changes to enable different forms of legal protection to be used to achieve protection of significant indigenous biodiversity. We also agree the additional matters of control are appropriate.

882. The Panel agree that recommended new clause (b) in relation to the provision of infrastructure and services is appropriate, but consider using *'electricity'* rather than '*energy*' is consistent with definitions used in the plan.

883. The Panel accepts Ms Easton's recommendation to add '*and whether buffering of significant areas is also appropriate*' to clause (a), and accept that its omission from Appendix 1 of the Right of Reply was an oversight. We note Ms Easton recommended adding this to SUB-R7 and SUB-R9 in response to Ms Inta.

884. The Panel notes Ms Easton's recommendation to add an advice note to SUB-R15, as a consequence of deleting ECO-R8, that advises '*When assessing resource consent applications under this rule, the policies in the ECO Chapter should also be referred to*'. We consider this advice note is also appropriate for SUB-R7 given the deletion of ECO-R4. However, we consider this advice note should also include reference to the '*objectives*'.

ECO-R5

885. The Panel generally accepts Ms Easton's reasoning and recommended amendments to ECO-R5 (renumbered as ECO-R9), as shown in Appendix 1 of the Right of Reply. However, as discussed above, we consider this restricted discretionary activity is only appropriate in the Grey District in recognition of the work undertaken to identify SNA. We are strongly of the view that a rule such as this '*outside an SNA'* cannot be applied to Buller and Westland at this time. We therefore recommend this adding '*in the Grey District'* to the heading of the rule.

886. The Panel acknowledges Mr Brass for the Director General preferred to have all three districts treated the same until the district-wide assessment is undertaken, but we consider the restricted discretionary rule appropriately recognises that some of the significant ecological values have been protected across the district.

887. The Panel recommends deleting clause (1)(i) referring to outside SNA given the changes to the heading.

888. The Panel considers a matter of discretion must include effects on indigenous biodiversity.

889. The Panel acknowledges Ms Pull's request for a consequential amendment to enable Māori land to be considered because of concern regarding the matter of discretion in relation to Threatened Environment Classifications. However, we consider this is an important environmental bottom line in the RPS to protect and maintain remaining biodiversity in category one and two threatened land environments. We acknowledge that the provisions can only partly give effect to the NPSIB in relation to specified Māori land, and that further processes in accordance with new Method ECO-M1 will address this.

890. The Panel recommends consideration of functional need or operational need should be limited to the matters set out in clause (b) to give effect to the NPSREG, NESETA and the RPS.

891. The Panel does not consider that it is necessary to reference the ecological district in the matter pertaining to threatened land classifications because any such effects will be considered in the context of each case.

892. The Panel accepts Ms Easton's recommendation from the Coastal Environment Chapter hearing to address a gap in relation to potential adverse effects on the natural character of the coastal environment from indigenous vegetation clearance. We accept her recommendation to add a new matter of discretion ''*Effects on natural character, natural landscapes, and natural features in the coastal environment*' in response to a submission point from Forest and Bird S560.32. This is discussed further in our Coastal Environment Chapter Recommendation Report in relation to Policy CE-P2.

ECO-R6/SUB-R9

893. The Panel accepts Ms Easton's recommendation to delete ECO-R6 and the recommended amendments to SUB-R9, as shown in Appendix 1 of the Right of Reply. Like SUB-R7, the Panel considers Ms Easton's recommendations are appropriate given the intention of the rule is to incentivise the protection of significant biodiversity values, while enabling some subdivision and use. We agree that in this context, the use of biodiversity offsetting and compensation is not appropriate. We also agree that cross reference to the ECO Chapter is not appropriate given the intention of the rule.

894. The Panel confirms that it has had regard to the submission points from Frida S553.118 and the Buller Conservation Group S552.118 that sought to include a minimum distance/buffer from SNA to buildings or other development such as access roads, which was not included in the s42A Report. This was addressed at the hearing by Ms Easton and is included as a recommended amendment to SUB-R9(a) as a matter of discretion.

895. The Panel notes that Appendix 1 of the s42A Report and Appendix 1 of the Right of Reply incorrectly showed clause (a) '*Whether there are other regulations impacting the site that have meant the land is unable to be used for economic rural uses'*, which was not in the provision as notified. We consider this is a drafting error and therefore have not shown it in the recommendation box below given the tracked changes are shown to the rule as notified.

896. The Panel consider Ms Easton's recommendation to add a new matter of control to SUB-R7 relating to *'Specification of the location of building sites and access through the use of consent notices'* should also be added to SUB-R9. We note Forest and Bird made similar submission points to both rules and accept this is an appropriate matter of discretion given the context of the rule.

897. The Panel accepts Ms Easton's recommendation to add new clause (4) but recommend adding '*within the area*' to be consistent with the recommended wording of equivalent clause (4) in SUB-R9.

898. As noted above in relation to SUB-R7, the Panel notes Ms Easton's recommendation to add an advice note to SUB-R15, as a consequence of deleting ECO-R8, that advises '*When assessing resource consent applications under this rule, the policies in the ECO Chapter should also be referred to*'. We consider this advice note is also appropriate for SUB-R9 given

the deletion of ECO-R6. As with our recommendation of SUB-R7, we consider this advice note should also include reference to the '*objectives*'.

ECO - R7

899. The Panel acknowledges Ms Easton's reasoning and recommended amendments to ECO-R7 (renumbered as ECO-R10), as shown in Appendix 1 of the Right of Reply. We acknowledge the JWS records that agreement was only reached between the planners to not add clause (3) in relation to coal mining and to add a new clause excluding renewable electricity generation activities, the National Grid and regionally significant infrastructure.

900. It is important to note that renumbered ECO-R10 is the default rule for indigenous clearance that does not meet the permitted, controlled and restricted discretionary rules, which provide for a range of existing and new activities. While we generally agree with Ms Easton regarding the general intent of the rule, we agree with Ms Whitney (for Transpower) and Ms Styles (for Manawa) that activities subject to the NPSREG and NESETA should have a separate rule to recognise the NPSIB does not apply to these activities. We also agree that these should not default to a non-complying activity. The Panel considers it is also appropriate to include regionally significant infrastructure in this rule in recognition of the direction of the RPS and the Strategic Directions in the Plan. We recommend new Rule ECO-R11 is added to achieve this.

901. As discussed earlier, the Panel accepts that there is a need to ensure the provisions protect significant biodiversity values until the district-wide assessment under ECO-P1 is completed. We therefore consider it appropriate for all indigenous clearance not meeting the permitted activity, controlled or discretionary activity rules to be assessed as a discretionary activity.

902. The Panel acknowledges that the intention of Ms Easton's recommended wording is to give effect to NPSIB clause 3.10(2), which sets out the matters that must be avoided by applying the effects management hierarchy in relation to managing adverse on SNA. However, we consider it is important to reflect all the requirements of clause 3.10 and the exemptions in clause 3.11, without cherry picking only some of the requirements. We consider clause 3.10(2) are environmental bottom lines that must be avoided, unless the activity meets the exemptions in clause 3.11. We have made amendments to be consistent with clauses 3.11 and 3.10. We consider it is appropriate to apply these in the interim period until a district-wide SNA assessment is complete. We have considered the alternative of applying the environmental bottom lines set out in policy in Chapter 7 of the RPS but consider these are already reflected in ECO-P6.

903. The structure of the recommended rule recognises that, in the absence of any district-wide SNA assessment, any indigenous vegetation to be cleared in excess of permitted activity allowances needs to be assessed through the consent process. The clauses of the rule separate out the following:

(1) Where an ecological assessment shows the indigenous vegetation to be cleared does not meet the significance criteria under the RPS Appendix 1, the rule requires managing adverse effects on indigenous biodiversity by applying the effects management hierarchy – see ECO-R10 (1) and (2).

(2) Where an ecological assessment shows the indigenous vegetation to be cleared meets the significance criteria under the RPS Appendix 1, the rule requires the avoidance of the matters set out in clause 3.10 of the NPSIB - see clause (3).

(3) Activities that are exempt from clause 3.10(2) of the NPSIB under clause 3.11 are required to manage adverse effects by applying the effects management hierarchy, including demonstrating how each step is applied and having regard to the principles of biodiversity offsetting and biodiversity compensation.

904. The Panel acknowledges Ms Easton's recommendation that where compliance is not achieved this defaults to non-complying. We consider this is appropriate for non-compliance with the adverse effects set out in clause 3.10(2), given the "avoidance" direction. We consider activities covered by the other parts of the rule should remain as discretionary activities.

905. The Panel considers the recommended amendments address submission points and are required to give effect to the RPS and NPSIB until the district-wide SNA assessment is completed and the rule framework reviewed as part of the plan change process.

906. The Panel notes that as a consequence of moving the indigenous vegetation clearance from the Natural Character and Margins of Waterbodies Chapter to the ECO Chapter there is a lack of policy guidance in relation to maintaining natural character. We therefore recommend adding new Advice Note (4) cross referencing the objectives and policies in the Natural Character and Margins of Waterbodies Chapter.

ECO-R8/SUB-R15

907. The Panel accepts Ms Easton's recommendation to delete ECO-R8.

908. The Panel disagrees with Ms Easton's recommended amendments to SUB-R15, as shown in Appendix 1 of the Right of Reply. Unlike SUB-R7 and SUB-R9, this rule does not require the legal protection of areas of significant biodiversity by allowing subdivision and the creation of new allotments and is therefore not an incentive rule.

909. The Panel considers Ms Easton's assessment of the submission points is flawed because she has erroneously taken into account that there are likely to be large areas within the Buller district that will meet the RPS and NPSIB significance criteria, where subdivision will become a non-complying activity. The amount of land that will likely meet the significance assessment criteria is not a relevant matter for consideration in giving effect to the RMA, NPSIB and RPS requirements to protect significant indigenous vegetation and the significant habitats of fauna. It is not open to the Panel to provide for new subdivision, use and development that is not provided for in the RPS or NPSIB just because an area has a large amount of land that meets the significance criteria.

910. The Panel agree with Ms Easton that NPSIB clause 3.10(2) will apply to any resource consent application under this rule, and consider this should be included within the rule. We also agree that the adverse effects of any subdivision should be managed by applying the effects management hierarchy and consider this should also be included in the rule, along with the requirements in NPSIB clause 3.10(4)(a) and (b).

911. The NPSIB also includes adverse effects that must be avoided in clause 3.10(2) to achieve the objective of NPSIB and to give effect to RMA s6(c). We consider these are environmental bottom lines that must be included to give effect to the NPSIB.

912. The Panel notes SUB-R15 as notified did not include clause (3) '*Subdivision Standards S2 – S11 are complied with*', but that this was included on ECO-R8 as notified. We consider this clause should be added because it is appropriate that these general standards are met.

913. The Panel considers the appropriate default activity status for the rule is non-complying as notified. This will ensure that any subdivision within an SNA or area of significant indigenous biodiversity can only be granted under s104D if either the adverse effects are minor or less than minor or the subdivision is not contrary to the relevant objectives and policies of the plan. This is the appropriate threshold given it is a matter of national importance to protect significant indigenous biodiversity.

ECO – 8A

914. The Panel accepts Ms Easton's recommendation to add new rule ECO-8A (renumbered as ECO-R12), as shown in Appendix 1 if the Right of Reply, as the default status non-complying rule for activities not meeting ECO-R10. For the reasons outlined, the Panel considers it is appropriate that any activities not meeting the discretionary activity standards are assessed as non-complying activities given the national direction to maintain indigenous biodiversity and to protect significant indigenous biodiversity values.

ECO-R9/SUB-R27

915. The Panel accepts Ms Easton's recommendation to delete ECO-R9 as notified.

916. The Panel recommends SUB-R27 is retained as notified, for the subdivision of land that does not comply with SUB-R15, except for adding an advice note to SUB-27 to cross reference the ECO objectives and policies, as a consequential change to deleting ECO-R9.

ECO – R10 and ECO – R11

917. The Panel accepts Ms Easton's recommendation to retain ECO-R10 and ECO-R11 (renumbered as ECO-R13 and ECO-R14 respectively), as notified, except for reordering the words to replace '*habitat of significant fauna*' with '*significant habitat of indigenous fauna*' to be consistent with the RMA and RPS wording.

New Method

918. The Panel accepts Ms Easton's recommendation to add new Method ECO-M1, as shown in Appendix 1 of the Right of Reply and as agreed by Ms Pull and Ms Huirama.

Hearing Panel's Recommendation

919. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends the submission points identified in the footnotes below are accepted or accepted in part, and recommend changes to the **Ecosystems and Indigenous Biodiversity Rules** and **Subdivision Rules SUB-R7, SUB-R9, SUB-R15 and SUB-R23,** and adding new **Method ECO-M1**, as follows:

Ecosystems and Indigenous Biodiversity Rules
Permitted Activities

ECO – R1 – Indigenous vegetation clearance and disturbance outside of the coastal environment

1. It is outside of a scheduled Significant Natural Area as identified in Schedule Four;

2. It is clearance permitted by the Natural Character and the Margins of Waterbodies Rule NC - R1; or

3. It is necessary for one of the following purposes:

   i. It is the removal of windthrown timber through:

      a. Use of helicopter recovery methods; or

      b. Where ground based recovery is only undertaken from areas adjacent to existing vehicle tracks; or

   ii. The maintenance, operation and repair of lawfully established tracks, fences, structures, buildings, critical infrastructure, network utilities, renewable electricity generation activities or natural hazard mitigation activities;

   iii. For the installation of temporary network activities following a regional or local state of emergency declaration;

   iv. To prevent a serious threat to people, property, structures or services;

   v. To ensure the safe and efficient operation (including maintenance and repair) of any formed public road, rail corridor or access;

   vi. For the construction of new fences and traplines associated with Conservation Activities or to exclude stock or pest animals;

   vii. To upgrade or create new public walking or cycling tracks up to 3m in width undertaken by the Council or its approved contractor;

   viii. To comply with section 43 of the Fire and Emergency Act 2017;

   ix. For construction or operation of an above ground or below ground network utility or the national grid where:

      a. The construction corridor did not exceed 3m in width; and

      b. All machinery used in construction is cleaned and made free of weed material and seeds prior to entering the site; and

      c. Rehabilitation of disturbed areas is undertaken following the completion of construction;

   x. It is cultural harvest undertaken by Poutini Ngāi Tahu; or

   xi. It is on MPZ – Māori Purpose Zoned land and undertaken in accordance with an Iwi/Papatipu Rūnanga Management Plan; or

xii. It is within an area subject to a QEII National Trust Covenant or Ngā Whenua Rahui Kawaneta, a Reserves or Conservation Act covenant or a Heritage covenant under the Heritage New Zealand/Pouhere Taonga Act and the vegetation disturbance is authorised by that legal instrument;

4. Within the Grey District it is clearance outside of an Outstanding Natural Landscape identified in Schedule Five; or

5. Within the Buller and Westland Districts:

   i. It is the removal or clearance of mānuka, kānuka and bracken only that is not part of any wetland and which is under 15 years old, not exceeding 5ha per site over any continuous three year period, subject to provision of notice to the relevant District Council at least 20 working days prior to the proposed clearance including:

      a. Details of the location of the proposed clearance;

      b. Area of the proposed clearance; and

      c. Verification by documentary, photographic or other means that the vegetation is less than 15 years old and not part of any wetland; or

   ii. It is a maximum area of 5000m² per site, in total, over any continuous three year period.

Advice Notes:

1. Where clearance of mānuka, kānuka or bracken is proposed under Standard 5 (i) of this rule, if proof that the vegetation is less than 15 years old or that the site is not a wetland, is unavailable, then a resource consent will be required.

2. Where indigenous vegetation clearance is proposed within the riparian margins of a waterbody refer to these sections of the Plan for the Rules around this clearance.

3. Where indigenous vegetation clearance is proposed in or on a site or area of significance to Māori then Rule SASM - R4 will also apply.

4. Where indigenous vegetation clearance is proposed within a wetland this is also subject to rules within the NES - Freshwater which is administered by the West Coast Regional Council.

5. This rule also applies to plantation forestry activities, where this provision is more stringent than the NES - PF in relation to significant natural areas.

Activity status where compliance not achieved:

Discretionary where standard 1 or 4 is not achieved.

Refer Natural Character and Margins of Waterbodies Chapter where standard 2 is not achieved.

Within the Grey District refer standard 4 where standard 3 is not achieved.

Within the Buller and Westland Districts Controlled or Restricted Discretionary (depending on activity type) where standard 5 is not achieved.

~~**ECO – R2 Indigenous Vegetation Clearance in the Coastal Environment**~~

~~**Activity Status Permitted**~~

~~Where:~~

~~1. This is for:~~

~~i. Walking/cycling tracks, roads, farm tracks or fences;~~

~~ii. Operation, maintenance, repair, upgrading and installation of new network utility infrastructure and renewable electricity generation activities; or~~

~~iii. Establishment of a building platform and access to a building site in an approved subdivision or where there is no existing residential building on the site;~~

~~2. The extent of indigenous vegetation disturbed and/or cleared per site did not exceed an area of 500m² in area per site in any three year period;~~

~~3. The indigenous vegetation clearance did not disturb, damage or destroy nesting areas or habitat of protected species; and~~

~~4. The indigenous vegetation clearance did not occur in any area identified as a Significant Natural Area in Schedule Four.~~

~~**Advice Notes:**~~

~~1. Where indigenous vegetation clearance is proposed within the riparian margins of a waterbody refer to these sections of the Plan for the Rules around this clearance.~~

~~2. Where indigenous vegetation clearance is proposed in or on a site or area of significance to Māori then Rule SASM - R4 will also apply.~~

~~3. Where indigenous vegetation clearance is proposed within a wetland this is also subject to rules within the NES - Freshwater which is administered by the West Coast Regional Council.~~

~~4. This rule also applies to plantation forestry activities, where this provision is more stringent than the NES - PF.~~

~~**Activity status where compliance not achieved:** Restricted Discretionary~~

ECO – R1 General Standards

Permitted activities standards outside Significant Natural Areas:

1. Within the coastal environment:

a. Any indigenous vegetation clearance is a maximum of 500m² per site, or a maximum of 20m² on any individual infrastructure work site, or 20m² per linear 100 metre length for linear infrastructure; except that indigenous vegetation clearance is a maximum of

500m² per site in the Hartmount Place and Ross Place subdivision, provided that at least an equivalent amount is retained on the site;[183]

b. The indigenous vegetation clearance will not disturb, damage or destroy nesting areas or habitat of protected threatened or at risk species; and

c. The indigenous vegetation clearance will not occur in an area of land within category one or two of the Threatened Environment Classification; and

2. Within the riparian margin of a waterbody:

a. It is a maximum of 25m² per linear 200 metre length of riparian margin; and

3. In all other locations:

a. A maximum of 2,000m² on any site that has not had a Significant Natural Area assessment undertaken in accordance with Policy ECO – P1; or

b. A maximum of 5,000m² on any site that has had a Significant Natural Area assessment in accordance with Policy ECO – P1 or within the Grey District has a Significant Natural Area included within Schedule Four that is located on the same property; or

c. Is a maximum of 20m² on any individual infrastructure work site, or 20m² per linear 100 metre length for linear infrastructure; and

4. Except where carried out by a statutory agency, or authorised contractor acting on its behalf, responsible for natural hazard mitigation, the clearance is located within areas used and identified for natural hazard mitigation structures that are owned or managed by a statutory agency.

Except that the maximum vegetation clearance provisions in these general standards do not apply where:

a. Specific to clause 3 in this rule, it is necessary to provide for the ongoing safe and efficient operation, maintenance and repair of the National Grid, electricity distribution and telecommunications lines; or

b. For all clauses in this rule, the indigenous vegetation clearance is for network utility operations within any RESZ – Residential Zone, COMZ – Commercial and Mixed Use Zone, PORTZ – Port Zone, or IND – Industrial Zone property within the towns of Greymouth, Hokitika or Westport;

c. For all clauses in this rule, the indigenous vegetation clearance is of vegetation planted and managed:

i. As part of a domestic or public garden for amenity purposes; or

ii. As a shelterbelt; or

iii. For the purpose of harvesting plantation forestry.

[183] Marie Elder S352.014 from Settlement Zone Chapter Recommendation Report

Activity status where compliance not achieved: Restricted Discretionary

ECO – R2	**Indigenous Vegetation Clearance for Network Utility Operations, Renewable Electricity Generation Activities and the National Grid outside of Significant Natural Areas**

Activity Status Permitted

Where:

1. **It is for the maintenance, operation, repair or upgrade of lawfully established activities and structures; or**
2. **It is for the installation of temporary network or electricity generation activities following a regional or local state of emergency declaration; or**
3. **It is necessary to remove vegetation that endangers human life or existing buildings or structures; or**
4. **It is for construction of new network utility infrastructure, renewable electricity generation activities or the National Grid where:**
    a. **The construction corridor for linear infrastructure such as pipes and lines will not exceed 10 metres in width; and**
    b. **All machinery used in construction is cleaned and made free of weed materials and seeds prior to entering the site; and**
    c. **Rehabilitation of disturbed areas is undertaken following completion of construction; and**
    d. **Within a riparian margin of a waterbody, new network utilities and connections are underground or located within a legal road or attached to an existing bridge.**

Activity status where compliance not achieved: Restricted Discretionary

ECO – R3	**Indigenous vegetation clearance for maintenance and repair of lawfully established structures and activities outside of Significant Natural Areas not provided for in Rule ECO – R1**

Activity Status Permitted

Where:

1. **The clearance is for the maintenance and repair of lawfully established activities and structures including tracks, accessways, fences, pipelines, drains, natural hazard mitigation structures, shelterbelts and woodlots, environmental monitoring facilities and infrastructure; or**
2. **The clearance is for the maintenance of improved pasture for farming.**

Advice Note:

1. **In relation to standard 1 of this rule, the reference to infrastructure applies where the infrastructure is not regulated by Rule ECO – R2.**

Activity status where compliance not achieved: Restricted Discretionary

ECO – R4	**Indigenous vegetation clearance in urban areas outside of Significant Natural Areas not provided for in Rule ECO – R1 or ECO – R2**

Activity Status Permitted

Where:

1. **It is undertaken on a RESZ – Residential Zone, COMZ – Commercial and Mixed Use Zone, PORTZ – Port Zone, or IND – Industrial Zone property within the towns of Reefton, Greymouth, Hokitika or Westport;**

Activity status where compliance not achieved: Restricted Discretionary

ECO – R5	**Indigenous vegetation clearance on Māori Purpose Zoned Land, Poutini Ngāi Tahu Land for Poutini Ngāi Tahu Activities or on Specified Māori Land outside of Significant Natural Areas**

Activity Status Permitted

Where:

1. **It is cultural harvest undertaken by Poutini Ngāi Tahu; or**

2. **It is on Māori Purpose Zoned land or Poutini Ngāi Tahu land and undertaken in accordance with an Iwi/Papatipu Rūnanga Management Plan; or**

3. **It is on Specified Māori Land and complies with ECO-R1 and ECO-R3.**

Activity status where compliance not achieved: Restricted Discretionary

ECO – R6	**Indigenous vegetation clearance outside of Significant Natural Areas not provided for in another Permitted Activity Rule**

Activity Status Permitted

Where this is:

1. **For the construction of new fences and traplines associated with Conservation Activities or to exclude stock or pest animals from indigenous vegetation or the margins of waterbodies, or the coast; or**

2. **Necessary to remove vegetation that endangers human life or existing buildings or structures; or**

3. **For the construction of parks facilities, parks furniture or public access points within an Open Space and Recreation Zone; or**

4. **For installation of an environmental monitoring and extreme weather event monitoring facility; or**

5. **For the establishment of a river crossing point up to 3 metres wide; or**

6. **For new natural hazard mitigation structures undertaken by a statutory agency or their authorised contractor acting on its behalf; or**

7. **Unavoidable in the course of removing pest plants and pest animals in accordance with any regional pest management plan or the Biosecurity Act 1993, or is removal of unwanted organisms declared under the Biosecurity Act 2015; or**

8. **To comply with section 43 of the Fire and Emergency Act 2017; or**

9. **To upgrade public walking or cycling tracks up to 3 metres in width undertaken by the Council or its authorised contractor acting on its behalf; or**

10. **Within an area subject to a QEII National Trust Covenant or Ngā Whenua Rahui Kawaneta, a Reserves or Conservation Act covenant or a Heritage covenant under the Heritage New Zealand/Pouhere Taonga Act and the vegetation disturbance is authorised by that legal instrument; or**

11. **For the establishment of a building platform and access to a building site in an approved subdivision, or where there is no existing residential building on the site that will not exceed 500m² clearance per allotment, and where this is not located within a riparian margin of a waterbody; or**

12. **For mineral exploration or prospecting activities within the MINZ - Mineral Extraction Zone or BCZ – Buller Coalfield Zone; or**

13. **Outside of the coastal environment or riparian margins of waterbodies, it is removal of windthrow timber through:**

    i. **Use of helicopter recovery methods; or**

    ii. **Ground-based recovery, where this is only undertaken from areas adjacent to existing vehicle tracks; or**

14. **For any other purpose, where this is not located within a riparian margin of a waterbody or the coastal environment, and will not exceed 2,000m² clearance per property.**

Activity status where compliance not achieved: Controlled Activity where this is indigenous vegetation clearance with an approved plan or permit issued under the Forests Act; otherwise, Restricted Discretionary

ECO – R7 Indigenous Vegetation Clearance within a Significant Natural Area

Activity Status Permitted

Where this is:

1. **For the maintenance, operation and repair of lawfully established activities and structures including tracks, fences, drains, structures, infrastructure and renewable electricity generation activities where:**

   a. **This is at the same or similar scale, character and intensity as at 14 July 2022; and**

   b. **The clearance is within 3 metres of the lawfully established activity and is limited to a maximum area of 50m² per individual Significant Natural Area;**

2. **Necessary to remove vegetation that endangers human life or existing buildings or structures, where this is certified by a Council Approved Contractor;**

3. **For the safe and efficient operation (including maintenance and repair) of any formed public road, rail corridor or access where the removal is within 3 metres of the formed width of the road, rail corridor or access where this is undertaken by a Road or Rail Controlling Authority;**

4. **To comply with section 43 of the Fire and Emergency Act 2017;**

5. **To enable removal of unwanted organisms declared under the Biosecurity Act 2015.**

Activity status where compliance not achieved: Discretionary

ECO – R~~3~~8	**Indigenous vegetation clearance or disturbance where this is in accordance with an approved plan or permit issued under the Forests Act 1949**

Activity Status Controlled

Where:

1. The indigenous vegetation clearance and disturbance is in accordance with an approved Sustainable Forest Management Plan or permit or personal use approval issued by the Ministry for Primary Industries under the Forests Act 1949;

2. The indigenous vegetation clearance is outside of ~~any Significant Natural Area identified in Schedule Four and outside of~~[184] the Coastal Environment; and

3. The indigenous vegetation clearance is not located in an area of land environment of category one or two of the Threatened Environment Classification.

Matters of control are:

a. The matters outlined in Policy~~ies~~ ECO - P~~6~~**7**~~,~~ **and** ECO - P~~7~~**8** and where relevant NFL - P6;

b. The protection of habitats of threatened or at risk species;

c. The management of impacts on Poutini Ngāi Tahu values as set out in the Tangata Whenua Chapter; [185]

[184] Michael Orchard S583.002, Peter Langford S615.052, Karamea Lime Company S614.052, Koiterangi Lime Co Ltd S577.043, Catherine Smart-Simpson S564.036, William McLaughlin S567.182, Steve Croasdale S516.041, Geoff Volckman S563.030, Chris & Jan Coll S558.101, Chris J Coll Surveying Limited S566.101, Laura Coll McLaughlin S574.101

[185] Te Rūnanga o Ngāi Tau, Te Rūnanga of Ngāti Waewae and Te Rūnanga o Makaawhio S620.147

~~c.~~**d.** Compliance with the terms of an approved Sustainable Forest Management Plan or permit or personal use approval issued by the Ministry for Primary Industries under the Forests Act 1949; and

~~d.~~**e.** The measures to avoid, remedy, or mitigate any adverse effects on any significant indigenous vegetation and significant habitats of indigenous fauna.

Advice Notes:

~~1.~~ Where indigenous vegetation clearance is proposed within the riparian margins of a waterbody **ECO-R1 or ECO-R10 apply.**~~refer to these sections of the Plan for the rules around this clearance.~~

2. Where indigenous vegetation clearance is proposed in or on a site or area of significance to Māori then Rule SASM - R4 will also apply.

3. Where indigenous vegetation clearance is proposed within a wetland this is also subject to rules within the NES - Freshwater which is administered by the West Coast Regional Council.

Activity status where compliance not achieved: Restricted Discretionary

~~**ECO – R4 Subdivision of Land to Create Allotments Containing an Area of Significant Indigenous Biodiversity**~~

~~**Activity Status: Controlled**~~

~~Where:~~

~~1. One new allotment with a minimum lot size of 4,000m^2 is created from the parent title, provided that in the GRUZ - General Rural Zone there is a balance area remaining on the original title of at least 4 ha; and~~

~~2. The area of significant indigenous biodiversity is legally protected in perpetuity by way of a conservation covenant with an authorised agency and is contained within a single allotment;~~

~~3. The subdivision will not result in buildings or access ways being located within the identified area of significant indigenous biodiversity or the need for clearance of significant indigenous vegetation to provide for future access to any site; and~~

~~4. Subdivision standards S2-S11 are complied with.~~

~~**Matters of control are:**~~

~~a. Subdivision layout, access, design, location and proximity of building platforms to areas of significant indigenous biodiversity;~~

~~b. Management of earthworks, including earthworks for the location of building platforms and access ways;~~

~~c. The protection of habitats of threatened or at risk species; and~~

~~d. The measures to minimise any adverse effects on:~~

~~i. The significant indigenous biodiversity;~~

~~ii. The cultural significance to Poutini Ngāi Tahu.~~

~~**Advice Note:**~~

~~This rule does not apply to subdivisions to create allotments for network utilities, access or reserves which are subject to Rule SUB – R4. Activity status where compliance not achieved: Restricted Discretionary where standard 1 is not complied with. Discretionary where standards 2-4 are not complied with.~~ [186]

SUB – R7 Subdivision of Land to Create Allotments Containing an Area of Significant Indigenous Biodiversity <u>Where Legal Protection of the Area of Significant Biodiversity is Proposed</u>[187]

Activity Status: Controlled

Where:

1. One new allotment with a minimum lot size of **4<u>1</u>**,000[188]m² is created from the parent title, provided that in the GRUZ - General Rural Zone there is a balance area remaining on the original**<u>/parent</u>** title of at least 4 ha; and

<u>2. An assessment of the site against the significance criteria in the WCRPS Appendix 1 is provided with the application and this is undertaken by a suitably qualified ecologist, unless the site has already been identified as a Significant Natural Area as part of a district-wide Significant Natural Area assessment process; and</u>[189]

~~2.~~**<u>3.</u>** ~~The~~ **<u>Any</u>** area**<u>s</u>**[190] of significant indigenous biodiversity ~~is~~ **<u>are</u>**[191] legally protected in perpetuity by way of a conservation covenant with an authorised agency **<u>or via consent notice on the title</u>**[192] and ~~is~~ **<u>are</u>**[193] contained within a single allotment; **<u>and</u>**

~~3.~~**<u>4.</u>** The subdivision will not result in buildings or access ways being located within the identified area of significant indigenous biodiversity or the need for clearance **<u>within the area</u>**[194] of significant indigenous vegetation to provide for **<u>a future building site or</u>**[195] future access to any site; and

~~4.~~**<u>5.</u>** Subdivision standards S2-S11 are complied with.

Matters of control are:

[186] Director General of Conservation S602.077
[187] William McLaughlin S567.298, Chris & Jan Coll S558.228, Chris J Coll Surveying Limited S566.228, Laura Coll McLaughlin S574.228
[188] Davis Ogilvie & Partners Limited S602.017
[189] Royal Forest and Bird Protection Society of New Zealand Incorporated S560.219 and S560.269
[190] RMA Schedule 1, clause 16(2)
[191] RMA Schedule 1, clause 16(2)
[192] Buller District Council S538.211 and S538.260
[193] RMA Schedule 1, clause 16(2)
[194] Frida Inta S553.117 and Buller Conservation Group S552.117
[195] Royal Forest and Bird Protection Society of New Zealand Incorporated S560.219 and S560.269

a. Subdivision layout, access, design, location and proximity of building platforms to areas of significant indigenous biodiversity **and whether buffering of significant areas is also appropriate**; [196]

b. The design and provision of access;

c. The provision of infrastructure and services for drinking water, wastewater, stormwater, telecommunications and energy/electricity;[197]

d. The adequacy of water supply for firefighting;[198]

e. Specification of the location of building sites and access through the use of consent notices;[199]

f. Management of potential reverse sensitivity effects on existing land uses, including network utilities and regionally significant infrastructure, rural activities or significant hazardous facilities; [200]

g. Measures to address any natural hazards or geotechnical constraints;[201]

~~c.~~**h.** Management of earthworks, including earthworks for the location of building platforms and access ways;

~~d.~~**i.** The protection of habitats of threatened or at risk species; and

~~e.~~**j.** The measures to ~~minimise~~ **avoid, remedy or mitigate**[202] any adverse effects on:

i. The significant indigenous biodiversity; **and**

ii. ~~The cultural significance to~~ Poutini Ngāi Tahu **values**.[203]

Advice Notes:

1. This rule did not apply to subdivisions to create allotments for network utilities, access or reserves which are subject to **either of** Rule**s SUB-R2 or**[204] SUB - R4.

2. When assessing resource consent applications under this rule, reference should also be made to the objectives and policies in the ECO Chapter.[205]

Activity status where compliance not achieved:

Restricted Discretionary where standard 1 is not complied with.

Discretionary where standards 2-~~4~~**5**[206] are not complied with.

[196] Consequential amendment Frida Inta S553.121 and Buller Conservation Group S552.121
[197] Grey District Council S608.637 and Westpower Limited S547.367
[198] Grey District Council S608.637
[199] Royal Forest and Bird Protection Society of New Zealand Incorporated S560.219 and S560.269
[200] Buller District Council S583.261 and Westpower Limited S547.367
[201] Buller District Council S583.254
[202] Royal Forest and Bird Protection Society of New Zealand Incorporated S560.219 and S560.269
[203] Te Rūnanga o Ngāi Tau, Te Rūnanga of Ngāti Waewae and Te Rūnanga o Makaawhio S620.148
[204] Westpower Limited S547.268
[205] Consequential amendment Director General of Conservation S602.077
[206] Consequential amendment Royal Forest and Bird Protection Society of New Zealand Incorporated S560.219 and S560.269

Restricted Discretionary Activities

ECO – R~~5~~9	**Indigenous vegetation clearance not meeting Permitted or Controlled Activity Standards outside of a Significant Natural Area in the Grey District**[207]

Activity Status Restricted Discretionary

Where:

1. This is not within:

   i. ~~A Significant Natural Area identified in Schedule Four~~; [208]

   ii. An area of land environment of category one or two of the Threatened Environment Classification; **or**

   iii. An Outstanding Natural Landscape identified in Schedule Five; **or**

   iv. An Outstanding Natural Feature identified in Schedule Six; **or**

   v. An area of High Coastal Natural Character identified in Schedule Seven; or

   vi. An area of Outstanding Coastal Natural Character identified in Schedule Eight.

Discretion is restricted to:

~~a. Whether there are other regulations impacting the site that have meant the land is unable to be used for economic rural uses;~~ [209]

a. Effects on indigenous biodiversity;[210]

b. ~~Constraints imposed by~~ **Consideration of the** functional **need** or operational need of network utilities, **renewable electricity generation** and ~~critical~~ **regionally significant** infrastructure; [211]

c. Effects on habitats of any threatened or ~~protected~~ **at risk (declining)**[212]species;

d. Effects on the threat status of land environments in category one or two of the Threatened Environments Classification;

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

f. Effects on the intrinsic values of ecosystems;

g. Effects on recreational values of public land; ~~and~~

[207] Royal Forest and Bird Protection Society of New Zealand Incorporated S560.010
[208] RMA Schedule 1, clause 16(2)
[209] Royal Forest and Bird Protection Society of New Zealand Incorporated S560.497
[210] Royal Forest and Bird Protection Society of New Zealand Incorporated S560.499, Director General of Conservation S602.078
[211] Director General of Conservation S602.078, Buller District Council S583.261 and Westpower Limited S547.272
[212] Director General of Conservation S602.078

h. Effects on natural character, natural landscapes, and natural features in the coastal environment; [213]

i. Natural hazard management and geotechnical considerations; and [214]

j. Poutini Ngai Tahi values.[215]

~~h. The matters outlined in Policies ECO - P6 and ECO - P7~~

Advice Note:

~~1. Where indigenous vegetation clearance is proposed within the riparian margin of a waterbody refer to this section of the Plan for the Rules around this clearance.~~ [216]

2. Where indigenous vegetation clearance is proposed in or on a site or area of significance to Māori then Rule SASM - R4 will also apply.

3. Where indigenous vegetation clearance is proposed within a wetland this is also be subject to **additional**[217] rules within the NES - Freshwater and Regional Land and Water Plan which are administered by the West Coast Regional Council.

4. This rule also applies to ~~plantation~~ **commercial**[218] forestry activities, where this provision is more stringent than the NES - ~~P~~**CF**[219] and the indigenous vegetation clearance is within the coastal environment**.**

Activity status where compliance not achieved: Discretionary

~~ECO – R6 Subdivision of Land to create Allotments Containing an Area of Significant Indigenous Biodiversity not meeting Rule ECO - R4~~

~~Activity Status Restricted Discretionary~~

~~Where:~~

~~1. Up to three allotments with a minimum lot size of 4,000m^2 are created from the parent title;~~

~~2. The area of significant indigenous biodiversity is legally protected in perpetuity by way of a conservation covenant with an authorised agency and is contained within a single allotment;~~

~~3. The subdivision will not result in buildings or access ways being located within any Significant Natural Area identified in Schedule Four; and~~

~~4. Subdivision standards S2-S11 are complied with. Discretion is restricted to:~~

[213] Coastal Environment Chapter Recommendation Report, Royal Forest and Bird Protection Society of New Zealand Incorporated S560.532
[214] Buller District Council S583.254
[215] Te Rūnanga o Ngāi Tau, Te Rūnanga of Ngāti Waewae and Te Rūnanga o Makaawhio S620.149
[216] Consequential amendment from Natural Character and Margins of Waterbodies Recommendation Report to address this in ECO rules.
[217] Director General of Conservation S602.078
[218] RMA Schedule 1, clause 16(2)
[219] RMA Schedule 1, clause 16(2)

~~a. Whether there are other regulations impacting the site that have meant the land is unable to be used for economic rural uses;~~

~~b. The extent to which the subdivision layout, access, allotment size and design and the location of building platforms may adversely impact the significant indigenous vegetation and/or significant habitat of indigenous fauna;~~

~~c. Management of earthworks including earthworks for the location of building platforms and access ways;~~

~~d. The protection of habitats of threatened or at risk species.~~

~~e. The measures to minimise any adverse effects on:~~

~~i. The significant indigenous biodiversity; and~~

~~ii. The particular cultural, spiritual and/or heritage values, interests or associations of importance to Poutini Ngāi Tahu as kaitiaki and mana whenua that are associated with the significant indigenous vegetation and/or significant habitats of indigenous fauna and the potential impact on those values, interests or association.~~

~~**Activity status where compliance not achieved:** Discretionary~~[220]

SUB – R9	**Subdivision <u>of Land</u> to create allotment(s) Containing an Area of Significant Indigenous Biodiversity<u>, where Legal Protection of the Area of Significant Indigenous Biodiversity is Proposed,</u>**[221] **not meeting Rule SUB-R7**

Activity Status Restricted Discretionary

Where:

1. Up to three allotments with a minimum lot size of ~~4~~**<u>1</u>**,000[222]m² are created from the parent title;

2. **<u>An assessment of the site against the significance criteria in the WCRPS Appendix 1 is provided with the application and this is undertaken by a suitably qualified ecologist, unless the site has already been identified as an SNA as part of a district – wide Significant Natural Area assessment process;</u>** [223]

~~2.~~**3.** ~~**The**~~ **<u>Any</u>** area**<u>s</u>**[224] of significant indigenous biodiversity ~~is~~ **<u>are</u>**[225] legally protected in perpetuity by way of a conservation covenant with an authorised agency **<u>or via a consent notice on the title</u>**[226] and ~~is~~ **<u>are</u>**[227] contained within a single allotment;

~~3.~~**4.** The subdivision will not result in buildings or access ways being located within any Significant Natural Area identified in Schedule Four **<u>or the need for clearance within the</u>**

[220] Director General of Conservation S602.079
[221] Margaret Montgomery S446.055, Lara Kelly S421.007
[222] Davis Ogilvie & Partners Limited S602.018
[223] Royal Forest and Bird Protection Society of New Zealand Incorporated S560.221 and S560.270
[224] RMA Schedule 1, clause 16(2)
[225] RMA Schedule 1, clause 16(2)
[226] Buller District Council S538.213
[227] RMA Schedule 1, clause 16(2)

area of significant indigenous vegetation to provide for a future building site or future access to any site;[228] and

~~4.~~**5.** Subdivision standards S2-S11 are complied with.

Discretion is restricted to:

a. The extent to which the subdivision layout, access, allotment size and design and the location of building platforms may adversely impact the significant indigenous vegetation and/or significant habitat of indigenous fauna **and whether buffering of significant areas is also appropriate**;[229]

b. The provision of infrastructure and services for drinking water, wastewater, stormwater, telecommunications and energy/electricity;[230]

c. The adequacy of water supply for firefighting;[231]

d. Specification of the location of building sites and access through the use of consent notices;[232]

e. Management of potential reverse sensitivity effects on existing land uses, including network utilities and regionally significant infrastructure, rural activities or significant hazardous facilities;[233]

~~b.~~**f.** Management of earthworks including earthworks for the location of building platforms and access ways;

~~c.~~**g.** The protection of habitats of threatened or at risk species~~.~~**; and**

~~d.~~**h.** The measures to ~~minimise~~ **avoid, remedy or mitigate**[234] any adverse effects on:

i. The significant indigenous biodiversity.~~; and~~

ii. ~~The particular cultural, spiritual and/or heritage values, interests or associations of importance to~~ Poutini Ngāi Tahu **values** ~~as kaitiaki and mana whenua that are associated with the significant indigenous vegetation and/or significant habitats of indigenous fauna and the potential impact on those values, interests or association~~.[235]

Activity status where compliance not achieved: Discretionary

Advice Note: When assessing resource consent applications under this rule, the objectives and policies in the ECO Chapter should also be referred to.[236]

[228] Royal Forest and Bird Protection Society of New Zealand Incorporated S560.221 and S560.270
[229] Frida Inta S553.118 and Buller Conservation Group S552.118
[230] Grey District Council S608.639 and Westpower Limited S547.375
[231] Grey District Council S608.639
[232] Royal Forest and Bird Protection Society of New Zealand Incorporated S560.221 and S560.270
[233] Buller District Council S538.261, Westpower Limited S547.377
[234] Royal Forest and Bird Protection Society of New Zealand Incorporated S560.221 and S560.270
[235] Te Rūnanga o Ngāi Tau, Te Rūnanga of Ngāti Waewae and Te Rūnanga o Makaawhio S620.150
[236] Consequential amendment Director General of Conservation S602.079

Discretionary Activities

ECO – R~~7~~10	**Indigenous vegetation clearance not meeting ~~ECO – R5~~ Permitted, Controlled or Restricted Discretionary Rules**[237]

Activity Status Discretionary

Where:

1. **An ecological assessment undertaken by a suitably qualified ecologist identifies that the indigenous vegetation clearance will not adversely affect an area of significant indigenous biodiversity using the WCRPS, Appendix 1; and**

2. **Adverse effects of the clearance on indigenous biodiversity are managed by applying the effects management hierarchy to achieve Objective ECO-O1.**

OR

3. **An ecological assessment undertaken by a suitably qualified ecologist identifies that the indigenous vegetation clearance is within an area of significant indigenous biodiversity using the WCRPS, Appendix 1, and avoid any of the following:**

    a. **Loss of ecosystem representation and extent; or**

    b. **Disruption to sequences, mosaics or ecosystem function; or**

    c. **Fragmentation of areas of significant indigenous biodiversity or the loss of buffers or connections with areas of significant indigenous biodiversity; or**

    d. **A reduction in the function of the area of significant indigenous biodiversity as a buffer or connection to important habitats or ecosystems; or**

    e. **A reduction in the population size or occupancy of any threatened or at risk (declining) species that use the area of significant indigenous biodiversity.**

OR

4. In the case of:

    a. **Mineral extraction that provides significant national public benefit that could not otherwise be achieved using resources within New Zealand, and it can be demonstrated that there is a functional need or operational need to be in that particular location, and there are no practicable alternative locations; or**

    b. **Aggregate extraction that provides significant national or regional public benefit that could not otherwise be achieved using resources within New Zealand, and it can be demonstrated that there is a functional need or operational need to be in that particular location, and there are no practicable alternative locations; or**

[237] Consequential amendment to reflect changes to the rule numbering and structure

c. A single residential dwelling on an allotment created before 4 August 2023, and there is no practicable alternative location on the allotment for the dwelling and essential associated onsite infrastructure; or

d. This is for a commercial forestry activity and is required for the commercial forestry activity to continue; and

The adverse effects on areas of significant indigenous biodiversity are managed by applying the effects management hierarchy, including demonstrating how each step is applied, and if biodiversity offsetting and biodiversity compensation is applied, having regard to the principles in Appendix Fourteen and Appendix Fifteen. [238]

Advice Notes:

1. Where assessing resource consents for indigenous vegetation clearance under this rule, assessment against the **relevant objectives and**[239] policies of ~~both~~ the Ecosystems and **Indigenous** Biodiversity Chapter**,** ~~and~~ Natural Features and Landscapes Chapter**, the Coastal Environment Chapter, the Energy, Infrastructure and Transport Chapters and the MINZ and BCZ zone Chapters**[240] ~~will~~**may** be required.

2. **In relation to Significant Natural Areas, t**~~T~~his rule also applies to ~~plantation~~ **commercial**[241] forestry activities, where this provision is more stringent than the NES - ~~P~~**CF**. [242]

3. **When assessing resource consents for indigenous vegetation clearance on Specified Māori Land under this rule, the provisions of the NPSIB in relation to Specified Māori Land must be taken into account.** [243]

4. **When assessing resource consents for indigenous vegetation clearance within the riparian margins of waterbodies under this rule, the objectives and policies of the Natural Character and the Margins of Waterbodies must be taken into account.**[244]

Activity status where compliance not achieved:

N/A where standard 1, 2 or 4 is complied with

Non-complying where standard 3 is not complied with[245]

ECO - R11 Indigenous vegetation clearance for regionally significant infrastructure, the National Grid and renewable electricity generation activities

Activity Status Discretionary

Activity Status where compliance not achieved: N/A[246]

[238] Royal Forest and Bird Protection Society of New Zealand Incorporated S560.010, Director General of Conservation S602.079
[239] Westpower Limited S547.274
[240] Bathurst Resources Limited and BT Mining Limited S491.020
[241] RMA Schedule 1, clause 16(2)
[242] RMA Schedule 1, clause 16(2)
[243] Consequential amendment to adding definition for 'Specified Māori Land'.
[244] Consequential amendment from relocating the vegetation clearance rules in riparian margins from the Natural Character and Margins of Waterbodies Chapter.
[245] Royal Forest and Bird Protection Society of New Zealand Incorporated S560.010 and S560.504
[246] Transpower New Zealand Limited S299.078,

~~**ECO – R8 Subdivision of Land to Create Allotments Containing an Area of Significant Indigenous Biodiversity not meeting Rule ECO – R6**~~

~~**Activity Status Discretionary**~~

~~**Where:**~~

~~1. The area of significant indigenous biodiversity is legally protected in perpetuity by way of a conservation covenant with an authorised agency and is contained within a single allotment;~~

~~2. The subdivision will not result in buildings or accessways being located within any Significant Natural Area identified in Schedule Four; and~~

~~3. Subdivision Standards S2 - S11 are complied with.~~

~~**Activity status where compliance not achieved:** Non-complying~~[247]

Non-complying Activities

SUB – R15 Subdivision of Land to Create Allotments containing an Area of Significant Indigenous Biodiversity that does not meet ~~Controlled or Restricted Discretionary Activity Standards~~ SUB-R9[248]

Activity Status Discretionary

Where:

1. **An assessment of the site against the significance criteria in the WCRPS Appendix 1 is provided with the application and this is undertaken by a suitably qualified ecologist, unless the site has already been identified as an Significant Natural Area as part of a district–wide Significant Natural Area assessment process using the NPSIB Appendix 1 criteria; and**[249]

2. **Any adverse effects on** ~~T~~**t**he area of significant indigenous biodiversity **or SNA**~~is legally protected in perpetuity by way of a conservation covenant with an authorised agency and is contained within a single allotment;~~ **are managed by applying the effects management hierarchy, including demonstrating how each step of the effects management hierarchy will be applied, and if biodiversity offsetting or biodiversity compensation is applied, having regard to principles in Appendix 14 and 15; and**[250]

3. The subdivision will not result in ~~buildings or accessways being located within any Significant Natural Area identified in Schedule Four; and~~ **any of the following:**

   a. **Loss of ecosystem representation and extent; or**

   b. **Disruption to sequences, mosaics or ecosystem function; or**

[247] Director General of Conservation S602.081
[248] Consequential amendment to reflect changes to the rule structure
[249] Royal Forest and Bird Protection Society of New Zealand Incorporated S560.219 and S560.269
[250] Straterra S536.019, Inger Perkins S462.009, Lynley Hargreaves S481.002, John Caygill S290.008, Royal Forest and Bird Protection Society of New Zealand Incorporated S560.028

c. Fragmentation of areas of significant indigenous biodiversity or the loss of buffers or connections with areas of significant indigenous biodiversity; or

d. A reduction in the function of the area of significant indigenous biodiversity as a buffer or connection to important habitats or ecosystems; or

e. A reduction in the population size or occupancy of any threatened or at risk (declining) species that use the area of significant indigenous biodiversity; and [251]

4. **Subdivision Standards S2 - S11 are complied with.** [252]

Activity status where compliance not achieved: Non-complying

Advice Note: When assessing resource consent applications under this rule, the objectives and policies in the ECO Chapter should also be referred to. [253]

Non-complying Activities

ECO – R12 Indigenous vegetation clearance not meeting ECO – R~~7~~10

Activity status Non-complying

Activity status where compliance not achieved: N/A

Advice Note:

1. This rule also applies to Plantation forestry activities, where this provision is more stringent than the NES - CF. [254]

~~**ECO – R9 Subdivision of Land within an Area of Significant Indigenous Biodiversity not meeting Rule ECO – R8**~~

~~**Activity Status Non-complying**~~

~~**Activity status where compliance not achieved:** N/A~~[255]

SUB – R27 Subdivision of Land within an Area of Significant Indigenous Biodiversity not meeting Discretionary Activity Standards

Activity Status Non-complying

Activity status where compliance not achieved: N/A

Advice Note: When assessing resource consent applications under this rule, reference should also be made to the objectives and policies in the ECO Chapter. [256]

[251] Inger Perkins S462.009, Lynley Hargreaves S481.002, John Caygill S290.008,
[252] Consequential amendment Director General of Conservation S602.081
[253] Consequential amendment Director General of Conservation S602.081
[254] Royal Forest and Bird Protection Society of New Zealand Incorporated S560.254 and S560.224
[255] Director General of Conservation S602.082
[256] Consequential amendment Director General of Conservation S602.082

ECO – R1~~0~~3	**Planting of Plant Pests identified in a West Coast Regional Pest Management Plan within an area of significant indigenous vegetation or significant habitat of ~~significant~~ indigenous fauna**[257]
Activity Status Non-complying **Activity status where compliance not achieved:** N/A	
ECO – R1~~1~~4	**The intentional release or farming of Animal Pests identified in a West Coast Regional Pest Management Plan within an area of significant indigenous vegetation or significant habitat of ~~significant~~ indigenous fauna**[258]
Activity Status Non-complying **Activity status where compliance not achieved:** N/A	
Ecosystems and Indigenous Biodiversity Methods **ECO – M1** **The TTPP Committee will** **a. Identify in conjunction with Specified Māori Land owners how best to implement the NPSIB in relation to Specified Māori Land in accordance with the decision making principles in Appendix Thirteen of this Plan and the provisions of the NPSIB; and** **b. Identify, in partnership with Poutini Ngāi Tahu, how best to fully implement the NPSIB in relation to the decision-making principles, tangata whenua provisions and the Ngāi Tahu Claims Settlement Act; and** **c. As part of giving effect to the NPSIB, the TTPP Committee will consider a Plan Change to implement the actions of this method and Policy ECO-P1.I**	

4.6. Ecosystems and Indigenous Biodiversity Schedule Four and Associated Mapping

Submissions and Further Submissions

920. Twenty-seven submission points and 19 further submissions relating to **Schedule Four (as a whole)** were summarised in a Table on pages 232 - 235 of the s42A Report. Eleven submission points sought to retain Schedule Four as notified and 16 submissions sought amendments. Six further submissions opposed submissions that sought amendments, and 13 further submissions supported submissions that sought amendments.

921. Twenty-two submission points and 11 further submissions relating to **specific SNA in Schedule Four** were summarised in a Table on pages 237 - 239 of the s42A Report. Eleven submission points sought to retain specific SNA in Schedule Four as notified and eight submission points opposed specific SNA in Schedule Four. Three submissions sought

[257] RMA Schedule 1, clause 16(2)
[258] RMA Schedule 1, clause 16(2)

amendments. Seven further submissions opposed submissions, and four further submissions supported submissions.

Section 42A Report

Schedule Four (as a whole)

922. Ms Easton acknowledged the submission points that sought to retain Schedule Four as notified. However, she noted her recommended changes to the schedule resulting from other submissions.

923. In response to similar submission points made by Transpower (S299.016) and John Caygill (S290.002) that sought that SNA be included and mapped for the whole of the West Coast, Ms Easton did not support the relief sought. This was because this exercise had not yet been undertaken for the whole West Coast and ECO-P1 sets out the timeframes for the work to be completed.

924. In response to the submission point made by Forest and Bird (S560.492) that sought that the map layers be amended to include the areas that are category one and category two under the Threatened Environment classification, Ms Easton supported the relief sought in part. She agreed that it was useful information and would assist in understanding where and when resource consents were required.

925. In response to the similar submission points[259] that sought for the Regionally Significant Wetlands from the RPS that are identified as SNA to be shown on the planning maps, Ms Easton supported the relief sought and agreed the information would be helpful for plan users.

926. In response to the submission point made by GDC (S608.840) that sought for the SNA overlays to be reassessed before being applied in the pTTPP, Ms Easton supported the relief sought to the extent that landowners have enabled access to check the accuracy of the mapping.

927. In response to the submission point made by Straterra (S536.003) that sought for the SNA to be reviewed in terms of size and extent, and that more information be provided with respect to the criteria used to define the areas, Ms Easton supported the relief sought in part. She noted the criteria used were set out in the s32 Report, as well as in Appendix 1 of the RPS. However, she noted the NPSIB Appendix 1 criteria that Councils must use to confirm existing SNA within four years. It is in this respect that Ms Easton supported the relief sought in the submission point.

928. In response to the submission points made by New Zealand Coal and Carbon Limited (S472.002 and S472.050) that sought to exclude the SNA overlays from the Roa Mining Company Limited, Francis Mining Co Limited and New Creek Mining Limited mining areas, including the full lawfully established and approved areas, Ms Easton did not support the relief sought. She noted that it was not entirely clear what SNA was being referred to, but she did not support removing any identified SNA that met the criteria on the grounds that the SNA could interfere with the intended use of the land.

[259] Susan and Kevin Hall and Dunn (S218.001 and S218.002), Anne Chapman (S425.004) and Brian Anderson (S576.006)

929. Ms Easton did not support the relief sought in the submission point from Coast Road Heritage Trust (S179.001) to make an addition to an area of an SNA because the district-wide process set out in ECO-P1 would be undertaken.

930. In response to the submission point from Amy Paterson (S128.002) that sought more information about SNA, Ms Easton supported the relief sought, but made no recommended amendments.

931. In response to the similar submission points made by the Director General (S602.237) and Forest and Bird (560.401) that sought additional text in the Explanation of the Schedule outlining the future process for identifying SNA, Ms Easton supported the relief sought in part. She considered the text should reflect the process set out in ECO-P1 and ECO-R1, rather than the text proposed by Forest and Bird and the Director General. Ms Easton did not support the relief sought by Forest and Bird to include a specific reference to a requirement for an ecological assessment for all mining activities.

932. Ms Easton supported the relief sought by Forest and Bird (S560.214) to include a reference to the spatial mapping of Schedule Four on the planning maps in the explanation because this was useful to the plan user.

933. The s42A Report recommended amending **Schedule Four** as follows:

(a) That the SNA Mapping Overlay and Appendix Four be amended to include the Regionally Significant Wetlands identified in the RPS; and

(b) That the Threatened Environment Classification category one and category two be included on the maps and an information layer; and

(c) That the following text amendments be made to the explanatory text at the front of Schedule Four:

> ***A regionally consistent assessment against the criteria in the NPSIB to identify all areas of significant indigenous biodiversity has not yet been completed.*** *Only* ***previously identified*** *areas within Grey District have been* ***included in Schedule Four*** ~~*scheduled as Significant Natural Areas in*~~ ***and spatially identified on the planning maps as the Significant Natural Area overlay*** *in Te Tai o Poutini Plan.*
>
> *Within the Buller and Westland District* ***and in the Grey District outside of Schedule Four*** *areas* ~~*an assessment of significance will be undertaken at the time any resource consents are applied for in relation to the Ecosystems and Biodiversity Rules*~~ ***a district – wide assessment to identify areas of significant indigenous vegetation and significant indigenous fauna habitat will be undertaken, with additional identified areas included in Schedule Four through a future Plan Change.***
>
> *Significant Natural Areas in the form of Regionally Significant Wetlands are scheduled and identified in the West Coast Regional Land and Water Plan* ***and are included in Schedule Four also****.*

Schedule Four (specific SNA)

934. Ms Easton acknowledged the various submission points[260] that supported specific SNA.

[260] Craig Schwitzer (S96.010, S96.011), Riarnne Klempel (S67.001), Katherine Crick (S101.022)

935. In response to the submission point made by Birchfield Coal Mines Limited (S601.116) that sought to delete BLA – P002, Ms Easton did not support the relief sought. The submitter considered that it was agreed with the Department of Conservation and GDC that this SNA would be removed on the basis that it covered an extensive mineral extraction resource and was an extensive area. Ms Easton confirmed that she has discussed the submission with the GDC and had reviewed the ecological review for the area. She was satisfied that the site met the criteria used by Grey District Council to be an SNA. She noted that any reassessment of the site would be undertaken in accordance with the NPSIB criteria as provided for in Policy ECO-P1.

936. In response to the submission points made by Nicholas Johnston (S14.002) that sought to have SNA DOC – 004 removed from his property, Ms Easton did not support the relief sought. She was satisfied that the site met the criteria used by Grey District Council to be an SNA. She noted that any reassessment of the site should be undertaken in accordance with the NPSIB Appendix 1 criteria as provided for in ECO-P1.

937. In response to the submission point made by GE and CK Coates (S415.013) that sought to have SNA DOC – 009 removed from their property, Ms Easton did not support the relief sought. She was satisfied that the site met the criteria used by Grey District Council to be an SNA. She also recorded the submitter did not give permission for planning staff to visit the property to check the SNA boundaries. She noted that any reassessment of the site should be undertaken in accordance with the NPSIB Appendix 1 criteria as provided for in Policy ECO-P1.

938. In response to the submission point made by Tony Barrett (S110.001) that supported SNA HOC – 093 subject to no further land he owns being made subject to the overlay, Ms Easton supported the relief sought in part. She noted the process for confirming the extent of the SNA would be required as part of the district-wide assessment using the NPSIB Appendix 1 criteria.

939. In response to the submission point made by GE and CK Coates (S415.005) that opposed the identification of PUN – 043 on their property, Ms Easton did not support the relief sought. She was satisfied that the site met the criteria used by Grey District Council to be an SNA. She also recorded the submitter did not give permission for planning staff to visit the property to check the SNA boundaries. She noted that any reassessment of the site would be undertaken in accordance with district-wide assessment using the NPSIB Appendix criteria as provided for in ECO-P1.

940. In response to the two submission points made by Katherine Crick (S101.020, S101.022, S101.023 and S101.024) that supported SNA PUN – 044, PUN – 049, PUN - 124 and PUN – W033 and sought to use the SNA to justify removing GRUZ-R12 and MINZ from land at Barrytown, Ms Easton noted these had been referred to the MINZ Chapter hearing.

941. In response to the similar submission points made by TiGa Minerals and Metals Limited (S493.127) and GE & CJ Coates (S415.012) that sought to amend the boundaries of PUN – W034 as part of it has been mapped over the coastal marine area, Ms Easton supported the submissions in part. She noted mapped PUN – W034 covered land within the legal title but aerial photography indicated that due to coastal erosion, some of the coastal wetland area was now in the sea. Ms Easton considered the district-wide assessment process set out in the Policy ECO-P1 would address any concerns regarding the mapping.

942. In response to the submission point made by Springcreek Forestry (S52.001) that sought to remove the property with the legal description PT RS 6357 from an SNA, Ms Easton recorded that there was no SNA that affected this property.

943. In response to the submission point made by Gordon Bradley (S34.002) that sought that no restrictions be placed on the property he owns, Ms Easton did not support the submission point. She noted the district-wide assessment process required under Policy-P1 could result in some of the submitter's property meeting the NPSIB Appendix 1 criteria.

944. The s42A Report made no recommended amendments to the SNA in response to submissions.

Hearing and Submitter Evidence/Statements

Schedule Four (as a whole)

945. Mr Brass, for the Director General, acknowledged and accepted the recommended wording for the explanatory text at the front of Schedule Four.

946. Ms Hunter, for Bathurst, noted the redrafted rules and the amendments to Schedule Four would likely trigger a requirement for a resource consent where indigenous vegetation removal was to be undertaken as part of existing mining operations because an area of the zone was identified as a Schedule 2 Regionally Significant Wetland in the West Coast Regional Land and Water Plan. Given this, she did not support the recommended amendments to Schedule Four that elevate the status of all scheduled regional wetlands to SNA.

Schedule Four (specific SNAs)

947. Mr Coates and Mrs Coates reiterated their submission point to have any SNA removed from their property at Barrytown. Their statement set out the history associated with assessing these areas. They disagreed with the s42A Report recommendation that a reassessment using the NPSIB Appendix 1 criteria was an appropriate next step.

948. Mr Nicholas Johnston spoke at the hearing in relation to his land at Kiwi Point near Dobson and the effect of the rules on his ability to maintain old tracks and skid sites given the regrowth of vegetation. He noted he had a consent to harvest trees but was unsure how this would be affected by the Plan. He requested reassessment of the identified SNA under the NPSIB criteria to ground truth the SNA assessment undertaken.

Reporting Officer Reply Evidence

Schedule Four

949. Ms Easton's right of reply revisited the submission point made by Springcreek Forestry and includes the map that confirms that there is no natural environment overlay that affects the property.

Hearing Panel's Evaluation

950. The NPSIB definition for SNA includes any SNA already identified in a policy statement or plan as an area of significant indigenous vegetation or significant habitat of indigenous fauna (regardless of how it is described); and these SNA must remain an SNA unless or until

a suitably qualified ecologist engaged by the relevant local authority determines that it is not an area of significant indigenous vegetation or significant habitat of indigenous fauna, using the Appendix 1. The TTPP does not '*elevate*' the Schedule 2 Regionally Significant Wetlands in the West Coast Regional Land and Water Plan, the NPSIB confirms them. The Panel accepts it has no ability to not include these identified regionally significant wetlands or the SNA identified in the Grey District Plan unless the further steps indicated in the NPSIB are undertaken.

951. The Panel notes the NPSIB clause 1.3 specifically states that provisions relating to promoting restoration and increasing indigenous vegetation cover extend to include natural inland wetlands (see clauses 3.21 and 3.2); and if an SNA contains a natural inland wetland, the wetland may be treated as part of the SNA it is located in. It is clear that integration of the protection and restoration of significant wetlands with terrestrial SNA is expected by the national direction. We accept the recommended approach to include the Schedule 2 Regionally Significant Wetlands in the West Coast Regional Land and Water Plan is consistent with this anticipated integration.

952. As part of the hearing process the Panel sought further advice in relation to Mt Buckley (Johnston property; DOC-004), Mt Davy (BLA-P002), and the two SNA on the Mr and Mrs Coates' property the Barrytown Flats. Two reports were prepared by Wildlands.

953. The first report, dated 20 December 2024, was a desktop exercise which concluded:

- *The Barrytown flats SNAs should be maintained as SNAs as they represent strongly reduced habitat types. Minor boundary adjustment is required to remove slivers of pasture and to better align with indigenous vegetation and habitats.*

- *The Mt Davy SNA boundary could be changed so that it doesn't coincide with state coal reserves in the west, but the eastern area of state coal reserves intersects with multiple significant values, and the SNA boundary should be maintained in this area.*

- *The Mt Buckley SNA warrants a field visit to determine its boundaries*.

954. The second report, dated 9 June 2025, involved field work associated with the Mt Buckley site only and concluded that:

- *The field investigation of the Mt Buckley SNA found that there were areas of the site that do not meet the SNA criteria and should not have been included in the SNA. These are habitats that have regenerated post (historical) clearance and contain and mixture of exotic and indigenous trees in the canopy. The forest in these areas is also heavily impacted by ungulate browse and other pests and therefore is unlikely to regenerate into an ecologically significant forest type without considerable intervention. The suggested areas for removal are minor in the overall context and are not considered to compromise the integrity of the SNA or its ecological context.*

955. The Panel accepts the recommendations from Wildlands and acknowledges that they are suitably qualified ecologists and were engaged by the relevant local authority (being the Hearings Panel under delegation). We therefore recommend that the amendments to the SNA identified in the Wildlands Reports are made on the Planning Maps. We note no changes are required to Schedule Four as none of the SNA are to be deleted.

956. In terms of the issues raised by Mr Johnston, the Panel also notes that the permitted activity rules provide for the ongoing maintenance of lawfully established activities including tracks and skid sites.

957. Other than the above amendments, the Panel accepts Ms Easton's reasoning and recommendations to not change any SNA and agree that any concerns raised will be addressed by completing the district-wide assessment required under Policy ECO-01, using the NPSIB Appendix 1 criteria.

958. The Panel accepts Ms Easton's recommended amendments to Schedule Four, as shown in Appendix 1 of the Right of Reply.

Hearing Panel's Recommendation

959. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends accepting or accepting in part the submission points identified in the footnotes below, and recommend the following changes to **Schedule Four: Significant Natural Areas**:

Schedule Four: Significant Natural Areas		
A regionally consistent assessment against the criteria in the NPSIB Appendix 1 to identify all areas of significant indigenous biodiversity has not yet been completed.[261] ~~Only~~ **Previously identified** areas within Grey District have been **included in Schedule Four** ~~scheduled as Significant Natural Areas~~ **and spatially identified on the planning maps as the Significant Natural Area overlay**[262] in Te Tai o Poutini Plan. Within the Buller and Westland District **and in the Grey District outside of Schedule Four areas** ~~an assessment of significance will be undertaken at the time any resource consents are applied for in relation to the Ecosystems and Biodiversity Rules~~ **a district-wide assessment to identify areas of significant indigenous vegetation and significant habitat of indigenous fauna will be undertaken, with additional identified areas included in Schedule Four through a future plan change**.[263] Significant Natural Areas in the form of Regionally Significant Wetlands are scheduled and identified in the West Coast Regional Land and Water Plan **and are also included in Schedule Four.** [264]		
SCHED4 - SCHEDULE OF SIGNIFICANT NATURAL AREAS		
Unique Identifier	**Location**	**Site Type and Values**
PUN – WO33	Punakaiki/Barrytown Flats Punakaiki Ecological District	Flax dominated wetland and some coastal forest that extends from Nikau Scenic Reserve to the northern tip of Barrytown Flats. The wetland supports a brown mudfish population which are nationally threatened.

[261] Director General of Conservation S602.237, Royal Forest and Bird Protection Society of New Zealand Incorporated S560.401
[262] Royal Forest and Bird Protection Society of New Zealand Incorporated S560.401
[263] Royal Forest and Bird Protection Society of New Zealand Incorporated S560.401
[264] Susan Hall and Kevin Dunn S218.001 and S218.002, Anne Chapman S425.004 and Brian Anderson S576.006

PUN – W034	Punakaiki/Barrytown Punakaiki Ecological District	Punakaiki Lagoon and Coastal Wetland sequence. A lagoon and series of small lakes bordered by flax wetlands and coastal forest. Significant vegetation and ecosystem sequence.
PUN - 123	Punakaiki/Barrytown Punakaiki Ecological District	Large area of broadleaved and rimu forest with occasional northern rata and hard beech. Serves as an ecological corridor between Paparoa National Park and Mayer Swamp.
PUN - 124	Punakaiki/Barrytown Punakaiki Ecological District	Coastal forest dominated by broadleaves and rimu with occasional nikau. This is an important breeding site for the Westland petrel.
PUN – 044	Punakaiki/Barrytown Punakaiki Ecological District	Lowland forest and wetland adjoining Maher Swamp with adjacent coastal hill forest. Mix of kahikatea forest with northern rata and sparse rimu in places, but also extensive areas of flax and sedgeland. Provides an ecological corridor between the Maher Swamp and the forested land to the east of the road.
PUN - 049	Barrytown Punakaiki Ecological District	Lowland kahikatea forest with some wetland character and scrub on the fringes. Provides a connecting stepping stone between the coast and the forested ranges.
DOC - 004	Mt Buckley Blackball Ecological District	Paparoa Range to Kaiata Range Ecological Linkage across the Grey Valley. Significant ecological corridor and vegetation sequence.
HOC - 083	Ahaura Hochstetter Ecological District	Lowland forest lower terrace remnant dominated by red beech but with kahikatea in the fringes. Sits within the M1.1a land environment which is under-represented in the ecological district and the wider West Coast.
HOC - 087	Lake Haupiri Hochstetter Ecological District	Large area of flax dominated and rush/sedge dominated wetland with Lepidothamnus intermedius (yellow silver pine), mānuka and kahikatea on the fringes. Provides high quality habitat for numerous native bird species including bittern, some native fish including giant kokopu and the threatened plants Carex termuiculmis and Deschampsia cespitosa. Important wetland sequences and peat dome.
HOC – 089	Nelson Creek Settlement Hochstetter Ecological District	Riparian kanuka and bog pine shrubland remnants. Significant vegetation sequence.
HOC - 091	Red Jacks	Lowland red beech and kahikatea forest and wetland remnant. Occupies the M2.1a land

	Hochstetter Ecological District	environment which is under-represented in the ecological district and the wider West Coast.
HOC - 093	Kamaka/Reeves Creek Hochstetter Ecological District	Kahikatea swamp forest lying between red beech covered hills on either side. Occupies the M2 land environment which is under-represented in the ecological district and the wider West Coast.
HOC - 094	Arnold River Hochstetter Ecological District	Forest terraces dominated by red beech with areas of kahikatea on the fringes. Occupies the M2.1a land environment which is under-represented in the ecological district and the wider West Coast.
HOC – 095	Arnold River Hochstetter Ecological District	Large area of forest dominated by red beech and rimu with wetland terrace. Provides connectivity across the Arnold Valley.
HOC – 096	Arnold River Hochstetter Ecological District	Large area of forest dominated by red beech with areas of kahikatea on the fringes with shrubland along its length. Occupies the M2.1a land environment which is under-represented in the ecological district and the wider West Coast.
HOC – P03	Ngahere Hochstetter Ecological District	Permanently wet wetland remnant located between railway line and road. Contains a range of native wetland and shrubland plant species.
BLA/MAI - QEII	Atarau Maimai Ecological District	Lowland forest ecological terrace sequences of red beech with scattered rimu, kahikatea and totara. Large remnants on the Grey River terraces are an uncommon ecosystem type and the presence of kahikatea and totara further raises the significance of this remnant.
BLA – P002	Mt Davey Blackball Ecological District	Extensive Hill Country Coal Measure Forest, Kiwi and 'Rewanui snail' habitat.
MAI – 065	Atarau Maimai Ecological District	Lowland Forest terrace edges with scarce matai, totara and kahikatea remnants.
TOT – P004	Ahaura Totara Ecological District	Lowland forest terrace edge associations. Red beech dominates the terrace scarp and the terrace above the scarp but there are considerable areas of kahikatea forest also present further away from the scarp. Some of the remnants are within the M2.1a land environment which is under-represented in the ecological district and the wider West Coast.

TOT – 079	Waipuna Totara Ecological District	Lowland forest with two surfaces – the younger dominated by red beech but with abundant kahikatea which forms dense stands in places. The older surface is dominated by red beech, with rimu in places. Predominantly within the under-represented M2.1a land environment, on a young surface created by the Waipuna Creek.
TOT - 112	Waipuna Totara Ecological District	Lowland forest dominated by red beech with remnant kahikatea in the fringes. Covers two terraces and includes a small amount of riparian forest. Adjacent to conservation land. Some of the remnant is in the under-represented M2.1a land environment.
TOT - 131	Waipuna Totara Ecological District	Lowland forest dominated by red beech but also including totara and kahikatea. The presence of totara and rimu add to its significance as they were once a widespread forest type that has largely been cleared by farming.
TOT – 134	Waipuna Totara Ecological District	Large area of mature tall indigenous lowland forest and streamside vegetation along Grey River edge. Has a number of rare ecological associations.
SNA - 2	Lake Brunner Brunner Ecological District	Crooked River delta. Includes a large flax dominated wetland in good condition in the north and several areas of kahikatea forest and associated wetland around the lake margin, especially from Pah Point to Iveagh Bay. A particularly good example of tall kahikatea forest is present adjacent to the railway and on paper road between the settlement of Te Kinga and the northern wetland. One of the best remaining examples of floodplain kahikatea forest and wetland in the ecological district. Important riparian zone around lake and includes several small bays and minor streams draining into the lake. Although a narrow lake-fringe in places, the large wetland in the north is largely self-contained and likely to have good viability. Provided that grazing is kept out, the lake side vegetation should also have good viability. Other comments: This area contains the last remnants of the Crooked River delta forest-wetland complex.
SNA – 3	Tube Creek	Lowland kahikatea forest with scattered matai and rimu over a dense understory with wineberry and Coprosma species and small

	Brunner Ecological District	wetland. This is an under-represented vegetation type in the ecological district. Linkages to forest on hill slope to north.
SNA – 4	Kangaroo Lake Brunner Ecological District	Regenerating rimu and kahikatea forest and wetland along the north-eastern side of Kangaroo Lake. Old growth forest is present at the northern end. Swampy areas throughout the SNA with flax and Sphagnum dominant. This is an under-represented vegetation type and includes the lake-forest sequence. Bittern and fernbird are present, both of which prefer the wide swamp margin. Probably also supports mudfish. This area connects with the hill forests to the north of the lake and enhances the overall values of the area as well as forming part of the lake margin thus playing a role in the ecology of the lake itself. This area abuts public conservation land to the north.
SNA – 5	Kangaroo Lake Brunner Ecological District	Lowland mixed beech - podocarp forest. The majority of the bush is dominated by species typical of less fertile forest including rimu, kaikawaka, silver pine and celery pine, with rohutu and Leucopogon fasiculatus (mingimingi) common in the understorey, and Sphagnum moss on the ground in places. This is an rare ecosystem variant of the alluvial floodplain vegetation and probably occurs here because the area has not been affected by recent river flooding. The bush appears largely unaffected by grazing in recent years and there is very good regeneration in the disturbed areas along the formed road. The presence of red beech, and a single tree of mountain beech, is of considerable interest. One of the distinctive features of the Brunner Ecological District is that it lies at the southern extent of beech forest in central Westland (with beech not present again until south of Fox Glacier). However the Brunner Ecological District lacks extensive beech forest with a scattering of small beech forest patches or enclaves among other forest types, especially kahikatea forest. Thus the presence of both red beech and mountain beech here is of significant value.
SNA – 6	Lady Lake Brunner Ecological District	Kahikatea forest and wetland remnants south of public conservation land at Lady Lake. This vegetation type is under-represented in the Ecological District.

		Enhances the habitat quality of Lake Creek which still comprises native vegetation for most of its length. Key seasonal food resource for forest birds such as kereru, tui and bellbird.
SNA – 7	Lake Poerua Brunner Ecological District	Flax wetland at the northern end of Lake Poerua (part of the alluvial kahikatea forest and wetland system). The wetland is a good example of a fertile wetland, an under-represented vegetation type of alluvial surfaces in the Brunner Ecological District and appears to have good viability because of its location adjacent to the lake and the main hydrological influences being associated with the lake and its outlet. The wetland is also likely to provide habitat for mudfish and bittern. A very under-represented vegetation type in the Ecological District. Part of the Poerua River system – potentially important habitat for threatened native fish.
SNA – 9	Taramakau Brunner Ecological District	Lowland forest remnant. Red beech forest with occasional kahikatea – 200-400 years old. Good understorey and regeneration. Best example of the very few red beech remnants in the ecological district.
SNA – 10	Inchbonnie Brunner Ecological District	Lowland Forest and Shrubland. Kahikatea forest with abundant kanuka grading to more complex forest including kaikawaka, tanekaha and kahikatea with a understorey dominated by rohutu and Spaghnum moss common at the southern end. Contains a rare ecosystem type variant of alluvial kahikatea forest with dominant kaikawaka.
SNA – 11	Orangipuku River Mouth, Lake Brunner Brunner Ecological District	Kahikatea forest and wetland with a small area of red beech. Example of under-represented alluvial valley kahikatea forest and wetlands. Provides important connectivity between the Hohonu Range and Te Kinga and provides buffering to Lake Brunner. This area is located between two similar sized areas of public conservation land on alluvial surfaces and then more extensive hill forest beyond and provides an important ecological connection.
DOC – 009	Crooked River Brunner Ecological District	Wetland and surrounding lowland forest edge association. Important vegetation sequence.
DOC – 010	Deep Creek Brunner Ecological District	Large pakihi wetlands adjacent Souters Creek and contiguous with other protected areas and ecological corridors. Significant ecological linkages and high value vegetation.

DOC – 011	Lake Brunner Foreshore Brunner Ecological District	Lake edge wetland and forest associations. Important vegetation sequence.

960. The Panel recommends that the SNA Mapping Overlay and Appendix Four be amended to include the Regionally Significant Wetlands identified in the Schedule 1 of Regional Land and Water Plan.

961. The Panel also recommends that Threatened Environment Classification category one and category two land is included on the planning maps and an information layer.



Dean Chrystal

Hearings Panel - Chair



Sharon McGarry

Hearings Panel Member



Anton Becker

Hearings Panel Member



Maria Bartlett

Hearings Panel Member



Paul Rogers

Hearings Panel Member

Date: 12 October 2025TBC

APPENDIX 1 – RECOMMENDATIONS ON PLAN PROVISIONS

Definitions

SIGNIFICANT NATURAL AREA

means

~~a. areas that have been assessed as an area of significant indigenous vegetation or significant habitat of indigenous fauna in accordance with the criteria set out in the West Coast Regional Policy Statement;~~

~~b. areas that have been identified as Significant Natural Areas in any West Coast Regional or District Plan.~~

a. any area that, after the commencement date (4 August 2023), is notified or included in a district plan as an SNA following an assessment of the area in accordance with Appendix 1 of the National Policy Statement for Indigenous Biodiversity 2023; and

b. any area that, on the commencement date (4 August 2023), is already identified in a policy statement or plan as an area of significant indigenous vegetation or significant habitat of indigenous fauna (regardless of how it is described); in which case it remains as an SNA unless or until a suitably qualified ecologist engaged by the relevant local authority determines that it is not an area of significant indigenous vegetation or significant habitat of indigenous fauna.

AREA OF SIGNIFICANT INDIGENOUS BIODIVERSITY

means, ~~in relation to the Subdivision Rules,~~

a. an area identified as a Significant Natural Area in Schedule Four; or

b. an area identified through an ecological assessment process undertaken by an ecologist as meeting the criteria for ~~a Significant Natural Area~~ **significant indigenous biological diversity** as set out in the West Coast Regional Council Policy Statement, Appendix ~~One~~**1**.

INDIGENOUS VEGETATION CLEARANCE

means the clearing**, damage, destruction** or removal of indigenous vegetation by any means, including **felling,** cutting, crushing, **smothering, mob-stocking** cultivation, irrigation, chemical application, drainage, stopbanking, overplanting, or burning**, but excluding and the clearance of indigenous vegetation forming an understorey within an exotic plantation forest.**

POUTINI NGĀI TAHU ACTIVITIES

means the use of land and/or buildings for traditional Māori activities and includes making and/or creating cultural goods, textiles and art, medicinal and food gathering, waka ama, events, management and activities that recognise and provide for the special relationship between Poutini Ngāi Tahu and places of cultural importance.

POUTINI NGĀI TAHU LAND

Means land owned by Poutini Ngāi Tahu.

CULTURAL HARVEST

Cultural harvest means indigenous vegetation clearance for cultural use and in accordance with tikanga and kaitiakitanga, mahinga kai and collection of cultural materials where this is undertaken by Poutini Ngāi Tahu.

SPECIFIED MĀORI LAND

means land that is any of the following:

a. Māori customary land and Māori freehold land (as defined in Te Ture Whenua Māori Act 1993):

b. land set apart as a Māori reservation under Part 17 of Te Ture Whenua Māori Act 1993 or its predecessor, the Māori Affairs Act 1953:

c. land held by or on behalf of an iwi or a hapū if the land was transferred from the Crown, a Crown body, or a local authority with the intention of returning the land to the holders of mana whenua over the land:

d. land vested in the Māori Trustee that is constituted as a Māori reserve by or under the Māori Reserved Land Act 1955, and remains subject to that Act:

and in the context of implementing the National Policy Statement on Indigenous Biodiversity, also means:

e. Treaty settlement land, being land held by a post-settlement governance entity (as defined in the Urban Development Act 2020) where the land was transferred or vested and held (including land held in the name of a person such as a tipuna of the claimant group, rather than the entity itself):

i. as part of redress for the settlement of Treaty of Waitangi claims; or
ii. by the exercise of rights under a Treaty settlement Act or Treaty settlement deed.

ECOLOGICAL DISTRICT

means the ecological districts as shown in McEwen, W Mary (ed), 1987. Ecological regions and districts of New Zealand. Wellington: Department of Conservation.

EFFECTS MANAGEMENT HIERARCHY

means an approach to managing the adverse effects of an activity on indigenous biodiversity that requires that:

a. adverse effects are avoided where practicable; then

b. where adverse effects cannot be avoided, they are minimised where practicable; then

c. where adverse effects cannot be minimised, they are remedied where practicable; then

d. where more than minor residual adverse effects cannot be avoided, minimised, or remedied, biodiversity offsetting is provided where possible; then

e. where biodiversity offsetting of more than minor residual adverse effects is not possible, biodiversity compensation is provided; then

f. if biodiversity compensation is not appropriate, the activity itself is avoided.

THREATENED ENVIRONMENTS CLASSIFICATION

means the threatened environments as shown in Walker S, Cieraad E, Barringer J 2015, The Threatened Environment Classification for New Zealand 2012: a guide for users, Landcare Research Report LC2184.

THREATENED OR AT RISK AND THREATENED OR AT RISK (DECLINING)

have, at any time, the meaning given in the New Zealand Threat Classification System Manual 2022 Jeremy Rolfe, Rod Hitchmough, Pascale Michel, Troy Makan, Jerry A. Cooper, Peter J. de Lange, Andrew J. Townsend, Colin M. Miskelly and Janice Molloy (available at www.doc.govt/nztcs), or its current successor publication.

BIODIVERSITY COMPENSATION

means a conservation outcome that meets the requirements in Appendix 4 of the National Policy Statement for Indigenous Biodiversity and results from actions that are intended to compensate for any more than minor residual adverse effects on indigenous biodiversity after all appropriate avoidance, minimisation, remediation, and biodiversity offsetting measures have been sequentially applied.

BIODIVERSITY OFFSET

means a measurable conservation outcome that meets the requirements in Appendix 3 of the National Policy Statement for Indigenous Biodiversity and results from actions that are intended to:

a. redress any more than minor residual adverse effects on indigenous biodiversity after all appropriate avoidance, minimisation, and remediation measures have been sequentially applied; and

b. achieve a net gain in type, amount, and condition of indigenous biodiversity compared to that lost.

NET GAIN

This principle reflects a standard of acceptability for demonstrating, and then achieving, a net gain in indigenous biodiversity values. Net gain is demonstrated by a like-for-like quantitative loss/gain calculation of the following, and is achieved when the indigenous biodiversity values at the offset site are equivalent to or exceed those being lost at the impact site:

a. types of indigenous biodiversity, including when indigenous species depend on introduced species for their persistence; and
b. amount; and
c. condition (structure and quality).

INDIGENOUS BIODIVERSITY
means the living organisms that occur naturally in New Zealand, and the ecological complexes of which they are part, including all forms of indigenous flora, fauna, and fungi, and their habitats.
INDIGENOUS VEGETATION
means vascular and non-vascular plants that, in relation to a particular area, are native to the ecological district in which that area is located.
IMPROVED PASTURE
means an area of land where exotic pasture species have been deliberately sown or maintained for the purpose of pasture production, and species composition and growth has been modified and is being managed for livestock grazing.
PARENT TITLE
means a record of title in existence on 14 July 2022.

Natural Environment Values - Title Page
This section ~~will~~ include**s** the provisions for ecosystems and indigenous biodiversity, natural character **and the margins of waterbodies,** natural features and landscapes and public access. It ~~will~~ identif~~y~~**ies** the specific features and places on the West Coast that are important to those values, including any Outstanding **Natural** Landscapes and **Outstanding Natural Features** ~~or~~ **and** Significant Natural Areas. It ~~will~~ also include**s** the Objectives, Policies and any Rules for the management of these areas.

Ecosystems and Biodiversity Chapter

Overview
Biological diversity, or biodiversity, describes the variety and diversity of all life forms and the ecosystems they inhabit. Indigenous biodiversity is **living organisms that occur naturally in New Zealand, and the ecological complexes of which they are part, including all forms of indigenous flora, fauna, and fungi, and their habitats** ~~biodiversity that is native to New Zealand/Aotearoa me Te Waipounamu and relates to individual birds, plants, insects and other species~~ and also includes the ecosystems where these **living organisms** ~~species~~ live, such as forests and sand dunes. The West Coast/Te Tai o Poutini contains a significant amount of intact natural diversity by comparison with other parts of New Zealand/Aotearoa me Te Waipounamu. Continuous tracts of lowland and coastal forests and freshwater as well as coastal wetlands cover large areas. In ~~many~~ places**,** indigenous ecosystems and habitats extend unbroken from the mountains to the sea. 84% of the land area is under the management of the Department of Conservation. In total an estimated 90% of the West Coast/Te Tai o Poutini is covered in indigenous vegetation - compared with 24% nationally.

While the West Coast/Te Tai o Poutini is fortunate to have a wide range of diverse and intact ecosystems and vegetation types, there are some ecosystems and vegetation types not well represented in the protected areas network. These are generally ecosystems found in the lowland areas of the West Coast/Te Tai o Poutini Alongside this, parts of the West Coast/Te Tai o Poutini include the last habitats or strongholds of some **indigenous** ~~native~~ species threatened with extinction. **Without the identification and protection of areas of significant indigenous vegetation and the significant habitats of indigenous fauna, there is a risk of further degradation and the extinction of threatened and at risk indigenous biodiversity. Well-functioning ecosystems also provide resilience to climate change and can provide protection to communities from natural hazards.**

Under the RMA, the district and regional councils share responsibility for maintaining indigenous biodiversity. ~~Te Tai o Poutini Plan is~~ **District Councils are** responsible for protecting and maintaining terrestrial (land-based) ecosystems, including **in** the margins of the coast**al wetlands** and waterbodies**.** ~~and the~~ **The** West Coast Regional Council is responsible for protecting and maintaining the non-terrestrial ecosystems (rivers, lakes, wetlands and the coast below mean high water springs). Poutini Ngāi Tahu also have cultural responsibilities as mana whenua and kaitiaki. **Schedule 97 of the Ngāi Tahu Claims Settlement Act 1998 identifies some Taonga Species, along with Department of Conservation Documents and Iwi/Papatipu Rūnanga Management Plans.**

The RMA requires ~~Te Tai o Poutini Plan~~ **district councils** to **recognise and provide for the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna by** manag**inge** ~~indigenous biodiversity in two particular ways~~**,** ~~including. Firstly, the control of~~ any actual or potential effects of ~~the~~ **subdivision,** use, development~~, or protection~~ of land**,** ~~for the purpose of maintaining indigenous biodiversity. Secondly, it is required to recognise and provide for~~ **and** the **identification and** protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna.

The National Policy Statement for Indigenous Biodiversity (NPSIB) came into force on 4 August 2023 and TTPP is required to give effect to this. The objective of the NPSIB is to maintain indigenous biodiversity across Aotearoa New Zealand so that there is at least no overall loss in indigenous biodiversity after 4 August 2023. This is to be achieved by:

i. **recognising the mana of tangata whenua as kaitiaki of indigenous biodiversity; and**

ii. **recognising people and communities, including landowners, as stewards of indigenous biodiversity; and**

iii. **protecting and restoring indigenous biodiversity as necessary to achieve the overall maintenance of indigenous biodiversity;**

while providing for the social, economic, and cultural wellbeing of people and communities now and in the future.

The NPSIB, as amended October 2024, must be given effect to as soon as reasonably practicable. The TTPP was notified prior to the commencement of the NPSIB and therefore gives effect to it as much as possible within the scope of submissions made on the Plan, and utilising clause 4.4 of the NPSIB to ensure consistent terminology.

The NPSIB does not apply to the development, operation, maintenance or upgrade of renewable electricity generation assets and activities, and electricity transmission network assets and activities, however, the requirements of the RMA and the RPS apply.

The RPS is yet to be updated to give effect to the NPSIB. However, this Plan must give effect to the RPS, which contains provisions for managing ecosystems and indigenous biodiversity. The RPS includes ecological criteria for identifying significant terrestrial and freshwater indigenous biological diversity. It requires that all areas meeting one or more of these criteria, whether mapped or not, are to be known as Significant Natural Areas or SNA. The RPS criteria in Appendix 1 are equivalent to NPSIB Appendix, however, the NPSIB criteria provide clearer guidance.

Because of the ~~extremely large land~~ **extensive** area covered by indigenous vegetation on the West Coast/Te Tai o Poutini, ~~detailed~~ **a comprehensive** assessment ~~of each piece of vegetation~~ **for identification of ecological significance using the RPS Appendix 1 criteria for the purpose of mapping Significant Natural Areas** ~~its significance~~ has not yet been ~~undertaken~~ **completed**.

In the Grey District, an evaluation process ~~has been underway for a~~ **was undertaken a** number of years **ago.**~~, and this has enabled~~ **This identified** 37 Significant Natural Areas ~~to be identified~~ within the Grey District**,**~~. The list of these Significant Natural Areas can be found~~ **which were previously included in the Grey District Plan. These are included** in Schedule Four and ~~they~~ are also shown on the **planning** maps. **These SNA are included under the NPSIB definition of an SNA, regardless of how they are described, and will require reassessment under the NPSIB criteria in Appendix 1.**

In the Buller and Westland Districts, where Significant Natural Areas have not yet been mapped, **and in Grey District for areas outside of mapped Significant Natural Areas included in Schedule Four,** Te Tai o Poutini Plan has general vegetation clearance rules, ~~with an expectation that an assessment against the regionally consistent significance criteria will be undertaken at the time of any resource consent.~~ **Where there is uncertainty as to whether an area may meet the RPS Appendix 1 criteria, or in the absence of an ecological assessment, precaution and protection should be favoured and a resource consent process will enable ecological assessment to be undertaken.**

Te Tai o Poutini Plan ~~also~~ encourages integrated management of indigenous biodiversity and supports landowners, local government, Poutini Ngāi Tahu and other biodiversity partners working together on a voluntary basis to maintain and enhance indigenous biodiversity, including methods such as legal protection and good land management.

Te Mana o te Taiao – Aotearoa New Zealand Biodiversity Strategy 2020 provides national strategic direction to address the complex issues causing biodiversity loss and places the Treaty partnership at the centre of biodiversity work. It provides a framework for action and guiding principles.

There is a considerable network of electricity generation, distribution and transmission activities and infrastructure, on the West Coast, including within areas of indigenous vegetation and biodiversity. Given the topography and extent of natural ecosystems and indigenous biodiversity on the West Coast, practical management solutions are required to ensure maintenance and enhancement of the supply of renewable electricity generation to, and between, communities for the benefit of those communities and the wider environment from the use and development of renewable electricity generation.

The Ecosystems and Indigenous Biodiversity Chapter contains objectives, policies, and rules for managing effects on indigenous biodiversity, including for the assessment and identification of significant indigenous vegetation and significant habitats of indigenous fauna. This chapter contains rules relating to vegetation clearance that apply throughout the district. There are also specific rules that apply within significant natural areas, areas of high natural character, outstanding natural features and landscapes and the coastal environment.

Indigenous vegetation clearance in the Coastal Environment or adjacent to waterbodies

Te Tai o Poutini Plan must also give effect to Policy 11 of the NZCPS 2010 and the RPS which include specific provisions for protection of indigenous biological diversity in the coastal environment. This chapter includes provisions for protection of significant indigenous biodiversity within the coastal environment (above mean high water springs) as shown on the Planning maps. This chapter also includes provisions for ~~Where~~ indigenous vegetation clearance ~~is proposed~~ within riparian margins next to rivers, lakes and **coastal** wetlands**.** ~~refer to the Natural Character and Margins of Waterbodies chapter of the Plan for the Rules around this clearance.~~

Plantation/Commercial Forestry

Plantation forestry is principally regulated by the Resource Management (National Environmental Standard for ~~Plantation~~ **Commercial** Forestry) Regulations ~~2017~~ **2023** (NES-~~P~~**C**F). However the NES -~~P~~**C**F allows that district plans can be more stringent to protect ~~s~~**S**ignificant ~~n~~**N**atural ~~a~~**A**reas and significant indigenous biodiversity within the coastal environment as provided for in the NZCPS Policy 11. Where provisions within this chapter **are more stringent, they** over-rule the requirements of the NES – ~~P~~**C**F **and** an advice note to that effect is included within the **relevant r**~~R~~ule.

~~Strategic Objectives~~

~~The Strategic Objectives are particularly relevant when assessing matters under the Ecosystems and Indigenous Biodiversity Chapter. The Natural Environment, Mineral Extraction and Connections and Resilience Strategic Objectives are particularly relevant.~~

Wetlands on the West Coast

The Resource Management (National Environmental Standards for Freshwater) Regulations 2020 (NESF) includes regulations of activities within, and within setbacks from, natural wetlands. These activities are managed by the West Coast Regional Council under the NESF. It should be noted that the setbacks for activities within those regulations may be different to those set out in this Plan and may require resource consent to be sought from the Regional Council. The West Coast Regional Council Land and Water Plan identifies a list of Regionally Significant Wetlands**, in Schedule 1**. In accordance with the West Coast Regional Policy Statement, these areas are known as Significant Natural Areas and have specific Rules around their management in the Regional Land and Water Plan. ~~They are also subject to regulation by the West Coast Regional Council under the National Environmental Standard for Freshwater Management which also has regulations around how other wetlands can be managed.~~

Other relevant Te Tai o Poutini Plan provisions

Strategic ~~Objectives~~ **Directions**- The Strategic Objectives **and Policies** are ~~particularly~~ relevant when assessing matters under the Ecosystems and Indigenous Biodiversity Chapter. The Natural

Environment**, Poutini Ngāi Tahu**, Mineral Extraction and ~~Connections~~ **Climate Change** and Resilience Strategic Objectives **and Policies are relevant.**

Coastal Environment - the Coastal Environment Chapter contains the objectives, policies and rules for activities within the coastal environment overlay - including buildings and structures and earthworks.

Natural Features and Landscapes – the Natural Features and Landscapes Chapter contains provisions in relation to the landscapes and natural features in Schedules Five and Six. Poutini Ngāi Tahu values are part of what makes these areas significant.

Natural Character and Activities Adjacent to Waterbodies - the Natural Character and the Margins of Waterbodies Chapter contains the objectives, policies and rules relating to activities adjacent to waterbodies, including buildings and structures and earthworks.

Activities on the Surface of Water – the Activities on the Surface of Water Chapter contains provisions for activities on the surface of waterbodies.

Historic Heritage - the Historic Heritage Chapter contains the provisions in relation to the sites and areas identified in Schedule One.

Notable Trees - the Notable Trees Chapter contains the provisions in relation to the trees identified in Schedule Two. Some trees are listed in this schedule due to their botanical values.

Also where relevant refer to policies in the Energy, Infrastructure and Transport Chapters.

ECO – O~~1~~5

To identify**, map** and protect **in consultation with landowners** areas of significant indigenous vegetation and significant habitats of indigenous fauna on the West Coast/Te Tai o Poutini.

ECO – O2

~~To provide for appropriate subdivision, use and development within areas of significant indigenous vegetation and significant habitats of indigenous fauna where the values of the area can be maintained or enhanced.~~

To protect areas of significant indigenous vegetation and significant habitats of indigenous fauna.

ECO – O3

To manage the adverse effects of subdivision, use and development on significant indigenous vegetation and significant habitats of indigenous fauna.

ECO – O~~3~~4

To provide for tino rangatiratanga in relation to management of areas of significant indigenous vegetation and significant habitats of indigenous fauna where these are located on Poutini Ngāi Tahu ~~and Te Rūnanga o Ngāi Tahu~~ land.

ECO – O~~4~~1

To maintain ~~the range and~~ **indigenous bio**diversity ~~of ecosystems and indigenous species found on the~~ **across** West Coast/Te Tai o Poutini **so there is at least no overall loss in indigenous biodiversity, while providing for the social, economic, and cultural wellbeing of people and communities now and in the future**.

Maintaining indigenous biodiversity requires:

1. **the maintenance and at least no overall reduction of all the following:**

a. **the size of populations of indigenous species:**

b. **indigenous species occupancy across their natural range:**

c. **the properties and function of ecosystems and habitats used or occupied by indigenous biodiversity:**

d. **the full range and extent of ecosystems and habitats used or occupied by indigenous biodiversity:**

e. **connectivity between, and buffering around, ecosystems used or occupied by indigenous biodiversity:**

f. **the resilience and adaptability of ecosystems; and**

2. **where necessary, the restoration and enhancement of ecosystems and habitats.**

ECO – P1	Identify ~~areas of significant indigenous vegetation and fauna habitat~~ **significant natural areas and include these in Schedule Four through a Plan Change introduced no later than August 2028. The Significant Natural Area identification process will be undertaken in accordance with the criteria and process set out in the National Policy Statement for Indigenous Biodiversity and as outlined in Appendix Thirteen and will include:** ~~1. In the Grey District these areas are identified in Schedule Four;~~ **1.** ~~In the~~ **Grey**, Buller and Westland Districts~~-~~**-wide assessment, identification and mapping of Significant Natural Areas, which will be undertaken and completed by June 2027; and** **2. Confirming that areas already identified in Schedule Four, as well as Regionally Significant Wetlands identified in Schedule 1 of the West Coast Regional Land and Water Plan meet the National Policy Statement for Indigenous Biodiversity criteria.** ~~2. The criteria set out in Appendix 1 of the West Coast Regional Policy Statement will be used to assess significance;~~ ~~i. Areas of significant indigenous vegetation and fauna habitat will be identified through the resource consent process until such time as district~~

~~wide identification and mapping of significant natural areas is undertaken;~~

~~ii. Buller and Westland district wide assessment, identification and mapping of significant natural areas will be undertaken and completed by June 2027; and~~

iii. ~~Identified areas of significant indigenous vegetation and fauna habitat will be added to Schedule Four through a Plan Change.~~

ECO – P2

~~Allow~~ **Provide for** activities within areas of significant indigenous ~~vegetation or significant habitats of indigenous fauna~~ **biodiversity** where:

a. This is for a lawfully established activity **and the adverse effects are no greater in intensity, scale or character over time than at 4 August 2023, and do not result in the loss of ecosystem representation and extent or degradation of ecological integrity;** or

b. **This is for maintenance of improved pasture as part of a regular cycle of periodic maintenance; or**

c. It is for ~~a~~ Poutini Ngāi Tahu **Activities** ~~cultural purpose;~~ or

d. This is undertaken on Poutini Ngāi Tahu ~~or Te Rūnanga o Ngāi Tahu~~ land in accordance with an Iwi/Papatipu Rūnanga Management Plan **or on specified Māori land**; or

e. **This is for the construction or upgrade of regionally significant infrastructure.**

f. ~~The activity has a functional need to be located in the area;~~

g. ~~The activity has no more than minor adverse effects on the significant indigenous vegetation or fauna habitat.~~

ECO – P3

Provide for activities within Significant Natural Areas within Schedule Four where the adverse effects of the activity on the significant natural area are managed in accordance with the effects management hierarchy, the activity has a functional need or operational need to be located within the area and there is no practicable alternative location, and it is for the purpose of:

a. Construction or upgrade or regionally significant infrastructure; or

b. Mineral extraction that provides significant national public benefit that could not otherwise be achieved using resources within New Zealand; or

c. Aggregate extraction that provides significant national or regional public benefit that could not otherwise be achieved using resources within New Zealand.

ECO – P~~3~~4 Encourage the protection, enhancement and restoration of significant indigenous biodiversity **and the protection of significant habitat for indigenous fauna** by:

a. ~~Allowing~~ **Providing for up to three** additional ~~subdivision rights~~ **bonus allotments and reduced minimum allotment sizes when subdividing** if ~~an~~ area**s** of significant indigenous vegetation or significant habitat of indigenous fauna within the same property ~~is~~ **are** legally protected as part of the subdivision;

b. Promoting the creation of connections and ecological corridors between areas of significant indigenous biodiversity;

c. Promoting the use of eco-sourced species from the relevant ecological district;

d. Supporting opportunities for Poutini Ngāi Tahu to exercise their cultural rights and responsibilities as mana whenua and kaitiaki in restoring, protecting and enhancing areas of significant indigenous biodiversity; ~~and~~

e. Supporting initiatives by landowners, community groups and others to protect, restore and maintain areas of significant indigenous biodiversity**;**

f. **Promoting site and landscape scale biodiversity programmes to manage plant and animal pests; and**

g. **Supporting any other measures to protect, enhance and restore indigenous biodiversity.**

ECO – P~~4~~5 Provide for eco-tourism activities that complement the protection and/or enhancement of areas of significant indigenous vegetation or significant habitats of indigenous fauna and contribute to the vitality and resilience of the economy and wellbeing of the community.

ECO – P~~5~~6 Enable the use of Māori Purpose Zoned land with areas of indigenous vegetation and indigenous fauna habitat, where land use and subdivision is consistent with tikanga and mātauranga Māori and ~~minimises/~~**manages** adverse effects on any significant values of the vegetation or fauna habitat.

ECO – P~~6~~7 **In relation to all indigenous biodiversity,** ~~W~~**w**hen ~~assessing consents~~ **providing** for subdivision, use and development, avoid activities ~~which~~ **that** will:

a. Prevent an indigenous species or community being able to persist in their habitats within their natural range in the Ecological District;

b. Result in a degradation of the threat status, further measurable loss of indigenous cover or disruption to ecological processes, functions or connections in land environments in category one or two of the Threatened Environment Classification at the Ecological District level; ~~and~~

c. Result in a ~~reasonably measurable~~ reduction in the local population **size or occupancy of Threatened or At Risk (Declining) species** ~~of threatened taxa in the Department of Conservation Threat Categories 1 – 3a nationally critical, nationally endangered and nationally vulnerable~~ **or in the population or occupancy of locally endemic species; and**

d. Within a Significant Natural Area, result in:

i. disruption to sequences, mosaics or ecosystem function;

ii. fragmentation or the loss of buffers or connections; or

iii. reduction in the function of the Significant Natural Area as a buffer or connection to important habitats or ecosystems.

Advice Note:

Information on the Threat Classification status of individual species can be found on the New Zealand Threat Classification System database at https://nztcs.org.nz.

ECO – P~~7~~8 When assessing resource consents in areas of significant indigenous **biodiversity** ~~vegetation and significant habitats of indigenous fauna~~, consider the following matters:

a. The necessity for the activity to provide for ~~critical~~ **regionally significant** infrastructure ~~or renewable electricity generation~~;

b. The functional need or operational need of regionally significant infrastructure, mineral extraction of significant national public benefit, or aggregate extraction of significant regional or national public benefit to locate in that area, and whether there are any practicable alternative locations for those activities;

c. Whether the adverse effects are minor or transitory;

~~b.~~**d.** Whether formal protection and**/or** ~~active management of~~ **measures to restore or improve** all or part of any area of significant indigenous vegetation or habitat will occur as part of the subdivision, use or development;

~~c.~~**e.** The extent to which the proposed activity recognises and provides for Poutini Ngāi Tahu cultural and spiritual values, rights and interests;

~~d.~~**f.** The cumulative **adverse** effects of activities **on biodiversity** within ~~or adjacent to~~ any area of significant indigenous vegetation or habitat;

~~e.~~**g.** The effects the activity may have on the introduction or spread of exotic weed species and pest animals**,** both terrestrial and aquatic;

~~f.~~**h.** The impacts on mahinga kai;

~~g.~~**i** The impact of the activity on the values of any area of significant indigenous vegetation or habitat, or threatened species**,** and how any potential impact could be avoided, remedied or mitigated**, including by applying the effects management hierarchy**; ~~and~~

~~h.~~**j.** The appropriateness of any biodiversity offsetting or compensation in accordance with **the principles in Appendix Fourteen and Appendix Fifteeen from the NPSIB**~~Policy 9~~ to ~~offset~~ **address** any **more than minor** residual adverse effects that remain after avoiding, remedying and mitigating measures have been applied; **and**

k. The extent of net gain in indigenous biodiversity values achieved by biodiversity offsetting or compensation.

ECO -P~~8~~9 Maintain indigenous habitats and ecosystems across the West Coast/Te Tai o Poutini by:

a. ~~Maintaining,~~**Protecting,** and where appropriate enhancing or restoring**, indigenous biodiversity, including** the functioning of ecological corridors, linkages, dunes and indigenous coastal vegetation and wetlands;

b. Minimising adverse effects on, and providing access to, areas of indigenous biodiversity which are significant to Poutini Ngāi Tahu;

c. Restricting the modification or disturbance of coastal indigenous vegetation, dunes, estuaries and wetlands;

d. ~~Preserving~~**Protecting the significant habitats of indigenous fauna,** ~~protected wildlife~~ **including threatened and at-risk species**; ~~and~~

e. Encouraging and enabling site and landscape scale biosecurity programmes to manage plant and animal pests; and

~~e.~~**f.**~~Recognising the benefits of~~ **Encouraging and enabling** active **conservation** management of indigenous biodiversity, including voluntary animal and plant pest and stock control and/or formal legal protection**:**

Except in relation to the National Grid and Renewable Electricity Generation Activities.

~~**ECO – P9**~~ ~~Provide for biodiversity offsets and compensation to manage residual adverse effects of an activity where:~~

~~a. The goal of the biodiversity offsets is no net loss and, preferably, a net gain of biodiversity;~~

~~b. The conservation outcomes are measurable and positive; and~~

c. ~~The biodiversity offsets or compensation are in accordance with best practice, including but not limited to NZ Government guidance on biodiversity offsetting.~~

ECO - P10 Protect indigenous biodiversity in the coastal environment ~~from inappropriate subdivision, use and development~~ by:

a. Avoiding adverse effects on:

i. indigenous species that are listed as threatened or at risk in the New Zealand Threat Classification System lists;

ii. species that are listed by the International Union for Conservation of Nature and Natural Resources as threatened;

iii. indigenous ecosystems and vegetation types that are threatened in the coastal environment, or are naturally rare;

iv. habitats of indigenous species where the species are at the limit of their natural range, or are naturally rare;

v. areas containing nationally significant examples of indigenous community types;

vi. areas set aside for full or partial protection of indigenous biological diversity under other legislation; and

b. Avoiding adverse effects on significant indigenous biodiversity; and

c. Using the effects management hierarchy to a~~Avoiding, remedying or mitigating other~~ **significant** adverse effects on indigenous vegetation, **dunes, estuaries, coastal wetlands,** habitats and species within the coastal environment.

ECO – P11 **In relation to the National Grid and renewable electricity generation activities, the adverse effects on indigenous biodiversity will be managed:**

a. In relation to the National Grid by:

i. Recognising and providing for the operation, maintenance and upgrade of existing National Grid assets, and in areas of significant indigenous biodiversity and SNA identified in Schedule Four, avoiding, remedying or mitigating adverse effects to the extent practicable;

ii. Where appropriate, using substantial upgrades as an opportunity to reduce existing adverse effects;

iii. For new activities, seeking to avoid adverse effects on areas of significant indigenous biodiversity and SNA identified in Schedule Four and where, having regard to the route, site and method selection and functional need or operational need, it is not practicable to avoid all adverse effects, to remedy or mitigate any residual adverse effects to the extent practicable;

iv. For new activities within the coastal environment seeking to avoid significant adverse effects on indigenous biodiversity values that

meet the criteria in Policy 11 (b) of the NZCPS 2010, and where adverse effects cannot be avoided, remedy or mitigate any residual adverse effects to the extent practicable;

b. In relation to renewable electricity generation activities by:

v. Recognising and providing for the operation, maintenance, repair and upgrade of existing renewable electricity generation activities, and in areas of significant indigenous biodiversity and SNA identified in Schedule Four, avoiding, remedying or mitigating adverse effects to the extent practicable;

vi. Where appropriate, using substantial upgrades as an opportunity to reduce existing adverse effects;

vii. Seeking to avoid adverse effects on areas of significant indigenous biodiversity and SNA identified in Schedule Four and where it is not practicable to avoid because of functional need or operational need, remedy or mitigate any residual adverse effects to the extent practicable;

viii. Within the coastal environment, seeking to avoid significant adverse effects on indigenous biodiversity values that meet the criteria in Policy 11 (b) of the NZCPS 2010, and where adverse effects cannot be avoided, remedy or mitigate any residual adverse effects to the extent practicable;

c. By considering the net gain for biodiversity values of biodiversity offsetting or compensation where this is offered.

ECO- P12 **To promote the resilience of indigenous biodiversity to climate change and recognise its role in mitigating the effects of climate change.**

Ecosystems and Indigenous Biodiversity Rules

Permitted Activities

~~**ECO – R1 Indigenous vegetation clearance and disturbance outside of the coastal environment**~~

~~6. It is outside of a scheduled Significant Natural Area as identified in Schedule Four;~~

~~7. It is clearance permitted by the Natural Character and the Margins of Waterbodies Rule NC - R1; or~~

~~8. It is necessary for one of the following purposes:~~

~~i. It is the removal of windthrown timber through:~~

~~a. Use of helicopter recovery methods; or~~

b. Where ground based recovery is only undertaken from areas adjacent to existing vehicle tracks; or

ii. The maintenance, operation and repair of lawfully established tracks, fences, structures, buildings, critical infrastructure, network utilities, renewable electricity generation activities or natural hazard mitigation activities;

iii. For the installation of temporary network activities following a regional or local state of emergency declaration;

iv. To prevent a serious threat to people, property, structures or services;

v. To ensure the safe and efficient operation (including maintenance and repair) of any formed public road, rail corridor or access;

vi. For the construction of new fences and traplines associated with Conservation Activities or to exclude stock or pest animals;

vii. To upgrade or create new public walking or cycling tracks up to 3m in width undertaken by the Council or its approved contractor;

viii. To comply with section 43 of the Fire and Emergency Act 2017;

ix. For construction or operation of an above ground or below ground network utility or the national grid where:

a. The construction corridor did not exceed 3m in width; and

b. All machinery used in construction is cleaned and made free of weed material and seeds prior to entering the site; and

c. Rehabilitation of disturbed areas is undertaken following the completion of construction;

x. It is cultural harvest undertaken by Poutini Ngāi Tahu; or

xi. It is on MPZ – Māori Purpose Zoned land and undertaken in accordance with an Iwi/Papatipu Rūnanga Management Plan; or

xii. It is within an area subject to a QEII National Trust Covenant or Ngā Whenua Rahui Kawaneta, a Reserves or Conservation Act covenant or a Heritage covenant under the Heritage New Zealand/Pouhere Taonga Act and the vegetation disturbance is authorised by that legal instrument;

9. Within the Grey District it is clearance outside of an Outstanding Natural Landscape identified in Schedule Five; or

10. Within the Buller and Westland Districts:

i. It is the removal or clearance of mānuka, kānuka and bracken only that is not part of any wetland and which is under 15 years old, not exceeding 5ha per site over any continuous

three year period, subject to provision of notice to the relevant District Council at least 20 working days prior to the proposed clearance including:

a. Details of the location of the proposed clearance;

b. Area of the proposed clearance; and

c. Verification by documentary, photographic or other means that the vegetation is less than 15 years old and not part of any wetland; or

ii. It is a maximum area of 5000m² per site, in total, over any continuous three year period.

Advice Notes:

6. Where clearance of mānuka, kānuka or bracken is proposed under Standard 5 (i) of this rule, if proof that the vegetation is less than 15 years old or that the site is not a wetland, is unavailable, then a resource consent will be required.

7. Where indigenous vegetation clearance is proposed within the riparian margins of a waterbody refer to these sections of the Plan for the Rules around this clearance.

8. Where indigenous vegetation clearance is proposed in or on a site or area of significance to Māori then Rule SASM - R4 will also apply.

9. Where indigenous vegetation clearance is proposed within a wetland this is also subject to rules within the NES - Freshwater which is administered by the West Coast Regional Council.

10. This rule also applies to plantation forestry activities, where this provision is more stringent than the NES - PF in relation to significant natural areas.

Activity status where compliance not achieved:

Discretionary where standard 1 or 4 is not achieved.

Refer Natural Character and Margins of Waterbodies Chapter where standard 2 is not achieved.

Within the Grey District refer standard 4 where standard 3 is not achieved.

Within the Buller and Westland Districts Controlled or Restricted Discretionary (depending on activity type) where standard 5 is not achieved.

ECO – R2 Indigenous Vegetation Clearance in the Coastal Environment

Activity Status Permitted

Where:

5. This is for:

iv. Walking/cycling tracks, roads, farm tracks or fences;

v. Operation, maintenance, repair, upgrading and installation of new network utility infrastructure and renewable electricity generation activities; or

vi. ~~Establishment of a building platform and access to a building site in an approved subdivision or where there is no existing residential building on the site;~~

~~6. The extent of indigenous vegetation disturbed and/or cleared per site did not exceed an area of 500m² in area per site in any three year period;~~

~~7. The indigenous vegetation clearance did not disturb, damage or destroy nesting areas or habitat of protected species; and~~

~~8. The indigenous vegetation clearance did not occur in any area identified as a Significant Natural Area in Schedule Four.~~

~~**Advice Notes:**~~

~~5. Where indigenous vegetation clearance is proposed within the riparian margins of a waterbody refer to these sections of the Plan for the Rules around this clearance.~~

~~6. Where indigenous vegetation clearance is proposed in or on a site or area of significance to Māori then Rule SASM - R4 will also apply.~~

~~7. Where indigenous vegetation clearance is proposed within a wetland this is also subject to rules within the NES - Freshwater which is administered by the West Coast Regional Council.~~

~~8. This rule also applies to plantation forestry activities, where this provision is more stringent than the NES - PF.~~

~~**Activity status where compliance not achieved:** Restricted Discretionary~~

ECO – R1 General Standards

Permitted activities standards outside Significant Natura Areas:

1. **Within the coastal environment:**

   a. **Any indigenous vegetation clearance is a maximum of 500m² per site, or a maximum of 20m² on any individual infrastructure work site, or 20m² per linear 100 metre length for linear infrastructure; except that indigenous vegetation clearance is a maximum of 500m² per site in the Hartmount Place and Ross Place subdivision, provided that at least an equivalent amount is retained on the site;**[265]

   b. **The indigenous vegetation clearance will not disturb, damage or destroy nesting areas or habitat of protected threatened or at risk species; and**

   c. **The indigenous vegetation clearance will not occur in an area of land within category one or two of the Threatened Environment Classification; and**

2. **Within the riparian margin of a waterbody:**

   a. **It is a maximum of 25m² per linear 200 metre length of riparian margin; and**

3. **In all other locations:**

[265] Marie Elder S352.014 from Settlement Zone Chapter Recommendation Report

a. A maximum of 2,000m² on any site that has not had a Significant Natural Area assessment undertaken in accordance with Policy ECO – P1; or

b. A maximum of 5,000m² on any site that has had a Significant Natural Area assessment in accordance with Policy ECO – P1 or within the Grey District has a Significant Natural Area included within Schedule Four that is located on the same property; or

c. Is a maximum of 20m² on any individual infrastructure work site, or 20m² per linear 100 metre length for linear infrastructure; and

4. Except where carried out by a statutory agency, or authorised contractor acting on its behalf, responsible for natural hazard mitigation, the clearance is located within areas used and identified for natural hazard mitigation structures that are owned or managed by a statutory agency.

Except that the maximum vegetation clearance provisions in these general standards do not apply where:

a. Specific to clause 3 in this rule, it is necessary to provide for the ongoing safe and efficient operation, maintenance and repair of the National Grid, electricity distribution and telecommunications lines; or

b. For all clauses in this rule, the indigenous vegetation clearance is for network utility operations within any RESZ – Residential Zone, COMZ – Commercial and Mixed Use Zone, PORTZ – Port Zone, or IND – Industrial Zone property within the towns of Greymouth, Hokitika or Westport;

c. For all clauses in this rule, the indigenous vegetation clearance is of vegetation planted and managed:

i. As part of a domestic or public garden for amenity purposes; or

ii. As a shelterbelt; or

iii. For the purpose of harvesting plantation forestry.

Activity status where compliance not achieved: Restricted Discretionary

ECO – R2	**Indigenous Vegetation Clearance for Network Utility Operations, Renewable Electricity Generation Activities and the National Grid outside of Significant Natural Areas**

Activity Status Permitted

Where:

1. It is for the maintenance, operation, repair or upgrade of lawfully established activities and structures; or

2. It is for the installation of temporary network or electricity generation activities following a regional or local state of emergency declaration; or

3. **It is necessary to remove vegetation that endangers human life or existing buildings or structures; or**

4. **It is for construction of new network utility infrastructure, renewable electricity generation activities or the National Grid where:**

   a. **The construction corridor for linear infrastructure such as pipes and lines will not exceed 10 metres in width; and**

   b. **All machinery used in construction is cleaned and made free of weed materials and seeds prior to entering the site; and**

   c. **Rehabilitation of disturbed areas is undertaken following completion of construction; and**

   d. **Within a riparian margin of a waterbody, new network utilities and connections are underground or located within a legal road or attached to an existing bridge.**

Activity status where compliance not achieved: Restricted Discretionary

ECO – R3	**Indigenous vegetation clearance for maintenance and repair of lawfully established structures and activities outside of Significant Natural Areas not provided for in Rule ECO – R1**

Activity Status Permitted

Where:

1. **The clearance is for the maintenance and repair of lawfully established activities and structures including tracks, accessways, fences, pipelines, drains, natural hazard mitigation structures, shelterbelts and woodlots, environmental monitoring facilities and infrastructure; or**

2. **The clearance is for the maintenance of improved pasture for farming.**

Advice Notes:

1. **In relation to standard 1 of this rule, the reference to infrastructure applies where the infrastructure is not regulated by Rule ECO – R2.**

Activity status where compliance not achieved: Restricted Discretionary

ECO – R4	**Indigenous vegetation clearance in urban areas outside of Significant Natural Areas not provided for in Rule ECO – R1 or ECO – R2**

Activity Status Permitted

Where:

1. **It is undertaken on a RESZ – Residential Zone, COMZ – Commercial and Mixed Use Zone, PORTZ – Port Zone, or IND – Industrial Zone property within the towns of Reefton, Greymouth, Hokitika or Westport;**

Activity status where compliance not achieved: Restricted Discretionary

ECO – R5	**Indigenous vegetation clearance on Māori Purpose Zoned Land, Poutini Ngāi Tahu Land for Poutini Ngāi Tahu Activities or on Specified Māori Land outside of Significant Natural Areas**

Activity Status Permitted

Where:

1. **It is cultural harvest undertaken by Poutini Ngāi Tahu; or**
2. **It is on Māori Purpose Zoned land or Poutini Ngāi Tahu land and undertaken in accordance with an Iwi/Papatipu Rūnanga Management Plan; or**
3. **It is on Specified Māori Land and complies with ECO-R1 and ECO-R3.**

Activity status where compliance not achieved: Restricted Discretionary

ECO – R6	**Indigenous vegetation clearance outside of Significant Natural Areas not provided for in another Permitted Activity Rule**

Activity Status Permitted

Where this is:

1. **For the construction of new fences and traplines associated with Conservation Activities or to exclude stock or pest animals from indigenous vegetation or the margins of waterbodies, or the coast; or**
2. **Necessary to remove vegetation that endangers human life or existing buildings or structures; or**
3. **For the construction of parks facilities, parks furniture or public access points within an Open Space and Recreation Zone; or**
4. **For installation of an environmental monitoring and extreme weather event monitoring facility; or**
5. **For the establishment of a river crossing point up to 3 metres wide; or**
6. **For new natural hazard mitigation structures undertaken by a statutory agency or their authorised contractor acting on its behalf; or**
7. **Unavoidable in the course of removing pest plants and pest animals in accordance with any regional pest management plan or the Biosecurity Act 1993, or is removal of unwanted organisms declared under the Biosecurity Act 2015; or**
8. **To comply with section 43 of the Fire and Emergency Act 2017; or**
9. **To upgrade public walking or cycling tracks up to 3 metres in width undertaken by the Council or its authorised contractor acting on its behalf; or**

10. **Within an area subject to a QEII National Trust Covenant or Ngā Whenua Rahui Kawaneta, a Reserves or Conservation Act covenant or a Heritage covenant under the Heritage New Zealand/Pouhere Taonga Act and the vegetation disturbance is authorised by that legal instrument; or**

11. **For the establishment of a building platform and access to a building site in an approved subdivision, or where there is no existing residential building on the site that will not exceed 500m² clearance per allotment, and where this is not located within a riparian margin of a waterbody; or**

12. **For mineral exploration or prospecting activities within the MINZ - Mineral Extraction Zone or BCZ – Buller Coalfield Zone; or**

13. **Outside of the coastal environment or riparian margins of waterbodies, it is removal of windthrow timber through:**

    i. **Use of helicopter recovery methods; or**

    ii. **Ground-based recovery, where this is only undertaken from areas adjacent to existing vehicle tracks; or**

14. **For any other purpose, where this is not located within a riparian margin of a waterbody or the coastal environment, and will not exceed 2,000m² clearance per property.**

Activity status where compliance not achieved: Controlled Activity where this is indigenous vegetation clearance with an approved plan or permit issued under the Forests Act; otherwise, Restricted Discretionary

ECO – R7 Indigenous Vegetation Clearance within a Significant Natural Area

Activity Status Permitted

Where this is:

1. **For the maintenance, operation and repair of lawfully established activities and structures including tracks, fences, drains, structures, infrastructure and renewable electricity generation activities where:**

    a. **This is at the same or similar scale, character and intensity as at 14 July 2022; and**

    b. **The clearance is within 3 metres of the lawfully established activity and is limited to a maximum area of 50m² per individual Significant Natural Area;**

2. **Necessary to remove vegetation that endangers human life or existing buildings or structures, where this is certified by a Council Approved Contractor;**

3. **For the safe and efficient operation (including maintenance and repair) of any formed public road, rail corridor or access where the removal is within 3 metres of the formed width of the road, rail corridor or access where this is undertaken by a Road or Rail Controlling Authority;**

4. **To comply with section 43 of the Fire and Emergency Act 2017;**

5. To enable removal of unwanted organisms declared under the Biosecurity Act 2015.

Activity status where compliance not achieved: Discretionary

ECO – R~~3~~8 Indigenous vegetation clearance or disturbance where this is in accordance with an approved plan or permit issued under the Forests Act 1949

Activity Status Controlled

Where:

1. The indigenous vegetation clearance and disturbance is in accordance with an approved Sustainable Forest Management Plan or permit or personal use approval issued by the Ministry for Primary Industries under the Forests Act 1949;

2. The indigenous vegetation clearance is outside of ~~any Significant Natural Area identified in Schedule Four and outside of~~ the Coastal Environment; and

3. The indigenous vegetation clearance is not located in an area of land environment of category one or two of the Threatened Environment Classification.

Matters of control are:

a. The matters outlined in Polic**yies** ECO - P~~6~~**7**, **and** ECO - P~~7~~**8** and where relevant NFL - P6;

b. The protection of habitats of threatened or at risk species;

c. The management of impacts on Poutini Ngāi Tahu values as set out in the Tangata Whenua Chapter;

~~c.~~**d.** Compliance with the terms of an approved Sustainable Forest Management Plan or permit or personal use approval issued by the Ministry for Primary Industries under the Forests Act 1949; and

~~d.~~**e.** The measures to avoid, remedy, or mitigate any adverse effects on any significant indigenous vegetation and significant habitats of indigenous fauna.

Advice Note~~s~~:

~~1.~~ Where indigenous vegetation clearance is proposed within the riparian margins of a waterbody **ECO-R1 or ECO-R10 apply.**~~refer to these sections of the Plan for the rules around this clearance.~~

2. Where indigenous vegetation clearance is proposed in or on a site or area of significance to Māori then Rule SASM - R4 will also apply.

3. Where indigenous vegetation clearance is proposed within a wetland this is also subject to rules within the NES - Freshwater which is administered by the West Coast Regional Council.

Activity status where compliance not achieved: Restricted Discretionary

~~**ECO – R4 Subdivision of Land to Create Allotments Containing an Area of Significant Indigenous Biodiversity**~~

~~**Activity Status: Controlled**~~

~~Where:~~

~~1. One new allotment with a minimum lot size of 4,000m² is created from the parent title, provided that in the GRUZ - General Rural Zone there is a balance area remaining on the original title of at least 4 ha; and~~

~~2. The area of significant indigenous biodiversity is legally protected in perpetuity by way of a conservation covenant with an authorised agency and is contained within a single allotment;~~

~~3. The subdivision will not result in buildings or access ways being located within the identified area of significant indigenous biodiversity or the need for clearance of significant indigenous vegetation to provide for future access to any site; and~~

~~4. Subdivision standards S2-S11 are complied with.~~

~~**Matters of control are:**~~

~~a. Subdivision layout, access, design, location and proximity of building platforms to areas of significant indigenous biodiversity;~~

~~b. Management of earthworks, including earthworks for the location of building platforms and access ways;~~

~~c. The protection of habitats of threatened or at risk species; and~~

~~d. The measures to minimise any adverse effects on:~~

~~i. The significant indigenous biodiversity;~~

~~ii. The cultural significance to Poutini Ngāi Tahu.~~

~~**Advice Note:**~~

~~This rule does not apply to subdivisions to create allotments for network utilities, access or reserves which are subject to Rule SUB – R4. Activity status where compliance not achieved: Restricted Discretionary where standard 1 is not complied with. Discretionary where standards 2-4 are not complied with.~~

SUB – R7 Subdivision of Land to Create Allotments Containing an Area of Significant Indigenous Biodiversity <u>Where Legal Protection of the Area of Significant Biodiversity is Proposed</u>

Activity Status: Controlled

Where:

1. One new allotment with a minimum lot size of **4<u>1</u>**,000m² is created from the parent title, provided that in the GRUZ - General Rural Zone there is a balance area remaining on the original**<u>/parent</u>** title of at least 4 ha; and

<u>2. An assessment of the site against the significance criteria in the WCRPS Appendix 1 is provided with the application and this is undertaken by a suitably qualified ecologist, unless</u>

the site has already been identified as a Significant Natural Area as part of a district-wide Significant Natural Area assessment process; and

~~2.~~**3.** ~~The~~ **Any** area**s** of significant indigenous biodiversity ~~is~~ **are** legally protected in perpetuity by way of a conservation covenant with an authorised agency **or via consent notice on the title** and ~~is~~ **are** contained within a single allotment; **and**

~~3.~~**4.** The subdivision will not result in buildings or access ways being located within the identified area of significant indigenous biodiversity or the need for clearance **within the area** of significant indigenous vegetation to provide for **a future building site or** future access to any site; and

~~4.~~**5.** Subdivision standards S2-S11 are complied with.

Matters of control are:

a. Subdivision layout, access, design, location and proximity of building platforms to areas of significant indigenous biodiversity **and whether buffering of significant areas is also appropriate**;

b. The design and provision of access;

c. The provision of infrastructure and services for drinking water, wastewater, stormwater, telecommunications and energy/electricity;

d. The adequacy of water supply for firefighting;

e. Specification of the location of building sites and access through the use of consent notices;

f. Management of potential reverse sensitivity effects on existing land uses, including network utilities and regionally significant infrastructure, rural activities or significant hazardous facilities;

g. Measures to address any natural hazards or geotechnical constraints;

~~c.~~**h.** Management of earthworks, including earthworks for the location of building platforms and access ways;

~~d.~~**i.** The protection of habitats of threatened or at risk species; ~~and~~

~~e.~~**j.** The measures to ~~minimise~~ **avoid, remedy or mitigate** any adverse effects on:

i. The significant indigenous biodiversity; **and**

ii. ~~The cultural significance to~~ Poutini Ngāi Tahu **values**.

Advice Notes**:**

1. This rule did not apply to subdivisions to create allotments for network utilities, access or reserves which are subject to **either of** Rule**s SUB-R2 or** SUB - R4.

2. When assessing resource consent applications under this rule, reference should also be made to the objectives and policies in the ECO Chapter.

Activity status where compliance not achieved:

Restricted Discretionary where standard 1 is not complied with.

Discretionary where standards 2-~~4~~**5** are not complied with.

Restricted Discretionary Activities

ECO – R~~5~~9	**Indigenous vegetation clearance not meeting Permitted or Controlled Activity Standards outside of a Significant Natural Area in the Grey District**

Activity Status Restricted Discretionary

Where:

1. This is not within:

   i. ~~A Significant Natural Area identified in Schedule Four~~;

   ii. An area of land environment of category one or two of the Threatened Environment Classification; **or**

   iii. An Outstanding Natural Landscape identified in Schedule Five; **or**

   iv. An Outstanding Natural Feature identified in Schedule Six; **or**

   v. An area of High Coastal Natural Character identified in Schedule Seven; or

   vi. An area of Outstanding Coastal Natural Character identified in Schedule Eight.

Discretion is restricted to:

~~**a.** Whether there are other regulations impacting the site that have meant the land is unable to be used for economic rural uses;~~

a. Effects on indigenous biodiversity;

b. ~~Constraints imposed by~~ **Consideration of the** functional **need** or operational need of network utilities, **renewable electricity generation** and ~~critical~~ **regionally significant** infrastructure;

c. Effects on habitats of any threatened or ~~protected~~ **at risk (declining)** species;

d. Effects on the threat status of land environments in category one or two of the Threatened Environments Classification;

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

f. Effects on the intrinsic values of ecosystems;

g. Effects on recreational values of public land; ~~and~~

h. Effects on natural character, natural landscapes, and natural features in the coastal environment;

i. Natural hazard management and geotechnical considerations; and

j. Poutini Ngai Tahi values.

~~h. The matters outlined in Policies ECO - P6 and ECO - P7~~

Advice Note:

~~1. Where indigenous vegetation clearance is proposed within the riparian margin of a waterbody refer to this section of the Plan for the Rules around this clearance.~~

2. Where indigenous vegetation clearance is proposed in or on a site or area of significance to Māori then Rule SASM - R4 will also apply.

3. Where indigenous vegetation clearance is proposed within a wetland this is also be subject to **additional** rules within the NES - Freshwater and Regional Land and Water Plan which are administered by the West Coast Regional Council.

4. This rule also applies to ~~plantation~~ **commercial** forestry activities, where this provision is more stringent than the NES - ~~P~~**CF** and the indigenous vegetation clearance is within the coastal environment**.**

Activity status where compliance not achieved: Discretionary

~~ECO – R6 Subdivision of Land to create Allotments Containing an Area of Significant Indigenous Biodiversity not meeting Rule ECO – R4~~

~~Activity Status Restricted Discretionary~~

~~Where:~~

~~1. Up to three allotments with a minimum lot size of 4,000m^2 are created from the parent title;~~

~~2. The area of significant indigenous biodiversity is legally protected in perpetuity by way of a conservation covenant with an authorised agency and is contained within a single allotment;~~

~~3. The subdivision will not result in buildings or access ways being located within any Significant Natural Area identified in Schedule Four; and~~

~~4. Subdivision standards S2-S11 are complied with. Discretion is restricted to:~~

~~a. Whether there are other regulations impacting the site that have meant the land is unable to be used for economic rural uses;~~

~~b. The extent to which the subdivision layout, access, allotment size and design and the location of building platforms may adversely impact the significant indigenous vegetation and/or significant habitat of indigenous fauna;~~

~~c. Management of earthworks including earthworks for the location of building platforms and access ways;~~

~~d. The protection of habitats of threatened or at risk species.~~

~~e. The measures to minimise any adverse effects on:~~

~~i. The significant indigenous biodiversity; and~~

~~ii. The particular cultural, spiritual and/or heritage values, interests or associations of importance to Poutini Ngāi Tahu as kaitiaki and mana whenua that are associated with the significant indigenous vegetation and/or significant habitats of indigenous fauna and the potential impact on those values, interests or association.~~

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

SUB – R9	**Subdivision <u>of Land</u> to create allotment(s) Containing an Area of Significant Indigenous Biodiversity<u>, where Legal Protection of the Area of Significant Indigenous Biodiversity is Proposed,</u> not meeting Rule SUB-R7**

Activity Status Restricted Discretionary

Where:

1. Up to three allotments with a minimum lot size of **~~4~~<u>1</u>**,000m² are created from the parent title;

<u>2. An assessment of the site against the significance criteria in the WCRPS Appendix 1 is provided with the application and this is undertaken by a suitably qualified ecologist, unless the site has already been identified as an SNA as part of a district – wide Significant Natural Area assessment process; Any</u>

~~2.~~**<u>3.</u>~~The~~ <u>Any</u>** area**<u>s</u>** of significant indigenous biodiversity ~~is~~ **<u>are</u>** legally protected in perpetuity by way of a conservation covenant with an authorised agency **<u>or via a consent notice on the title</u>** and ~~is~~ **<u>are</u>** contained within a single allotment;

~~3.~~**<u>4.</u>**The subdivision will not result in buildings or access ways being located within any Significant Natural Area identified in Schedule Four **<u>or the need for clearance within the area of significant indigenous vegetation to provide for a future building site or future access to any site;</u>** and

~~4.~~**<u>5.</u>**Subdivision standards S2-S11 are complied with.

Discretion is restricted to:

a. The extent to which the subdivision layout, access, allotment size and design and the location of building platforms may adversely impact the significant indigenous vegetation and/or significant habitat of indigenous fauna **<u>and whether buffering of significant areas is also appropriate</u>**;

<u>b. The provision of infrastructure and services for drinking water, wastewater, stormwater, telecommunications and energy/electricity</u>;

<u>c. The adequacy of water supply for firefighting;</u>

d. Specification of the location of building sites and access through the use of consent notices;

e. Management of potential reverse sensitivity effects on existing land uses, including network utilities and regionally significant infrastructure, rural activities or significant hazardous facilities;

~~b.~~**f.** Management of earthworks including earthworks for the location of building platforms and access ways;

~~c.~~**g.** The protection of habitats of threatened or at risk species~~.~~**; and**

~~d.~~**h.** The measures to ~~minimise~~ **avoid, remedy or mitigate** any adverse effects on:

i. The significant indigenous biodiversity; and

ii. ~~The particular cultural, spiritual and/or heritage values, interests or associations of importance to~~ Poutini Ngāi Tahu **values** ~~as kaitiaki and mana whenua that are associated with the significant indigenous vegetation and/or significant habitats of indigenous fauna and the potential impact on those values, interests or association~~.

Activity status where compliance not achieved: Discretionary

Advice Note: When assessing resource consent applications under this rule, the objectives and policies in the ECO Chapter should also be referred to.

Discretionary Activities

ECO – R~~7~~10	**Indigenous vegetation clearance not meeting ~~ECO – R5~~ Permitted, Controlled or Restricted Discretionary Rules**

Activity Status Discretionary

Where:

1. An ecological assessment undertaken by a suitably qualified ecologist identifies that the indigenous vegetation clearance will not adversely affect an area of significant indigenous biodiversity using the WCRPS, Appendix 1; and

2. Adverse effects of the clearance on indigenous biodiversity are managed by applying the effects management hierarchy to achieve Objective ECO-O1.

OR

3. An ecological assessment undertaken by a suitably qualified ecologist identifies that the indigenous vegetation clearance is within an area of significant indigenous biodiversity using the WCRPS, Appendix 1, and avoid any of the following:

a. Loss of ecosystem representation and extent; or

b. Disruption to sequences, mosaics or ecosystem function; or

c. Fragmentation of areas of significant indigenous biodiversity or the loss of buffers or connections with areas of significant indigenous biodiversity; or

d. A reduction in the function of the area of significant indigenous biodiversity as a buffer or connection to important habitats or ecosystems; or

e. A reduction in the population size or occupancy of any threatened or at risk (declining) species that use the area of significant indigenous biodiversity.

OR

4. In the case of:

a. Mineral extraction that provides significant national public benefit that could not otherwise be achieved using resources within New Zealand, and it can be demonstrated that there is a functional need or operational need to be in that particular location, and there are no practicable alternative locations; or

b. Aggregate extraction that provides significant national or regional public benefit that could not otherwise be achieved using resources within New Zealand, and it can be demonstrated that there is a functional need or operational need to be in that particular location, and there are no practicable alternative locations; or

c. A single residential dwelling on an allotment created before 4 August 2023, and there is no practicable alternative location on the allotment for the dwelling and essential associated onsite infrastructure; or

d. This is for a commercial forestry activity and is required for the commercial forestry activity to continue; and

The adverse effects on areas of significant indigenous biodiversity are managed by applying the effects management hierarchy, including demonstrating how each step is applied, and if biodiversity offsetting and biodiversity compensation is applied, having regard to the principles in Appendix Fourteen and Appendix Fifteen.

Advice Notes:

1. Where assessing resource consents for indigenous vegetation clearance under this rule, assessment against the **relevant objectives and** policies of ~~both~~ the Ecosystems and **Indigenous** Biodiversity Chapter**,** ~~and~~ Natural Features and Landscapes Chapter**, the Coastal Environment Chapter, the Energy, Infrastructure and Transport Chapters and the MINZ and BCZ Zone Chapters** ~~will~~ **may** be required.

2. **In relation to Significant Natural Areas, t**~~T~~his rule also applies to ~~plantation~~ **commercial** forestry activities, where this provision is more stringent than the NES - ~~P~~**CF**.

3. **When assessing resource consents for indigenous vegetation clearance on Specified Māori Land under this rule, the provisions of the NPSIB in relation to Specified Māori Land must be taken into account.**

4. **When assessing resource consents for indigenous vegetation clearance within the riparian margins of waterbodies under this rule, the objectives and policies of the Natural Character and the Margins of Waterbodies must be taken into account.**

Activity status where compliance not achieved:

N/A where standard 1, 2 or 4 is complied with

Non-complying where standard 3 is not complied with

ECO - R11 Indigenous vegetation clearance for regionally significant infrastructure, the National Grid and renewable electricity generation activities

Activity Status Discretionary

Activity Status where compliance not achieved: N/A

~~**ECO – R8 Subdivision of Land to Create Allotments Containing an Area of Significant Indigenous Biodiversity not meeting Rule ECO – R6**~~

~~**Activity Status Discretionary**~~

~~**Where:**~~

~~1. The area of significant indigenous biodiversity is legally protected in perpetuity by way of a conservation covenant with an authorised agency and is contained within a single allotment;~~

~~2. The subdivision will not result in buildings or accessways being located within any Significant Natural Area identified in Schedule Four; and~~

~~3. Subdivision Standards S2 - S11 are complied with.~~

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

Non-complying Activities

SUB – R15 Subdivision of Land to Create Allotments containing an Area of Significant Indigenous Biodiversity that does not meet ~~Controlled or Restricted Discretionary Activity Standards~~ SUB-R9

Activity Status Discretionary

Where:

1. **An assessment of the site against the significance criteria in the WCRPS Appendix 1 is provided with the application and this is undertaken by a suitably qualified ecologist, unless the site has already been identified as an Significant Natural Area as part of a district–wide Significant Natural Area assessment process using the NPSIB Appendix 1 criteria; and**

2. **Any adverse effects on** ~~T~~**t**he area of significant indigenous biodiversity **or SNA**~~is legally protected in perpetuity by way of a conservation covenant with an authorised agency and is contained within a single allotment;~~ **are managed by applying the effects management**

hierarchy, including demonstrating how each step of the effects management hierarchy will be applied, and if biodiversity offsetting or biodiversity compensation is applied, having regard to principles in Appendix 14 and 15; and

3. The subdivision will not result in ~~buildings or accessways being located within any Significant Natural Area identified in Schedule Four; and~~ **any of the following:**

   a. Loss of ecosystem representation and extent; or

   b. Disruption to sequences, mosaics or ecosystem function; or

   c. Fragmentation of areas of significant indigenous biodiversity or the loss of buffers or connections with areas of significant indigenous biodiversity; or

   d. A reduction in the function of the area of significant indigenous biodiversity as a buffer or connection to important habitats or ecosystems; or

   e. A reduction in the population size or occupancy of any threatened or at risk (declining) species that use the area of significant indigenous biodiversity; and

4. **Subdivision Standards S2 - S11 are complied with.**

Activity status where compliance not achieved: Non-complying

Advice Note: When assessing resource consent applications under this rule, the objectives and policies in the ECO Chapter should also be referred to.

Non-complying Activities

ECO – R12	**Indigenous vegetation clearance not meeting ECO – R~~7~~10**

Activity status Non-complying

Activity status where compliance not achieved: N/A

Advice Note:

1. **This rule also applies to Plantation forestry activities, where this provision is more stringent than the NES - CF.**

~~ECO – R9~~	**~~Subdivision of Land within an Area of Significant Indigenous Biodiversity not meeting Rule ECO – R8~~**

~~Activity Status Non-complying~~

~~Activity status where compliance not achieved:~~ ~~N/A~~

SUB – R27	**Subdivision of Land within an Area of Significant Indigenous Biodiversity not meeting Discretionary Activity Standards**

Activity Status Non-complying

Activity status where compliance not achieved: N/A

Advice Note: When assessing resource consent applications under this rule, reference should also be made to the objectives and policies in the ECO Chapter.

ECO – R10~~3~~3 **Planting of Plant Pests identified in a West Coast Regional Pest Management Plan within an area of significant indigenous vegetation or significant habitat of ~~significant~~ indigenous fauna**

Activity Status Non-complying

Activity status where compliance not achieved: N/A

ECO – R11~~4~~4 **The intentional release or farming of Animal Pests identified in a West Coast Regional Pest Management Plan within an area of significant indigenous vegetation or significant habitat of ~~significant~~ indigenous fauna**

Activity Status Non-complying

Activity status where compliance not achieved: N/A

Ecosystems and Indigenous Biodiversity Methods

ECO – M1

The TTPP Committee will

a. **Identify in conjunction with Specified Māori Land owners how best to implement the NPSIB in relation to Specified Māori Land in accordance with the decision making principles in Appendix Thirteen of this Plan and the provisions of the NPSIB; and**

b. **Identify, in partnership with Poutini Ngāi Tahu, how best to fully implement the NPSIB in relation to the decision-making principles, tangata whenua provisions and the Ngāi Tahu Claims Settlement Act; and**

c. **As part of giving effect to the NPSIB, the TTPP Committee will consider a Plan Change to implement the actions of this method and Policy ECO-P1.I**

Schedule Four: Significant Natural Areas

A regionally consistent assessment against the criteria in the NPSIB Appendix 1 to identify all areas of significant indigenous biodiversity has not yet been completed. ~~Only~~ **Previously identified** areas within Grey District have been **included in Schedule Four** ~~scheduled as Significant Natural Areas~~ **and spatially identified on the planning maps as the Significant Natural Area overlay** in Te Tai o Poutini Plan.

Within the Buller and Westland District **and in the Grey District outside of Schedule Four areas** ~~an assessment of significance will be undertaken at the time any resource consents are applied for in relation to the Ecosystems and Biodiversity Rules~~ **a district-wide assessment to identify areas of significant indigenous vegetation and significant habitat of indigenous fauna will be undertaken, with additional identified areas included in Schedule Four through a future plan change**.

Significant Natural Areas in the form of Regionally Significant Wetlands are scheduled and identified in the West Coast Regional Land and Water Plan **and are also included in Schedule Four.**

REGIONALLY SIGNIFICANT WETLAND TO BE ADDED TO SCHEDULE 4

SCHED4 - SCHEDULE OF SIGNIFICANT NATURAL AREAS		
Unique Identifier	**Location**	**Site Type and Values**
HEAP 001	Heaphy River	Regionally Significant Wetland
KAMP 001	Otumahana Estuary	Regionally Significant Wetland
KAMP 002A	Kongahu Swamp North	Regionally Significant Wetland
KAMP 003	Kongahu South	Regionally Significant Wetland
FOUP004	Birchfield Swamp	Regionally Significant Wetland
FOUP006	Bradshaws Lagoon	Regionally Significant Wetland
FOUP007	Buller River Mouth Saltmarsh	Regionally Significant Wetland
FOUP009	Waimangaroa Swamp	Regionally Significant Wetland
REEP011	Palmers Road	Regionally Significant Wetland
PUN001	Barrytown Flats, Maher Swamp	Regionally Significant Wetland
HOCP005	Lake Haupiri	Regionally Significant Wetland
GREP005	Saltwater Creek	Regionally Significant Wetland
BRUP004	Kangaroo Lake	Regionally Significant Wetland
BRUP005	Lake Brunner Mitchells	Regionally Significant Wetland
BRUP006	Te Kinga Ruru	Regionally Significant Wetland
BRUP007	Te Kinga Iveagh Bay	Regionally Significant Wetland
HOKP011	Paynes Gully	Regionally Significant Wetland
HOKP020a, HOKP020b, HOKP020c	Mahinapua 1	Regionally Significant Wetland
HOKP020a, HOKP020b, HOKP020c	Mahinapua 2	Regionally Significant Wetland
HARP009	Shearer Swamp	Regionally Significant Wetland
HARP014	Waitangiroto River	Regionally Significant Wetland
WAIP007	Quinlin Creek	Regionally Significant Wetland
WAIP008	Sandfly Beach	Regionally Significant Wetland

Appendix Thirteen – Principles and Process for Significant Natural Area identification.

Existing Significant Natural Areas in Schedule Four

In the Grey District, some Significant Natural Areas (SNA) have already been identified, mapped and scheduled in Te Tai o Poutini Plan. The NPSIB provides for these to be confirmed as SNA meeting the NPSIB criteria without requiring a full new assessment. This will be undertaken primarily as a desk top exercise using existing ecological reports. Landowners will be advised, and if they would like a field re-assessment to confirm the boundaries and/or significance of their site, then this will be undertaken.

This process is restricted to existing sites scheduled in the Plan. No new SNA can be added through this process.

Existing Regionally Significant Wetlands

Regionally significant wetlands identified in the West Coast Regional Land and Water Plan, Schedule 1 are SNA under the NPSIB definition. No new regionally significant wetlands can be added through this process.

Identifying New Significant Natural Areas

[1] **New SNA will be identified through a district-wide assessment for each of the three districts. While the Grey District has previously undertaken an SNA identification exercise, it was with different criteria to RPS Appendix 1 or NPSIB Appendix 1, and it is expected that some more SNA could be identified.**

[2] **In the Buller and Westland Districts, there has been no previous SNA identification process and it is expected that a range of new SNA will be identified.**

[3] **The process that will be followed is that in the first instance a desk top study will be undertaken to identify potential SNA. Landowners will then be contacted to ask permission to undertake a field assessment to identify if the area, or part of the area, is an SNA, and what the boundaries are.**

[4] **If the landowner refuses permission for a field assessment, then the Councils will use the best information available to determine the values of the potential SNA and map it accurately.**

[5] **Both the desk top and field assessment will be undertaken using the criteria set out in Appendix 1 of the NPSIB and in accordance with the principles detailed below.**

[6] **All landowners will be notified in writing – including with maps and information on the ecological values of the sites, if the district-wide assessment identifies an SNA on their property.**

[7] **The Councils will keep landowners informed as to the timeframe and Plan Change process to introduce the identified SNA into Te Tai o Poutini Plan.**

Through this process the principles required by Section 3.8 of the NPSIB and set out below will be followed:

a. **partnership: Councils engage early with tangata whenua and landowners and share information about indigenous biodiversity, potential management options, and any support and incentives that may be available;**

b. transparency: Councils clearly inform tangata whenua and landowners about how any information gathered will be used and make existing information, draft assessments and other relevant information available to tangata whenua and relevant landowners for review;

c. quality: wherever practicable, the values and extent of natural areas are verified by physical inspection; but if a physical inspection is not practicable (because, for instance, the area is inaccessible, or a landowner did not give access) the local authority uses the best information available to it at the time;

d. access: if a physical inspection is required, permission of the landowner is first sought and the powers of entry under section 333 of the Act are used only as a last resort;

e. consistency: the criteria in NPSIB Appendix 1 are applied consistently, regardless of who owns the land; and

f. boundaries: the boundaries of areas of significant indigenous vegetation or significant habitat of indigenous fauna are determined without regard to artificial margins (such as property boundaries) that would affect the extent or ecological integrity of the area identified.

What Rules Apply Until the Plan Change

Until a site has been assessed as to whether it contains a Significant Natural Area and a Plan Change introduced with the new SNA, the general indigenous vegetation clearance rules will apply across the three districts.

Once all SNA have been identified, the Ecosystems and Indigenous Biodiversity Chapter will also be reviewed as part of the Plan Change. This will implement the NPSIB and is expected to introduce a new set of indigenous vegetation clearance rules, and will also address whether regulation is still required for indigenous vegetation clearance outside of an SNA.

Appendix Fourteen - Principles for Biodiversity Offsetting

These principles apply to the use of biodiversity offsets for adverse effects on indigenous biodiversity.

(1) Adherence to effects management hierarchy: A biodiversity offset is a commitment to redress more than minor residual adverse effects and should be contemplated only after steps to avoid, minimise, and remedy adverse effects are demonstrated to have been sequentially exhausted.

(2) When biodiversity offsetting is not appropriate: Biodiversity offsets are not appropriate in situations where indigenous biodiversity values cannot be offset to achieve a net gain. Examples of an offset not being appropriate include where:

(a) residual adverse effects cannot be offset because of the irreplaceability or vulnerability of the indigenous biodiversity affected:

(b) effects on indigenous biodiversity are uncertain, unknown, or little understood, but potential effects are significantly adverse or irreversible:

(c) there are no technically feasible options by which to secure gains within an acceptable timeframe.

(3) Net gain: This principle reflects a standard of acceptability for demonstrating, and then achieving, a net gain in indigenous biodiversity values. Net gain is demonstrated by a like-for-like quantitative loss/gain calculation of the following, and is achieved when the indigenous biodiversity values at the offset site are equivalent to or exceed those being lost at the impact site:

(a) types of indigenous biodiversity, including when indigenous species depend on introduced species for their persistence; and

(b) amount; and

(c) condition (structure and quality).

(4) Additionality: A biodiversity offset achieves gains in indigenous biodiversity above and beyond gains that would have occurred in the absence of the offset, such as gains that are additional to any minimisation and remediation undertaken in relation to the adverse effects of the activity.

(5) Leakage: Biodiversity offset design and implementation avoids displacing harm to other indigenous biodiversity in the same or any other location.

(6) Long-term outcomes: A biodiversity offset is managed to secure outcomes of the activity that last at least as long as the impacts, and preferably in perpetuity. Consideration must be given to long-term issues around funding, location, management and monitoring.

(7) Landscape context: Biodiversity offsetting is undertaken where this will result in the best ecological outcome, preferably close to the impact site or within the same ecological district. The action considers the landscape context of both the impact site and the offset site, taking into account interactions between species, habitats and ecosystems, spatial connections, and ecosystem function.

(8) Time lags: The delay between loss of, or effects on, indigenous biodiversity values at the impact site and the gain or maturity of indigenous biodiversity at the offset site is minimised so that the calculated gains are achieved within the consent period or, as appropriate, a longer period (but not more than 35 years).

(9) Science and mātauranga Māori: The design and implementation of a biodiversity offset is a documented process informed by science and mātauranga Māori.

(10) Tangata whenua and stakeholder participation: Opportunity for the effective and early participation of tangata whenua and stakeholders is demonstrated when planning biodiversity offsets, including their evaluation, selection, design, implementation, and monitoring.

(11) Transparency: The design and implementation of a biodiversity offset, and communication of its results to the public, is undertaken in a transparent and timely manner.

Appendix Fifteen - Principles for Biodiversity Compensation

These principles apply to the use of biodiversity compensation for adverse effects on indigenous biodiversity:

(1) Adherence to effects management hierarchy: Biodiversity compensation is a commitment to redress more than minor residual adverse effects, and should be contemplated only after steps to avoid, minimise, remedy, and offset adverse effects are demonstrated to have been sequentially exhausted.

(2) When biodiversity compensation is not appropriate: Biodiversity compensation is not appropriate where indigenous biodiversity values are not able to be compensated for. Examples of biodiversity compensation not being appropriate include where:

(a) the indigenous biodiversity affected is irreplaceable or vulnerable;

(b) effects on indigenous biodiversity are uncertain, unknown, or little understood, but potential effects are significantly adverse or irreversible;

(c) there are no technically feasible options by which to secure a proposed net gain within acceptable timeframes.

(3) Scale of biodiversity compensation: The indigenous biodiversity values lost through the activity to which the biodiversity compensation applies are addressed by positive effects to indigenous biodiversity (including when indigenous species depend on introduced species for their persistence), that outweigh the adverse effects.

(4) Additionality: Biodiversity compensation achieves gains in indigenous biodiversity above and beyond gains that would have occurred in the absence of the compensation, such as gains that are additional to any minimisation and remediation or offsetting undertaken in relation to the adverse effects of the activity.

(5) Leakage: Biodiversity compensation design and implementation avoids displacing harm to other indigenous biodiversity in the same or any other location.

(6) Long-term outcomes: Biodiversity compensation is managed to secure outcomes of the activity that last as least as long as the impacts, and preferably in perpetuity. Consideration must be given to long-term issues around funding, location, management, and monitoring.

(7) Landscape context: Biodiversity compensation is undertaken where this will result in the best ecological outcome, preferably close to the impact site or within the same ecological district. The action considers the landscape context of both the impact site and the compensation site, taking into account interactions between species, habitats and ecosystems, spatial connections, and ecosystem function.

(8) Time lags: The delay between loss of, or effects on, indigenous biodiversity values at the impact site and the gain or maturity of indigenous biodiversity at the compensation site is minimised so that the calculated gains are achieved within the consent period or, as appropriate, a longer period (but not more than 35 years).

(9) Trading up: When trading up forms part of biodiversity compensation, the proposal demonstrates that the indigenous biodiversity gains are demonstrably greater or higher than those lost. The proposal also shows the values lost are not to Threatened or At Risk (declining) species or to species considered vulnerable or irreplaceable.

(10) Financial contributions: A financial contribution is only considered if:

(a) there is no effective option available for delivering biodiversity gains on the ground; and

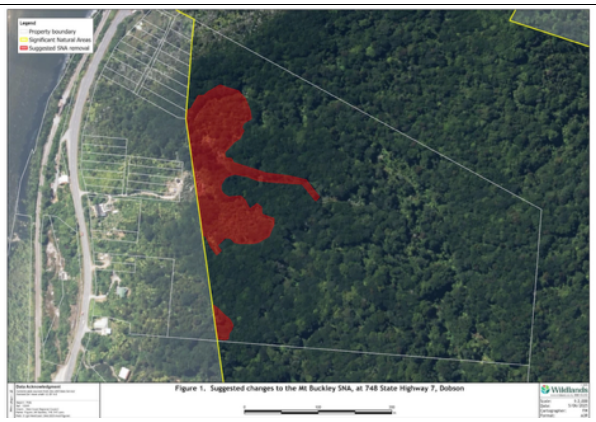
(b) it directly funds an intended biodiversity gain or benefit that complies with the rest of these principles.

(11) Science and mātauranga Māori: The design and implementation of biodiversity compensation is a documented process informed by science, and mātauranga Māori. (12) Tangata whenua and stakeholder participation: Opportunity for the effective and early participation of tangata whenua and stakeholders is demonstrated when planning for biodiversity compensation, including its evaluation, selection, design, implementation, and monitoring.

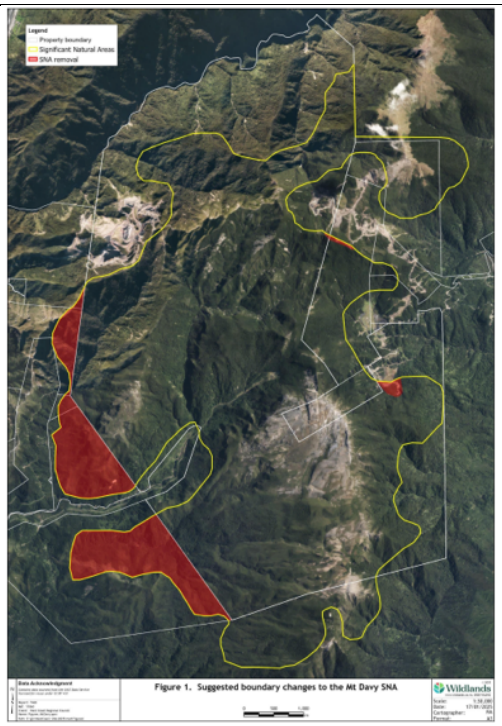
(13) Transparency: The design and implementation of biodiversity compensation, and communication of its results to the public, is undertaken in a transparent and timely manner.

Amendments to Planning Maps

We recommend that the amendments to the SNA identified in the Wildlands Reports are made on the Planning Maps. These are shown below.



Changes to Mt Buckley SNA. Red areas to be removed,



Changes to Mt Davy SNA. Red areas to be removed



Changes to PUN – 043 SNA. Red areas to be removed



Changes to PUN – 044 SNA Red area to be removed

APPENDIX 2 – MINORITY DECISION

1. Commissioner Becker considers the wording adopted in the recommendation at paragraph 213 gives the impression that the land clearance on the West Coast has been done inappropriately and without going through the proper consenting process. He considers there is no basis to this statement to show the clearance had been inappropriate or undertaken without having regard to the law.

2. Commissioner Becker considers the removal of the 3 year period for permitted clearance of 5000m^2 further restricts landowners and does not meet the Objectives outlined in the Resilient and Sustainable Communities Chapter of the RPS.

   Objective 2 of the WCRPS in Section 4 states:

   > *The regions planning framework enables existing and new economic use, development and employment opportunities while ensuring sustainable environmental outcomes are achieved,*

   Commissioner Becker considers the decision only relates to environmental outcomes and has no provision to meet the first part of the objective.

   Further Policy 1 of the WCRPS in Section 4 states:

   > *To sustainably manage the West coasts natural and physical resources in a way that enables a range of existing and new economic activities to occur, including activities likely to provide substantial employment that benefits the long term sustainability of the regions communities.*

   Commissioner Becker considers without an ongoing permitted land clearance rule of any scale that permits land development on the West Coast, the possibilities of new economic activities and employment will be further diminished.

   Objective 3 of the WCRPS, Ecosystems and Indigenous Biological Diversity chapter states:

   > *Provide for sustainable subdivision, use and development to enable people and communities to maintain or enhance their economic, social and cultural wellbeing in areas of significant indigenous vegetation and significant habitats of indigenous fauna.*

   Commissioner Becker considers that putting a one off permitted small clearance clause in the rules will prevent further development unless a consenting process is used. He considers with the time period it will entail to complete the SNA identification process this will be restrictive in the short term for enabling growth on the West Coast.

TAI POUTINI PLAN COMMITTEE

Hearing of Submissions on the Proposed Te Tai O Poutini Plan

Recommendation Report of Hearing Panel

Recommendation Report

Natural Features and Landscapes

- Ngā Āhua me ngā Horanuku Aotūroa

Hearing Dates: 4, 5 and 19 March 2024

HEARING PANEL

Dean Chrystal (Chair)

Sharon McGarry

Maria Bartlett

Paul Rogers

Anton Becker

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PART A – INTRODUCTORY MATTERS

1. PRELIMINARY MATTERS

1.1. Introduction

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

2. This Recommendation Report relates to the Natural Features and Landscapes - Ngā Āhua me ngā Horanuku Aotūroa (**NFL**) chapter of the pTTPP; and contains the Hearing Panel's evaluations and recommendations to the TTPP Committee on the submissions and further submissions received on this section in Part 2, Schedules 5 and 6 in Part 4 and the planning maps locating these landscapes and features of the Plan.

3. The Section 32 Report[1] provided an evaluation of the options for the management of Outstanding Natural Features and Landscapes through the combined Plan, including the regulatory framework, key resource management issues, the evidence base (research and basis for identifying Outstanding Natural Landscapes and Features (**ONFL** or **ONL** and **ONF**), consultation, information and analysis undertaken) and evaluation of the options.

4. The Section 42A Officer's Report[2] ('s42A Report'), authored by Ms Lois Easton, a planner with Kererū Consultants acting as the Reporting Officer, was circulated prior to the hearing. The s42A Report provided an analysis of submissions and further submissions received; and made recommendations on changes to the notified plan provisions (the changes were included in Appendix 1 and the recommendation on all submissions as to either accepted, accepted in part or rejected in Appendix 2).

5. Ms Easton subsequently provided an Addendum s42A Report[3], which responded to a Landscape Report[4] prepared by Ms Bridget Gilbert, who had reviewed the ONL originally identified in the West Coast districts by Mr Stephen Brown of Brown NZ Ltd and provided expert landscape comment in response to specific ONL related submissions on the pTTPP. As a result, the Addendum Report recommended a number of amendments to ONL boundaries. Ms Gilbert was available to us to answer questions on her report during the hearing.

6. The s42A Report assessed a total of 532 submissions points and 491 further submissions points on the Natural Features and Landscapes topic overall i.e. including Schedules 5 and 6 and the planning maps.

7. The matters raised by submitters were grouped in the s42A Report in relation to each of the following key issues for each of the chapter:

    - General/Whole Chapter;
    - Overview;
    - Objective;

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

[2] Te Tai o Poutini Plan Section 42A Officer's Report Natural Features and Landscapes - Ngā Āhua me ngā Horanuku Aotūroa

[3] Addendum to Natural Features and Landscapes s42A Report, Response to Landscape Review Report from Bridget Gilbert, 31 January 2024

[4] Te Tai o Poutini Plan Landscape Report prepared for the West Coast Regional Council January 2024

- Policies;
- Rules;
- Subdivision within Outstanding Natural Landscapes; and
- Schedules Five and Six and the associated Planning Maps

8. This Recommendation Report follows this same structure of the s42A Report and provides a brief summary of the issues raised in submissions and further submissions, the s42A Report analysis and recommendations, submitter evidence and the Reporting Officer's reply evidence, before providing our evaluation and recommendation.

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

10. This Recommendation Report contains the reasons for the Panel's recommendations. These comprise either adoption of the reasoning and recommendations of the original section 42A Reports or the Reporting Officer's reply evidence (Councils' right of reply post hearing adjournment), or a specific reasoning by the Panel.

11. Where the Panel recommends the TTPP provisions should remain as notified, it is because:

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

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

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

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

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

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

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

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

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

14. If there are circumstances where the Panel consider that alternative relief is more appropriate than that requested in submissions and further submissions to give effect to the RMA, NZCPS, national policy statements and/or RPS, but are still within the scope of the relief sought, the relevant recommendation clearly sets out the nature of the change and the reason for the change. This is recorded in this Recommendation Report.

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

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

1.2. Terminology in this Report

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

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

Hort NZ	Horticulture New Zealand
KiwiRail	KiwiRail Holdings Limited
Manawa	Manawa Energy Limited
MINZ	Mineral Extraction Zone
NES-CF	National Environmental Standards for Commercial Forestry 2023
NFL	Natural Features and Landscapes
NPSIB	National Policy Statement for Indigenous Biodiversity 2023
NPSFM	National Policy Statement for Freshwater Management 2020
NESF	National Environmental Standard for Freshwater
NESCS	Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011
NESCF	National Environmental Standard for Commercial Forestry
NFL	Natural Features and Landscapes
NZCPS	New Zealand Coastal Policy Statement 2010
ONF	Outstanding Natural Feature
ONFL	Outstanding Natural Features and Landscapes
ONL	Outstanding Natural Landscape
Poutini Ngāi Tahu	Te Rūnanga o Ngāi Tahu, Te Runanga o Ngāti Waewae, Te Rūnanga o Makaawhio
pTTPP	Proposed Te Tai Poutini Plan
Planning standards	National Planning Standards
RMA or the Act	Resource Management Act 1991
RPS	West Coast Regional Policy Statement

RSI	Regionally Significant Infrastructure
SNA	Significant Natural Area
SASM	Sites and Areas of Significance to Māori
Te Tumu Paeroa	The Office if the Māori Trustee
Transpower	Transpower New Zealand Limited
NZTA Waka Kotahi	NZ Transport Agency Waka Kotahi
WCRC	West Coast Regional Council
WDC	Westland District Council

1.3. Hearing Arrangements

18. The hearing was held in two parts. The first was at the RSA Hokitika, 22 Sewell Street, Hokitika on the 4 and 5 of March 2024. The second part was at the NBS Theatre, 105 Palmerston Street, Westport on the 19 March 2024. A number of submitters appeared by internet connection.

19. At the hearing, Ms Easton tabled a Planning Summary Statement to her s42A Report and an Addendum Report.

20. We received a legal opinion from Wynn Williams dated 20 June 2024 which addressed the scope of Forest & Bird's further submission (FS 34) on the Te Tai o Poutini Plan Committee's submission (S171.001) as to whether it provided scope for the Panel to make changes to the pTTPP to increase the mapped ONL areas. The advice from Wynn Williams considers the TTPP Committee submission[5] only provides scope to decrease the extent of ONL areas.

21. We received a written Right of Reply from Ms Easton on 8 January 2025, which included reply evidence from Ms Gilbert.

1.4. Appearances

22. The following submitters appeared at the hearing:

Section 42A Reporting Officer – Ms Lois Easton, Principal Consultant with Kererū Consultants Limited

Section 42A Technical Advisor – Ms Bridget Gilbert, Landscape Architect

Mr Murray Stewart for himself

Mr Vance Boyd for himself

Mitchells 2021 Limited - Mr Paul Lynch

[5] Te Tai o Poutini Plan Committee (S171.001)

Totally Tourism Limited and Skyline Enterprises Limited - Mr Sean Dent**,** Planner

Bathurst Resources Limited and BT Mining Limited
- Mr Joshua Leckie, Legal Counsel
- Ms Claire Hunter, Planner

Te Tumu Paeroa - The Office of the Māori Trustee - Ms Ngahuia Huirama, Ms Vanesa Griffiths and Ms Hannah McKinlay

Westpower Limited
- Mr Roger Griffiths, General Manager – Generation and Technology for Westpower
- Ms Sylvie Saskova, Technical Administrator, for Westpower
- Mr Martin Kennedy, Planner

Director General of Conservation ('Director General')
- Mr Matt Pemberton, Legal Counsel
- Ms Amy Young, Planner and

Mr Neil Mouat for himself

Karamea Lime Company Ltd
- Mr Geoff Volckman, Director
- Mr Leicester Murray, Landscape Architect

Mr Dean van Mierlo for himself

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

Mr Hadley Mills for himself

Manawa Energy Limited
- Ms Stephanie Styles, Planner
- Mr James Bentley, Landscape Architect

1.5. Overview of submitter evidence and statements received

23. For those appearing at the hearing legal submissions were received from Mr Joshua Leckie for Bathurst (dated 26 February 2024) and Mr Matt Pemberton for the Director General (dated 26 February 2024).

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

(a) Ms Claire Hunter, planner for Bathurst (dated 12 February 2024);

(b) Ms Amy Young, planner for DOC (dated 12 February 2024);

(c) Ms Stephanie Styles, planner for Manawa (date 12 February 2024);

(d) Mr James Bentley, landscape architect for Manawa (date 12 February 2024);

(e) Mr Sean Dent, planner for Skyline Enterprises Limited and Totally Tourism Limited (date 12 February 2024);

(f) Mr Martin Kennedy, planner for Westpower Limited (dated 12 February 2024);

(g) Mr Leicester Murray, landscape architect for Karamea Lime Co Ltd (dated 12 February 2024);

(h) Ms Ngahuia Huirama, Ms Vanesa Griffiths and Ms Hannah McKinlay for Te Tumu Paeroa - The Office of the Māori Trustee;

(i) Mr Murray Stewart (received 4 March 2024) on behalf of himself;

(j) Mr Paul Lynch (dated 23 February 2024) on behalf of Mitchells 2021 Ltd;

(k) Mr Dean van Mierlo (dated 18 March 2024) on behalf of himself;

(l) Mr Geoff Volckman, Director (dated 11 March 2024) on behalf of Karamea Lime Co Ltd;

(m) Mr Hadley Mills (dated 19 March 2024) on behalf of himself; and

(n) Ms Frida Inta (dated 19 March 2024) on behalf of Buller Conservation Group and herself.

25. Following the receipt of the s42A Report and the Addendum to the s42A Report:

(a) Transpower advised[6] it did not intend to appear at the hearing and that the substance of the relief it had sought had been accepted by the Reporting Officer. Transpower identified two exceptions relating to NFL-P5 and NFL-R6 where it sought further amendments.

(b) Horticulture New Zealand (Hort NZ) did not attend the hearing and provided an industry statement by Ms Emily Levenson, Environmental Policy Advisor (dated 2 February 2024). Ms Levenson said Hort NZ continued to seek an amendment to NFL-R1 to provide for rural production activities to support NFL-P1, which provides for lawfully established horticultural activities in areas of ONFL.

(c) KiwiRail provided a letter[7] that confirmed it would not be filing evidence or attending the hearing. The letter indicated that KiwiRail continued to seek amendments to NFL-P1, NFL-P3 and NFL-R1, but accepted the Reporting Officer's recommendations in relation to NFL–P2, NFL–P5 and NFL–R6.

(d) Terra Firma Mining Limited (Terra Firma) provided a letter[8] confirming it would not be filing evidence and did not wish to be heard at the hearing. The letter provided responses to the Reporting Officer's recommendations on Terra Firma's submission points which were essentially in support of the changes proposed.

(e) Chris Horne, Planner on behalf of Chorus, Spark, One NZ and Forty South advised[9] that the Companies wished to record their support for the s42A recommendations in relation to all of their submissions on this topic and confirmed they would not be filing any evidence. Mr Horne noted that in terms of NFL-R8 the Reporting Officer agreed with the submission (in paragraph 274 of the s42A Report) but that the recommended change had not flowed through to paragraph 280 and Appendix 1 of the s42A Report, which he assumed was a typographical error.

[6] Letter from Rebecca Eng, Technical Lead – Policy, Transpower New Zealand Limited dated 8 February 2024.
[7] Letter from Sheena McGuire, Senior RMA Advisor, KiwiRail dated 7 February 2024
[8] Letter from Lucy Smith, Managing Director dated 19 February 2024
[9] Letter from Chris Horne, Consultant Planner dated 23 January 2024

(f) WCRC provided a letter[10] indicated that they did not wish to appear at the hearing but noted it had provided written evidence that addressed the mapping of ONL54 in relation to a Council-managed quarry and various provisions which would relate to it. WCRC sought changes to NFL-R2(2) and (2)(a) and ECO-R1 (5)(i) to address their concerns. The evidence noted that the Council still intends to relodge a Notice of Requirement seeking that designation for its assets, including quarries, be added to the pTTPP. However, it stated that if the changes sought in WCRC's submission and written evidence relating to its assets were within scope and were accepted by the Hearing Panel, the Council may not need to seek the designation.

(g) Legal Counsel for Russell Robinson and Brunner Builders Limited, Ms Kelsey Barry, filed a memorandum (dated 12 February 2024) along with a statement of evidence by Russell Robinson (dated 12 February 2024). The memorandum sought leave to present the brief in the Settlement Zone Hearing, alongside other technical evidence for the site-specific zoning.

Note: Leave was granted

26. Following the hearing the subsequent information was received as follows:

(a) Additional mapping material from Mr Mouat (dated 16 May 2024);

(b) A supplementary statement of planning evidence from Ms Styles for Manawa (dated 27 March 2024);

(c) A response on behalf of the Director General (dated 21 March 2024) from Mr Pemberton to questions from the Panel;

(d) A joint statement of position and recommendations to the Hearing Panel from Poutini Ngāi Tahu and Te Tumu Paeroa – the Office of the Māori Trust (dated 14 August 2024); and

(e) Formal withdrawal of submission point S440.031 by Te Tumu Paeroa[11] in relation to NFL-P7.

27. Following the hearing, the Panel issued a Minute (Minute 21) identifying ONL where we considered specific review, over and above the general review and refinement of all ONL boundaries discussed at the hearing, was necessary. We noted that in considering the identified ONL areas, boundaries could not be extended beyond what was notified, unless this was sought in submissions, but that ONL could be reduced from that notified.

1.6. Right of Reply

28. Ms Easton provided a written Right of Reply (dated 30 December 2024) it included an updated Appendix 1 showing tracked changes to the notified provisions (Appendix 1), a response to the ONL review by Ms Gilbert and the memorandum from Ms Alice Balme, Wynn Williams to the TTPP Committee regarding matters scope (dated 20 June 2024).

1.7. Procedural Steps and Issues

[10] Letter from Selva Selvarajah, Acting Planning Manager for West Coast Regional Council dated 2 February 2024.
[11] Letter dated 22 August 2022 to Hearing Panel from Ngahuia Huirama on behalf of Te Tumu Paeroa – the Office of the Māori Trustee

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

1.8. Site Visits

30. As part of this hearing, we undertook a number of site visits informed by responses received to Minute 21 (dated 11 April 2024) and matters raised in submissions.

PART B - STATUTORY REQUIREMENTS AND DOCUMENTS

31. Natural Features and Landscapes one of four chapters within the Natural Environment Values – Ngā Uara Taiao Aotūroa section of seven sections located in Part 2 – District-Wide Matters – Te Wāhanga 2 – Ngā Kaupapa ā-Rohe Whānui.

32. The Section 32 Report outlined the relevant statutory considerations applicable to natural features and landscapes; and the relationships between the sections of the RMA and higher order documents.

33. The section 42A Report highlighted the relevant section 6, 7 and 8 of the RMA, the New Zealand Coastal Policy Statement 2010 (NZCPS), National Policy Statement for Indigenous Biodiversity 2023 (**NPS-IB**), National Policy Statement for Renewable Electricity Generation 2011 (**NPS-REG**), Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009 (**NESETA**), Resource Management (National Environmental Standards for Commercial Forestry) Amendment Regulations 2023 (**NES-CF**), and the National Planning Standards.

34. The Panel accepts the NPS-IB does not apply to the development, maintenance to the upgrade of renewable electricity generation assets and activities, and electricity transmission network assets and activities.

35. The Panel notes the NES-CF replaced the Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017 (**NES-PF**). The s42A Report highlights the NES-CF species the activity status for new plantation forestry within a Significant Natural Area (**SNA**) and Outstanding Natural Feature or Landscape (**ONFL**) must be a restricted discretionary activity. However, it does enable a district plan to have more stringent rules to give effect to the National Policy Statement for Freshwater Management (**NPS-FM**) and Policies 11, 13, 15 and 22 of the New Zealand Coastal Policy Statement (**NZCPS**).

36. Clause 10 of the First Schedule states that it is not necessary to provide decisions on individual submissions. Recommendation of the Panel are made within the scope of requested relief, either individual submissions or groups of submissions making similar requests, as specified in reasons for recommendation.

37. The National Planning Standards mandatory direction 7.21 requires provisions relating to natural features and landscapes be the Natural Feature and Landscape chapter of the Plan. We are satisfied the Plan structure is consistent with this national direction.

38. The Panel accepts the advice of Wynn Williams that the relief sought by Forest & Bird in further submission (F34) to extend ONL boundaries is outside the scope of the submission from the TTPP Committee to amend the boundaries of ONL to a lesser extent than the Brown mapping (2022).

PART C – SUBMISSIONS, EVIDENCE, EVALUATION AND RECCOMENDATIONS

2. NATURAL FEATURES AND LANDSCAPES

2.1. NFL General/Whole Chapter

Submissions and Further Submissions

39. Twenty-five submission points and 15 further submission points relating to general matters or the whole NFL chapter were summarised in a Table on pages 15-19 of the s42A Report. Seven submission points supported the provisions; one was neutral and seventeen sought amendments.

40. The Panel has considered the relevant submissions and further submissions received and adopts the summaries of each within the s42A Report.

41. In addition to these specific submission and further submission points, the Panel has considered the implications of making Plan wide changes for consistency to replace the use of 'critical infrastructure' with 'regionally significant infrastructure' within the context of the NFL Chapter.

Section 42A Report

42. The s42A Report did not support removing references to sites and areas of significance to Māori (**SASM**) given this gives effect to RMA section 6 matters of national importance.

43. In response to the submission points by Skyline Enterprises Limited to enable the development of a proposed aerial cableway, the s42A Report considered no amendment were required. It concluded such a development would require resource consent as a discretionary activity and that this was appropriate.

44. The s42A Report considered the relationship between the Energy Chapter and the NFL Chapter were clear given the statements in the overview section of those chapters. It noted these clearly state that the overlay provisions apply to energy activities, transport activities and infrastructure activities. It highlighted the national grid infrastructure did not traverse through identified ONL and had its own designation. It stated no opposition to providing a specific policy for the national grid in the NFL Chapter, subject to consideration of appropriate wording.

45. The s42A Report supported amendments to recognise the importance of energy activities and to provide for maintenance and enhancement of the generation and supply of renewable energy, including new activities.

46. The s42A Report agreed there needs to be a consistent approach across the overlays in the Plan but noted there are points of difference too.

47. In responding to submission points relating to the methodology, approach and overall extent of the ONL overlay, the s42A Report outlined the background to development of the overlay. It noted the joint 2013 landscape and natural character assessment undertaken by Stephen Brown for the Councils, the ONL and ONC maps within the coastal environment produced by WCRC in 2016 and the subsequent digitization process of the maps by the WCRC GIS planning team. It noted problems with the accuracy of the ONL boundaries due to differences in the scale of the original maps and the online maps; and modification in the intervening period of

the environment to the extent it was no longer 'outstanding'. It confirmed that a full review of the entire map set was not able to be completed until after the TTPP was notified but that the changes sought as the result of this were in the TTPP Committee's submission.

48. The s42A Report concluded the process and criteria used to assess ONL on the West Coast was consistent with the draft Te Tangi a Te Manu: Aotearoa New Zealand Landscape Assessment Guide. It noted the reassessment by the TTPP Committee and the recent review of the mapping by Ms Bridget Gilbert and concluded the methodology used was appropriate. It supported a more detailed description of the landscape values of each ONL with information available in the Brown Reports.

49. The Landscape Report concluded the updated ONL mapping (January 2024) and notified ONL Schedules were broadly in accordance with landscape assessment best practice and were generally sound. It recommended the following amendments to the notified ONL mapping and Schedules:

    (a) Include reference to SASM that coincide with ONL areas in the relevant ONL Schedule;

    (b) Incorporate any available detailed evidence on tangata whenua values on any relevant ONL Schedule;

    (c) Include clear guidance (perhaps in the preamble) that explains the reasonably high level nature of the Schedules, that the landscape values identified relate to the ONL as a whole (rather than specific sites) and other landscape values may be identified as part of an application specific landscape assessment;

    (d) Careful review by a landscape/GIS expert to ensure sizeable pastoral areas, sizeable plantation forestry areas and landscape dominated by built development are excluded from ONL areas;

    (e) ONL boundaries are 'clipped' to obvious landform and/or contiguous native vegetation cover edges in the immediate vicinity of the ONL;

    (f) Extend mapping of the southern end of ONL 5 to align with the district boundary; and

    (g) Refinement of a number of ONL boundaries in response to submissions.

50. In response to questions, Ms Gilbert considered that to be consistent with Te Tangi a Te Manu a thorough and transparent assessment of landscape values was required. She noted the Chapter would benefit from a preface statement that the assessment undertaken was quite high level and that a site-specific assessment could identify additional values. She considered the assessments undertaken were a good starting point for a further review and that landscape values could be added to the ONL Schedule.

51. The s42A Report did not support removing the overlays and disagreed that the Conservation Act provided for the protection of RMA section 6 matters of national importance. It considered land tenure was not relevant to assessing landscape values and noted land adjacent to public conservation land may form a key part of the wider landscape values. Similarly, it did not support excluding existing lawfully established activity.

52. The s42A Report noted the TTPP Committee's submission sought to excluded Treaty Settlement redress lands and original land still in the ownership of Poutini Ngāi Tahu from the ONL overlay to give effect to both section 6(b) and (e).

53. The s42A Report noted the Poutini Ngāi Tau submission sought further work to review the ONL and ONF sites against the SASM. It noted the consideration of the cultural significance was part of the Brown assessment but that no specific consultation was undertaken with Poutini Ngāi Tahu to inform the assessment. It acknowledged this was a gap and that engagement had occurred with Poutini Ngāi Tahu about how to provide for this within the ONFL schedule. In addition, an analysis of the overlap between ONL and SASM had been undertaken, and it was recommended that reference to the presence of SASM be added to the description of the relevant ONL in Schedule Five of the Plan.

54. The s42A Report recommended the notified ONL mapping be replaced with the September 2022 ONL maps by Brown Limited (as included with the TTPP Committee submission), where these cover an area less than proposed maps.

55. Ms Easton supported amending references to '*critical infrastructure*' to '*regionally significant infrastructure*' on the basis the new term is consistent with the West Coast Regional Policy statement (**RPS**). She acknowledged this matter related to other topic hearings and that any decision in terms of the NFL provisions would need to align with the decisions made on other topics.

Hearing and Submitter Evidence/Statements

56. Mr Sean Dent, for Skyline Enterprises Ltd, provided background to a proposed aerial cableway in Franz Josef Valley and indicated an intention to address the specific provisions for the NFL Chapter in the rezoning hearing in Franz Josef. Mr Dent provided comments on the s42A Report and considered the author should not put weight on the processing and outcome of the Department of Conservation's (**DOC**) draft Management Plan to provide for an Amenities Area for the proposal. He sought a provision of an Amenities Area through the Plan's zoning to enable the development, subject to the Department of Conservation's process under the Conservation Act and the National Parks Act.

57. Skyline Enterprises Ltd also presented evidence to the Panel at the Franz Josef Special Purpose and Settlement Zones hearing held in Franz Josef on 8 October 2024. The Panel's recommendations in relation to Skyline Enterprises Ltd submissions requesting a special zone are addressed in the Recommendation Report for the Special Purpose Zones.

58. Ms Stephaine Styles, for Manawa Energy Limited ('Manawa'), outlined their various Schemes (Kumara, McKays Kaniere, Wahapo and Arnold) locations in relation to identified ONL. She raised concerns regarding the robustness of the assessments undertaken and the age of the information. She noted Manawa sought a review of the methodology behind the mapping and schedules, and inclusion of the values of the ONFL areas. She considered there was a lack of recognition of existing activities and modifications within each ONFL to enable changes from the effects of activities to be judged. She noted the policy required effects on values to be managed and to do this the values need to be described in the Schedules.

59. Ms Styles highlighted the requirement to give effect to the RMA and NPS-REG. She considered changes to provisions to '*maintain and enhance*' rather than '*avoiding adverse effects*' were inconsistent with RMA s6(b) and applied a different test to '*protection*'. She considered the criteria and methodology for the identification and assessment of ONFL needed to be included within the Plan, as set out in the s32 Report; and that the policies should provide a clear hierarchy setting out what activities are enabled, provided for, managed and avoided.

60. Mr James Bentley provided expert evidence on the ONL overlays of relevance to the renewable electricity generation operations of Manawa. Mr Bentley noted that the overall landscape methodology used had not been undertaken according to best practice and was 'high level', resulting in errors. He acknowledged that Mr Brown had used best practice at the time but considered it needed reviewing in line with Te Tangi a te Manu guidelines. He was concerned that only part of the West Coast Landscape had been assessed, and that landscape characterisation had not been done.

61. Mr Bentley noted the ONF were identified on a geological and geomorphological basis, rather than a landscape basis. He stated the identification of ONL appeared to be primarily a '*land use mapping exercise*' and not an assessment of attributes of landscape such as geomorphological or perceptual. He considered the mapping technique had led to '*cut outs*' and '*carve outs*' that do not respond to landscape such as excluding private land. He considered this required a '*finer grade review*' and more detail in the Schedules on the values and existing modifications within ONL. He was concerned the assessment commentary suggested boundaries had been realigned to exclude private land, when landownership is not the question. He considered title boundaries are secondary considerations to landscape values.

62. Mr Bentley highlighted the importance of recognising Manawa's existing activities within the descriptions of ONFL areas. He agreed with Ms Gilbert that despite the age of the original Brown assessments, the fundamentals of identifying relevant landscape attributes for that work were prepared using best practice. He also agreed with Ms Gilbert that further work was needed to look at identified ONFL and SASM given there was little tāngata whenua involvement in the landscape study.

63. In response to questions, Mr Bentley confirmed he did not support withdrawing the ONL overlay and considered the matters raised could be addressed. He acknowledged that mapping errors had occurred when the notified Brown printed maps were digitised. He considered a finer review was required to ensure the ONL line work is correct. He confirmed he had not seen the updated digitised mapping (January 2024). He supported adding a preamble, further work to identify existing modification within ONL and adding more detail into the Schedule's description for each ONL, as well as references to SASM and infrastructure.

64. Mr Leckie's legal submissions for Bathurst highlighted the need to review the accuracy of the notified mapping and the GIS shape files to address uncertainty. He considered there was no justification for including parts of the BCZ, which recognises and provides for mineral extraction activities, within an ONL.

65. Ms Whitney's evidence for Transpower confirmed it no longer sought the relocation of all earthwork provisions to the EW Chapter based on the National Grid specific Rule EW-R7.[12]

66. Mr Kennedy, for Westpower, noted the s42A Report had not proposed any amendments to address the recommendations of Ms Gilbert with regards to a preamble and review of the updated ONL mapping.

67. Mr Hadley Mills spoke to his submission and provided a copy of his speaking notes addressing ONL areas and the need for a permitted activity rule for multi-use tracks. He highlighted the ONL areas were 78% of the entire region and 7% of New Zealand's land area. He considered the Brown Reports did not provide enough evidence to support the ONL classification over

[12] The Panel notes that its recommendation in relation to Rule EW-R7 is to delete this rule as notified and replace it with new Rule EW-RX, in relation to the National Grid.

such large areas and need ground truthing. He noted the ONL boundaries appeared to have been derived from a map layer following an inaccurate and unchecked vegetation layer. He considered only a small proportion of land identified in the Brown Reports had been ground truthed.

68. Mr Mills highlighted the meaning of 'Outstanding' in Te Tangi a Te Manu: Aotearoa New Zealand Landscape Assessment Guidelines. He suggested the approach taken to the assessment was judging 'excellence' within a national or international context and that this was inconsistent with the guidance to assess outstanding within the West Coast context. He considered that 78% of land could not stand out because effectively the whole region is of this landscape typology. He said it was not obvious that forest clad mountains were outstanding when there is no place you cannot see them. He noted the very high proportion of ONL areas in the Queenstown-Lakes District and the problems for that district.

69. Mr Mills considered that because the majority of the ONL layer was within the DOC estate the values were already protected under the Conservation Act. He considered the ONL layer would duplicate this protection and add unreasonable cost to future applicants who already must do a full assessment of effects under the Conservation Act.

Reporting Officer Reply Evidence

70. In the Addendum s42A Report, Ms Easton supported the recommendations in Ms Gilbert's Landscape Report as follows:

For the reasons set out earlier, I recommend the following amendments to the notified ONL Mapping and Schedules:

a) Reference to the SASMs that coincide with ONLs are included in the relevant ONL Schedule.

b) Any more detailed evidence with respect to tāngata whenua values for ONL areas provided by submitters during the hearing process is incorporated in the relevant ONL Schedule text.

c) Clear guidance is included in the TTPP (perhaps by way of a Preamble to TTPP Part 4: Schedule Five: Outstanding Natural Landscapes), that explains:

i. the reasonably high-level nature of the ONL Schedules;

ii. that the landscape values identified relate to the ONL as a whole, rather than specific sites; and

iii. that other landscape values may be identified as part of an application-specific landscape assessment, including landscape modifications that are an accepted part of the landscape (e.g. infrastructure, buildings) and more negative landscape attributes (e.g. pests).

d) The updated ONL mapping (January 2024) is carefully reviewed by a landscape/GIS expert to ensure:

i. The following areas are excluded from the mapped ONLs:

- *Sizeable pastoral areas.*
- *Sizeable plantation forestry areas, particularly on the edges of ONLs.*

- *Areas where the arrangement, scale, and/or prominence of built development exerts a dominant influence on landscape character.*

ii. *ONL linework is 'clipped' to obvious landform and or contiguous native vegetation cover edges in the immediate vicinity of the mapped ONL.*

iii. *The mapping of the southern end of ONL 5 is amended to extend to the district boundary.*

e) *In response to location specific ONL submissions, the following mapping amendments are recommended:*

i. *Minor refinement of the ONL 14 mapping in the vicinity Donovan Drive, Franz Joseph is recommended to follow a 'landscape' rather than a zone boundary. (S449 Totally Tourism Limited.)*

ii. *Minor refinement of the ONL 31 mapping to exclude the patterning of dwellings throughout the lower slopes on Darkies Terrace and include the elevated and contiguous bush area that sits above the dwellings. (S506 Claire and John West and others.)*

iii. *Minor refinement of the ONL 29 mapping to exclude grazing land. (S515 Russell Robinson.)*

iv. *Minor refinement of the ONL 26 mapping to exclude grazing land and plantation forestry areas around the edges of the ONL. (S599 WMS Group (HQ) Limited and WMS Land Co. Limited.)*

v. *Refinement of the updated ONL mapping (January 2024) so that areas of pine plantation on the following properties are excluded from the ONL mapping:*

- *Site between Waitaha River and Poerua River that coincides with ONL 17*
- *Lot 1 Deposited Plan 3135 (near The Forks) ONL15*
- *Site between Lake Hochstetter and Lake Haupiri ONL32 (S620.158 Te Rūnanga o Ngāi Tahu, Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio.)*

71. In the Right of Reply, Ms Easton recommended replacing 'renewable energy generation' with 'renewable electricity generation' for consistency throughout the Plan.

72. In the response to Westpower's evidence in relation to Rule NFL-R5 and Manawa's evidence in relation to Rule NFL-R6, Ms Easton recommended adding the following new definition for 'Minor Upgrade':

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

73. Ms Easton confirmed she had discussed the recommended definition with Ms Styles and Mr Kennedy to get their input. She also noted that the definition would be very useful in the ECO Chapter and potentially other chapters.

Hearing Panel's Evaluation

74. The Panel agrees with Ms Easton that is not appropriate to remove references to overlays or to remove all references to Sites and Areas of Significance to Māori (**SASM**) in the NFL Chapter.

75. The Panel notes that Te Tangi a Te Manu: Aotearoa New Zealand Landscape Assessment Guide is no longer in a draft form and has been adopted by the Tuia Pita Ora New Zealand Institute of Landscape Architects. The guidelines outline professional best practice and promote both Te Ao Māori and Te Ao Pākeha perspectives, connections between perspectives and flexibility for practice to continue evolving.

76. The Panel accepts the evidence of Ms Gilbert that the identified ONL and ONF have been assessed and reviewed using methodologies that are consistent with the best practice guidance. Ms Gilbert has recommended changes to the preface of the Schedule to acknowledge this was undertaken at a relatively 'high level' and to add description regarding the landscape values considered and that of existing activities. Mr Bentley agreed with Ms Gilbert and her suggested addition of a preamble to Schedule Five.

77. Te Tangi a te Manu states:

> ***Meaning of 'outstanding'***
>
> *'Outstanding' encapsulates both quality and relativity: "conspicuous, eminent, especially because of excellence" and "remarkable in". It is a matter of reasoned judgement. An ONF or ONL will often be obvious. The value of a professional assessment in such circumstances is therefore to explain the reasons (justification) that an ONF or ONL is outstanding and describe the values (and the attributes on which the values depend).*
>
> *While 'outstanding' is a high threshold, it does not mean 'the best' or 'uniquely superior'. ONF/ONLs are not regulated by quota. A district may comprise a high proportion of natural landscapes of such quality as to be ONLs (for instance Queenstown-Lakes). Conversely, it does not mean 'the best of a poor choice': A district may contain few or no ONF/ONLs.*
>
> *A natural feature or landscape might be considered outstanding for many different reasons – it may have outstanding values that derive from its physical and/or perceptual and/or associative dimensions (although often the values arise from the interplay between all three dimensions). It is important that such values (and the attributes that embody the values) are identified precisely because they are what is to be protected.*
>
> *An ONF or ONL is considered outstanding in the context of a region or district. ONFs and ONLs do not have to be outstanding in a national context. (Rather, it is a matter of national importance to protect such regional or district ONFs and ONLs).*

78. The Panel accept the assessments undertaken by Mr Brown and the reviews by Ms Gilbert are consistent with this this approach and meaning of 'outstanding'. The assessment process undertaken looked at the natural landscape and features values within both a district and regional context and identified those areas that meet the outstanding threshold. It did not incorrectly identify only the best or highest value areas or have regard to quota. Te Tangi a te Manu specifically anticipates that some districts may have a high proportion of natural landscapes, and some may have few or none. The West Coast districts and the region has a high proportion of outstanding natural landscapes and features. This fact does not negate the requirement to protect outstanding natural areas as matters of national importance.

79. The Panel agree with Mr Mills that taking an assessment of outstanding within a national or international context only is not appropriate considering the guidance of Te Tangi a te Manu but consider the wording of the meaning is deliberate. It requires an assessment of

'outstanding' in the context of a region or district but clarifies ONL do not have to be outstanding nationally. In this case the assessment was undertaken in the context of the region and while deemed to be 'outstanding' within this context, it is fair to say that many of the natural landscape values could be 'reasonably judged' to be outstanding both nationally and internationally, even if this is not required to warrant protection. The mere fact that most people living on the West Coast are surrounded by views of outstanding natural landscape and features does not diminish the significant natural values or the importance of protecting these as a matter of national importance.

80. The Panel finds the approach to the assessment in terms of identifying 'outstanding' landscapes and features was consistent with best practise guidelines. The further assessments and reviews undertaken have corrected mapping errors from the digital transfer process and the planning process has enabled further reviews and corrections to be made.

81. The Panel accept that many identified ONL meet the criteria with existing activities and infrastructure occurring within the boundaries of the area. This can be due to the sheer nature and scale of the ONL and its sensitivity to change or the nature and scale of the activities and adverse effects. The Panel consider the further detail included in the Schedules assists with acknowledging the activities and infrastructure that currently coexist with the ONL values identified. The Panel finds the NFL provisions sufficiently provide for these while giving effect to RMA section 6(b).

82. The Panel has considered the changes to the ONL boundaries sought by the TTPP Committee to reflect the further map review undertaken. The Panel agrees that where this can be achieved within the scope of the ONL boundaries, as notified (i.e. there is no increase in the extent of area include within the identified ONL), this should be considered. The Panel relies on the expert evidence of Ms Gilbert in this regard given she has reviewed all areas subject to submissions.

83. The Panel does not agree with Mr Mills that the Conservation Act provides for RMA section 6(b) protection. Landscape values are not affected by land tenure. The protection of outstanding landscapes values is not a matter to be achieved under the Conservation Act. There is no duplication of statutory requirements.

84. The Panel agrees with Ms Easton that Skyline Enterprises Limited's proposed aerial cableway at Franz Josef needs to be considered through a resource consent process. No changes to the NFL Chapter are required to enable this to occur. The Panel is satisfied that a consent pathway is provided for in the Plan for such use and development proposals within ONL areas.[13]

85. The Panel consider there is sufficient clarity regarding the relationship between the Energy Chapter and the NFL Chapter. We are satisfied the NFL Chapter recognises the importance of energy activities and infrastructure by the additions to the description of values in Schedules Five and Six and by recording the existence of energy infrastructure within identified ONL areas.

86. The Panel agrees with the Buller District Council that there is a need for a consistent approach to the ONL and SNA overlays given their close correlation and the need to provide for critical infrastructure, lawfully established activities and hazard mitigation.

87. In general, the Panel accepts amending '*critical infrastructure*' to '*regionally significant infrastructure*' and this is considered on a case by case within the context of each provision

[13] This matter is addressed further in the Panel's Special Purpose Zone Recommendation Report

where it is used below. Similarly, the Panel accepts replacing 'renewable energy generation' with 'renewable electricity generation' for consistency throughout the Plan.

88. The Panel finds there is no justification to delete the ONL overlay and policy framework; and consider this would not give effect to Part 2 of the RMA or the objectives and policies of the RPS. The Panel notes the evidence of the ongoing loss of outstanding natural landscape values that has occurred since the first assessment was undertaken by Mr Brown, primarily from cumulative effects of development. This underscores the critical importance of protecting these identified outstanding natural values through the overlays and schedules and the NFL provisions. The Councils have invested significant time and resources into this approach to meet the statutory requirements.

89. The Panel notes Ms Styles' evidence in relation to the requirement to give effect to the RMA and NPS-REG and her request to change the provisions to '*maintain and enhance'* rather than '*avoiding adverse effects'*. The Panel considers this in relation to the specific NFL provisions below.

90. The Panel accepts Ms Easton's recommendation to include a new definition for '*minor upgrades*' to assist with enabling renewable electricity generation activities and network utility infrastructure within ONFL under rule NFL-R5 and associated earthworks within ONFL under rule NFL-R6. The Panel considers this gives effect to the RPS, NPS-REG and NESETA.

91. The Panel notes that the issue of the preamble is addressed under the Schedule 5 heading later in this recommendation.

Hearing Panel's Recommendation

92. No specific changes to the provisions are required in relation to issues raised in submissions and further submission made on general matters or the whole NFL Chapter, other than addressed in relation to Schedule 5 later in the recommendation.

93. The Panel accepts Ms Easton's recommendation to replace '*renewable energy generation*' with '*renewable electricity generation'* for consistency throughout the Plan. This is a consequential amendment to the submission by Manawa (S438.035) to use the language of the NPS-REG.

94. The Panel recommends inserting the following definition in the Plan:

> **Minor upgrade means increasing the carrying capacity, efficiency, security, or safety of a network utility, or renewable electricity generation activity where the effects of the activity are the same or similar in character, intensity and scale as the existing structure or activity. This includes increasing generation, transmission or distribution capacity and includes replacing support structures within the footprint of existing lawfully established activities.**[14]

95. The Panel's recommended changes to the NFL Overview wording are set out in the below section and in Appendix 1 of the Right of Reply.

2.2. NFL Overview

Submissions and Further Submissions

[14] Consequential amendment to Westpower Limited (S547.295) and Manawa Energy (S438.096)

96. Fourteen submissions points and five further submission point relating to the Overview were summarised in a Table on pages 26-27 of the s42A Report. All submission points sought amendments to include additional wording in the Overview, except one submission which supported the wording be retained as notified.

97. The Panel adopts these summaries and has considered the relevant submissions and further submissions.

Section 42A Report

98. The s42A Report did not support any specific reference to '*mature indigenous trees'* given this was only one aspect of the criteria; or specific reference to RMA sections 5(b) and 7(d) or '*ecosystem services'*. It concluded this was unnecessary given the ECO Chapter.

99. The s42A Report did not support adding reference to '*natural character'* give the NFL Chapter addressed RMA section 6(a) matters. However, it acknowledged natural character is a matter than can contribute to making a landscape outstanding.

100. The s42A Report supported Poutini Ngāi Tahu's submission to include an additional paragraph outlining the values to be protected through the ONL and ONF provisions. It supported some additional text to address Westpower's submission point, but not the full detail sought.

101. The s42A Report supported reference in the NFL Chapter to the Strategic Objectives but noted this would need to be developed in light of the decisions on the Strategic Objectives.

102. The s42A Report supported Transpower's submission (S299.082) on the NFL policies as a whole, to move the statement '*also where relevant refer to policies in the Energy, Infrastructure and Transports Chapters'* to the Overview section, indicating that this was consistent with how other relevant matters are referred to within the pTTPP.

103. The s42A Report (page 76) recommended the following amendments:

> ***Overview***
>
> *…The Outstanding Natural Features and Outstanding Natural Landscapes identification applies to areas which have been assessed and identified as having high levels of scientific, biophysical, sensory or associative landscape values, which makes them outstanding. In almost all instances these areas are also bush covered and provide habitat for native fauna. These areas may also include critical infrastructure, renewable electricity generation activities, and other elements of the built environment and have varying degrees of modification.* ***Given the topography and extent of outstanding natural features and landscapes on the West Coast, practical management solutions are required to ensure maintenance and enhancement of the supply of renewable energy to, and between, communities for the benefit of those communities and the wider environment from the use and development of renewable energy.***
>
> *The process supporting the identification of the Outstanding Natural Landscape overlay and the associated values is described in the West Coast Landscape and Natural Character Reports produced in 2013, 2021 and 2022.*
>
> ***Outstanding natural landscapes (ONLs) have been identified as having the following values:***
>
> - ***Biophysical values – including the landforms, vegetation type, presence of waterbodies and the sea, evidence of natural processes and land uses within the landscape***

- ***Perceptual/ Aesthetic values – including composition and structure, vividness, expressiveness and legibility, dynamic and transient values, the presence of landmarks and key views, coherence, and unity***
- ***Associative values – naturalness and endemic value (distinctive NZ/West Coast sense of place), including Poutini Ngāi Tahu values and associations, and historical/ heritage associations.***

….
Other relevant Te Tai o Poutini Plan provisions ….

- ***Also where relevant refer to policies in the Energy, Infrastructure and Transport Chapters***

- ***Strategic Objectives – The Strategic Objectives are particularly relevant when assessing matters under the Natural Features and Landscape Chapter. The Natural Environment, Poutini Ngāi Tahu, Tourism, Mineral Extraction, and Connections and Resilience Strategic Objectives are particularly relevant.***

…

Hearing and Submitter Evidence/Statements

104. Mr Kennedy, for Westpower, highlighted the need to ensure the overview was consistent with all other chapters to guide Plan users.

Reporting Officer Reply Evidence

105. No further amendments to the Overview were recommended in Ms Easton's Right of Reply.

Hearing Panel's Evaluation

106. The Panel accepts Ms Easton's recommended amendments to the Overview provide important clarifications for Plan users.

107. The Panel accepts the additional paragraph requested by Poutini Ngāi Tahu provides clarity regarding the landscape values assessed in identifying ONL.

108. The Panel considers reference to '*natural character'* is appropriate in relation to the coastal environment and should not be included in the NFL Chapter.

109. The Panel agrees with Ms Easton that additional words sought by Westpower are too detailed and accept that the recommended amendments sufficiently address energy activities and infrastructure.

110. The Panel notes Appendix 1 of the s42A Report includes an additional bullet point that was not identified in paragraph 81 of her recommendations but is addressed in her recommendation on the policies as a whole, in response to Transpower (S299.08). The Panel considers this additional sentence clarifies that the policies in the Energy, Infrastructure and Transport Chapters may be relevant. However, we consider the additional sentience should follow the wording sequence '*Energy, Infrastructure, Transport – objectives, policies and rules.'*

111. The Panel considers it is appropriate to replace the outdated reference to the NES-PF, which has now been replaced with the NES-CF. Schedule 1 Part 2(1) of the NPS-CF requires that every reference in any document to the NES-PF must be read as a reference to the NES-CF.

Hearing Panel's Recommendation

112. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends that the relevant submissions identified in the footnotes below are accepted or accepted in part, and recommend changes are made to the NFL – Ngā Āhua me ngā Horanuku Aotūroa Overview as follows:

Overview

The Natural Features and Landscapes chapter contains provisions that relate to the Outstanding Natural Features and Outstanding Natural Landscapes which are identified as overlays on the Planning Maps and described in Schedule Five and Schedule Six. The identification of these areas is in response to section 6(b) of the RMA, which requires outstanding natural features and landscapes to be protected from inappropriate subdivision, use and development.

The Outstanding Natural Features and Outstanding Natural Landscapes identification applies to areas which have been assessed and identified as having high levels of scientific, biophysical, sensory or associative landscape values, which makes them outstanding. In almost all instances these areas are also bush covered and provide habitat for native fauna. These areas may also include ~~critical~~ **regionally significant**[15] infrastructure, renewable electricity generation activities, and other elements of the built environment and have varying degrees of modification. **Given the topography and extent of outstanding natural features and landscapes on the West Coast, practical management solutions are required to ensure maintenance and enhancement of the supply of renewable energy to, and between, communities for the benefit of those communities and the wider environment from the use and development of renewable energy.**[16]

The process supporting the identification of the Outstanding Natural Landscape overlay and the associated values is described in the West Coast Landscape and Natural Character Reports produced in 2013, 2021 and 2022.

The West Coast/Te Tai o Poutini Outstanding Natural Landscapes are identified in Schedule Five and Outstanding Natural Features are identified in Schedule Six.

The rules in this chapter relate to earthworks, buildings, structures, plantation forestry and Māori Purpose Activities in Outstanding Natural Landscapes and Outstanding Natural Features. Where Outstanding Natural Landscapes and Outstanding Natural Features are located in the Coastal Environment, the Objectives, Policies and Rules of the Coastal Environment Chapter apply.

Outstanding natural landscapes (ONL) have been identified as having the following values:

- **Biophysical values – including the landforms, vegetation type, presence of waterbodies and the sea, evidence of natural processes and land uses within the landscape**
- **Perceptual/ Aesthetic values – including composition and structure, vividness, expressiveness and legibility, dynamic and transient values, the presence of landmarks and key views, coherence, and unity**
- **Associative values – naturalness and endemic value (distinctive NZ/West Coast sense of place), including Poutini Ngāi Tahu values and associations, and historical/ heritage associations.** [17]

[15] Consequential Plan wide amendment, as a result of the Panel's Energy, Infrastructures and Transport Recommendation Report.
[16] Westpower Limited S547.277 and S547.0507
[17] Te Rūnanga O Ngāti Waewae, Te Rūnanga O Makaawhio and Te Rūnanga O Ngāi Tahu S620.159

Plantation Forestry

Plantation forestry is principally regulated by the Resource Management (National Environmental Standard for **Commercial**~~Plantation~~ Forestry) **Amendment** Regulations **2017** (NES-**C**~~P~~PF)[18]. However the NES-**C**~~P~~PF[19] allows that district plans can be more stringent to protect ONLs, and ONFs and their values. Where provisions within this chapter over-rule the requirements of the NES - **C**~~P~~PF[20] an advice note to that effect is included within the Rule.

Other relevant Te Tai o Poutini Plan provisions

It is important to note that in addition to the zone chapters, a number of Part 2: District-wide Matters chapters also contain provisions that may be relevant for certain activities within outstanding natural features and landscapes, including:

- **Ecosystems and Indigenous Biodiversity** - the Ecosystems and Indigenous Biodiversity Chapter contains objectives, policies and rules relating to native vegetation clearance including that within outstanding natural features and landscapes.
- **Natural Character and Activities Adjacent to Waterbodies -** the Natural Character and Margins of Waterbodies **Chapter**[21] contains the objectives, policies and rules relating to activities adjacent to waterbodies.
- **Coastal Environment -** the Coastal Environment Chapter contains the objectives, policies and rules for activities within the coastal environment overlay - including buildings and structures and earthworks.
- **Activities on the Surface of Water** - objectives, policies and rules for activities undertaken on the surface of a lake or river (including jetties, pontoons, fish farms and boating activities), are found in the Activities on the Surface of Water Chapter.
- **Energy, Infrastructure and Transport Chapters – objectives policies and rules.** [22]
- **Strategic Objectives – The Strategic Objectives are particularly relevant when assessing matters under the Natural Features and Landscape Chapter. The Natural Environment, Poutini Ngāi Tahu, Tourism, Mineral Extraction, and Climate Change and Resilience Strategic Objectives are particularly relevant.** [23]

2.3. NFL Objective

Submissions and Further Submissions

113. Twelve submissions points and one further submission point relating to NFL-O1 were summarised in a Table on pages 29-30 of the s42A Report. Six submission points supported the wording as notified, one submission point requested it be deleted, one submission point supported in part and four submission points sought amendments to the wording.

114. The Panel adopts these summaries and has considered the relevant submissions and further submissions.

[18] First Schedule Clause 16(2) amendment to reflect the enactment of the Resource Management (National Environmental Standard for Commercial Forestry) Regulations 2017, which replaces the NES-PF.
[19] First Schedule Clause 16(2) amendment to reflect the enactment of the Resource Management (National Environmental Standard for Commercial Forestry) Regulations 2017, which replaces the NES-PF.
[20] First Schedule Clause 16(2) amendment to reflect the enactment of the Resource Management (National Environmental Standard for Commercial Forestry) Regulations 2017, which replaces the NES-PF.
[21] First Schedule Clause 16(2) correction
[22] Transpower New Zealand Limited S299.082
[23] Westpower Limited S547.279 and S547.0507

Section 42A Report

115. The s42A Report supported Poutini Ngāi Tahu's submission to retain the objective subject to including mana whenua values in Schedules Five and Six of the Plan.

116. The s42A Report did not support deleting NFL-O1 because it is consistent with the clear direction of Chapter 7B – Natural Features and Landscapes (**7B**), Objective 2 of the RPS.

117. The s42A Report supported a combination of the wording sought by the Director General and Manawa to make it more explicit that ONL and ONF must be protected from inappropriate development. However, it did not support replacing '*provide for*' with *'allowing'* given '*providing for'* signals a resource consent may be required.

118. The s42A Report did not support Westpower's submission to delete the objective and replace it with two objectives, considering that it is not necessary or appropriate that the Plan objectives are identical to the RPS.

119. The s42A Report recommended the following amendments:

> ***NFL – O1*** ~~*To protect*~~ *T~~t~~he values of outstanding natural landscapes and outstanding natural features on the West Coast/Te Tai o Poutini* ***are protected from inappropriate subdivision, use and development,*** *while providing for subdivision, use and development where the values that make the landscape or feature outstanding can be maintained or enhanced.*

Hearing and Submitter Evidence/Statements

120. Ms Styles, for Manawa, sought to remove the unreasonable expectation of '*maintained and enhanced*' and to simplify the wording of NFL-O1 as follows:

> ~~*To protect t*~~***T****he values of outstanding natural landscapes and outstanding natural features on the West Coast/Te Tai o Poutini* ***are protected from inappropriate subdivision, use and development*** ~~*while providing for subdivision, use and development where the values that make the landscape or feature outstanding can be maintained or enhanced.*~~

121. Ms Young for the Director General considered the wording recommended in the s42A Report was more consistent with the wording of RPS Chapter 7B Objectives 1 and 2.

122. Mr Kennedy, for Westpower, sought replacement of NFL-O1 with the following two objectives to reflect the wording of the objectives of the RPS (Chapter 7B, Objectives 1 and 2):

> 1. *Protect the region's outstanding natural features and outstanding natural landscapes from inappropriate subdivision, use and development; and*
>
> 2. *Provide for appropriate subdivision, use and development on, in, or adjacent to outstanding natural features and outstanding natural landscapes to enable people and communities to maintain or enhance social, economic and cultural wellbeing*

123. Ms Inta for herself and Buller Conservation Group sought to replace '*avoided and mitigated*' with reference to '*follow the adverse effects hierarchy*'. However, in response to questions, she acknowledged that offsetting and compensation would not be appropriate in all cases.

Reporting Officer Reply Evidence

124. Having considered the evidence of Ms Styles, Ms Easton agreed with deleting '*or enhanced*' from NFL-O1. However, she disagreed with Ms Styles that 'maintaining the values' does not give effects to RMA s6 and provides an additional hurdle beyond the RMA s6 requirements. She considered maintaining the values was effectively a way in which the overall s6 direction is achieved and was consistent with RPS Chapter 7B Policies 1, 2 and 3.

125. Ms Easton recommended the following changes to NFL-O1:

> ***NFL – O1*** ~~*To protect*~~ *T~~t~~he values of outstanding natural landscapes and outstanding natural features on the West Coast/Te Tai o Poutini* ***<u>are protected from inappropriate subdivision, use and development,</u>*** *while providing for subdivision, use and development where the values that make the landscape or feature outstanding can be maintained* ~~*or enhanced*~~.

<u>Hearing Panel's Evaluation</u>

126. The Panel accepts the reasoning set out in the s42A Report and agree that the definition of RMA '*environment*' is broad and includes natural and physical resources. The Panel agrees the changes recommended are appropriate and are consistent with the wording of the RMA.

127. The Panel notes RMA s6(b) requires the protection of outstanding natural feature and landscapes from inappropriate development. RPS Chapter 7B Objective 1 is consistent with the wording of RMA s6(b). It is RPS Chapter 7B Policy 2 that changes the focus to the protection of '*the values which together contribute to a natural feature or landscape being outstanding*'.

128. The Panel considers Mr Kennedy's requested replacement of NFL-O1 with two objectives simply repeats the RPS objective wording.

129. The Panel considers Ms Styles' requested wording simplifies the objective wording to require the protection of the values of outstanding natural landscapes and features from <u>inappropriate</u> subdivision, use and development. The Panel is satisfied the NFL policies provide guidance for assessing 'appropriate' activities and the rule framework provides for activities within limits and standards. The Panel consider this gives effect to RPS Chapter 7B Objective 2 to provide for appropriate subdivision, use and development. The Panel notes this Objective to '*provide for*' is worded as a policy and the Panel has relied on the NFL policies to give effect to Objective 2.

130. The Panel also notes the rule framework only addresses activities <u>within</u> ONFL. The Panel is concerned there is also potential for significant adverse effects on ONFL values from inappropriate activities located adjacent to ONFL areas. The Panel considers Ms Styles' wording of OFL-O1 would enable any assessment of fully discretionary activities and non-complying activities adjacent to ONFL to have regard to objective NFL-O1 and any relevant policies.

<u>Hearing Panel's Recommendation</u>

131. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends that the submissions identified in the footnotes below are accepted or accepted in part, and recommend changes are made to the Natural Feature and Landscape Objective as follows:

NFL – O1	~~To protect~~ T~~t~~he values of outstanding natural landscapes and outstanding natural features on the West Coast/Te Tai o Poutini **are protected from inappropriate subdivision, use and development.** ~~while providing for subdivision, use and development where the values that make the landscape or feature outstanding can be maintained or enhanced~~.[24]

2.4. NFL Policies

Submissions and Further Submissions

132. Six submissions points and nine further submission point relating to the **policies as a whole** were summarised in a Table on pages 31-32 of the s42A Report. Two submission points supported retention of the policy as notified, one sought to move words into the Overview and three submissions requested wording amendments.

133. Thirty submission points and 74 further submission points relating to **NFL-P1** were summarised in a Table on pages 34-39 of the s42A Report. Eight submissions supported the policy as notified, two sought to delete the policy and 20 submissions sought amendments. Nearly all the further submission points supported submission points seeking addition of a new clause 'Activities with a functional or operational need to locate in these areas.

134. Eighteen submission points and three further submission points relating to **NFL-P2** were summarised in a Table on pages 44-46 of the s42A Report. Eleven submission points supported the policy as notified and seven submission points sought the amendments to the wording.

135. Twenty-six submission points and 71 further submission points relating to **NFL-P3** were summarised in a Table on pages 47-51 of the s42A Report. Sixteen submission points supported retention of the policy as notified and ten submission points sought wording amendments. Seventy further submissions supported submission points to include 'minerals extraction, exploration and prospecting'.

136. Twelve submission points relating to **NFL-P4** were summarised in a Table on pages 52-54 of the s42A Report. Six submission points supported the policy as notified, one sought clarification of the term 'minimise' and five submission points sought the amendments to the wording.

137. Twenty-seven submission points and seven further submission points relating to **NFL-P5** were summarised in a Table on pages 55-58 of the s42A Report. Eight submission points supported the policy as notified and 19 submission points sought the amendments to the wording.

138. Eight submissions points relating to **NFL-P6** were summarised in a Table on pages 61-62 of the s42A Report. Five submissions points supported the policy as notified and three submission points sought the amendments to the wording.

139. Eight submissions points and three further submission points relating to **NFL-P7** were summarised in a Table on pages 63-64 of the s42A Report. Eleven submissions points supported the policy as notified and seven submission points sought the amendments to the wording.

[24] Manawa Energy Limited S438.085

140. The Panel has considered the relevant submissions and further submissions and adopts the summaries in the s42A Report.

Section 42A Report

141. In relation to the **policies as a whole**, the s42A Report did not support Manawa's request for a substantial revision of the policies to include the criteria and methodology for identification of ONFL in the policies and a new policy. It considered this was not necessary given the criteria and methodology were outlined in the s32 Report and the entire West Coast had been assessed. It stated that 'It is not anticipated that further ONFL will be identified' (para, 93, pg.33).

142. The s42A Report did not support Manawa's request to replace '*minimise*' with '*manage*' given the difference in meaning and highlighted the RPS widely used '*minimise*'. In response to questions, Ms Easton agreed this depended on the context and also the final recommended wording of the Strategic Objectives.

143. The s42A Report supported the inclusion of additional information characterising the landscapes and describing their values in the Schedules. However, it did not support including information on existing activities and modifications, as this information would inevitably become out of date. It supported modifications to the mapping to improve accuracy through updated mapping.

144. The s42A Report did not support adding policy direction, explanation or definitions for 'non-biodiversity offsetting or compensation', as requested by Forest & Bird.

145. In relation to the **NFL-P1**, the s42A Report did not support Ms Inta and the Buller Conservation Group's request to delete the policy considering there were a range of activities that could be undertaken in NFL without significantly adversely affecting their values. However, in response to questions, Ms Easton agreed that to protect outstanding values the threshold for adverse effects would need to be '*no more than minor'* rather than no '*significant*' adverse effects.

146. The s42A Report supported replacing the words '*do not adversely affect*' with '*maintain*', as requested by Chorus NZ Ltd, Spark NZ Trading Ltd and Vodaphone NZ Ltd, given this was clearer; but did not support replacing the wording '*where they do not adversely affect the values that contribute to a natural feature or landscape being outstanding and are for*' with '*which have no more than minor adverse effects*', sought by GDC because it considered this changes the intent from the values. It noted the Manawa submission seeking to add '*do not <u>significantly</u> adversely affect*' is addressed by replacing this with 'maintain'.

147. The s42A Report partly supported the wording changes sought by Westpower to include the word 'together'; but did not support replacing '*provide for'* with '*allow*' or rewording to require adverse effects on values being avoided, remedied or mitigated. In response to questions regarding adding 't*ogether*', Ms Gilbert agreed it was important to consider values individually and as well as collectively. Ms Easton agreed that '*individually and collectively'* would be clearer than '*together*'.

148. The s42A Report did not support amendments to NFL-P1 to allow for residential activities, as requested by five individual submitters; and considered this required careful design and implementation through the resource consent process to avoid, remedy and mitigate significant cumulative adverse effects on ONL and ONF. However, it agreed the wording could be clearer with regard to providing for existing residential activities. In response to questions

about the appropriate threshold of adverse cumulative effects to protect outstanding values, Ms Easton considered the threshold of '*no more than minor*' normally related to the coastal environment.

149. The s42A Report did not support including '*mineral extraction, mineral exploration and anticipated activities in the BCZ and MINZ*', as requested by Bathurst Resources, given the recommended definition for 'lawfully established' provides for mineral extraction activities permitted through a Coal Mining License issued under the Coal Mines Act. It did not support expanding the policy but recommend replacing '*existing*' with '*lawfully established*' and adding '*mineral extraction activities'*

150. The s42A Report did not support the request by Birchfield Coal Mines Limited, Birchfield Ross Mining Limited, TiGa Minerals and Metals Limited and WMS Group Limited to include a new clause (j) '*Activities with a functional or operational need to locate within these areas, including mineral extraction, exploration and prospecting'* in NFL-P1. It considered the environmental effects of new activities in ONFL need to be assessed via a resource consent process. While it acknowledged minerals are fixed in location, it concluded there was no policy direction to support providing for mineral activities within ONFL as permitted activities.

151. The s42A Report supported Manawa's request to replace '*energy*' with '*renewable <u>electricity</u> generation*'; but did not support use of '*energy activities*' given all activities are captured by the term '*network utility operation*' and regionally significant infrastructure (**RSI**), except for small scale generation.

152. The s42A Report supported the Director General's request to delete clause NFL-P1(g). In relation to the Director General's request to delete clause (d) relating to natural hazard mitigation activities, it highlighted the need to be consistent with the Natural Hazards Chapter which differentiated between structures constructed by a statutory agency and those constructed by private individuals. It recommended amendments to clause (d) to add '*maintenance and repair'* of hazard mitigation '*<u>structures</u>*'; and a new clause (e) for the upgrade of hazard mitigation structures where this is undertaken by a statutory agency or their nominated contractor. It considered new infrastructure and renewable energy generation activities should be excluded from the policy because it was hard to argue that such activity would have more than minor adverse effects.

153. The s42A Report supported Ngāi Tahu's submission to replace '*uses*' with '*activities*' in NFL-P1(h) given this is a defined term. It did not support adding '*and Māori Landowner*' to clause (h), as requested by Te Tumu Paeroa, given the direct link to the permitted activity rule in relation to '*Poutini Ngāi Tahu activities*' and this terms definition. It noted it would be inappropriate to put the Councils in a position of needing to investigate the whakapapa of individual Māori landowners.

154. The s42A Report highlighted the RMA section 6 directives, NPS-REG, NPS-ET, Policies 2 and 3 of the RSI Chapter of the RPS, and Policy 4 of the Natural Features and Landscapes Chapter of the RPS. It noted these provisions required an understanding of the scale, placement and parameters of new infrastructure to ensure there would be no more than minor adverse effects on ONL and ONF.

155. The s42A Report did not support Westpower's request to include reference to '*energy activities and critical infrastructure'*, it recommended adding '*regionally significant infrastructure'* to address this and for consistency across the Plan.

156. In relation to **NFL-P2**, the s42A Report supported replacing '*possible*' with '*practicable*', as requested by Manawa; and including '*otherwise minimised'* and '*or compensated in accordance with the effects management hierarchy'* at the end, as sought by the Director General.

157. The s42A Report did not support deleting '*offset*', as sought by the Director General, on the basis that both offset and compensation were appropriate in the context. In response to questions regarding whether it is appropriate to use offsetting and compensation to protect outstanding NFL values and the higher order policy direction, Ms Easton requested time to consider this in her Right of Reply.

158. The s42A Report did not support deletion of 'significant' in front of adverse effects, as sought by the Director General, given the direction of the RPS that appropriate activities have *'no more than minor adverse effects'.* However, in response to questions, Ms Easton agreed that avoiding significant adverse effects was not the correct threshold to apply to protect outstanding NFL values.

159. The s42A Report did not support including '*Where possible take precautionary approach'*, as sought by Te Mana Ora, given the adverse effects of earthworks and structures on landscape values were reasonably certain and understood. It did not support including 'together', as requested by Westpower to be consistent with the RPS, given the context where significant effects on one value could be considered acceptable.

160. In relation to **NFL-P3**, the s42A Report noted that the purpose was to recognise existing activities and land uses using examples, but that this was not intended to be an exhaustive list. It supported including '*land uses'* and '*other activities'* to capture the matters raised in submissions, including energy activities and critical infrastructure as sought by Westpower.

161. The s42A Report supported replacing '*not adversely affected*' with '*maintain and enhanced'*, as requested by Terra Firma Mining Limited, given it better reflected the RPS direction. It also supported replacing '*provide for'* with '*allow*', as sought by the Director General, again because it better reflected the directives in the higher order documents.

162. The s42A Report supported improving the sentence structure of the policy to provide more clarity, as requested by Waka Kotahi.

163. Transpower requested clarification NFL-P3 did not apply to the National Grid.

164. In relation to **NFL-P4**, the s42A Report supported replacing 'minimise' with 'avoid, remedy or mitigate', as requested by Westpower, given the context used. It also considered its replacement with 'manage', as requested by Manawa, but concluded the term 'avoid, remedy or mitigate' was clearer.

165. The s42A Report supported the addition of a new clause - '*Landscaping buildings and structures with appropriate vegetation to soften outlines*', as requested by the Buller Conservation Group and Ms Inta, as a useful and practicable mitigation measure for structures.

166. The s42A Report also supported the addition of a new clause - '*Limiting landform modification through earthworks'*, as requested by the Director General, given this could have significant adverse effects on ONFL.

167. In response to submissions from Manawa and Westpower, the s42A Report supported adding a sentence applying to all clauses - '*where these mitigation measures are practicable'*. It did not support adding new clauses to exempt energy activities and infrastructure providers, but recognised infrastructure may need to locate in ONFL, particularly in South Westland and around the Paparoa Ranges. It did not support replacing '*limiting*' with '*reducing*' in NFL-P4(c), as requested by Transpower given the rules framework limits height.

168. In relation to **NFL-P5**, the s42A Report supported the submissions of Forest & Bird and Terra Firma Mining Limited to replace the beginning of the policy and to refocus it. It recommended amendments as follows:

> ~~*Minimise adverse effects on outstanding natural landscapes and outstanding natural features by considering the following matters when assessing proposals for land use or subdivision:*~~
>
> ~~***When assessing whether a proposal for land use or subdivision is appropriate, in addition to the above policies, consider the following matters:***~~

169. The s42A Report supported the addition of '*nature*', 'and '*extent*' and '*feature*' to NFL-P5(a); and the addition of '*short term*' to NFL-P5(d), as requested by the Director General.

170. The s42A Report supported the addition of a new clause – 'The extent to which an activity or structure is lawfully established', as requested by Bathurst; and a new clause - 'The management of effects on natural character, amenity, recreation, historical and biodiversity values', as requested by the Director General.

171. The s42A Report did not support adding a new clause requiring an assessment of alternatives or reference to the effects management hierarchy, as requested by the Director General. It stated an assessment of alternatives is only required where there are significant adverse effects on ONFL and that advice notes were recommended for rule NFL-R11 and NFL-12 to reference Schedule 4 of the RMA.

172. The s42A Report rejected a similar submission from Te Tumu Paeroa requesting additional wording to NFL-P5(e) requiring the consideration of the adverse effect of all practicable alternatives.

173. The s42A Report supported the addition of '*and Māori landowners'*, as requested by Te Tumu Paeroa, but considered there was a difference between Māori landowners and Poutini Ngāi Tahu. It noted Māori landowners can whakapapa to Poutini Ngāi Tahu, while not being registered with the iwi, and may have been in continuous ownership of their land since before Te Tiriti was signed. It considered this was appropriate where the relationship whakapapa was in place and recommended adding '*or Māori landowners who whakapapa to Poutini Ngāi Tahu'* to address the further submission by Ngai Tahu opposing Te Tumu Paeroa's submission.

174. The s42A Report did not support rewriting NFL-P5 to reflect the wording of the RPS, as requested by Westpower, given it assists with practical detail of matters to be considered. It also did not support adding '*constraints or requirements'* to clause (e) given the use of '*functional need and operation need'* elsewhere in the Plan. It supported deletion of (j)(i)-(iii) to remove duplication with NFL-P4.

175. In response to questions, Ms Easton noted new clause NFL-P5(k) may not be required depending on the definition of '*lawfully established activity'*. She also agreed adding '*proposed*' would make it clearer.

176. In relation to **NFL-P6**, the s42A Report supported Ngāi Tahu's submission in part to amend the policy to include reference to the Iwi/Papatipu Rūnanga Management Plan. It considered this would help achieve Part 2 of the RMA. It noted the NPS-IB has specific provision for 'specified Māori Land' and considered the approach to SNA and ONL should parallel each other. It suggested that Māori Purpose Zone land in the Plan also be identified as '*specified Māori Land*' in terms of the NPS-IB.

177. The s42A Report did not support amending the policy to be subject to policies NFL-P1 to NFL-P5 given RMA section 6 matters of national importance must be balanced and none have more weight than any others. It considered the policies and rules of the NFL chapter balanced RMA section 6(b) and (e) requirements in accordance with Treaty principles.

178. In relation to **NFL-P7**, the s42A Report recommended adding '*or Māori landowners who whakapapa to Poutini Ngāi Tahu*' to address the request of Te Tumu Paeroa and the opposing further submission by Ngāi Tahu. Again, the s42A Report did not support amending the policy to be subject to policies NFL-P1 to NFL-P5 to balance RMA section 6 matters.

Hearing and Submitter Evidence/Statements

179. Mr Pemberton, counsel for the Director General, highlighted RPS Policy 4 which allows activities that have no more than minor adverse effects in ONFL areas. He considered NFL-P3 and NFL-P4 appeared to reflect this but NFL-P2 was inconsistent with the '*no more than minor*' threshold.

180. Ms Young, for the Director General, confirmed support for the s42A Report recommendations in relation to policies.

181. Following the hearing, Mr Pemberton provided a further written response to questions regarding the effects management hierarchy, including national direction and court decisions. He noted the effects management hierarchy is used in the NPS-FM and NPS-IB, which do not relate to natural landscapes and features. He acknowledged difficulty in offsetting and compensation in relation to effects on natural landscape and features, and concluded '*avoid, remedy or mitigate'* was appropriate to ensure effects were 'no more than minor' in line with Policy 4 of the RPS.

182. Mr Leckie, for Bathurst, highlighted the need to ensure the treatment of lawfully established activities was consistent throughout the Plan. He submitted special purpose zones, such as the MINZ and BCZ, needed careful consideration in terms of the interplay between the purpose of the zones with matters relating to landscape and biodiversity values. He noted opposition to removing '*significant*' from NFL-P2 given this would require the avoidance of all adverse effects as a priority and the RMA is not a no effects statute.

183. Ms Hunter, for Bathurst, supported the recommended amendment to NFL-P1 but questioned the need for the second '*lawfully established'*. In response to questions, she agreed that deleting the second reference changed the intent but considered it wasn't necessary.

184. In relation NFL-P5, Ms Hunter stated that in assessing landscape values consideration should be given to existing modifications of the environment (including those which may be able to be developed either through consents or other existing approvals such as Coal Mining Licenses). However, in response to questions, she agreed unlawful modifications would not be part of the '*existing environment'*. She highlighted the importance of a consenting pathway for activities that can demonstrate functional or operational need to locate within ONL areas.

185. Mr Kennedy, for Westpower, noted that NFL-P1 was wider by using '*provide for'* than Policy 4 of the RPS which uses *'allow'*. He emphasised the importance of providing a consenting pathway for new infrastructure within ONFL areas. He noted a policy was required that recognises the need to provide for RSI in certain circumstances. He considered NFL-P1, NFL-P2, NFL-P3 and NFL-P4 should be reworded as follows:

> ***NFL-P1***
>
> *Provide for activities within outstanding natural landscapes described in Schedule Five and outstanding natural features described in Schedule Six ~~where they do not adversely affect maintain~~ **adverse effects on** the values that together contribute to a natural feature or landscape being outstanding **are avoided, remedied or mitigated**, for:*
>
> *a. – g.*
>
> *h. **New regionally significant infrastructure where there is a functional or operational need to locate in these areas**.*
>
> *Items h. and i. to become i. and j.*
>
> ***NFL-P2***
>
> *Where practicable, avoid significant adverse effects on the values that **together** contribute to ... cannot be avoided, ensure that the adverse effects are **otherwise remedied or mitigated, including any proposed offsetting or compensation**.*
>
> ***NFL-P3***
>
> *Recognise that there are settlements, farms, land uses, ~~and~~ infrastructure **(including RSI)** and other activities located within outstanding natural ~~landscapes~~ **features or** outstanding natural landscapes ~~features~~ and ~~provide for~~ **allow** new activities and existing uses in these areas where **adverse effects on** the values that **together** contribute to the outstanding natural landscape or feature are ~~not adversely affected maintained or enhanced~~ **no more than minor**.*
>
> ***NFL-P4***
>
> *Require that new building **and** structures within outstanding natural features or landscapes ~~minimise~~ **avoid, remedy or mitigate** any adverse visual effects **including** by:*
>
> *a. … d.*
>
> *where these mitigation measures are practicable **and taking into account the function and operational needs of RSI.***

186. Ms Styles, for Manawa, requested the addition of '*existing*' in NFL-P1(e) and (f) to provide further clarity. Ms Styles considered replacing '*do not adversely affect'* with '*maintain and enhance*' was inconsistent with RMA section 6(b) and recommended it be retained as notified. She supported the reframing of NFL-P5

187. In supplementary evidence, Ms Styles recommended inclusion of a new policy as follows:

> ***NFL PX***
>
> *Ensure that the landscapes of the West Coast Region are recognised by:*

a. assessing the values and characteristics of the landscapes according to the following criteria:

i. biophysical (abiotic, biotic);

ii. sensory (legibility, naturalness, vividness, coherence, aesthetic, transient values); and iii. associative (shared and recognised values, mana whenua values, historic heritage associations); and

b. identifying and mapping those areas that are Outstanding Natural Features and Outstanding Natural Landscapes, based on their values and characteristics; and

c. describing the values and characteristics of each Outstanding Natural Feature or Outstanding Natural Landscape within Schedules Five and Six.

188. In her supplementary evidence, Ms Styles also recommended the following amendments to address Manawa's submission points:

NFL - P1

Provide for activities within outstanding natural landscapes described in Schedule Five and outstanding natural features described in Schedule Six where they ~~do not adversely affect~~ protect the values that together contribute to a natural feature or landscape being outstanding and are for:

a. Existing land uses and lawfully established activities including ~~existing~~ lawfully established residential activities, regionally significant infrastructure, network utilities, renewable ~~energy~~ electricity generation activities, mineral extraction, agricultural, horticultural and pastoral activities;

b. Conservation activities;

c. Recreational activities;

d. Maintenance and repair of ~~N~~natural hazard mitigation ~~activities~~ structures;

e. Upgrading of natural hazard mitigation structures where this is undertaken by a statutory agency or their nominated contractor

~~e~~. f. Operation, maintenance and upgrade of existing renewable electricity generation facilities;

~~f~~. g. Operation, maintenance and upgrading of network infrastructure~~;~~, and regionally significant infrastructure;

g. ~~Upgrading and/or~~ Establishment of new regionally significant infrastructure and renewable electricity generation facilities where there is a functional need for them to be located in these areas;

h. Poutini Ngāi Tahu ~~uses~~ activities; or

i. The alteration, maintenance or removal of existing buildings or structures.

NFL - P2

Where ~~possible~~ practicable, avoid significant adverse effects on the values that contribute to outstanding natural landscapes described in Schedule Five and outstanding natural

> *features described in Schedule Six. Where significant adverse effects cannot practicably be avoided, ensure that the adverse effects are otherwise minimised, remedied, mitigated ~~or offset~~ or compensated as appropriate ~~in accordance with the effects management hierarchy~~.*
>
> ***NFL - P3***
>
> *Recognise that there are settlements, farms, land uses, ~~and~~ infrastructure and other activities located within outstanding natural ~~landscapes~~ features or outstanding natural landscapes ~~features~~ and ~~provide for~~ allow new activities and existing uses in these areas where the values that contribute to the outstanding natural landscape or feature are not adversely affected ~~maintained or enhanced~~.*

189. In relation to NFL-P4, Ms Styles recommended replacing '*Limiting*' with '*Reducing*' in clause (d).

190. Transpower advised it supported the replacement of '*minimise*' in NFLF-P4 and accepted the recommended changes based on ENG-P8. It continued to seek the addition of '*within outstanding features or landscapes*' in NFL-P5; and '*An energy activity undertaken*' at the beginning of NFL-R6(b).

191. Ms Inta, on behalf of herself and the Buller Conservation Group, requested that '*minerals extraction'* not be added to NFL-P1(a) given this would not protect ONFL from inappropriate activities; and clauses (f) and (g). In relation to NFL-P2, she considered the amendments recommended were not consistent with their submissions and noted Policy 4 of the RPS directed allowing activities that have '*no more than minor'* adverse effects not the avoidance of significant adverse effects, which was a much higher threshold. She suggested replacing '*The management of*' with '*Adverse*' at the beginning of NFL-P5(l).

192. Ms Leveson for Horticulture New Zealand ('Hort NZ') noted support for the recommended s42A Report amendments to NFL-P1 and NFL-P3.

193. At the hearing, Te Tumu Paeroa acknowledged the Māori Trustee's submission points relating to NFL-P1, NFL-P5 and NFL-P7 could have been expressed more clearly. The Trustee requested provision for the traditional activities of owners of Māori freehold land and considered this submission point provided scope for changes sought to the policies and rules. The Trustee disagreed with Ms Easton's recommended additional wording in NFL-P5 and NFL-P7 and remained of the view that this should be '*or owners of Māori lan*d'.

194. Following the hearing, the Panel received a joint statement provided by Ngāi Tahu and Te Tumu Paeroa[25] advising of their agreement to add a new clause – '*Use and development of Māori Land*' in NFL-P1 instead of adding '*and Māori Landowner*' to clause (h). However, subsequent to this, Te Tumu Paeroa withdrew S440.031 seeking the addition of Māori Landowners to NFL – P7.

195. KiwiRail sought to retain '*do not adversely affect'* in NFL-P1 and NFL-P3, as it considered '*maintain*' implied there would be no adverse effects.

Reporting Officer Reply Evidence

[25] A joint statement of position and recommendations to the Hearing Panel from Ngāi Tahu and Te Tumu Paeroa – the Office of the Māori Trust (dated 14 August 2024)

196. In response to Ms Styles and the expert evidence of Ms Gilbert and Mr Bentley, Ms Easton agreed it would be helpful to add a new policy outlining the criteria for identifying ONL. She noted it was likely that further mapping amendments would be likely to address areas identified as outstanding but are outside the scope of what was notified. She considered a new policy would support both further analysis at the resource consent stage and the future identification of additional ONL areas to be included through a plan change process. She recommended the following new policy be included as the first policy in the chapter:

> ***NFL- PXXX***
>
> *To identify Outstanding Natural Landscapes on the West Coast/Te Tai o Poutini by:*
>
> *a. Assessing the values and characteristics of the landscapes according to the following factors:*
>
> *i. Physical characteristics and values;*
>
> *ii. Perceptual characteristics and values;*
>
> *iii. Associative characteristics and values*
>
> *b. Including these on the planning maps as Outstanding Natural Landscapes; and*
>
> *c. Describing the characteristics and values of each Outstanding Natural Landscape within Schedule Five.*

197. Also, in response to the evidence of Ms Styles and the direction of the NPS-REG, Ms Easton agreed there should be provision for new renewable electricity generation in NFL-P1. She recommended amendments to clause (h) to achieve this.

198. In relation to the evidence from KiwiRail, Ms Easton did not support retaining 'do not adversely affect' given the words have an 'avoid' connotation. She considered the intent of the NFL-P1 was clearer with replacing '*do not adversely affect'* with '*maintain*'. She also agreed that there should be consistency in the wording between NFL-P1 and NFL-P3; and recommended '*or enhanced*' be deleted from NFL-P3.

199. In response to questions from the Panel, Ms Easton considered whether there was scope in the submissions to use '*protect*' instead of '*maintain*' in NFL-P1 and NFL-P3. She concluded there was no scope to make this amendment. The Panel also asked whether there should be consistency of wording between these two policies and Ms Easton agreed that there should be consistency and preferred the term '*maintain'* without reference to '*enhance*'.

200. Ms Easton acknowledged the supplementary legal submissions on behalf of the Director General and the practical difficulties in applying the offsetting and compensation components of the effects hierarchy to natural landscapes and natural features. For this reason, she recommended including '*or where appropriate offset or compensated'* and confirmed she no longer recommended adding reference to the effects hierarchy in NFL-P2.

201. In considering whether the wording recommended in NFL-P2 is consistent with the 'no more than minor' threshold in RPS Policy 7B4, Ms Easton noted this related to activities that are '*allowed*' in ONFL. She considered NFL-P2 related to activities that may have '*significant adverse effects*' that would be subject to the resource consent process and the policy would be used as part of that assessment.

202. Ms Easton responded to the Panel's questions regarding use of '*soften outlines'* in NFL-P4(e) and recommended '*landscaping buildings and structures to reduce visual effects'* was more appropriate to capture screening of buildings or filtering of views.

203. Ms Easton confirmed she had revisited her recommendations based on Te Tumu Paeroa's withdrawal of their submission point relating to NFL-P7. She noted she no longer recommended adding '*or Māori Landowners who whakapapa to Poutini Ngāi Tahu'* to clause (f) to address the withdrawn submission point.

204. Ms Easton confirmed her recommended amendments to the NFL policies in Appendix 1 of the Right of Reply as follows:

NFL – P1 *Provide for activities within outstanding natural landscapes described in Schedule Five and outstanding natural features described in Schedule Six where they ~~do not adversely affect~~ **maintain** the values that **together** contribute to a natural feature or landscape being outstanding and are for:*

*a. Existing land uses and lawfully established activities including ~~existing~~ **lawfully established residential activities, regionally significant infrastructure,** network utilities, **renewable** energy **generation** activities, **mineral extraction**, agricultural, horticultural and pastoral activities;*

b. Conservation activities;

c. Recreational activities;

*d. **Maintenance and repair of** ~~N~~natural hazard mitigation ~~activities~~ **structures**;*

*e. **Upgrade of natural hazard mitigation structures where this is undertaken by a statutory agency or their nominated contractor;***

~~e.~~ f. Operation, maintenance and upgrade of renewable electricity generation facilities;

*~~f.~~ g. Operation, maintenance and upgrade of network infrastructure **and regionally significant infrastructure**;*

*h. ~~Upgrading and/or n~~**N**ew ~~infrastructure and~~ renewable electricity generation **activities** ~~facilities~~ where there is a functional need for **them** ~~it~~ to be located in these areas~~;~~*

*i. Poutini Ngāi Tahu ~~uses~~ **activities**; or*

j. The alteration, maintenance or removal of existing buildings or structures.

NFL – P2 *Where ~~possible~~ **practicable**, avoid significant adverse effects on the values that contribute to outstanding natural landscapes described in Schedule Five and outstanding natural features described in Schedule Six. Where significant adverse effects cannot be avoided, ensure that the adverse effects are **otherwise minimised**, remedied, mitigated ~~or~~ offset **or were appropriate compensated.***

NFL – P3 *Recognise that there are settlements, farms, **land uses,** ~~and~~ infrastructure **and other activities** located within outstanding natural ~~landscapes~~ **features** or outstanding natural **landscapes** ~~features~~ and ~~provide for~~ **allow** new activities and existing uses in these areas where the values that contribute to the*

*outstanding natural landscape or feature are ~~not adversely affected~~ **maintained**.*

NFL – P4 *Require that new buildings, and structures within outstanding natural features or landscapes ~~minimise~~ **avoid, remedy or mitigate** any adverse visual effects **including** by:*

a. Ensuring the scale, design and materials of the building and/or structure are appropriate in the location;

b. Using naturally occurring building platforms, materials and colour that blends into the landscape;

*c. **Limiting landform modification through earthworks**; ~~and~~*

d. Limiting the prominence or visibility of buildings and structures including by integrating it into the outstanding natural feature or landscape; and

*e. **Landscaping buildings and structures with appropriate vegetation to** ~~soften outlines~~ **reduce visual effects where these mitigation measures are practicable.***

NFL – P5 ~~*Minimise adverse effects on outstanding natural landscapes and outstanding natural features by considering the following matters when assessing proposals for land use or subdivision:*~~

When assessing whether a proposal for land use or subdivision is appropriate, in addition to the above policies, consider the following matters:

*a. The **nature**, scale **and extent** of modification to the landscape;*

b. Whether the proposal is located within a part of the outstanding natural feature or outstanding natural landscape that has capacity to absorb change;

c. Whether the proposal can be visually integrated into the landscape and whether it would break the skyline or ridgelines;

*d. The temporary, **short term** or permanent nature of any adverse effects;*

e. The functional, technical, operational or locational need of any activity to be sited in the particular location;

f. Any historical, spiritual or cultural association held by Poutini Ngāi Tahu;

g. Any positive effects the development has on the identified characteristics and qualities;

h. Any positive effects at a national, regional and local level;

i. Any relevant public safety considerations; and

j. The measures proposed to mitigate the effects on the values and characteristics~~, including:~~

~~i. The location, design and scale of any buildings or structures, or earthworks;~~

~~*ii. The intensity of any activity; and*~~

~~*iii. The finish of any buildings or structures, including materials, reflectivity and colour; and landscaping and fencing;*~~

k. The extent to which an activity or structure is lawfully established; and

l. The management of effects on natural character, amenity, recreation, historical and biodiversity values.

NFL – P6 *Enable the use of Māori Purpose Zoned land in outstanding natural landscapes and on outstanding natural features* ***by identifying this as specified Māori land*** *where land use and subdivision is consistent with tikanga and mātauranga Māori* ~~*and minimises adverse effects on the outstanding values of the landscape or feature*~~ ***as outlined within an Iwi/Papatipu Rūnanga Management Plan.***

NFL – P7 *Consider the incorporation of mātauranga Māori principles into the design, development and/or operation of activities in outstanding natural features and landscapes with cultural, spiritual and/or historic values, interests or associations of importance to Poutini Ngāi Tahu and opportunities for Poutini Ngāi Tahu* ***and Māori landowners who whakapapa to Poutini Ngāi Tahu*** *to exercise their customary responsibilities as mana whenua and kaitiaki in respect of the feature or landscape.*

~~*Also where relevant refer to policies in the Energy, Infrastructure and Transport Chapters.*~~

Hearing Panel's Evaluation

205. The Panel accepts Ms Easton's recommendation to add a new policy guiding the identification of ONL areas. The Panel acknowledges the evidence of Ms Gilbert in relation to areas meeting the criteria for ONL that were not included in the notified Plan. The Panel agrees these areas should be included as part of a future plan change process and the new recommended policy is appropriate to guide this process.

206. In relation to **NFL-P1**, the Panel considers the intent is to provide for activities that do not adversely affect the values that contribute to the ONL or ONF being outstanding. To give effect to RMA section 6(b) and the RPS provisions, these outstanding natural features and landscapes must be protected from inappropriate subdivision, use and development. Ms Easton's view is that replacing '*not adversely affect*' with '*maintain*' better reflects the '*no more than minor*' direction of the RPS. Whereas, Ms Styles considered maintenance and enhancement is not supported by the higher order documents. The Panel considers the word '*maintain*' is required in the absence of the word '*protect*' and the direction of the higher order statutory documents. The Panel considers this is more enabling than '*not adversely affect*'

207. The Panel notes the wording in Appendix 1 for NFL-P1 does not reflect the wording recommended in Ms Easton's Right of Reply which recommended adding '*that individually and together*'. This recommendation responds to questions from the Panel to Ms Easton, Ms Gilbert, Mr Bentley and Mr Leckie regarding the requested addition of 'together' from Mr Kennedy on behalf of Westpower. While the Panel agrees that adding both '*individually and together*' is desirable, it is mindful that this is not what was requested by Westpower in submissions. The Panel therefore considers not adding '*together*' is appropriate in the

absence of scope to add both '*individually and together*'. The Panel considers maintenance of the values generally encompasses both.

208. The Panel agrees with Ms Easton that the recommended amendments to NFL-P1 to give effect to the direction of the NPS-REG are appropriate. The Panel also agrees with Ms Styles that it is appropriate to add '*existing*' to clauses (f) and (g). However, the Panel considers this should be '*existing lawfully established*' and that for consistency this same phasing should also apply to clauses (d), (e) and (i). The Panel also considers the wording of clause (a) can be improved by deleting 'lawfully established' in front of 'residential' given it is superfluous.

209. The Panel agrees with Ms Easton's recommendation to add a new clause to NFL-P1(e) to include '*Upgrade of natural hazard mitigation structures where this is undertaken by a statutory agency or their nominated contractor'* but also consider this should be '*or authorised contractor acting on its behalf'* at the end to make it clear the statutory agency is in control of the works. This wording is consistent with the Panel's recommended wording Plan wide.

210. Ms Easton's Right of Reply did not further discuss the Poutini Ngāi Tahu and Te Tumu Paeroa memorandum of 14 August 2024 with agreed changes to Policy NFL-P1. The memorandum recommended addition of new clause (j) *Use and development of Māori land'* which the Panel agrees is appropriate given the interaction of outstanding natural landscapes with Māori land.

211. In relation to **NFL-P2**, the Panel disagrees with Ms Easton that use of '*otherwise minimised, remedied, mitigated or where appropriate offset or compensated*' gives effect to the RMA s6 and RPS Chapter 7B Objective 71 direction to '*protect*' outstanding natural features and values from inappropriate use and development. The Panel also disagrees that the '*more than minor*' threshold only relates to allowing activities, as jurisprudence directs that the protection of significant (outstanding) environmental values requires the avoidance of more than minor effects.

212. The Panel questioned Mr Pemberton and Ms Young in relation to the appropriate threshold of acceptable adverse effects to protect outstanding natural features and landscapes, and both agreed this would be '*no more than minor*' adverse effects.

213. The Panel considers it is appropriate to delete '*significant*' to give effect to RMA section 6(b) and the RPS Chapter 7B Objective 1 that require the protection of outstanding natural features and landscapes. Outstanding natural features and landscapes values are finite and are irreplaceable and therefore it is not necessarily appropriate to offset or compensate for any loss of values. There is no higher order direction enabling offsetting or compensation to achieve the protection of outstanding natural feature and landscapes at a policy level. To enable such 'trade offs' of outstanding areas would result in an overall reduction in values and adverse cumulative effects. The Panel considers it is appropriate to direct that where adverse effects on outstanding NFL values cannot be avoided, these must be remedied and mitigated to be no more than minor to ensure these values are protected as matters of national importance.

214. The Panel therefore accept the submission points of Forest & Bird, the Buller Conservation Group and Ms Inta that '*significant*' should be deleted from NFL-P2 to give effect to RMA s6 and RPS. However, this does recognise that minor adverse effects may be appropriate where the outstanding natural features and landscapes can be protected. The Panel considers this should be recognised in the policy by including the '*no more than minor*' threshold as a consequential amendment to deleting '*significant*'.

215. In relation to **NFL-P3**, the Panel agrees it is unnecessary to include specific reference to '*minerals extraction, exploration and prospecting'* or '*rural production activities'* given the recommended inclusion of '*land uses*' and '*other activities'*. However, the Panel consider the word '*other*' is superfluous. The Panel finds changing the order of '*landscape*' and 'feature' as recommended is also unnecessary and does not improve clarity. The Panel acknowledges the RPS uses '*together*' in reference to values but accept the opinion of the two experts questioned that effects on individual values are also important to consider as well as effects on the collective values. The Panel consider it is not necessary to add '*together'* as any assessment on the '*values*' would include both individually and collectively.

216. The Panel's consideration of the replacement of '*not adversely affected*' with '*maintained*' in relation to NFL-P1 also applies to NFL-P3. This is addressed above.

217. In relation to Transpower's request for clarification as to whether NFL-P3 applies to the National Grid, the Panel consider it does. However, the Panel considers any concerns regarding providing for the National Grid are addressed by amendments to rule NFL-R5 to clarify that additions and alteration to building and structures and minor upgrades, including Network Utility Infrastructure, are provide for; and any new activities or infrastructure have a discretionary activity pathway. The Panel also note that NFL-P3 would need to be read in conjunction with NFL-P5 which consideration of functional and operational needs amongst other matters.

218. In relation to **NFL-P4**, the Panel agrees with Ms Easton that use of '*avoid, remedy or mitigate'* is appropriate given the context used. The Panel accepts the recommended addition of a new clause '*and limits landform modification through earthworks*' (as requested by the Director General S602.090) but considers this should be '*and <u>minimises</u> landform modification <u>from</u> earthworks*' to be clearer and to use consistent wording with the other clauses. The Panel considers replacing '*soften outlines*' (requested by Ms Inta) with 'reduce visual effects' in the wording of new clause (e) would be clearer and was supported by Ms Gilbert in response to Panel questions at the hearing.

219. The Panel agree that '*limiting*' is appropriate given the rules limit structure height. However, the Panel consider use of '*limiting*' in the context of clauses (c) and (d) is unclear and should be replaced with '*minimising*' rather than '*reducing*' as sought by Manawa. The Panel notes that inclusion of a new definition for '*minimise*' was recommended in Appendix 1 of the s42A Report for the Introduction and General Provisions Hearing; and consider the use of *minimising* is therefore more appropriate and that this definition[26] avoids the need to add the qualifier '*where these mitigation measures are practicable*', as requested by Manawa (S438.090) and Westpower (S547.288).

220. The Panel accepts Ms Easton's recommended amendments in relation to **NFL-P5** to reframe the policy as requested by Forest & Bird (S250.231) and Terra Firma Mining Limited (S537.016). However, the Panel considers the words '*in addition to the above policies'* is superfluous given any assessment must consider all relevant policies.

221. The Panel rejects the amendment sought by Transpower (S299.081) in its tabled statement (dated 8 February 2024) to insert '*within outstanding natural features or natural landscapes*' for clarity, as this policy may be relevant when assessing land use or subdivision activities adjacent to ONFL areas.

[26] Recommended definition - **Minimise** means to reduce to the smallest amount reasonably practicable.

222. The Panel accepts the Director General's submission point (S602.091) in relation to providing an assessment of alternatives. The Panel considers this requirement would assist an assessment under clause (e) of '*The functional, technical, operational or locational need of any activity to be sited in the particular location*'. The Panel therefore recommends adding '*including an assessment of alternative sites*' at the end of clause (e).

223. The Panel notes Appendix 1 of the Right of Reply did not include '*or features*' on the end of clause (a), as requested by the Director General. This appears to be an omission given the statement in paragraph 169 of the s42A Report that this addition was supported to correct an error. The Panel accepts the Director General's submission point and agrees with the s42A Report that '*features*' should be added to clause (a).

224. The Panel considers Ms Easton's recommendation to add a new clause NFL-P5(k) '*The extent to which an activity or structure is lawfully established'* to address the submission point of Bathurst (S491.022) is unnecessary. Any assessment of the effects of a proposal on the 'existing environment' requires consideration of the presence of existing lawfully established activities, including existing land use activities, existing authorisations and land use zoning, as highlighted by Ms Young for the Director General. The Panel also notes clause (a) (as amended by the Panel) would require consideration of the nature, scale and extent of modification of the of existing environment. For these reasons, the Panel is unconvinced the addition of new clause (k) is required.

225. The Panel accepts Ms Easton's recommendation to add a new clause NFL-P5(l) (now new clause (k)) to address the submission points of the Director General, and Ms Inta and the Buller Conservation Group.

226. The Panel also accepts Ms Easton's recommendation to delete '*Also where relevant refer to the policies in the Energy, Infrastructure and Transport Chapters*' after NFL-P7 given this is an error and it is unnecessary.

227. Ms Easton's Right of Reply did not further discuss the Poutini Ngāi Tahu and Te Tumu Paeroa memorandum of 14 August 2024 with agreed changes to Policy NFL-P5. The memorandum recommended addition of new clause (k) '*any effects on values or attributes of Māori land'*. The Panel is unsure what '*or attributes'* might refer and recommends instead adding the words '*any effects on values of Māori land'*.

228. In relation to **NFL-P6**, the Panel accepts Ms Easton's recommended amendments to partly accept the submission point of Poutini Ngāi Tahu. The Panel accepts the recommendation to add 'as outlined within an Iwi/Papatipu Rūnanga Management Plan' but consider this should be '*including as outlined'*. The Panel also accept the submission point to delete reference to minimising adverse effects. The Panel considers there is no scope to add '*specified Māori land*' within the Poutini Ngāi Tahu submission.

229. In relation to **NFL-P7**, the Panel notes that following the hearing and further discussions with Poutini Ngāi Tahu, Te Tumu Paeroa withdrew submission point S440.031 on NFL-P7[27]. The Panel considers Ms Easton's recommended amendment shown in Appendix 1 of the Right of Reply responds to this submission and therefore is no longer within scope given the withdrawal of the submission. However, the Panel notes that Appendix 1 of the Right of Reply deletes '*Also where relevant refer to policies in the Energy, Infrastructure and Transport*

[27] Letter dated 22 August 2024 to Hearing Panel from Ngahuia Huirama on behalf of Te Tumu Paeroa – the Office of the Māori Trustee

Chapter' from below the policies and adds it to the Overview. The Panel accept this recommended change, which is addressed above in relation to the Overview.

Hearing Panel's Recommendations

230. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends that the relevant submissions identified in the footnotes below are accepted or accepted in part, and recommend that changes are made to the Natural Landscape and Features policies as follows (noting that the policies have been renumbered as a result of a new NFL-P1):

NFL- P1

To identify Outstanding Natural Landscapes on the West Coast/Te Tai o Poutini by:

a. Assessing the values and characteristics of the landscapes according to the following factors:

i. Physical characteristics and values;

ii. Perceptual characteristics and values;

iii. Associative characteristics and values

b. Including these on the planning maps as Outstanding Natural Landscapes; and

c. Describing the characteristics and values of each Outstanding Natural Landscape within Schedule Five.

NFL – P2

Provide for activities within outstanding natural landscapes described in Schedule Five and outstanding natural features described in Schedule Six where they ~~do not adversely affect~~ **maintain**[28] the values that contribute to a natural feature or landscape being outstanding and are for:

a. Existing land uses and lawfully established activities including ~~existing~~ **residential activities,**[29] **regionally significant infrastructure,**[30] network utilities, ~~energy~~ **renewable electricity generation**[31] activities, **mineral extraction**,[32] agricultural, horticultural and pastoral activities;

b. Conservation activities;

c. Recreational activities;

[28] Chorus NZ Ltd, Spark NZ Trading Ltd and Vodafone NZ Ltd S663.046
[29] Chris and Jan Coll S558.108, Chris J Coll Surveying Limited S566.108, Neil Mouat S535.021, William McLaughlin S567.189 and Laura Coll S574.108
[30] Westpower Limited S547.284
[31] Manawa Energy Limited S438.087
[32] Bathurst Resources Limited and BT Mining Limited S491.021

d. **Maintenance and repair of existing lawfully established**[33] ~~N~~**n**atural hazard mitigation ~~activities~~ **structures**; [34]

e. Upgrading of existing lawfully established[35] **natural hazard mitigation structures where this is undertaken by a statutory agency or authorised contractor acting on its behalf;**[36]

~~e.~~**f.** Operation, maintenance and upgrade of **existing lawfully established**[37] renewable electricity generation facilities;

~~f.~~**g.** Operation, maintenance and upgrade of **existing lawfully established**[38] network infrastructure **and regionally significant infrastructure**;[39]

~~g.~~**h.** ~~Upgrading and/or n~~ **N**ew ~~infrastructure and~~ renewable electricity generation **activities** ~~facilities~~ where there is a functional need ~~for it~~ to be located in these areas;[40]

~~h.~~**i.** Poutini Ngāi Tahu ~~uses~~ **activities**; ~~or~~[41]

~~i.~~**j.** The alteration, maintenance or removal of existing **lawfully established**[42] buildings or structures; **and**[43]

k. Use and development of Māori land.[44]

NLF – P3

~~Where possible a~~ **A**void ~~significant~~[45]adverse effects on the values that contribute to outstanding natural landscapes described in Schedule Five and outstanding natural features described in Schedule Six. Where ~~significant~~[46] adverse effects cannot be avoided, ensure that the adverse effects are remedied~~,~~ **and** mitigated ~~or offset~~[47] **to be no more than minor**.[48]

NFL – P4

Recognise that there are settlements, farms, **land uses,**[49] and infrastructure **and activities**[50] located within outstanding natural landscapes or outstanding natural features ~~and~~ **by** provide~~ing~~ for new activities and **allowing**[51] existing uses in these areas where the values that

[33] Consequential amendment Manawa Energy Limited S438.087
[34] Director General of Conservation S602.087
[35] Consequential amendment Manawa Energy Limited S438.087
[36] Director General of Conservation S602.087
[37] Manawa Energy Limited S438.087
[38] Manawa Energy Limited S438.087
[39] Westpower Limited S547.284
[40] Director General of Conservation S602.087
[41] Te Rūnanga o Ngāi Tau, Te Rūnanga of Ngāti Waewae and Te Rūnanga o Makaawhio S620.161
[42] Consequential amendment Manawa Energy Limited S438.087
[43] Clause 16(2) First Schedule of the RMA
[44] Te Tumu Paeroa – the Office of the Māori Trustee S440.029 and Te Rūnanga o Ngāi Tau, Te Rūnanga of Ngāti Waewae and Te Rūnanga o Makaawhio FS41.451
[45] Buller Conservation Group S552.213, Frida Inta S553.217 and Royal Forest and Bird Protection Society of New Zealand Inc S560.230
[46] Buller Conservation Group S552.213, Frida Inta S553.217 and Royal Forest and Bird Protection Society of New Zealand Inc S560.230
[47] Royal Forest and Bird Protection Society of New Zealand Inc S560.230
[48] Consequential amendment Buller Conservation Group S552.213, Frida Inta S553.217 and Royal Forest and Bird Protection Society of New Zealand Inc. S560.230
[49] Straterra S536.051
[50] Horticulture New Zealand S486.032
[51] Director General of Conservation S602.089

contribute to the outstanding natural landscape or feature are **maintained** ~~not adversely affected~~.[52]

NFL – P5

Require that new buildings, and structures within outstanding natural features or landscapes ~~minimise~~ **avoid, remedy or mitigate**[53] any adverse visual effects **including**[54] by**:**

a. Ensuring the scale, design and materials of the building and/or structure are appropriate in the location;

b. Using naturally occurring building platforms, materials and colour that blends into the landscape;

c. Minimising landform modification from earthworks;[55] ~~and~~

~~c.~~**d.** ~~Limiting~~ **Minimising**[56] the prominence or visibility of buildings and structures including by integrating it into the outstanding natural feature or landscape; **and**[57]

e. Landscaping buildings and structures with appropriate vegetation to reduce visual effects.[58]

NFL – P6

~~Minimise adverse effects on outstanding natural landscapes and outstanding natural features by considering the following matters when assessing proposals for land use or subdivision:~~

When assessing whether a proposal for land use or subdivision is appropriate, consider following matters: [59]

a. The **nature,** scale **and extent** of modification to the landscape **or feature**;[60]

b. Whether the proposal is located within a part of the outstanding natural feature or outstanding natural landscape that has capacity to absorb change;

c. Whether the proposal can be visually integrated into the landscape and whether it would break the skyline or ridgelines;

d. The temporary, **short term**[61] or permanent nature of any adverse effects;

e. The functional, technical, operational or locational need of any activity to be sited in the particular location, **including an assessment of alternative sites**;[62]

[52] Terra Firma Mining Limited S537.015
[53] Westpower Limited S547.288
[54] Consequential amendment to Manawa Energy Limited S438.090 and Westpower Limited S547.288 below
[55] Director General of Conservation S602.090
[56] Manawa S438.090
[57] Clause 16(2) First Schedule of the RMA
[58] Buller Conservation Group S552.082 and Frida Inta S553.082
[59] Royal Forest and Bird Protection Society of New Zealand Inc S560.231 and Terra Firma Mining Limited S537.016
[60] Director General of Conservation S602.091
[61] Birchfield Coal Mines Limited S601.047, Birchfield Ross Mining Limited S604.041, TiGa Minerals and Metals Limited S493.061, and WMS Group (HQ) Limited and WMS Land Company Limited S599.066
[62] Director General of Conservation S602.091

f. Any historical, spiritual or cultural association held by Poutini Ngāi Tahu;

g. Any positive effects the development has on the identified characteristics and qualities;

h. Any positive effects at a national, regional and local level;

i. Any relevant public safety considerations; ~~and~~[63]

j. The measures proposed to mitigate the effects on the values and characteristics;

~~i. The location, design and scale of any buildings or structures, or earthworks;~~

~~ii. The intensity of any activity; and~~

~~iii. The finish of any buildings or structures, including materials, reflectivity and colour; and landscaping and fencing;~~[64]

k. The management of effects on natural character,[65] **amenity, recreation, historical and biodiversity values; and**[66]

l. Any effects on values of Māori land.[67]

NFL – P7

Enable the use of Māori Purpose Zoned land in outstanding natural landscapes and on outstanding natural features where land use and subdivision **are** ~~is~~[68] consistent with tikanga and mātauranga Māori ~~and minimises adverse effects on the outstanding values of the landscape or feature~~ **as outlined within an Iwi/Papatipu Rūnanga Management Plan.** [69]

NFL – P8

Consider the incorporation of mātauranga Māori principles into the design, development and/or operation of activities in outstanding natural features and landscapes with cultural, spiritual and/or historic values, interests or associations of importance to Poutini Ngāi Tahu and opportunities for Poutini Ngāi Tahu and to exercise their customary responsibilities as mana whenua and kaitiaki in respect of the feature or landscape.

~~Also where relevant refer to policies in the Energy, Infrastructure and Transport Chapters.~~

2.5. NFL Rules

Submissions and Further Submissions

231. The s42A Report grouped the NFL rules into those relating to:

[63] Clause 16(2) First Schedule of the RMA
[64] Westpower Limited S547.292
[65] Buller Conservation Group S552.083 and Frida Inta S553.083
[66] Director General of Conservation S602.091
[67] Te Tumu Paeroa – the Office of the Māori Trustee S440.030 and Te Rūnanga o Ngāi Tau, Te Rūnanga of Ngāti Waewae and Te Rūnanga o Makaawhio FS41.453
[68] Clause 16(2) First Schedule of the RMA
[69] Te Rūnanga o Ngāi Tau, Te Rūnanga of Ngāti Waewae and Te Rūnanga o Makaawhio S620.163

- natural hazard mitigation;
- residential activities;
- other permitted activities;
- activities requiring resource consent; and
- subdivision within ONL.

232. In relation to **hazard mitigation**, a Table on pages 64-67 of the s42A Report summarised 18 submission points and five further submission points on rule **NFL-R3;** and eight submission points on **NFL-R9**. Three submission points supported NFL-R3 as notified, 14 sought amendments and one requested it be deleted. Six submission points requested amendments to NFL-R9 and two requested it be deleted.

233. In relation to **residential activities**, a Table on pages 70-74 of the s42A Report summarised nine submission points relating to rule **NFL-R1;** 13 submission points relating to **NFL-R5**, 14 submission points relating to **NFL-R6;** and 16 submission points relating to **NLF-R8.** All submission points sought amendments.

234. In relation to **other permitted activities**, a Table on pages 76-86 summarised 11 submission points and one further submission point relating to rule **NFL-R1;** six submission points relating to **NFL-R2**, nine submission points relating to **NFL-R4;** five submission points and one further submission point relating to **NLF-R5**; 18 submission points and 75 further submission point relating to **NLF-R6**; nine submission points relating to **NFL-R7**; and 12 submission points and four further submission point relating to **NFL-R8.**

235. In relation to **activities requiring resource consent**, a Table on pages 94-100 summarised 23 submission points and five further submission points across multiple rules; 15 submission points and two further submission points point relating to rule **NFL-R10;** two submission points relating to **NFL-R11**, seven submission points relating to **NFL-R12;** two submission points relating to **NLF-R13**; 10 submission points **NLF-14**; and 14 submission points relating to **NFL-R15.**

236. In relation to **subdivision with ONL**, a Table on pages 106-108 summarised 16 submission points and three further submission points.

237. The Panel adopts these summaries and has considered the relevant submissions and further submissions.

Section 42A Report

238. The s42A Report highlighted submissions that sought a consistent approach in the rule framework for activities within SNA and ONL. It supported this but noted some differences in the statutory documents to give effect to.

239. The s42A Report considered the submissions to the natural hazard mitigation activity rules for **NFL-R3** and **NFL-R9** together given the latter rule is the default to the former rule. It did not support submissions that sought more enabling rules within ONFL areas. It also noted the opposition to the permitted and controlled activity rules for natural hazard mitigation activities within ONFL areas and recommended to change this to restricted discretionary status. It considered '*natural hazard mitigation activities'* was too wide and recommended

'*natural hazard mitigation structures*' only be permitted. It considered who constructed the structure was a relevant matter because a statutory agency would look at the wider hazard and have a higher degree of oversight, design and awareness of unintentional environmental effects. It recommended permitting the maintenance and repair of lawfully established natural hazard mitigation structures; and the upgrading of lawfully established natural hazard structures by a statutory agency. It recommended new natural hazard mitigation structures and upgrading lawfully established structures within ONFL areas should require resource consent as a restricted discretionary activity under NFL-R9.

240. The s42A Report recommended changes to NFL-R3 to permit the repair and maintenance of lawfully established structures; and the upgrade of hazard mitigation structures undertaken by a statutory agency or their nominated contractor.

241. In relation to NFL-R9, the s42A Report recommended changes to make hazard mitigation structures that do not meet NFL-R3 a restricted discretionary activity. It noted the submission points made by Manawa may warrant a separate rule for temporary energy activities. It supported the addition of the following three new clauses in response to submissions –

- *Identifying and avoiding adverse effects on Poutini Ngāi Tahu values;*
- *Managing adverse effects on historical, cultural and biodiversity values; and*
- *Amenity and visual effects*

242. The s42A Report considered the submissions to rules **NFL-R1**, **NFL-R5**, **NFL-R6** and **NLF-R8** relating to residential activities within ONFL together. Overall, it did not support any changes to make the rules more enabling or to amend the limits, given the requirement to protect ONFL values. It did not support providing for residential development within ONFL as a permitted activity, due to the potential to create cumulative effects. It considered the 5m height limit for new buildings was appropriate given it provided for a single storey building and anything higher than this would need careful design and implementation to avoid cumulative effects on outstanding values. It also noted the ability to refuse consent was important within ONFL areas. Similarly, it concluded the 1m cut height and 500m^3 volume for earthworks within ONFL were appropriate to avoid significant adverse effects. It did not support removing reference to the '*coastal environment*' given the structure of the Plan and the requirements of the National Planning Standards. It noted the NFL Overview stated that where buildings and structures located within ONFL areas were in the coastal environment, the Coastal Environment Chapter provisions applied. However, to make this clearer to Plan users, it recommended including the following Advice Note in NFL-R8:

> *Where buildings and structures are located in the Coastal Environment, the provisions in the Coastal Environment Chapter apply.*

243. The s42A Report considered the submission points relating to rules **NFL-R1, NFL-R2, NFL-R4, NFL-R5, NFL-R6, NFL-R7** and **NFL-R8** relating to other permitted activities together**.**

244. In relation to **NFL-R1,** it recommended deleting '*railway*' from NFL-R1 and replacing '*critica*l' with '*regionally significant*' to be consistent with the wider Plan. It did not support creating a hierarchy between the provisions in the ECO and CE Chapters given all matters of national importance must be provided for. It did not support including '*minor upgrading*' given this was not defined but '*upgrading*' was defined but recommended NFL-R5 be amended to allow for the upgrading of buildings and structures associated with energy activities and infrastructure. It did not support the addition of '*energy activities'* given these were included

in definitions of '*infrastructure', 'network utilities'* and '*regionally significant infrastructure'*. It also did not support adding '*rural production activities*' given this was undefined and the term was very wide. It supported removing reference to '*vegetation clearance*' given this is addressed in the ECO Chapter.

245. In response to questions regarding the 5m height limit in NFL-R1, Ms Easton noted that the Buller District Council's plan provisions had been quite restrictive and that some consider 5m is too high to avoid cumulative effects on outstanding values.

246. In relation to **NFL-R2**, the s42A Report highlighted that the rule was deliberately restrictive to minimise cumulative effects and therefore it did not support changes to be more enabling. It did not support recognising the proposed aerial cableway sought by Skyline Enterprises Ltd as a permitted activity and considered such a development should be appropriately considered as a discretionary activity under NFL-R15.

247. In relation to **NFL-R4**, the s42A Report did not support making the rule more enabling without further information from submitters. No changes were recommended.

248. In relation to **NFL-R5**, the s42A Report supported amendments to clarify it applied to 'Energy Activities and Infrastructure' and that the 5m height limit applied to the addition or alteration. It did not support Manawa's request to enable 30% increases in height given this would allow a 9m high structure to be increase to 12m as a permitted activity.

It recommended the addition two new clauses to limit the scale of any additions or alterations and to require compliance with the permitted activity standards in Rule INF-R7 and Rule ENG-R4, as follows:

- *The maximum area of any addition is no greater than 50m^2, or 10% of the total floor area, whichever is the greater; and*

- *Any upgrades to infrastructure are undertaken by a network utility operator in accordance with the relevant Permitted Activity standards in Infrastructure Rule – INF – R7 and Energy Rule ENG – R4.*

249. In relation to **NFL-R6**, the s42A Report recommended several deletions in response to submission points. It did not support changes to further permit the development, use and maintenance of multi-use recreation trails given conservation activities are permitted and NFL-R6 provides for 500m^3 of earthworks in any 12-month period. It noted the ECO chapter rules specifically provide for vegetation clearance for track formation; and that no land use consents are required for such work undertaken by DOC if it is consistent with the Conservation Management Strategy and Park Management Plans, regardless of the scale of the activity. It did not support adding '*or 4ha whichever is the larger'* to clause (3)(b) because only a 'handful' of properties in Iveagh Bay at Lake Brunner were affected and this did not justify making the plan more complex. It did not support amendments to NFL-R6 to permit energy activities, transport infrastructure undertaken by statutory agencies, or mineral extraction given the potential for adverse effects on ONFL values. It did not consider reference to the need to comply with the ECO chapter rules for vegetation clearance was necessary.

250. The s42A Report did not address the Director General submission point S602.094 to change NFL-R6 default from a controlled activity to a restricted discretionary activity. However, the Panel consider this submission point below.

251. In relation to **NFL-R7**, the s42A Report recommended an amendment to include '*Poutini Ngāi Tahu Activities*' to correct a drafting error. It did not consider adding a new clause '*subject to rules in the ECO chapter and rules and policies in NFL'* was necessary given the compliance with the ECO provisions is a requirement of the Plan and as a permitted activity an assessment of the NFL policies was not required.

252. In relation to **NFL-R8**, the s42A Report recommended amendments to delete the word '*stock*' from clause (2) and to add '*and for energy network utilities Rule ENG-R4*' to clause (4) but did not support widening this to include '*energy activities*'. It supported adding '*single*' and '*per allotment*' to clause (5) and a new subclause (b) '*The gross floor area of any building does not exceed 100m*^{2}'. It recommended adding '*and mahinga kai activities'* to clause (6); and a new clause to include '*A bridge constructed for Temporary Military Training Activity'*.

253. The s42A Report did not support deleting the provision for new network utility structures within ONFL in rule NFL-R8 given the direction of the NPSET and the RPS. Similar to NFL-R7, it did not consider cross referencing to the ECO rules was necessary. It also did not consider a standard for parks facilities and park furniture within ONFL was necessary given areas managed by DOC were not subject to the Plan provisions.

254. In response to questions regarding the changes supported to NFL-R8(4) in paragraph 274 of the s42A Report, Ms Easton agreed to adding the words addressing height and area limits, as requested by Chorus NZ Ltd, Spark NZ Trading Ltd and Vodafone NZ Ltd (S663.049). She acknowledged these had been inadvertently omitted from the recommendation and Appendix 1.

255. The s42A Report considered the submission points relating to rules **NFL-R10, NFL-R11, NFL-R12, NFL-R13, NFL-R14,** and **NFL-R15** relating to activities requiring resource consent together. It supported adding the following three new clauses to all controlled and restricted NFL rules:

- *Adverse effects on historical, cultural and biodiversity values;*
- *Amenity and visual effects; and*
- *Identifying and avoiding impacts on Poutini Ngāi Tahu values.*

256. The s42A Report did not support a new restricted discretionary activity rule for mineral extraction and noted this would be subject to rules NFL-R14 and NFL-R15. It considered the strategic direction to support minerals extraction does not outweigh RMA section 6. It concluded a discretionary activity status for mineral extraction was appropriate to address uncertainty as to adverse effects and to give a high degree of oversight the ONFL status warrants. It also did not support downgrading discretionary activity rules to restricted discretionary for these reasons. It did not support adding a new clause '*subject to rules in the ECO chapter and rules and policies in NFL*'.

257. In relation to **NFL-R10**, the s42A Report recommended adding '*Upgrade, Maintenance, Operation and Repair*' to clause (1)(d) and replacing '*facility*' with '*activity*'. It recommended replacing '*critical*' with '*regionally significant*' and deleting clause (2). It recommended the same new clauses as matters of discretion, as recommended above in relation to NFL-R9. It supported changing the rule activity status from a controlled activity to restricted discretionary to be consistent with the approach taken in the Natural Character of Waterbodies and other ONFL rules.

258. The s42A Report considered that it was appropriate to have a new restricted discretionary activity rule for earthworks associated with mineral extraction within MINZ and BCZ special zones that overlap with ONL. It noted the areas of overlap with ONL related to:

- Dunganville Mineral Extraction Zone;
- Buller Coalfield Zone: Denniston Plateau – Escarpment Mine and Te Kuha Mine;
- Reefton Mineral Extraction Zone;
- Inangahua Mineral Extraction Zone; and
- Paparoa Range – Paparoa Coalfield Mineral Extraction Zone.

259. The s42A Report recommend the following wording for the new rule:

> ***NFL 10A*** *Mineral Extraction in the Buller Coalfield Zone and Mineral Extraction Zone within an Outstanding Natural Landscape described in Schedule 5.*
>
> *Activity Status Restricted Discretionary*
>
> *Where:*
>
> *1. These are on land within the Buller Coalfield Zone or a Mineral Extraction Zone; and*
>
> *2. This includes earthworks and buildings associated with the activity. Discretion is restricted to:*
>
> *a. Any requirements for landscape evaluation;*
>
> *b. Managing adverse effects on historical, cultural, and biodiversity values;*
>
> *c. Amenity and visual effects;*
>
> *d. Managing effects on public access and natural character;*
>
> *e. Effects on the values that make the feature Outstanding;*
>
> *f. Identifying and avoiding adverse effects on Poutini Ngāi Tahu values;*
>
> *g. Extent and design of earthworks; and*
>
> *h. Landscape measures.*
>
> *Activity status where compliance not achieved: Discretionary*

260. In relation to **NFL-R11**, the s42A Report recommended including 'Poutini Ngāi Tahu Activities' to correct the same drafting error identified in NFL-R7.

261. In relation to **NFL-R12**, the s42A Report recommended including the three new matters of discretion recommend above in relation to NFL-R9 and NFL-R10, and three new additional matters, as follows:

- *Any functional or operational needs that relate to the proposal and its location;*
- *Any matters of public safety; and*

- *Any positive effects at a local, regional or national level.*

262. The s42A Report did not support changing the activity status from restricted discretionary to discretionary given the degree of restriction proposed and the direction of the RMA and RPS. It considered that providing there were clear and appropriate matters of discretion, there were a range of appropriate activities that could be located within ONFL without degrading the values. It noted that given the large extent of ONFL, it was important to provide a consent pathway for activities that have a functional and operational need to occur in these areas and for appropriately designed and located residential activities.

263. The s42A Report noted Manawa sought the deletion of 'landscape measures', as a matter of discretion, due to overlaps with other matters of discretion. However, it did not support this as it could include planting or requirements on the colour and reflectivity of materials.

264. In relation to **NFL-R13**, the s42A Report recommended the activity status be changed from discretionary to non-complying due to the potential for plantation forestry to have very significant adverse effects on ONFL values.

265. In relation to **NFL-R14**, the s42A Report recommended a consequential change to delete 'controlled' given the amendments to change the two controlled activity rules to restricted discretionary.

266. In relation to **NFL-R15**, the s42A Report did not recommended any changes, except a consequential change to add 'mineral extraction' from the recommendation to include a new rule for mineral extraction in the MINZ and BCZ zones.

267. The s42A Report also considered the relevant submission points on subdivision within ONL in relation to Rule **SUB-R11**. It supported the addition of three new clauses as follows:

- *Matters outlined in Policies NFL P1 – NFL -P9 as relevant;*
- *Measures to address any natural hazards or geotechnical constraints; and*
- *Management of potential reverse sensitivity effects on existing land uses, including network utilities and regionally significant infrastructure, rural activities or significant hazardous facilities*

268. The s42A Report did not support replacing SUB-R11(b) with a 15mx15m building platform; or deleting '*and the need for access to be provided to any esplanade reserve or strip created*' from SUB-R11(f) given no reasons were provided for the requested changes sought by submitters.

269. The s42A Report did not support changing the activity status of SUB-R11 to a discretionary activity, given the high degree of management of activities provided by the overlays which restrict activities within these areas, ONFL, SNA and the coastal environment. It outlined the approach taken in other districts was predominantly as a discretionary activity but noted that most Councils do not have the number and extent of ONL identified on the West Coast. It considered Tasman was the most similar and that it is restricted discretionary or discretionary depending on the rural zone type.

Hearing and Submitter Evidence/Statements

270. Transpower advised it continued to seek the replacement of clause NFL-R6(2)(b) with *'An energy activity undertaken'*.

271. Ms Young, for the Director General, confirmed support for the s42A Report recommendations in relation to the rules, except for the 500m^3 volumetric limit for earthworks in NFL-R6(3)(b) which she sought be reduced to 200m^3 due to potential disturbance of high geodiversity. In relation to NFL-R8, she highlighted that the wording of RPS Policy 3 indicates regionally and nationally significant electricity transmission, distribution and renewable electricity generation infrastructure will require a resource consent and would not be permitted activities.

272. In relation to SUB-R11, Ms Young accepted the s42A Report recommendation to retain a restricted activity status based on the inclusion of a new matter of discretion – 'Matters outlined in Policies NFL P1 – NFL P9 as relevant'. She said "*Provided the matters of restriction do allow for an assessment against the policies of the Plan, that a Restricted Discretionary Activity is appropriate.*"

273. Mr Leckie, for Bathurst, highlighted the need to not intentionally undermine the anticipated mineral extraction activities within the MINZ and BCZ where earthworks are permitted.

274. Ms Hunter, for Bathurst, agreed with the s42A Report recommendation that new mineral extraction activities within ONL should be a restricted discretionary activity under new rule NFL-10A. However, she highlighted the need to review these overlaps to ensure these special purpose zones were free of any ONL encumbrance. She noted the matters of discretion appeared to cover broader matters than landscape and visual amenity and considered 'landscape measure' was unclear. She recommended redrafting the list as follows:

- *The effects on landscape and visual amenity values, and view of the activity particularly from public roads and areas; and*
- *Mitigation and remediation measures.*

275. Ms Styles noted that Manawa is not a statutory agency and that NFL-R3 and NFL-R9 were therefore unreasonably restrictive given other parties establish, operate and maintain hazard mitigation structures to provide for RSI and protect infrastructure from natural hazards. To resolve this, she requested the following amendments to NFL-R3:

> ***NFL - R3***
>
> *Repair and Maintenance, and Upgrading of Natural hazard mitigation ~~activities~~ structures including earthworks in an Outstanding Natural Landscape described in Schedule Five*
>
> *Activity Status Permitted*
>
> *Where:*
>
> 1. *The natural hazard mitigation structure has been lawfully established and is to protect regionally significant infrastructure ~~activities are to protect critical infrastructure~~;*
> 2. *Any upgrading of natural hazard mitigation ~~activities~~ structures is ~~are~~ undertaken by a statutory agency or their nominated contractor or the owner of the regionally significant infrastructure where there is no change to more than 10% to the overall dimensions, orientation or outline of the structure as of 14 July 2022; and*

3. *The work does not involve modification of an Outstanding Natural Feature described in Schedule Six.*

Activity status where compliance not achieved: Controlled

276. Ms Styles supported the controlled activity status for rule NFL-R10 and deletion of 'landscape measures' as a matter of discretion in NFL-R12, unless the meaning was clarified.

277. In her supplementary evidence for Manawa, Ms Styles recommended inclusion of the following to NFL-R1:

Where:

1. Earthworks, structures and vegetation clearance associated with renewable electricity generation activities are permitted under the Energy and Ecosystems and Biodiversity chapters.

278. In relation to NFL-R5 and NFL-R6, Ms Styles recommended the following amendments:

NFL - R5

Additions or alterations to buildings and structures including upgrades to ~~Energy~~ Renewable Electricity Generation Activities, Electricity Generation Activities and Regionally Significant Infrastructure within an Outstanding Natural Landscape described in Schedule Five or Outstanding Natural Feature described in Schedule Six

Activity Status Permitted

1. *The maximum height of any addition or alteration to buildings and structures above ground level is 5m or a 10% increase above the existing building / structure height, whichever is the greater; and*

2. *The maximum area of any addition is no greater than 50m^2, or 10% of the total floor area, whichever is the greater; and*

3. *Any upgrades ~~to infrastructure are undertaken by a network utility operator~~ are in accordance with the relevant Permitted Activity standards in Infrastructure Rule – INF – R7 and Energy Rule ENG – R4.*

Advice Note: Where activities are located in the Coastal Environment, the provisions in the Coastal Environment Chapter apply. Activity status where compliance not achieved: Restricted Discretionary

NFL - R6

Earthworks within an Outstanding Natural Landscape described in Schedule Five or Outstanding Natural Feature described in Schedule Six

Activity Status Permitted

Where:

1. All performance standards for Earthworks Rule EW - R1 are complied with; and

2. This is ancillary to:

a. An infrastructure activity undertaken by a network utility operator ~~in accordance with the Permitted Activity standards in Infrastructure Rule INF - R7~~; or

b. An Electricity Transmission or Distribution Activity, or Renewable Electricity Generation Activity, in accordance with the Permitted Activity standards in Energy Rule ENG - R4; or

3. For other earthworks (other than those provided for in clause 1 and 2 above), the following standards are complied with:

a. The cut height or fill depth does not exceed one metre vertically; and

b. No more than 500m3 of earthworks are undertaken/12 month period/site.; and

c. ~~The earthworks are undertaken outside of the Coastal Environment.~~

279. Mr Bentley noted that the meaning of 'landscape measures' as a matter of discretion was ambiguous and that it needed to be either deleted or clarified.

280. Ms Leveson for Hort NZ sought amendments to insert 'rural production activities' to NFL-R1 to ensure that horticulture activities were provided for. She considered NFL-R1 was a fitting place to provide for horticultural activities enabled under NFL-P1. She supported the s42A Report recommended amendments to NFL-R8 but considered it was unclear whether the rule provided for activities that do not occur within a building.

281. Mr Kennedy, for Westpower, highlighted their support for a controlled activity status for NFL-R9 and considered the recommended change to restricted discretionary for any RSI as they related to Westpower activities required resolution. He requested the addition of a new matter of discretion - 'The operational and functional needs of infrastructure, including regionally significant infrastructure.'

282. In relation to NFL-R5, Mr Kennedy supported the recommended amendments to link any upgrades to infrastructure undertaken by a network utility operator to rules INF-R7 and ENG-R4 to avoid the 5m height limit in clause (1).

283. In relation to NFL-R10, Mr Kennedy supported retention of a controlled activity status for the maintenance, operation and upgrading of existing network infrastructure. He noted NFL-R10 was not intended to apply to the installation of network infrastructure (given recommended NFL-R6(2)(a)) and NFL-R12 applied to all other network infrastructure activities. He considered these rules needed to be rationalised on this basis; and that the matters of discretion should be the same for both rules if the restricted discretionary status is recommended.

284. KiwiRail supported deleting 'railway' in NFL-R1 on the basis that the recommended definition of 'Regionally Significant Infrastructure' includes 'rail network'.

285. Ms Inta for herself and the Buller Conservation Group requested the inclusion of 'per title or 4ha, whichever is the larger' in NFL-R6; and considered NFL-R12(k) making 'positive effects' a matter of discretion was a nonsensical inclusion.

286. Mr Mills requested a series of permitted activity rules to allow for future bush clearing, earthworks, waterway culverts, bridge building and any activities associated with the development, use and maintenance of multi-use recreation trails. He considered these rules should cut across all overlays except for wetland layers.

Reporting Officer Reply Evidence

287. Ms Easton highlighted the intention of the Plan is that where ONL and ONF are located in the Coastal Environment, the provisions of the Coastal Environment Chapter apply, as outlined in the Overview and the provision of advice notes. She recommended the addition of an advice note to rule NFL-R8 based on the advice notes included for NFL-R5 and NFL-R6 but with the following consistent wording:

> *Where activities are located in the Coastal Environment, the provisions **are located** in the Coastal Environment Chapter **and this rule does not** apply.*

288. Ms Easton highlighted the withdrawal of Te Tumu Paeroa's three submission points relating to the NFL policies removed any scope for requested amendments to the rules, as no submission were made on the NFL rules.

289. Ms Easton highlighted the recommended definition for 'minor upgrade' and considered this enabled providing for minor upgrade of renewable energy generation activities and network utility infrastructure (as defined in the Plan) as a permitted activity under Rule NFL-R5. She considered this avoided the need to cross reference to the Energy and Infrastructure Chapters.

290. In response to Ms Styles' evidence in relation to NFL-R6, Ms Easton noted that the recommended deletion of clause (b) because electricity generators do not meet the definition of 'network utility operator'. She remained of the view it was not appropriate to add 'ancillary earthworks and vegetation clearance' associated with additions/alterations to structures and buildings permitted in Rule NFL-R5. However, on reflection she agreed that ancillary earthworks associated with additions/alternations to buildings and structures should be provided for in Rule NFL-R6 by replacing clause (b) with the following:

> ***Additions or alterations to a building or structure, including minor upgrades of renewable electricity generation and network utility infrastructure provided for in Rule NFL – R5.***

291. Ms Easton confirmed her recommended further amendments to the Rules NFL-R5 and NFL-R6 shown in yellow highlight in Appendix 1 of the Right of Reply, as follows:

NFL – R5 *Additions or alterations to buildings and structures **including minor upgrades to** ~~Energy~~ **Renewable Electricity Generation Activities and Network Utility Infrastructure** within an Outstanding Natural Landscape described in Schedule Five or Outstanding Natural Feature described in Schedule Six*

Activity Status Permitted

1. ***This is a minor upgrade of infrastructure undertaken by a Network Utility Operator or of a Renewable Electricity Generation Activity; or***

2. For all other activities:

i. *The maximum height of **any addition or alteration** to buildings and structures above ground level is 5m; and*

ii. The maximum area of any addition is no greater than 50m², or 10% of the total floor area, whichever is the greater. ~~*; and*~~

~~*3. Any upgrades to infrastructure are undertaken by a network utility operator in accordance with the relevant Permitted Activity standards in Infrastructure Rule – INF – R7 and Energy Rule ENG – R4.*~~

Advice Note: Where activities are located in the Coastal Environment, the provisions in the Coastal Environment Chapter apply.

Activity status where compliance not achieved: Restricted Discretionary

NFL – R6 *Earthworks within an Outstanding Natural Landscape described in Schedule Five or Outstanding Natural Feature described in Schedule Six*

Activity Status Permitted

Where:

1. *All performance standards for Earthworks Rule EW - R1 are complied with; and*

2. *This is ancillary to:*

   a. *An infrastructure activity undertaken by a network utility operator* ~~*in accordance with the Permitted Activity standards in Infrastructure Rule INF - R7;*~~ *or*

   b. ~~*An energy activity undertaken by a network work utility operator in accordance with the Permitted Activity standards in Energy Rule ENG - R4;*~~ ***Additions or alterations to a building or structure, including minor upgrades of renewable electricity generation and network utility infrastructure provided for in Rule NFL – R5.***

3. *For other earthworks, the following standards are complied with:*

   a. *The cut height or fill depth does not exceed one metre vertically;* ***and***

   b. *No more than 500m^3 of earthworks are undertaken/12 month period/site.; and*

   ~~*c. The earthworks are undertaken outside of the Coastal Environment.*~~

Advice Note:

~~*1. Earthworks associated with natural hazard mitigation activities are subject to Rule NFL - R340.*~~

2. *This rule also applies to plantation forestry activities, where this provision is more stringent than the NES - CF.*

3. *Where activities are located in the Coastal Environment, the provisions* ***are located*** *in the Coastal Environment Chapter* ***and this rule does not apply****.*

Activity status where compliance not achieved: Controlled

Refer to the Coastal Environment Rules for Earthworks in the Outstanding Coastal Environment

Hearing Panel's Evaluation

292. The Panel notes the s42A Report concludes the limits in rules NFL-R1, NFL-R5, NFL-R6 and NLF-R8, relating to activities within ONFL are sufficient to avoid significant adverse effects. The

Panel considers this is not consistent with the direction of the RMA s6 or the provisions of the RPS which require the protection of ONFL from inappropriate use and development. As discussed above, the Panel accepts that protection requires the avoidance of more than minor adverse effects. The Panel has kept this threshold of effects in mind in making its recommendations on the rules.

293. The Panel has carefully considered the submissions seeking more enabling rules and those seeking more restrictive rules and is satisfied the rules strike a balance between protecting outstanding ONFL and enabling appropriate use, development and subdivision. The Panel accepts the limits and standards recommended by Ms Easton are appropriate to avoid adverse cumulative effects.

294. The Panel rejects the submission point of Mr Mills requesting permitted activity rules to allow for future bush clearing, earthworks, waterway culverts, bridge building and any activities associated with the development, use and maintenance of multi-use recreation trails, which would cut across all overlays except for wetland layers. The Panel is satisfied the rules appropriately provide for activities that have minor adverse effects on ONFL.

295. In relation to **NFL-R1**, the Panel accepts Ms Easton's recommendation to retain the rule as notified, except for deleting '*railway*' replacing '*critica*l' with '*regionally significant*' to be consistent with the wider Plan.

296. In relation to **NFL-R2**, the Panel agree with Ms Easton that permitted conservation activities is intended to be restrictive to minimise cumulative adverse effects on outstanding values. The Panel agrees that any proposed aerial cable should not be provided for as a permitted activity under NFL-R2.

297. In relation to **NFL-R3** and **NFL-R9**, the Panel agree that a consistent approach in the rule framework for activities within SNA and ONL is desirable. The Panel also agree with Ms Easton that '*natural hazard mitigation activities*' is too wide in NFL-R3 and accept the recommendation this should be limited to '*natural hazard mitigation <u>structures'</u>*. The Panel recommends this change is also made in Advice Notes (1) and (2) and in NFL-R9, which were not shown in Appendix 1 of the Right of Reply.

298. In relation to **NFL-R3**, the Panel agrees with Ms Easton that the entity that constructs the natural hazard mitigation structure is a relevant matter; and accept a statutory agency would need take a wider assessment to hazard mitigation than an individual property would, with clear responsibility for controlling the design, construction and maintenance of the structure. The Panel accepts the recommended changes to the rule to permit the maintenance and repair of lawfully established natural hazard mitigation structures only; and the upgrading of lawfully established natural hazard structures by a statutory agency or their nominated contractor. The Panel considers it appropriate to include 'or authorised contractor acting on its behalf' as a consequential amendment to be consistent Plan wide.

299. The Panel has considered Ms Styles' request to add '*or the owner of the regionally significant infrastructure'* to NFL-R3 in recognition that Manawa is not a statutory agency but agree with Ms Easton that this is too broad. The Panel notes that Manawa's activities would be enabled by rule NFL-R5, which permits additions or alterations to buildings and structures, including minor upgrades to renewable electricity generation activities and network utility infrastructure within ONFL. The Panel considers this is appropriate.

300. The Panel agrees with Ms Easton that new natural hazard mitigation structures and upgrades to structures within ONFL areas not meeting NFL-R3 should require resource consent as a restricted discretionary activity. The Panel consider it is critical that the consent authority retains the ability to refuse consent to ensure ONFL values are protected.

301. In relation to **NFL-R9**, the Panel considers the wording '*will not destroy*' is not consistent with RMA section 6 and the RPS. This wording suggests significant adverse effects may be acceptable if the values that make it outstanding are not destroyed. This does not give effect to the RMA or RPS, which require the protection of outstanding NFL. The Panel recommends this is reworded to require protection of the outstanding values.

302. The Panel considers the wording of NFL-R9 should clarify that it relates to '*structures*' undertaken '*in Outstanding Natural Landscapes identified in Schedule Five and Outstanding Natural Features identified in Schedule Six'*, as the default to NFL-R3. The Panel considers NFL-R9(h) '*landscape measures'* is unclear and should be corrected to '*measures to mitigate landscape effects'*. The Panel recommends changes to NFL-R9 address these matters.

303. The Panel accepts Ms Easton's recommended changes to **NFL-R5** and **NFL-R6** (in Appendix 1 of her Right of Reply) to permit additions or alterations to buildings and structures, including minor upgrades to renewable electricity generation activities and network utility infrastructure within ONFL; and earthworks associated with these activities. However, the Panel considers the wording of NFL-R5(2)(i) is unclear and recommends this is reworded as follows:

> *The maximum height of* *any addition or alteration* ~~*to buildings and structures*~~ ***is 5m*** *above ground level* ~~*is 5m*~~***; and***

304. In relation **NFL-R6**, the Panel agrees with Ms Inta and the Buller Conservation Group that NFL-R6(3)(b) is improved by adding '*or 4ha, whichever is the greater'* and do not consider this makes the rule any more complex.

305. The Director General submitted that where the activity status of Rule NFL-R6 is not complied with, the default activity status should be restricted discretionary and not controlled. The Panel agrees and considers it is appropriate that the consent authority has the ability to refuse consent for earthworks within an ONL or ONF area to protect these outstanding values as matters of national importance under RMA s6.

306. The Panel notes that in paragraph 166 of the s42A Report, Ms Easton's recommends adding an Advice Note to NFL-R11 and RFL-R12 in response to the Director General's submission point (S602.091) in relation to the requirement to assess alternatives where there are significant adverse effects on an RMA s6 matter of national importance. However, this was not reflected in Appendix 1 of the s42A Report or Appendix 1 of the Right of Reply. The Panel consider adding advice notes is not necessary. The Panel notes the addition to NFL-P5(e) requires the consideration of alternative sites and consider this is sufficient.

307. The Panel agree with the recommendation to add new Rule NFL-10A and consider this addresses the concerns raised in relation to mining activities within the BCZ and MINZ zones.

308. The Panel notes Manawa sought the deletion of '*landscape measures'* from NFL-R12(h). The Panel accepts Ms Easton's view that the intent is to control measures to mitigate landscape effects such as planting, screening and the colour and reflectivity of materials. The Panel agrees and considers this is addressed by rewording *'Landscape measures'* to read '*Measures to mitigate landscape effects*'. The Panel tested this wording with Ms Gilbert at the hearing,

and she agreed that 'landscape measures' was unclear and supported the suggested wording. The Panel considers this change should be made to all references in the NFL rules to '*landscape measures*' to clarify what this means without changing the intent.

309. The Panel is not convinced that adding a new clause NFL-R12(k) making '*positive effects*' a matter of discretion is necessary given it is a consideration under RMA s104.

310. The Panel acknowledge the view of Ms Young who now considers that the subdivision of land with an ONL or ONF under SUB-R11 can be addressed as a restricted discretionary activity with the amendments to the matters of discretion now proposed. The Panel considers there are sufficient matters of discretion to assess the potential environmental effects of activities on identified outstanding values and attributes, and we recommend these addition matters now be included.

311. Overall, the Panel accepts Ms Easton's recommended changes in Appendix 1 of the Right of Reply, subject to the minor amendments outlined above.

Hearing Panel's Recommendation

312. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends that the relevant submissions identified in the footer below are accepted or accepted in part and that changes are made to the Natural Features and Landscapes Rules and Rule SUB11 as follows:

Natural Feature and Landscapes Rules	
Note: There may be a number of Plan provisions that apply to an activity, building, structure and site. In some cases, consent may be required under rules in this Chapter as well as rules in other Chapters in the Plan. In those cases, unless otherwise specifically stated in a rule, consent is required under each of those identified rules. Details of the steps Plan users should take to determine the status of an activity are provided in General Approach.	
Permitted Activities	
NFL -R1	**Maintenance, operation and repair of lawfully established buildings, structures, network utilities, renewable electricity generation activities, fence lines, drains, roads, ~~railway, critical~~ regionally significant[70] infrastructure and tracks within an Outstanding Natural Landscape described in Schedule Five or Outstanding Natural Feature described in Schedule Six**
Activity Status Permitted **Advice Note:** 1. Any indigenous vegetation clearance associated with maintenance and repair is subject to the provisions in the Ecosystems and Biodiversity Chapter. 2. Where activities are located in the Coastal Environment, the provisions in the Coastal Environment Chapter apply.	

[70] Manawa Energy Limited S438.092 and West Coast Regional Council S488.009

3. Where activities are located in a Historic Heritage, Notable Tree or Sites and Areas of Significance to Māori Overlay Chapter area, these provisions apply.

Activity Status where compliance not achieved: Refer to other relevant Overlay Chapter where these activities occur in multiple overlays.

NFL -R2	**Conservation Activities within an Outstanding Natural Landscape described in Schedule Five or Outstanding Natural Feature described in Schedule Six**

Activity Status Permitted

Advice Note:

Any indigenous vegetation clearance associated with Conservation Activities is subject to the provisions in the Ecosystems and Biodiversity Chapter

Activity Status where compliance not achieved: N/A

NFL– R3	**<u>Repair, maintenance and upgrading of</u>[71] ~~N~~<u>n</u>atural hazard mitigation <u>structures</u>~~activities~~[72] including earthworks in an Outstanding Natural Landscape described in Schedule Five**

Activity Status Permitted

Where:

1. The natural hazard mitigation **<u>structure has been lawfully established</u>**~~activities are to protect critical infrastructure~~; [73]

2. ~~The~~ **<u>Any upgrading of</u>**[74] natural hazard mitigation ~~activities~~ **<u>structures</u>**[75] are undertaken by a statutory agency or ~~their nominated~~ **<u>authorised</u>**[76] contractor **<u>acting on its behalf</u>**[77]**<u>, where there is no change to more than 10% to the overall dimensions, orientation or outline of the structures as of 14 July 2022</u>**; [78] and

3. The work does not involve modification of an Outstanding Natural Feature described in Schedule Six.

Advice Notes:

1. Any indigenous vegetation clearance associated with natural hazard mitigation ~~activities~~ **<u>structure</u>**[79] is subject to the provisions in the Ecosystems and Biodiversity Chapter

2. For any natural hazard mitigation ~~activity~~ **<u>structure</u>**[80] within Outstanding Natural Landscapes in the coastal environment, refer to the Coastal Environment Chapter.

3. Where activities are located in a Historic Heritage, Notable Tree or Sites and Areas of Significance to Māori Overlay Chapter area, these provisions apply.

[71] Forest and Bird S560.233 and the Director General of Conservation S602.092
[72] Director General of Conservation S602.087 consequential amendment
[73] Manawa Energy Limited S438.092
[74] Consequential amendment - Forest and Bird (S560.233) and the Department of Conservation S602.092
[75] Director General of Conservation S602.087 consequential amendment
[76] Plan wide consequential amendment [discussed in EW, LIGHT, TEMP]
[77] Plan wide consequential amendment [discussed in EW, LIGHT, TEMP]
[78] Plan wide consequential amendment [discussed in EW, LIGHT, TEMP]
[79] Director General of Conservation S602.087 consequential amendment
[80] Director General of Conservation S602.087 consequential amendment

Activity Status where compliance not achieved: Controlled

NFL – R4	**Demolition and Removal of a Structure within an Outstanding Natural Landscape described in Schedule Five or Outstanding Natural Feature described in Schedule Six**

Activity Status Permitted

Advice Note: Where structures are identified as Historic Heritage Items in Schedule One, then the Historic Heritage Rules apply.

Activity Status where compliance not achieved: N/A

NFL -R5	**Additions or alterations to buildings and structures, <u>including minor upgrades to</u> ~~Energy~~ <u>Renewable Electricity Generation Activities and Network Utility Infrastructure,</u>[81] within an Outstanding Natural Landscape described in Schedule Five or Outstanding Natural Feature described in Schedule Six**

Activity Status Permitted

Where:

1. **<u>This is minor upgrade of infrastructure undertaken by a Network Utility Operator or Renewable Electricity Generation Activity; or</u>**[82]
2. For all other activities:

<u>a.</u> The maximum height of **<u>any addition or alteration</u>**[83] ~~buildings and structures~~ **<u>is 5m</u>** above ground level ~~is 5m~~**; <u>and</u>**[84]

<u>b.</u> **<u>The maximum area of any addition is no greater than 50m², or 10% of the total floor area, whichever is the greater.</u>**[85]

Advice Note<u>s</u>:

~~1.~~ Where activities are located in the Coastal Environment, the provisions in the Coastal Environment Chapter apply **<u>and this rule does not apply</u>**.[86]

Activity Status where compliance not achieved: Restricted Discretionary

NFL – R6	**Earthworks within an Outstanding Natural Landscape described in Schedule Five or Outstanding Natural Feature described in Schedule Six**

Activity Status Permitted

Where:

1. All performance standards for Earthworks Rule EW - R1 are complied with; and
2. This is ancillary to:

[81] Manawa Energy Limited S438.092 and Westpower S547.293
[82] Consequential amendment Manawa Energy Limited S438.092 and Westpower S547.293
[83] Consequential amendment Manawa Energy Limited S438.092 and Westpower S547.293
[84] Consequential amendment Manawa Energy Limited S438.092 and Westpower S547.293
[85] Director General of Conservation S602.092
[86] Consequential amendment Westpower S547.297

a. An infrastructure activity undertaken by a network utility operator ~~in accordance with the Permitted Activity standards in Infrastructure Rule INF - R7; or~~[87]

b. ~~An energy activity undertaken by a network work utility operator in accordance with the Permitted Activity standards in Energy Rule ENG - R4;~~ **Additions or alterations to a building or structure, including minor upgrades of renewable electricity generation and network utility infrastructure provided for in Rule NFL – R5.** [88]

3. For other earthworks, the following standards are complied with:

a. The cut height or fill depth does not exceed one metre vertically; **and**

b. No more than 500m^3 of earthworks are undertaken~~/~~ **per**[89] 12 month period~~/~~ **per**[90] site **or per 4 hectares, whichever is the greater.**[91]~~; and~~

c. ~~The earthworks are undertaken outside of the Coastal Environment.~~ [92]

Advice Notes:

~~1. Earthworks associated with natural hazard mitigation activities are subject to Rule NFL - R3.~~[93]

~~2.~~ **1.** This rule also applies to plantation forestry activities, where this provision is more stringent than the NES - **C**~~P~~F.[94]

~~3.~~ **2.** Where activities are located in the Coastal Environment, the provisions **are located** in the Coastal Environment Chapter apply **and this rule does not apply**. [95]

Activity Status where compliance not achieved: ~~Controlled~~**Restricted Discretionary**[96]

Refer to relevant Coastal Environment Rules for Earthworks in the Outstanding Coastal Environment.

NFL – R7	**Poutini Ngāi Tahu Activities or**[97] **Māori Purpose Activities within an Outstanding Natural Landscape described in Schedule Five or Outstanding Natural Feature described in Schedule Six**

Activity Status Permitted

Where:

1. These are:

a. Poutini Ngāi Tahu activities, including cultural harvest of vegetation, mahinga kai, Pounamu, Aotea stone or rock; or

b. Māori Purpose Activities in the Māori Purpose Zone undertaken in accordance with an Iwi/Papatipu Rūnanga Management Plan; and

[87] Chorus NZ Ltd, Spark NZ Trading Ltd and Vodafone NZ Ltd S663.048
[88] Manawa Energy Limited S438.096
[89] RMA Schedule 1, Clause 16 correction
[90] RMA Schedule 1, Clause 16 correction
[91] Buller Conservation Group S552.089 Frida Inta S553.089
[92] Westpower S547.286
[93] Director General of Conservation S602.094
[94] First Schedule Clause 16(2) amendment to reflect the enactment of the Resource Management (National Environmental Standard for Commercial Forestry) Regulations 2023, which replaces the NES-PF.
[95] Westpower S547.297 consequential amendment
[96] Director General of Conservation S602.094
[97] Te Rūnanga o Ngāi Tau, Te Rūnanga of Ngāti Waewae and Te Rūnanga o Makaawhio S620.164

2. All Permitted Activity standards in Rule EW - R1 are complied with.

Activity Status where compliance not achieved: Restricted Discretionary

NFL – R8	**Erection of a building or structure not otherwise provided for as a Permitted Activity within an Outstanding Natural Landscape described in Schedule Five**

Activity Status Permitted

Where the structure is:

1. A fence; or
2. Associated with ~~stock~~[98] water reticulation including tanks, pipes and water troughs; or
3. For parks facilities or parks furniture in any Open Space Zone; or
4. For a network utility (including customer connections) in accordance with the Permitted Activity standards for Infrastructure in Rule INF - R7 **and for energy network utilities Rule ENG-R4,**[99] **underground lines or small network utility structures not exceeding 3m in height and 5m² in area**;[100] or
5. For a **single**[101] small-scale renewable electricity generation activity **per allotment, where:** ~~with a maximum height above ground level of 5m~~[102]

a. **The maximum height is 5m above ground level; and**[103]

b. The gross floor area of any building does not exceed 100m²; or[104]

6. For agricultural, pastoral and horticultural activities and **mahinga kai activities**[105] or any accessory building where:

a. The maximum height is 3m above ground level; and

b. The gross floor area of any building does not exceed 100m²**; o**r

7. **A bridge constructed as part of a Temporary Training Activity.**[106]

Advice Note:

1. Where buildings and structures are located in the Coastal Environment, the provisions located in the Coastal Environment Chapter apply and this rule does not apply. [107]

Activity status where compliance not achieved: Restricted Discretionary

Controlled Activities

[98] Horticulture New Zealand S486.034
[99] Westpower Limited S547.297
[100] Chorus NZ Ltd, Spark NZ Trading Ltd and Vodafone NZ Ltd S663.049
[101] Manawa Energy Limited S438.097
[102] Manawa Energy Limited S438.097
[103] Manawa Energy Limited S438.097
[104] Manawa Energy Limited S438.097
[105] Te Rūnanga o Ngāi Tau, Te Rūnanga of Ngāti Waewae and Te Rūnanga o Makaawhio S620.165
[106] New Zealand Defence Force S519.032
[107] Westpower S547.297 consequential amendment

NFL – R9	**Natural Hazard Mitigation ~~Activities~~ Structures[108] in an Outstanding Natural Landscape described in Schedule Five or Outstanding Natural Feature in Schedule Six,[109] including Earthworks not meeting Rule NFL - R3**

Activity Status ~~Controlled~~ Restricted Discretionary[110]

Where:

~~1. These are to protect Critical Infrastructure; and~~

2. ~~These will not destroy~~**A**any **Outstanding Natural Landscape identified in Schedule Five or**[111] Outstanding Natural Feature identified in Schedule Six **and** ~~or~~ the values which make it Outstanding **are protected**.[112]

~~Matters of control~~Discretion is restricted to:[113]

a. Any requirements for landscape evaluation;

b. Managing adverse effects on historical, cultural and biodiversity values;[114]

c. Amenity and visual effects;[115]

d. Managing effects on public access and natural character;

e. Effects on the values that make the feature Outstanding;

f. Identifying and avoiding adverse effects on Poutini Ngāi Tahu values;[116]

g. Extent and design of earthworks; and

h. **Measures to mitigate** ~~L~~landscape ~~measures~~ **effects**.[117]

Notification: Applications which will substantially modify an Outstanding Natural Feature will be notified to the Geosciences Society and may be publicly notified.

Activity status where compliance not achieved: Discretionary

NFL – R10	**Earthworks within an Outstanding Natural Landscape described in Schedule Five or Outstanding Natural Feature described in Schedule Six not meeting Rule NFL - R6**

Activity Status ~~Controlled~~ Restricted Discretionary[118]

Where:

1. These are for:

[108] Director General of Conservation S602.087 consequential amendment
[109] Buller District Council S538.646 for clarity and to be consistent with the header of other rules
[110] Director General of Conservation S602.092 and Royal Forest and Bird Protection Society of New Zealand Incorporated S560.233
[111] Buller District Council S538.646 for clarity and to be consistent with the header of other rules
[112] Consequential amendment Manawa Energy Limited S438.085
[113] Consequential amendment to Director General of Conservation S602.096 and Royal Forest and Bird Protection Society of New Zealand Incorporated S560.234
[114] Director General of Conservation S602.085
[115] Director General of Conservation S602.085
[116] Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio and Te Rūnanga o Ngāi Tahu S620.169
[117] Consequential amendment Manawa Energy Limited S438.100
[118] Director General of Conservation S602.097 and Royal Forest and Bird Protection Society of New Zealand Incorporated S560.570

a. Walking/cycling tracks; **or**

b. Roads, farm tracks or fences; **or**

c. Installation of network utility infrastructure; or

d. Installation, **upgrade, maintenance, operation and repair**[119] of a renewable electricity generation ~~facility~~ **activity**; [120] ~~or~~

e. Establishment of a building platform and access to a building site in an approved subdivision or for a residential building where there is no existing residential building on the property; **or**

f. Protection of ~~critical~~ **regionally significant**[121] infrastructure from natural hazards~~;~~**.** ~~and~~

~~2. Earthworks are the minimum required to undertake the activity.~~[122]

Discretion is restricted to:

a. Any requirements for landscape evaluation;

b. Managing adverse effects on historical, cultural, and biodiversity values; [123]

c. Amenity and visual effects; [124]

d. Managing effects on public access and natural character;

e. Effects on the values that make the feature Outstanding;

f. Identifying and avoiding adverse effects on Poutini Ngāi Tahu values; [125]

g. Extent and design of earthworks; and

h. **Mitigation measures for** ~~l~~**l**andscape **effects** ~~measures~~. [126]

Advice Note:

1. **Within the Coastal Environment,** ~~For~~ **Rule NFL-R10 E**~~e~~earthworks within Outstanding Natural Features and Landscapes **does not apply.** ~~in the Coastal Environment~~ **R**~~r~~efer to the Coastal Environment Rules.[127]

2. This rule also applies to plantation forestry activities, where this provision is more stringent than the NES - ~~P~~**C**F.[128]

Activity status where compliance not achieved: Discretionary

Restricted Discretionary Activities

[119] Manawa Energy Limited S438.099 and Westpower Limited S547.300
[120] Manawa Energy Limited S438.097
[121] Manawa Energy Limited S438.099
[122] Russell and Joanne Smith S477.009, Stewart & Catherine Nimmo S559.009, Claire & John West S506.009, Joel and Jennifer Watkins S565.016, Lauren Nyhan Anthony Phillips S533.009, Tim and Phaedra Robins S579.016, Tim Macfarlane S482.009, Director General of Conservation S602.097
[123] Director General of Conservation S602.085 and S602.085
[124] Director General of Conservation S602.085 and S602.085
[125] Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio and Te Rūnanga o Ngāi Tahu S620.169
[126] Consequential amendment Manawa Energy Limited S438.100
[127] Westpower Limited S547.300
[128] RMA Schedule 1, Clause 16 correction

NFL – R10A	**Mineral Extraction in the Buller Coalfield Zone and Mineral Extraction Zone within an Outstanding Natural Landscape described in Schedule Five.**[129]

Activity Status Restricted Discretionary

Where:

1. **These are on land within the Buller Coalfield Zone or a Mineral Extraction Zone; and**
2. **This includes earthworks and buildings associated with the activity.**

Discretion is restricted to:

a. **Any requirements for landscape evaluation;**
b. **Managing adverse effects on historical, cultural, and biodiversity values;**
c. **Amenity and visual effects;**
d. **Managing effects on public access and natural character;**
e. **Effects on the values that make the feature or landscape Outstanding;**
f. **Identifying and avoiding adverse effects on Poutini Ngāi Tahu values;**
g. **Extent and design of earthworks; and**
h. **Mitigation measures for landscape effects.** [130]

Activity status where compliance not achieved: Discretionary

NFL – R11	**Poutini Ngāi Tahu Activities or**[131] **Māori Purpose Activities within an Outstanding Natural Landscape described in Schedule Five or Outstanding Natural Feature described in Schedule Six not meeting Rule NFL - R7**

Activity Status Restricted Discretionary

Where:

1. These are on land within a Māori Purpose Zone; and
2. This includes earthworks and buildings associated with the activity.

Discretion is restricted to:

a. Any requirements for landscape evaluation;

b. **Managing adverse effects on historical, cultural, and biodiversity values;** [132]

c. **Amenity and visual effects;** [133]

d. Managing effects on public access and natural character;

e. Effects on the values that make the feature Outstanding;

[129] Bathurst Resources Limited S491.023
[130] Consequential amendment Manawa Energy Limited S438.100
[131] Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio and Te Rūnanga o Ngāi Tahu S620.168
[132] Director General of Conservation S602.085
[133] Director General of Conservation S602.085

f. Identifying and avoiding adverse effects on Poutini Ngāi Tahu values; [134]

g. Extent and design of earthworks; and

h. **Mitigation measures for** ~~L~~**l**andscape **effects** ~~measures~~.[135]

Activity status where compliance not achieved: Discretionary

NFL – R12	**Buildings or Structures and associated Earthworks within an Outstanding Natural Landscape described in Schedule Five or Outstanding Natural Feature described in Schedule Six not meeting Permitted Activity rules.**

Activity Status Restricted Discretionary

Where:

1. This is an addition to an existing building or a building accessory to an existing building; or
2. The building is identified on an approved subdivision plan for the site or for a residential building where there is no existing residential building on the property; or
3. This is required for:

a. A network utility;

b. A renewable electricity generation activity;

c. An agricultural pastoral or horticultural activity;

d. A conservation activity; or

e. A recreational activity in an Open Space Zone.

Discretion is restricted to:

a. Any requirements for landscape evaluation;

b. Managing adverse effects on historical, cultural, and biodiversity values; [136]

c. Amenity and visual effects; [137]

d. Managing effects on public access and natural character;

e. Effects on the values that make the feature Outstanding;

f. Identifying and avoiding adverse effects on Poutini Ngāi Tahu values;[138]

g. Extent and design of earthworks; ~~and~~

h. **Mitigation measures for** ~~L~~**l**andscape **effects** ~~measures~~; [139]

i. Any functional or operational needs that relate to the proposal and its location; and[140]

[134] Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio and Te Rūnanga o Ngāi Tahu S620.167, S620.169 and S620.170
[135] Manawa Energy Limited S438.100 consequential amendment
[136] Director General of Conservation S602.085
[137] Director General of Conservation S602.085
[138] Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio and Te Rūnanga o Ngāi Tahu S620.169
[139] Manawa Energy Limited S438.100
[140] Manawa Energy Limited S438.100 and Westpower Limited S547.304

j. <u>Any matters of public safety.</u>[141]

Activity status where compliance not achieved: Discretionary

Discretionary Activities

NFL – R13	**Afforestation with Plantation Forestry within an Outstanding Natural Landscape or Outstanding Natural Feature**

Activity Status ~~Discretionary~~<u>Non-complying</u>[142]

Activity status where compliance not achieved: N/A

NFL – R14	**Buildings and Structures within Outstanding Natural Landscapes and Outstanding Natural Features not meeting Permitted, ~~Controlled~~**[143] **or Restricted Discretionary rules**

Activity Status Discretionary

Activity status where compliance not achieved: N/A

NFL – R15	**Earthworks<u>, Mineral Extraction</u>**[144] **and Natural Hazard Mitigation Activities within Outstanding Natural Landscapes and Outstanding Natural Features not meeting Permitted or Restricted Discretionary Rules**

Activity Status Discretionary

Notification:

1. Applications to destroy any Outstanding Natural Feature or the Values which make it Outstanding will always be Notified to the Geosciences Society of New Zealand and may be publicly notified.
2. This rule also applies to plantation forestry activities, where this provision is more stringent than the NES - **<u>C</u>~~P~~**PF.[145]

Activity status where compliance not achieved: N/A

<u>NFL – R16</u>	**<u>Poutini Ngāi Tahu and Māori Purpose Activities within an Outstanding Natural Landscape described in Schedule Five or Outstanding Natural Feature described in Schedule Six not meeting Rule NFL - R11.</u>** [146]

<u>Activity Status Discretionary</u>

<u>Activity status where compliance not achieved: N/A</u>

Subdivision Rules

[141] Manawa Energy Limited S438.100
[142] Royal Forest and Bird Protection Society of New Zealand Inc S560.240
[143] Consequential changes to Director General of Conservation S602.092 and S602.097; and Royal Forest and Bird Protection Society of New Zealand Incorporated S560.233 and S560.570
[144] Consequential amendment to Bathurst Resources Limited S491.023
[145] First Schedule Clause 16(2) amendment to reflect the enactment of the Resource Management (National Environmental Standard for Commercial Forestry) Regulations 2023, which replaces the NES-PF.
[146] Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio and Te Rūnanga o Ngāi Tahu S620.170

SUB – R11	**Subdivision to create allotment(s) of land within the Outstanding Natural Landscape identified in Schedule Five or Outstanding Natural Feature identified in Schedule Six**

Activity Status Restricted Discretionary

Where:

1. The site is outside of the Coastal Environment;
2. The area has not been identified as an Area of Significant Biodiversity subject to Rules SUB – R8, SUB – R9 or SUB – R14
3. The area is not a Significant Natural Area identified in Schedule Four; and
4. All Subdivision Standards are complied with.

Discretion is restricted to:

a. **Matters outlined in Policies NFL P1 – NFL -P9 as relevant;**[147]

b. Ensuring that landscape or natural feature values within the overlay for which the area or feature is scheduled are maintained;

c. The size, design, shape, location and layout of allotments;

d. The provision of infrastructure and services for **transport,**[148] drinking water, wastewater and stormwater, telecommunications and energy;

e. The adequacy of water supply for firefighting;

f. **Measures to address any natural hazards or geotechnical considerations;**[149]

g. **Management of potential reverse sensitivity effects on existing land uses, including network utilities and regionally significant infrastructure, rural activities or significant hazardous facilities;**[150]

h. The requirement for financial contributions as outlined in Rules FC – R1 to FC – R12; and

i. The provision of esplanade reserves or strips, and the need for access to be provided to any esplanade reserve or strip created.

Advice Note: This rule does not apply to subdivisions to create allotments for network utilities, access or reserves which are subject to Rule SUB - R4.

SUB – R16	**Subdivision of Land within the Coastal Environment subject to an Outstanding Natural Landscape, Outstanding Natural Feature or High Coastal Natural Character Overlay**

Activity Status Discretionary

Where:

[147] Director General of Conservation S602.126
[148] Grey District Council (S608.641)
[149] Buller District Council (S608.641)
[150] Westpower Limited (S547.381)

1. No new allotments are proposed within Outstanding Coastal Natural Character areas as identified in Schedule Eight.

Activity status where compliance not achieved: Non-complying

2.6. Recommendation on Schedule Five: Outstanding Natural Landscapes - Te Rārangi Tuarima: Ngā Whenua Aotūroa Puru Rourou

Submissions and Further Submissions

313. The s42A Report summarised nine submission points supporting Schedule Five which sought it be retained as notified.

314. One submission from the TTPP Committee sought amendments to reflect the updated boundaries of the ONL from the landscape assessment review, where these cover a lesser area of land than the notified mapping (Brown Ltd September 2022 mapping). Two further submissions supported or supported this in part.

315. One submission from the BDC sought careful consideration of the individual submissions regarding land use implications and the accuracy of boundaries.

316. Six submission point sought to continue to have land excluded from an ONL. One submission point was supported by two further submissions.

317. One submission point sought new ONL area for the Denniston Plateau.

318. Three submission points sought to include 'The Pyramids' feature at Karamea in an ONL. Sixty-nine further submissions opposed the three submissions points requesting a new ONL to include 'The Pyramids'.

319. Submission points relating to specific ONL boundary adjustments are addressed in the section below.

Section 42A Report

320. The s42A Report supported using the most up to date and accurate boundaries for identified ONL.

321. The s42A Report noted the Koiterangi Lime Company's quarry is adjacent to ONL 23 but confirmed it remains outside the ONL boundaries.

322. The s42A Report did not consider the Denniston Plateau met the criteria to be identified as an ONL and rejected the submission to include it as an ONL. The Landscape Report confirmed Ms Gilbert had visited the area and considered the map of Environment Court's view on outstanding natural landscape on Denniston Plateau (as provide at the hearing by Bathurst) to inform her assessment of the landscape values of the Denniston Plateau. She considered the updated digitised mapping (January 2024) was correct given the level of modification across the Plateau meant it failed to meet the 'naturalness test'. She considered there was no need to remove any overlap of the ONL with the BCZ and noted there were other overlaps between ONL and MINZ areas.

323. The s42A Report noted the proposed lime quarry expansion at Fenian Road, Karamea is 'quarry reserve' that is outside but adjacent to Kahurangi National Park. It highlighted the area

of land known as 'The Pyramids' did not meet the criteria to be identified as an ONL. It noted Ms Gilbert would be asked to confirm this view.

324. Ms Gilbert's Landscape Report confirmed she had reviewed the updated digitised mapping (January 2024) and visited the area. She considered the general extent and configuration of ONL 1 in the vicinity to be correct - capturing the elevated undeveloped land with contiguous bush cover and excluding the elevated landform where quarrying activities are prominent and dominant. She recommended no change to the updated digitised mapping (January 2024).

325. The Addendum to the s42A Report acknowledged the poor quality of the updated Brown Ltd maps in the s42A Report. It noted that this mapping had now been digitised into the Council's Geographic Information System (GIS) mapping and updated maps for the relevant parts of the ONL discussed in Section 11 of the s42A Report were now provided.

Hearing and Submitter Evidence

326. Mr Leckie, for Bathurst, highlighted the overlap between the BCZ and ONL 41 and considered there was no clear justification in the landscape studies as to why a portion of the BCZ has been identified within the ONL and that there was inconsistency between the notified TTPP maps and the GIS shapefiles. He noted a previous Environment Court decision[151] had confirmed the Denniston Plateau did not qualify as an ONL.

327. Mr Geoff Volckman, a director of Karamea Lime Co Ltd (**KLC**), present a statement of evidence outlining background to the Fenian Road quarry site and the importance of the quarry to the community. He sought more permissive framework for mineral extraction and farming operations. He highlighted the importance of the small KLC operated lime quarry at Fenian Road, Karamea to the Buller area. He noted the TTPP Committee had recognised the mapping error in only partially zoning the quarry land in the MINZ. He noted 70 submitters opposed a new ONL overlay over the quarry area.

328. Mr Leicester Murray, a landscape architect for KLC, considered the quarry area should not be included within the coastal environment overlay and did not meet the criteria to be included as an ONL. He assessed the site with reference to Te Tangi a Te Manu and agreed with Ms Gilbert that the land should not be categorised as an ONL. He considered the quarry area should remain outside any the ONL overlay.

Evidence in Reply

329. In Reply, Ms Easton advised that Ms Gilbert had worked with the Council GIS consultant to refine the mapping of ONL. She confirmed that any of Ms Gilbert's recommendations to increase any ONL areas were largely restricted to public conservation land; and that in most cases Ms Gilbert's review had reduced the ONL areas that affect private land.

330. Ms Easton identifies four areas where Ms Gilbert recommends extension of the ONL area across private land, as follows:

    (a) ONL 29 at Whataroa where there is a wetland and low likelihood of development due to restrictions around wetland modification;

[151] *West Coast Environmental Network Inc. v Royal Forest and Bird Society of New Zealand Incorporated* [2013] NZEnvC 047.

(b) ONL 27 at Inchbonnie where the area is river flats and there is a low likelihood of development, except for modification for improved farming (e.g. vegetation clearance and humping and hollowing);

(c) ONL 52 at Kongahu/Karamea where the area has been subdivided into lifestyle/bush lots, but the houses have not yet been built (13 lots affected); and

(d) ONL 54 at Little Wanganui where the area is river flats and there is a low likelihood of development, except for modification for improved farming (e.g. vegetation clearance and humping and hollowing).

331. Ms Easton referred to the legal advice from Wynn Williams and considered there was limited scope to expand ONL boundaries. However, she highlighted the submission of Brian Anderson (S576.007) which seeks to amend the boundaries to objectively identify areas with particular values provides some scope for increasing ONLs; as well as the submission point of Manawa Energy (S438.142) to '*Review and amend the entire landscape study methodology and outputs to follow best practice and to include the necessary assessment against national guidance including review of all of the ONFL mapping to improve accuracy and appropriate identification of areas*.'

332. Ms Easton confirmed Ms Gilbert had reviewed the ONL boundary in relation to the Denniston Plateau and agrees there is an overlap of the Buller Coalfield Zone and the ONL area. Ms Easton did not recommend the removal of the ONL from the Buller Coalfield Zone on the basis of Ms Gilbert's review.

333. Ms Easton noted she had approached all three electricity distribution companies about providing GIS data to enable a non-statutory information layer to be built to acknowledge existing modifications to the environment when the ONL assessment was undertaken. She considered this could be done outside of the plan process when all the relevant information can be provided.

334. In reply evidence, Ms Gilbert confirmed she had reviewed the ONL mapping to exclude:

(a) sizeable pastoral areas;

(b) sizeable plantation forestry areas, particularly on the edges of the ONLs; and

(c) areas where the arrangement scale, and/or prominence of built development exerts a dominant influence on landscape character.

335. Ms Gilbert noted the review exercise had also included 'clipping the ONL linework' to obvious landform and or contiguous native vegetation cover edges in the immediate vicinity of the mapped ONL and amended the southern end of ONL 5 to extend it to the district boundary.

Hearing Panel's Evaluation

336. The Panel accepts Ms Easton's recommended wording for a new 'Preamble' section, which stemmed from the discussion in the NFL General/Whole Chapter section above, to be added at the beginning of Schedule Five, as shown in Appendix 1 of the Right of Reply. The Panel is satisfied this wording goes some way towards addressing the Manawa submission and we note was supported by Mr Bentley and that it is consistent with the evidence of Ms Gilbert in relation to acknowledging the assessments undertaken are 'high-level' and that ONL include modifications existing at the time the assessment was undertaken.

337. The Panel also accepts the addition of wording to the '*Site Type and Values'* column of Schedule Five to include reference to any identified SASM in ONL, where relevant as detailed in Appendix 1.

338. The Panel accepts there has now, post notification, been careful consideration and review of the ONL boundaries. However, where these would extend the ONL and affect private land, the Panel considers the ONL boundary should be retained as notified for reasons of natural justice as any extension might otherwise have been opposed in submission. In the Panel's view, any such changes would need to be part of a subsequent plan change process.

339. The Panel acknowledges that there may be some, albeit limited scope, to extend ONL boundaries where these affect public land administered by DOC. However, the Panel considers there is difficultly in including only further DOC land in ONL because this would create a series of anomalies (for example private land inside an ONL which might otherwise have been part of the ONL) and/or hard edges, which are then not reflective of the ONL values.

340. Given the above circumstances, the Panel considers retaining the notified ONL boundaries, except where they are reduced via submissions or refinement through the review, is the most appropriate course of action at this stage for reasons of natural justice and plan integrity. To introduce the amendments to ONL boundaries, as proposed by Ms Gilbert to increase the extent of ONL, would in our view require a Schedule 1 of the RMA plan change process.

341. The Panel accepts the evidence of Ms Gilbert that the area known as 'The Pyramids' in Karamea does not meet the criteria to be identified as an ONL. The Panel agrees with Ms Easton's recommendation to not include this area in an ONL and has rejected the relevant submissions[152].

342. The Panel accepts there is no evidence to support creating a new ONL on the Denniston Plateau and has rejected that submission[153]. The Panel also accepts that there are overlaps between the ONL and BCZ, and that this reflects the existing landscape values and the evidence of Ms Gilbert. The Panel considers the appropriateness of the BCZ boundaries in recommendation report on Mineral Extraction.

343. Submissions on individual ONL or ONF boundary adjustments are considered below.

Recommendation

344. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends that the submission identified in the footer below be accepted in part and that changes are made to the **Natural Features and Landscapes – Schedule 5** as follows:

Preamble

Schedule Five identifies and describes 55 Outstanding Natural Landscapes (ONLs). The ONL Schedules are a tool to assist with the identification of the landscape values that are to be protected within an area. They contain both factual information and evaluative content and are to inform plan development and plan implementation processes and assist technical landscape assessment. The ONL Schedules are based on the scale of the relevant ONL and form a relatively 'high-level' summary of the more natural landscape values of the area. This means that the landscape values identified in an ONL Schedule may not apply to a site within

[152] Fernando Tarango S342.001, Laurence Rueter S381.001, Lanah Hake Tarango S337.002
[153] Karen Lippiatt S439.008

the ONL. The ONL Schedules do not address established modifications that form part of the landscape to which they apply, such as infrastructure, rural buildings, farmhouses, roads, pastoral land use and production forestry. It is acknowledged that this existing modification is of a scale, character and/or location such that the area still qualifies as ONL. Given the scale of the landscape assessment underpinning the ONL schedules and the high-level nature of the schedules themselves, a finer grain proposal-specific assessment of landscape values will typically be required for plan development or plan implementation purposes (including plan changes or resource consent applications). Through any proposal-specific landscape assessment, landscape modifications and/or additional landscape values may be identified that are not recorded in the ONL Schedules.[154]

Add to the 'Site Type and Values' column of Schedule Five reference to identified SASM in ONL's 1, 2, 3, 4, 10, 11, 12, 13, 14, 15, 16, 19, 20, 21, 26, 27, 29, 31, 32, 39, 41, 43, 44, 46 and 55 as detailed in Appendix 2 to this recommendation.

2.7. Recommendation on Schedule Six: Outstanding Natural Feature - Te Rārangi Tuaono: Ngā Ahuatanga Aotūroa Puru Rourou

345. The s42A Report summarised four submission points supporting the ONF boundaries and sought the ONF be retained as notified.

346. Four submission points sought identified properties remain excluded from ONF generally; one submission point sought the exclusion of land within the Punakaiki Village.

347. The Panel notes the identified properties and land within the Punakaiki Village remain outside any ONF.

348. The Panel recommends the Schedule Six is retained as notified.

2.8. Recommendation on specific ONL and ONF boundary adjustments

ONL 4

349. Five submission points relating to ONL 4 sought adjustments to the boundary to remove properties in the settlement at Hannahs Clearing. One of the submission points sought to include a spatial description of the ONL within the schedule. One further submission supported the removal of the ONL from the southern end of Hannahs Clearing.

350. The s42A Report noted these submission points would be addressed after Ms Gilbert's further review.

351. In the Addendum to the s42A Report, Ms Easton supported the submission points of Ms Raylene Black (S420.001 and S420.002) and Mr Vance and Mrs Carol Boyd (S447.008 and S447.009); and recommended the updated digitised maps (January 2024) to exclude this area from the ONL, as recommended by Ms Gilbert in her Landscape Report.

352. The Panel is satisfied that the updated ONL boundaries recommended by Ms Gilbert address the requests of submitters and align with the natural character mapping. The Panel agrees Ms

[154] Manawa Energy Limited S438.83

Easton's recommendation to amend the boundaries of ONL 4, as shown in the updated digitised mapping (January 2024) and accepts the relevant submissions[155].

ONL 10

353. One submission point relating to ONL 10 sought adjustments to the boundary to remove Section 8, Weld at Bruce Bay.

354. The s42A Report recommended rejecting this submission because the whole property is within the ONL area, as well as within the Outstanding Coastal Natural Character overlay, and that there is no current development on this part of the coastline.

355. The Addendum to the s42A Report provided an updated map of ONL 10 and recommended amending the boundaries to reflect the updated digitised maps (January 2024).

356. The Landscape Report confirmed Ms Gilbert's review of the updated digitised mapping (January 2024) at Bruce Bay. She considered the ONL boundaries were correct – capturing the contiguous bush-clad land and the undeveloped river flats. She did not support excluding the submitter's land given its similarity to surrounding land and the very limited extent of development that is anticipated because of the zoning and lot arrangements.

357. The Panel is satisfied the ONL boundary across the submitter's land is appropriate and have rejected the submission.[156] However, while we acknowledge the recommended update by Ms Gilbert may well be appropriate given the outstanding natural landscape values and the absence of development along this part of the coastline the property concerned is private property, as are some others in the vicinity, and in line with our previous expressed concerns in this regard, we do not recommend the seaward extension of the ONL boundary.

ONL 14 and ONF 16

358. Two submission points relating to ONL 14 sought adjustments to the boundary. One from Totally Tourism Limited to remove Lot 33 Deposited Plan 409401 at Donavan Drive, Franz Josef; and one from Skyline Enterprises Ltd opposing ONF 16 to enable development of a proposed aerial cableway.

359. The s42A Report supported the Totally Tourism Limited submission in part by recommending adjustments to the boundary so that slightly less of the property was affected. However, it noted Ms Gilbert had been asked to review the ONL boundaries.

360. The s42 Report rejected the submission from Skyline Enterprises Ltd given the location of the proposed aerial cableway is within the ONL area, as notified and the updated digitised mapping (January 2024).

361. In her Landscape Report, Ms Gilbert confirmed she had reviewed the extent and configuration of ONL 14 and ONF 16. She noted that her assessment had appropriately taken into account the existing environment 'as it is' and not as it may be as a result of future development that may or may not occur. She recommended minor changes to the updated digitised mapping

[155] Vance & Carol Boyd S447.008 and S447.009, Raylene Black S305.002
[156] A & S Marshal S542.001

(January 2024) in the vicinity of Donovan Drive to align the ONL boundary to the landform, vegetation and unmodified land, and to the Settlement Zone boundary.

362. Mr Dent, for Totally Tourism Limited, sought to ensure the extent of ONL 14 at the Franz Alpine Resort did not 'afflict' the permitted residential and commercial activities. He confirmed the updated map in his Figure 3 showing the refined GIS mapping would resolve the submitter's concerns but that there was insufficient information from Ms Gilbert to comment on her recommendation following her review of the ONL boundaries.

363. In Reply, Ms Gilbert confirmed her recommendation to make minor refinements to the ONL 14 mapping in the vicinity Donovan Drive to follow a '*landscape*' rather than a zone boundary.

364. The Panel accept the evidence of Ms Gilbert that ONL boundaries should follow the landscape and not zone boundaries. The Panel consider the recommended ONL 14 boundaries will not prevent residential and commercial activities within those zones.

365. The Panel do not consider any amendments to the ONL or ONF boundaries are appropriate to recognise future development proposals and accept Ms Easton's recommendation to reject Skyline Enterprises Ltd submission point[157].

366. The Panel is satisfied that the updated ONL boundaries recommended by Ms Gilbert are appropriate given the outstanding natural landscape values of the existing environment. The Panel accepts Ms Easton's recommendation to amend the boundaries of ONL 14, as shown in the updated digitised maps (January 2024) except where it increases in extent.

367. The Panel accepts Ms Easton's recommendation to reject the Skyline Enterprises Ltd submission opposing ONF 16 and recommends retaining ONF 16 as shown in the updated digitised maps (January 2024).

ONL 15

368. Ngāi Tahu sought the removal of specific areas used for plantation forestry from ONL 15.

369. Manawa requested review of the landscape methodology and the accuracy of the boundary of ONL 15 to better follow landform or landcover.

370. In the Addendum to the s42A Report, Ms Easton supported in part submission points of Ngāi Tahu (S620.015) and recommended the ONL mapping be amended to remove plantation forestry areas, with the revised ONL boundary configured to follow a legible landform and/or contiguous bush boundaries, as recommended by Ms Gilbert in her Landscape Report.

371. The Landscape Report confirmed Ms Gilberts review of the notified mapping of ONL 15. She considered the updated digitised mapping (January 2024) to be correct but acknowledged this assessment was based on a desktop review, without detailed field work. Ms Gilbert invited Manawa to provide further detail on any refinements to be reviewed in the hearing.

372. In relation to the submission from Ngāi Tahu, Ms Gilbert recommended amendments to the updated digitised mapping (January 2024) to exclude pine plantations near 'The Forks' that coincide with ONL 15.

[157] Skyline Enterprises Limited S250.008, S250.010

373. Mr Bentley's evidence for Manawa noted the ONL boundary has shifted slightly in the updated mapping (January 2024). He broadly agreed that the Manawa scheme on this location should be within the ONL but considered there should be reference to the existing infrastructure in the ONL description. No further information was received from Manawa after the hearing.

374. In response, Ms Easton didn't agree it was necessary to detail all the existing modifications in the ONL descriptions.

375. In Reply, Ms Gilbert confirmed her recommendation to make minor refinement of the boundaries of ONL 15 to exclude substantial areas of pine plantation.

376. The Panel agrees with Ms Easton's recommendation to amend the boundaries of ONL 15, as shown in updated digitised mapping (January 2024) except where it increases in extent and accepts in part the relevant submissions.[158]

ONL 16

377. Manawa requested review of the landscape methodology and the accuracy of the boundary of ONL 16 to better follow landform or landcover.

378. The Landscape Report confirmed Ms Gilbert's review of the notified mapping of ONL 16. She considered the updated digitised mapping (January 2024) to be correct but acknowledged this assessment was based on a desktop review, without detailed field work. Ms Gilbert invited Manawa to provide further detail on any refinements to be reviewed in the hearing.

379. Similar to ONL 15, Mr Bentley considered there should be reference to Manawa's existing infrastructure in the ONL description.

380. In response, Ms Easton didn't agree it was necessary to detail all the existing modifications in the ONL descriptions.

381. The Panel accepts Ms Easton's recommendation to amend the boundaries of ONL 16, as shown in updated digitised mapping (January 2024) except where it increases coverage.

ONL 17

382. Ngāi Tahu sought the removal of specific areas used for plantation forestry from ONL 17.

383. In the Addendum to the s42A Report, Ms Easton supported in part the submission points of Ngāi Tahu (S620.015) and recommended the ONL mapping be amended to remove plantation forestry areas, with the revised ONL boundary configured to follow a legible landform and/or contiguous bush boundaries, as recommended by Ms Gilbert in her Landscape Report.

384. The Landscape Report confirmed Ms Gilbert's review the notified mapping of ONL 17. She recommended amendments to the updated digitised mapping (January 2024) to exclude pine plantations between the Waitaha River and the Poerua River that coincide with ONL 17.

385. In Reply, Ms Gilbert confirmed her recommended minor refinement of the boundaries of ONL 17 to exclude substantial areas of pine plantation.

[158] Manawa S438.142, Te Rūnanga o Ngāi Tahu, Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio S620.158

386. The Panel agrees with Ms Easton's recommendation to accept the submission[159] and amend the boundaries of ONL 17, as shown in updated digitised mapping (January 2024) except where it increases coverage.

ONL 20

387. One submission point sought adjustments to the boundaries of ONL 20 to reflect the on the ground landscape values at Ross.

388. The s42A Report supported the submission and noted the updated Brown Ltd maps of the Ross area substantially altered the extent of the ONL.

389. The Landscape Report confirmed Ms Gilbert's review of the updated digitised mapping (January 2024) of ONL 20. She considered the general extent and configuration aligned with the landform and/or bush edges to be correct in the vicinity of Ross and no further changes were required. She considered the ONL aligned with the landform and/or bush edges; and the areas of modification (limestone quarry and disused mine) included do not influence the impression of the ONL from Ross or dominate the landscape character of the ONL.

390. The Panel agrees with Ms Easton's recommendation accept the submission and to amend the boundaries of ONL 20, as shown the updated digitised mapping (January 2024) except where it increases coverage and accepts in part the relevant submission[160].

ONL 22

391. Ngāi Tahu sought the removal of specific areas used for plantation forestry from ONL 22.

392. One submission point sought adjustments to the boundaries of ONL 22 to remove paddocks and reflect the bush.

393. In the Addendum to the s42A Report, Ms Easton supported in part submission points of Ngāi Tahu (S620.015) and recommended the ONL mapping be amended to remove plantation forestry areas, with the revised ONL boundary configured to follow a legible landform and/or contiguous bush boundaries, as recommended by Ms Gilbert in her Landscape Report. Ms Easton noted the exception to this is Lot 1 DP 3156 (between Hokitika and Ross) which appears to be in contiguous bush cover.

394. The Landscape Report confirmed Ms Gilbert's review of the updated digitised mapping (January 2024) of ONL 22. In relation to the submission from Ngāi Tahu, Ms Gilbert did not recommended amendments to the updated digitised mapping (January 2024) given Lot 1 3156 (between Hokitika and Ross) appeared to be in contiguous bush cover. She considered the updated mapping to be correct in this location.

395. The Panel agrees with Ms Easton's recommendation accept both submissions[161] and to amend the boundaries of ONL 22, as shown the updated digitised mapping (January 2024) except where it increases coverage.

ONL 25

[159] Te Rūnanga o Ngāi Tahu, Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio S620.158
[160] Lynley Hargreaves S481.022
[161] Te Rūnanga o Ngāi Tahu, Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio S620.158, Chris Boxall S24.001

396. Manawa requested review of the landscape methodology and the accuracy of the boundary of ONL 25 to better follow landform or landcover.

397. Two submission points sought adjustments to the boundaries of ONL 25 to remove the ONL from Lot 2 DP 324352 at Lake Kaniere Road and Lots 1 and 2 DP 55403 at Hans Bay Road.

398. The s42A Report noted there had been significant modification to the mapping around the Blue Bottle Terrace Area and some modifications at Lake Kaniere. It confirmed the updated Brown Ltd maps do not include Lot 2 DP32352.

399. The Landscape Report noted Ms Gilbert had reviewed the updated digitised mapping (January 2024) and confirmed Lot 2 DP 324352 was excluded from the ONL; and that the general extent and configuration of the boundaries around 31 Hans Bay Road is correct – capturing elevated and bush clad land, including on the site. She recommended no changes to the boundaries of ONL 25 shown in updated digitised mapping (January 2024).

400. In relation to the submission from Manawa, Ms Gilbert also considered the updated digitised mapping (January 2024) to be correct but acknowledged this assessment was based on a desktop review, without detailed field work. Ms Gilbert invited Manawa to provide further detail on any refinements to be reviewed in the hearing.

401. Mr Bentley's evidence for Manawa noted the ONL boundary in the updated mapping (January 2024) included aspects of Manawa's McKays and Kaniere power schemes, including the lake, canals and part of the penstocks. He supported the Brown corrections around Kennedy Creek and Ms Gilbert's amendments around the Blue Bottle Terrace area. He considered there should be reference to the existing infrastructure in the in the ONL description.

402. Again, in response, Ms Easton didn't agree it was necessary to detail all the existing modifications in the ONL descriptions.

403. The Panel accepts Ms Easton's recommendation to amend the boundaries of ONL 25, as shown in updated digitised mapping (January 2024) except where it increases coverage and accepts in part the relevant submissions.[162]

ONL 26

404. On submission point from WMS Group sought the removal of Lot 1 DP 3854 from ONL 26 to reflect consent decisions.

405. In the Addendum to the s42A Report, Ms Easton supported in part the submission point of WMS Group (S599.062) and recommended a minor refinement of the ONL 26 boundary to exclude grazing land and plantation forestry areas around the edges of the ONL.

406. The Landscape Report confirmed Ms Gilbert had considered the updated digitised mapping (January 2024) of ONL 26 to be correct in the vicinity of Lake Mahingapua, with minor refinement near Ruatapu Road to exclude grazing land.

407. In Reply, Ms Gilbert recommended minor refinement of the boundaries of ONL 26 to exclude grazing land and plantation forestry areas around the edges of the ONL.

[162] Manawa S438.142, Stuart Marshall and Susan Gooch S433.001, Paul & Barbara Dunn, Helen & Steve Boon, Ian & Lynley Preston, Jane & Mike Rogers S556.002

408. The Panel accepts Ms Easton's recommendation to amend the boundaries of ONL 26, as shown in the updated digitised mapping (January 2024) except where it increases coverage and accepts in part the submission[163].

ONL 27 and 28

409. Manawa requested review of the landscape methodology and the accuracy of the boundary of ONL 27 to better follow landform or landcover.

410. Mr Murray Stewart sought to remove property in the Hohonu area at 746 Taramakau Settlement Road from ONL 27 and ONL 28.

411. Mr Stewart spoke to his submission at the hearing raising concern that the boundaries of ONL 27 and ONL 28 include areas of regenerating indigenous bush and gorse. He was concerned the ONL appeared to be used as a *de facto* SNA and would hinder the development and maintenance of farmland and infrastructure, including the access to rock for river protection works. He requested all private land be excluded from the ONL.

412. The Landscape Report by Ms Gilbert had noted that no ONL overlay applied to Mr Stewart's property. She recommended no change to the updated digitised mapping (January 2024). The Panel noted however that Mr Stewart presentation at the hearing had referred to land on the southern side of State Highway 73 which we noted was in Mr Stewart's ownership and was impacted by ONL 27. He also owned land impact by ONL 28 above the Taramakau Settlement Road.

413. As a result of the Panel's Minute 21, Ms Gilbert's 4 April 2025 response indicated that the mapping of ONL 27 has been amended to exclude the small-scale quarries on the edge of the area located on southern side of SH73. She confirmed that no other changes are recommended to the mapping of ONL 27 in this location as it would appear from the aerial photography of the area that any river protection works are of a scale that they do not form a dominant or prominent element that shapes landscape values. She also noted that the Schedule 5 Preamble recommended by Ms Easton, acknowledges that the Schedules do not address modifications, such as infrastructure, and that such existing modifications are of a scale, character and/or location that the area still qualifies as outstanding.

414. The Landscape Report confirmed Ms Gilbert's review the notified mapping of ONL 27 and ONL 28. She considered the updated digitised mapping (January 2024) to be correct but acknowledged this assessment was based on a desktop review, without detailed field work. Ms Gilbert invited Manawa to provide further detail on any refinements to be reviewed in the hearing. However, no further detail was provided after the hearing.

415. Mr Bentley's evidence for Manawa noted the ONL boundary in the updated mapping had shifted to include the Taramakau River; and to remove part of the Kapitia Reservoir. He supported these amendments but considered further refinement was necessary to the north of the reservoir. He considered there should be reference to the Manawa's existing infrastructure (Dillman, Duffers and Kumara Power Scheme) in the in the ONL description.

416. The Panel notes that the boundary of ONL 27 has been principally reduced from the notified version in the areas of concern to Manawa and Mr Stewart. However, there has been an increase in extent to include the Taramakau River, as noted by Mr Bentley. This increase, while principally incorporating Crown land in the form of the riverbed, includes some additional

[163] WMS Group (HQ) Limited and WMS Land Co. Limited S599.062

private property, and in line with our previous expressed concerns in this regard, we do not recommend this extension of the ONL boundary.

417. The Panel recommends that the boundaries of ONL 27 and ONL 28 are amended only where they reduce the notified boundaries and accepts in part the relevant submissions.[164]

ONL 29

418. Mitchells 2021 Ltd sought to remove their proposed subdivision area from ONL 29.

419. Mr Paul Lynch presented a statement at the hearing on behalf of Mitchells 2021 Ltd (dated 23 February 2024) in relation to the boundaries of ONL 29 and its request to exclude areas it intends to subdivide. He noted ONL 29 was now larger than notified and affected the lower-lying proposed subdivision area. He estimated an additional 21ha were now included in the ONL boundaries. He considered the ONL boundary should follow the toe of the mountain range behind, removing 34ha from the ONL (as shown in his Appendix 1).

420. Mr David Ellerm sought to amend the ONL 29 boundary at Iveagh Bay.

421. Russell Robinson sought to amend the ONL 29 boundary at Moana to more accurately reflect the forest vegetation associated with the reserve and Arnold River environment.

422. In the Addendum to the s42A Report, Ms Easton supported in part the submission point of Russell Robinson (S515.002) and recommended the ONL mapping be amended to exclude grazing land, as recommended by Ms Gilbert in her Landscape Report.

423. The Landscape Report confirmed Ms Gilbert's review of the updated digitised mapping (January 2024) of ONL 29. She considered the general extent and configuration to be correct, as it aligned with the landform and/or bush edges. She recommended no change to the updated digitised mapping (January 2024).

424. In relation to Mitchells 2021 Ltd submission, Ms Gilbert noted that her assessment had appropriately taken into account the existing environment 'as it is' and not as it may be as a result of future development that may or may not occur. She recommended no change to the updated digitised mapping (January 2024). Further, as a result of the Panel's Minute 21, Ms Gilbert's 4 April 2025 response indicated that no change to the mapping of ONL 29 near Mitchells is supported from a landscape perspective.

425. In relation to Mr Ellerm's submission, Ms Gilbert considered the updated digitised mapping (January 2024) to be correct in the vicinity of Iveagh Bay.

426. In Reply, Ms Gilbert confirmed that she recommended no changes to the updated digitised mapping (January 2024) of ONL 29, other than minor refinement of the boundaries to exclude grazing land in the vicinity of the reserve and Arnold River area.

427. The Panel accepts Ms Easton's recommendation to amend the boundaries of ONL 29, as shown in the Addendum to the s42A Report except where it increases coverage and accepts in part the relevant submissions.[165]

ONL 31

[164] Manawa S438.142, Murray Stewart S217.003
[165] Mitchells 2021 Limited S448.003, David Ellerm S581.028, Russell Robinson S515.002

428. Thirteen submission points sought adjustment to the boundaries of ONL 31 to remove private properties to the boundary with the Rapahoe Scenic Range Reserve.

429. The Addendum to the s42A Report noted the Landscape Report advised that the updated digitised mapping (January 2024) of ONL 31 had amended the notified mapping. The Landscape Report recommended minor refinement to exclude the patterning of dwellings throughout the lower slopes across the western side of the Rapahoe Range and include the elevated and contiguous bush area that sits above the dwellings. On this basis, Ms Easton supported in part submission points of Claire & John West (S506.001 and S506.023), Lauren Nyhan Anthony Phillips (S533.001, S533.023), Russell and Joanne Smith (S477.001, S477.023), Tim Macfarlane (S482.001, S482.023, S482.023), Stewart & Catherine Nimmo (S559.001, S559.023), Tim and Phaedra Robins (S579.001, S579.004) and Joel and Jennifer Watkins (S565.002).

430. In Reply, having heard the evidence in support of submissions, Ms Gilbert confirmed her recommended minor refinements of the ONL 31 mapping, as addressed in her Landscape Report. She indicated in response to the Panel's Minute 21 that ONL 31 had been amended to remove large scale production forestry areas.

431. The Panel is satisfied that the areas of contiguous indigenous vegetation above the dwellings in the Port Elizabeth Heights subdivision meets the criteria to be included within ONL 31. The Panel accepts that this may differ from the boundary of the Rapahoe Scenic Reserve.

432. The Panel agrees with Ms Easton's recommendation to accept the submissions[166] in part and amend the boundaries of ONL 31, as shown in updated digitised mapping (January 2024) except where it increases coverage.

ONL 32

433. Ngāi Tahu sought the removal of specific areas used for plantation forestry from ONL 32.

434. In the Addendum to the s42A Report, Ms Easton supported in part submission points of Ngāi Tahu (S620.158) and recommended the ONL mapping be amended to remove plantation forestry areas, with the revised ONL boundary configured to follow a legible landform and/or contiguous bush boundaries, as recommended by Ms Gilbert in her Landscape Report.

435. In Reply, Ms Gilbert recommended further minor refinement of the boundaries of ONL 32 to exclude substantial areas of pine plantation.

436. The Panel agrees with Ms Easton's recommendation to accept the submission in part[167] and amend the boundaries of ONL 32, as shown in updated digitised mapping (January 2024) except where it increases coverage.

ONL 33

437. Ngāi Tahu sought the removal of specific areas used for plantation forestry from ONL 33.

438. In the Addendum to the s42A Report, Ms Easton supported in part submission points of Ngāi Tahu (S620.158) and recommended the ONL mapping be amended to remove plantation

[166] Claire & John West S506.001 & S506.023, Lauren Nyhan Anthony Phillips S533.001 & S533.023, Russell and Joanne Smith S477.001 & S477.023, Tim Macfarlane S482.001 & S482.023, Stewart & Catherine Nimmo S559.001 & S559.023, Tim and Phaedra Robins S579.001 & S579.004, Joel and Jennifer Watkins S565.002

[167] Te Rūnanga o Ngāi Tahu, Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio S620.158

forestry areas, with the revised ONL boundary configured to follow a legible landform and/or contiguous bush boundaries, as recommended by Ms Gilbert in her Landscape Report.

439. The Panel agrees with Ms Easton's recommendation to accept the submission in part[168] and amend the boundaries of ONL 33, as shown in updated digitised mapping (January 2024) except where it increases coverage.

ONL 41

440. New Zealand Carbon Coal & Carbon Limited sought adjustments to the boundary of ONL 41 to exclude mining areas.

441. The Landscape Report confirmed Ms Gilbert's review of the updated digitised mapping (January 2024) of ONL 41. She considered the general extent and configuration aligned with the landform and/or bush edges was correct in the vicinity of the Paparoa Coalfield and no changes were required to excluded active mining areas.

442. As a result of the Panel's Minute 21, Ms Gilbert's 4 April 2025 response indicated that the overlap of ONL 41 with the Buller Coalfield Zone is supported from a landscape perspective, as there is nothing in the overlap area that sets it apart from the balance of the ONL.

443. The Panel agrees with Ms Easton's recommendation to accept the submission in part[169] and amend the boundaries of ONL 41, as shown in updated digitised mapping (January 2024) except where it increases coverage.

ONL 43 and ONL 49

444. Terra Firma Mining Limited sought adjustments to ONL 43 and ONL 49 to remove the green line or clarify what feature it indicates.

445. The s42A Report noted that the green lines indicated the boundaries between landscape units. It accepted the submission and considered an amendment to the map key was necessary to clarify this.

446. The Panel agrees with Ms Easton's recommendation to accept the submission[170] and amend the map key to identify the boundary line between landscape units.

ONL 44

447. Seven submission points sought adjustments to the ONL 44 boundaries to remove parts of properties, correct inaccuracies, revisit the north boundary and extend the ONL, and retain the Te Miko area within the ONL.

448. The tabled statement by Mr Dean van Mierlo (dated 18 March 2024) addressed his submission point requesting the amendment of the boundaries for ONL 44 to remove the eastern/upper part of Lot 2 DP 307444, Blk V Brighton SD. Mr van Mierlo noted the Addendum to the s42A Report appeared to recommend a substantially larger ONL area than was originally notified and considered there was no scope for this movement of the ONL boundary through the submission of the TTPP Committee.

[168] Te Rūnanga o Ngāi Tahu, Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio S620.158
[169] New Zealand Coal & Carbon Limited S472.003
[170] Terra Firma Mining Limited S537.033

449. Mr Neil Mouat spoke to his submission at the hearing emphasising the extremely limited land available for development at Punakaiki given the multiple Plan overlays and physical constraints. He highlighted the need for a development strategy to ensure areas are available for development to support and complement the existing tourist infrastructure.

450. In the Addendum to the s42A Report, Ms Easton supported in part the submission point of Mr John Baltrop (S572.001) and recommended the ONL mapping be amended to remove a stand of pine trees on the submitter's land. She noted the general extent and configuration of ONL 44 in the vicinity of Pahautane, including on the submitter's land, is correct, as recommended by Ms Gilbert in her Landscape Report.

451. The Landscape Report confirmed Ms Gilbert's review of the updated digitised mapping (January 2024) of ONL 44 and her field work in the area. She considered the general extent and configuration to be correct as it aligned with the landform and/or bush edges. She noted that the mapping excluded parts of the local area where dwellings and other modification are a dominant landscape element.

452. In relation to Mr van Mierlo's submission (S570.004), Ms Gilbert noted that the ONL appropriately included the elevated and contiguous bush clad land on his property. She recommended no changes to the updated mapping were required.

453. In relation to 'Mr Baltrop and others' submissions, Ms Gilbert noted the updated digitised mapping (January 2024) had been amended to exclude the stand of pine trees on the submitter's land. She recommended no changes to the updated mapping were required.

454. In relation to Ms Jenkin's submission (S575.001), Ms Gilbert noted that the ONL appropriately included the elevated and contiguous bush clad land on her property. She recommended no changes to the updated mapping were required.

455. In relation to Mr Mouat (S535.081), Ms Gilbert considered the ONL appropriately included the elevated and contiguous bush areas on his property. She recommended no changes to the updated mapping were required.

456. As a result of the Panel's Minute 21, Ms Gilbert's 4 April 2025 response indicated that the mapping of ONL 44, 45 and 46 had been reduced (and extended in places), in the vicinity of Fox River, near Pahautane in the October 2024 mapping version, so that it better aligns with the extent of mature contiguous bush cover.

457. The Panel accepts the recommendations of Ms Gilbert and agrees with Ms Easton's recommendation to amend the boundaries of ONL 44, as shown in updated digitised mapping (January 2024) except where it increases coverage. As a result, the various submissions are accepted in part[171].

ONL 45 and ONL 46

458. One submission sought to not schedule land within the Punakaiki Village.

[171] Neil Mouat S535.081, Suzanne Hills S443.030, Amanda Jenkins S575.001, Dean Van Mierlo S570.004, Teresa Wyndham-Smith S312.009, Fiona McDonald S561.001, Jon Barltrop S572.001

459. The Landscape Report confirmed Ms Gilbert's review of the updated digitised mapping (January 2024) of ONL 46. She considered the general extent and configuration aligned with the landform and/or bush edges to be correct and no changes were required.

460. The Panel agrees with Ms Easton's recommendation to accept the submission[172] given the settlement area at Punakaiki is not included in any ONL.

ONL 54

461. The WCRC sought the removal of a small area (Section 27, Block XV, Oparara SD) of private land within the MINZ on the western boundary of ONL 54. WCRC are concerned the ONL may make it difficult in the future to undertake quarry activities as part of the MINZ for the WCRC's hazard mitigation activities. In its tabled statement, the WCRC noted the area contained suitable lag deposit (quarry rock) from an old debris slip but advised that the landowner had recently confirmed they were happy for the ONL to remain over the south-east corner of their property. The WCRC advised it intends to 'relodge a Notice of Requirement' seeking those designations for its assets, including quarries, be added to the pTTPP.

462. The WCRC also raised concerns with Rule MINZ-R2 and Rule ECO-R1 in relation to operating a quarry in the MINZ, however, this is addressed in the Mineral Extraction and Ecosystems and Indigenous Biodiversity Recommendation Reports.

463. The s42A Report noted the updated ONL showed the area within the ONL.

464. The Landscape Report confirmed Ms Gilbert's review of the updated digitised mapping (January 2024) of ONL 54. She considered the general extent and configuration to be correct in the vicinity Section 27, Block XV, Oparara SD and aligned with the landform and/or bush edges. No changes were recommended to the updated mapping (January 2024). She reconfirmed that position again in her response to the Panel's Minute 21, noting there was nothing in the overlap that sets it apart from the balance of the ONL.

465. The Panel accepts the recommendations of Ms Gilbert and agrees with Ms Easton's recommendation to amend the boundaries of ONL 54, as shown in updated digitised mapping (January 2024) except where it increases coverage and accepts in part the submissions[173] give there is some reduction in the ONL.



Dean Chrystal
Hearings Panel – Chair



Anton Becker
Hearings Panel Member

[172] Jane Whyte & Jeff Page S467.032, S467.033
[173] West Coast Regional Council S488.007



Sharon McGarry

Hearings Panel Member



Maria Bartlett

Hearings Panel Member



Paul Rogers

Hearings Panel Member

Date: 8 September 2025

APPENDIX 1 - RECOMMENDATIONS

Definitions

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

Landscape and Natural Features Chapter

Overview

The Natural Features and Landscapes chapter contains provisions that relate to the Outstanding Natural Features and Outstanding Natural Landscapes which are identified as overlays on the Planning Maps and described in Schedule Five and Schedule Six. The identification of these areas is in response to section 6(b) of the RMA, which requires outstanding natural features and landscapes to be protected from inappropriate subdivision, use and development.

The Outstanding Natural Features and Outstanding Natural Landscapes identification applies to areas which have been assessed and identified as having high levels of scientific, biophysical, sensory or associative landscape values, which makes them outstanding. In almost all instances these areas are also bush covered and provide habitat for native fauna. These areas may also include ~~critical~~ **regionally significant** infrastructure, renewable electricity generation activities, and other elements of the built environment and have varying degrees of modification. **Given the topography and extent of outstanding natural features and landscapes on the West Coast, practical management solutions are required to ensure maintenance and enhancement of the supply of renewable energy to, and between, communities for the benefit of those communities and the wider environment from the use and development of renewable energy.**

The process supporting the identification of the Outstanding Natural Landscape overlay and the associated values is described in the West Coast Landscape and Natural Character Reports produced in 2013, 2021 and 2022.

The West Coast/Te Tai o Poutini Outstanding Natural Landscapes are identified in Schedule Five and Outstanding Natural Features are identified in Schedule Six

The rules in this chapter relate to earthworks, buildings, structures, plantation forestry and Māori Purpose Activities in Outstanding Natural Landscapes and Outstanding Natural Features. Where Outstanding Natural Landscapes and Outstanding Natural Features are located in the Coastal Environment, the Objectives, Policies and Rules of the Coastal Environment Chapter apply.

Outstanding natural landscapes (ONL) have been identified as having the following values:

- **Biophysical values – including the landforms, vegetation type, presence of waterbodies and the sea, evidence of natural processes and land uses within the landscape**
- **Perceptual/ Aesthetic values – including composition and structure, vividness, expressiveness and legibility, dynamic and transient values, the presence of landmarks and key views, coherence, and unity**
- **Associative values – naturalness and endemic value (distinctive NZ/West Coast sense of place), including Poutini Ngāi Tahu values and associations, and historical/ heritage associations.**

Plantation Forestry

Plantation forestry is principally regulated by the Resource Management (National Environmental Standard for **Commercial**~~Plantation~~ Forestry) **Amendment** Regulations **2017** (NES-**C**~~P~~F). However the NES -**C**~~P~~F allows that district plans can be more stringent to protect ONLs, and ONFs and their values. Where provisions within this chapter over-rule the requirements of the NES - **C**~~P~~F an advice note to that effect is included within the Rule.

Other relevant Te Tai o Poutini Plan provisions

It is important to note that in addition to the zone chapters, a number of Part 2: District-wide Matters chapters also contain provisions that may be relevant for certain activities within outstanding natural features and landscapes, including:

- **Ecosystems and Indigenous Biodiversity** – the Ecosystems and Indigenous Biodiversity contains objectives, policies and rules relating to native vegetation clearance including that within outstanding natural features and landscapes.
- **Natural Character and Activities Adjacent to Waterbodies –** the Natural Character and Margins of Waterbodies **Chapter** contains the objectives, policies and rules relating to activities adjacent to waterbodies.
- **Coastal Environment –** the Coastal Environment Chapter contains the objectives, policies and rules for activities within the coastal environment overlay - including buildings and structures and earthworks
- **Activities on the Surface of Water** - objectives, policies and rules for activities undertaken on the surface of a lake or river (including jetties, pontoons, fish farms and boating activities), are found in the Activities on the Surface of Water Chapter.
- **Energy, Infrastructure and Transport Chapters – objectives policies and rules.**
- **Strategic Objectives – The Strategic Objectives are particularly relevant when assessing matters under the Natural Features and Landscape Chapter. The Natural Environment, Poutini Ngāi Tahu, Tourism, Mineral Extraction, and Climate Change and Resilience Strategic Objectives are particularly relevant.**

NFL – O1 ~~To protect~~ T~~t~~he values of outstanding natural landscapes and outstanding natural features on the West Coast/Te Tai o Poutini **are protected from inappropriate subdivision, use and development.** ~~while providing for subdivision, use and development where the values that make the landscape or feature outstanding can be maintained or enhanced~~.

NFL- P1

To identify Outstanding Natural Landscapes on the West Coast/Te Tai o Poutini by:

a. Assessing the values and characteristics of the landscapes according to the following factors:

i. Physical characteristics and values;

ii. Perceptual characteristics and values;

iii. Associative characteristics and values

b. Including these on the planning maps as Outstanding Natural Landscapes; and

c. Describing the characteristics and values of each Outstanding Natural Landscape within Schedule Five.

NFL – P2

Provide for activities within outstanding natural landscapes described in Schedule Five and outstanding natural features described in Schedule Six where they ~~do not adversely affect~~ **maintain** the values that contribute to a natural feature or landscape being outstanding and are for:

a. Existing land uses and lawfully established activities including ~~existing~~ **residential activities, regionally significant infrastructure,** network utilities, ~~energy~~ **renewable electricity generation** activities, **mineral extraction**, agricultural, horticultural and pastoral activities;

b. Conservation activities;

c. Recreational activities;

d. **Maintenance and repair of existing lawfully established** ~~N~~**n**atural hazard mitigation ~~activities~~ **structures**;

e. Upgrading of existing lawfully established natural hazard mitigation structures where this is undertaken by a statutory agency or authorised contractor acting on its behalf;

~~e.~~**f.** Operation, maintenance and upgrade of **existing lawfully established** renewable electricity generation facilities;

~~f.~~**g.** Operation, maintenance and upgrade of **existing lawfully established** network infrastructure **and regionally significant infrastructure**;

~~g.~~**h.** ~~Upgrading and/or n~~ **N**ew ~~infrastructure and~~ renewable electricity generation **activities** ~~facilities~~ where there is a functional need ~~for it~~ to be located in these areas;

~~h.~~**i.** Poutini Ngāi Tahu ~~uses~~ **activities**; ~~or~~

~~i.~~**j.** The alteration, maintenance or removal of existing **lawfully established** buildings or structures; **and**

k. Use and development of Māori land.

NLF – P3

~~Where possible a~~ **A**void ~~significant~~ adverse effects on the values that contribute to outstanding natural landscapes described in Schedule Five and outstanding natural features described in Schedule Six. Where ~~significant~~ adverse effects cannot be avoided, ensure that the adverse effects are remedied~~,~~ **and** mitigated ~~or offset~~ **to be no more than minor**.

NFL – P4

Recognise that there are settlements, farms, **land uses,** and infrastructure **and activities** located within outstanding natural landscapes or outstanding natural features ~~and~~ **by** provide~~**ing**~~ for new activities and **allowing** existing uses in these areas where the values that

contribute to the outstanding natural landscape or feature are **maintained** ~~not adversely affected~~.

NFL – P5

Require that new buildings, and structures within outstanding natural features or landscapes ~~minimise~~ **avoid, remedy or mitigate** any adverse visual effects **including** by**:**

a. Ensuring the scale, design and materials of the building and/or structure are appropriate in the location;

b. Using naturally occurring building platforms, materials and colour that blends into the landscape;

c. Minimising landform modification from earthworks; ~~and~~

~~c.~~**d.** ~~Limiting~~ **Minimising** the prominence or visibility of buildings and structures including by integrating it into the outstanding natural feature or landscape; **and**

e. Landscaping buildings and structures with appropriate vegetation to reduce visual effects.

NFL – P6

~~Minimise adverse effects on outstanding natural landscapes and outstanding natural features by considering the following matters when assessing proposals for land use or subdivision:~~

When assessing whether a proposal for land use or subdivision is appropriate, consider following matters:

a. The **nature,** scale **and extent** of modification to the landscape **or feature**;

b. Whether the proposal is located within a part of the outstanding natural feature or outstanding natural landscape that has capacity to absorb change;

c. Whether the proposal can be visually integrated into the landscape and whether it would break the skyline or ridgelines;

d. The temporary, **short term** or permanent nature of any adverse effects;

e. The functional, technical, operational or locational need of any activity to be sited in the particular location, **including an assessment of alternative sites**;

f. Any historical, spiritual or cultural association held by Poutini Ngāi Tahu;

g. Any positive effects the development has on the identified characteristics and qualities;

h. Any positive effects at a national, regional and local level;

i. Any relevant public safety considerations; ~~and~~

j. The measures proposed to mitigate the effects on the values and characteristics;

~~i. The location, design and scale of any buildings or structures, or earthworks;~~

~~ii. The intensity of any activity; and~~

~~iii. The finish of any buildings or structures, including materials, reflectivity and colour; and landscaping and fencing;~~

k. The management of effects on natural character, amenity, recreation, historical and biodiversity values; and

l. Any effects on values of Māori land.

NFL – P7

Enable the use of Māori Purpose Zoned land in outstanding natural landscapes and on outstanding natural features where land use and subdivision **are** ~~is~~ consistent with tikanga and mātauranga Māori ~~and minimises adverse effects on the outstanding values of the landscape or feature~~ **as outlined within an Iwi/Papatipu Rūnanga Management Plan.**

NFL – P8

Consider the incorporation of mātauranga Māori principles into the design, development and/or operation of activities in outstanding natural features and landscapes with cultural, spiritual and/or historic values, interests or associations of importance to Poutini Ngāi Tahu and opportunities for Poutini Ngāi Tahu and to exercise their customary responsibilities as mana whenua and kaitiaki in respect of the feature or landscape.

~~Also where relevant refer to policies in the Energy, Infrastructure and Transport Chapters.~~

Natural Feature and Landscapes Rules

Note: There may be a number of Plan provisions that apply to an activity, building, structure and site. In some cases, consent may be required under rules in this Chapter as well as rules in other Chapters in the Plan. In those cases, unless otherwise specifically stated in a rule, consent is required under each of those identified rules. Details of the steps Plan users should take to determine the status of an activity are provided in General Approach.

Permitted Activities

NFL -R1	**Maintenance, operation and repair of lawfully established buildings, structures, network utilities, renewable electricity generation activities, fence lines, drains, roads, ~~railway, critical~~ regionally significant infrastructure and tracks within an Outstanding Natural Landscape described in Schedule Five or Outstanding Natural Feature described in Schedule Siz**

Activity Status Permitted

Advice Note:

1. Any indigenous vegetation clearance associated with maintenance and repair is subject to the provisions in the Ecosystems and Biodiversity Chapter

2. Where activities are located in the Coastal Environment, the provisions in the Coastal Environment Chapter apply.
3. Where activities are located in a Historic Heritage,Notable Tree or Sites and Areas of Significance to Māori Overlay Chapter area, these provisions apply.

Activity Status where compliance not achieved: Refer to other relevant Overlay Chapter where these activities occur in multiple overlays.

NFL -R2	**Conservation Activities within an Outstanding Natural Landscape described in Schedule Five or Outstanding Natural Feature described in Schedule Six**

Activity Status Permitted

Advice Note:

Any indigenous vegetation clearance associated with Conservation Activities is subject to the provisions in the Ecosystems and Biodiversity

Activity Status where compliance not achieved: N/A

NFL– R3	**Repair, maintenance and upgrading of** ~~N~~**natural hazard mitigation structures**~~**activities**~~ **including earthworks in an Outstanding Natural Landscape described in** Schedule Five

Activity Status Permitted

Where:

1. The natural hazard mitigation **structure has been lawfully established**~~activities are to protect critical infrastructure~~;
2. ~~The~~ **Any upgrading of** natural hazard mitigation ~~activities~~ **structures** are undertaken by a statutory agency or ~~their nominated~~ **authorised** contractor **acting on its behalf, where there is no change to more than 10% to the overall dimensions, orientation or outline of the structures as of 14 July 2022**; and
3. The work does not involve modification of an Outstanding Natural Feature described in Schedule Six.

Advice Notes:

1. Any indigenous vegetation clearance associated with natural hazard mitigation ~~activities~~ **structure** is subject to the provisions in the Ecosystems and Biodiversity Chapter
2. For any natural hazard mitigation ~~activity~~ **structure** within Outstanding Natural Landscapes in the coastal environment, refer to the Coastal Environment Chapter.
3. Where activities are located in a Historic Heritage, Notable Tree or Sites and Areas of Significance to Māori Overlay Chapter area, these provisions apply.

Activity Status where compliance not achieved: Controlled

NFL – R4	**Demolition and Removal of a Structure within an Outstanding Natural Landscape described in Schedule Five or Outstanding Natural Feature described in Schedule Six**

Activity Status Permitted

Advice Note: Where structures are identified as Historic Heritage Items in Schedule One, then the Historic Heritage Rules apply.

Activity Status where compliance not achieved: N/A

NFL -R5	**Additions or alterations to buildings and structures, including minor upgrades to ~~Energy~~ Renewable Electricity Generation Activities and Network Utility Infrastructure within an Outstanding Natural Landscape described in Schedule Five or Outstanding Natural Feature described in Schedule Six**

Activity Status Permitted

Where:

1. **This is minor upgrade of infrastructure undertaken by a Network Utility Operator or Renewable Electricity Generation Activity; or**
2. For all other activities:

a. The maximum height of **any addition or alteration** ~~buildings and structures~~ **is 5m** above ground level ~~is 5m~~**; and**

b. The maximum area of any addition is no greater than 50m^2, or 10% of the total floor area, whichever is the greater.

Advice Notes:

~~1.~~ Where activities are located in the Coastal Environment, the provisions in the Coastal Environment Chapter apply **and this rule does not apply**.

Activity Status where compliance not achieved: Restricted Discretionary

NFL – R6	**Earthworks within an Outstanding Natural Landscape described in Schedule Five or Outstanding Natural Feature described in Schedule Six**

Activity Status Permitted

Where:

1. All performance standards for Earthworks Rule EW - R1 are complied with; and
2. This is ancillary to:

a. An infrastructure activity undertaken by a network utility operator ~~in accordance with the Permitted Activity standards in Infrastructure Rule INF - R7; or~~

b. ~~An energy activity undertaken by a network work utility operator in accordance with the Permitted Activity standards in Energy Rule ENG – R4;~~ **Additions or alterations to a building or structure, including minor upgrades of renewable electricity generation and network utility infrastructure provided for in Rule NFL – R5.**

3. For other earthworks, the following standards are complied with:

a. The cut height or fill depth does not exceed one metre vertically; **and**

b. No more than 500m^3 of earthworks are undertaken~~/~~ **per** 12 month period~~/~~ **per** site **or per 4 hectares, whichever is the greater.**~~; and~~

c. ~~The earthworks are undertaken outside of the Coastal Environment.~~ **Advice Notes:**

~~4. Earthworks associated with natural hazard mitigation activities are subject to Rule NFL - R3.~~

~~5.~~ **1.** This rule also applies to plantation forestry activities, where this provision is more stringent than the NES - **C**~~P~~F.

~~6.~~ **2.** Where activities are located in the Coastal Environment, the provisions **are located** in the Coastal Environment Chapter apply **and this rule does not apply**.

Activity Status where compliance not achieved: ~~Controlled~~**Restricted Discretionary**

Refer to relevant Coastal Environment Rules for Earthworks in the Outstanding Coastal Environment.

NFL – R7	**Poutini Ngāi Tahu Activities or Māori Purpose Activities within an Outstanding Natural Landscape described in Schedule Five or Outstanding Natural Feature described in Schedule Six**

Activity Status Permitted

Where:

1. These are:

a. Poutini Ngāi Tahu activities, including cultural harvest of vegetation, mahinga kai, Pounamu, Aotea stone or rock; or

b. Māori Purpose Activities in the Māori Purpose Zone undertaken in accordance with an Iwi/Papatipu Rūnanga Management Plan; and

2. All Permitted Activity standards in Rule EW - R1 are complied with.

Activity Status where compliance not achieved: Restricted Discretionary

NFL – R8	**Erection of a building or structure not otherwise provided for as a Permitted Activity within an Outstanding Natural Landscape described in Schedule Five**

Activity Status Permitted

Where the structure is:

1. A fence; or

2. Associated with ~~stock~~ water reticulation including tanks, pipes and water troughs; or

3. For parks facilities or parks furniture in any Open Space Zone; or

4. For a network utility (including customer connections) in accordance with the Permitted Activity standards for Infrastructure in Rule INF - R7 **and for energy network utilities Rule ENG-R4, underground lines or small network utility structures not exceeding 3m in height and 5m^2 in area**; or

5. For a **single** small-scale renewable electricity generation activity **per allotment, where:** ~~with a maximum height above ground level of 5m~~

a. **The maximum height is 5m above ground level; and**

b. The gross floor area of any building does not exceed 100m^2; or

6. For agricultural, pastoral and horticultural activities and **mahinga kai activities** or any accessory building where:

a. The maximum height is 3m above ground level; and

b. The gross floor area of any building does not exceed 100m^2**; o**r

7. **A bridge constructed as part of a Temporary Training Activity.**

Advice Note:

1. Where buildings and structures are located in the Coastal Environment, the provisions located in the Coastal Environment Chapter apply and this rule does not apply.

Activity status where compliance not achieved: Restricted Discretionary

Controlled Activities

NFL – R9	**Natural Hazard Mitigation ~~Activities~~ Structures in an Outstanding Natural Landscape described in Schedue Five or Outstanding Natural Feature in Schedule Six, including Earthworks not meeting Rule NFL - R3**

Activity Status ~~Controlled~~ Restricted Discretionary

Where:

~~1. These are to protect Critical Infrastructure; and~~

2. ~~These will not destroy~~**A**any **Outstanding Natural Landscape identified in Schedule Five or** Outstanding Natural Feature identified in Schedule Six **and** ~~or~~ the values which make it Outstanding **are protected**.

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

a. Any requirements for landscape evaluation;

b. Managing adverse effects on historical, cultural and biodiversity values;

c. Amenity and visual effects;

d. Managing effects on public access and natural character;

e. Effects on the values that make the feature Outstanding;

f. Identifying and avoiding adverse effects on Poutini Ngāi Tahu values;

g. Extent and design of earthworks; and

h. **Measures to mitigate** ~~L~~landscape ~~measures~~ **effects**.

Notification: Applications which will substantially modify an Outstanding Natural Feature will be notified to the Geosciences Society and may be publicly notified.

Activity status where compliance not achieved: Discretionary

NFL – R10	**Earthworks within an Outstanding Natural Landscape described in Schedule Five or Outstanding Natural Feature described in Schedule Six not meeting Rule NFL - R6**

Activity Status ~~Controlled~~ Restricted Discretionary

Where:

1. These are for:

a. Walking/cycling tracks; **or**

b. Roads, farm tracks or fences; **or**

c. Installation of network utility infrastructure; or

d. Installation, **upgrade, maintenance, operation and repair** of a renewable electricity generation ~~facility~~ **activity**; ~~or~~

e. Establishment of a building platform and access to a building site in an approved subdivision or for a residential building where there is no existing residential building on the property; **or**

f. Protection of ~~critical~~ **regionally significant** infrastructure from natural hazards~~;~~**.** ~~and~~

~~2. Earthworks are the minimum required to undertake the activity.~~

Discretion is restricted to:

a. Any requirements for landscape evaluation;

b. Managing adverse effects on historical, cultural, and biodiversity values;

c. Amenity and visual effects;

d. Managing effects on public access and natural character;

e. Effects on the values that make the feature Outstanding;

f. Identifying and avoiding adverse effects on Poutini Ngāi Tahu values;

g. Extent and design of earthworks; and

h. **Mitigation measures for** ~~L~~landscape **effects** ~~measures~~.

Advice Note:

1. **Within the Coastal Environment,** ~~For~~ **Rule NFL-R10** **E**~~e~~arthworks within Outstanding Natural Features and Landscapes **does not apply.** ~~in the Coastal Environment~~ **R**~~r~~efer to the Coastal Environment Rules.

2. This rule also applies to plantation forestry activities, where this provision is more stringent than the NES - ~~P~~**C**F.

Activity status where compliance not achieved: Discretionary

Restricted Discretionary Activities

NFL – R10A	**Mineral Extraction in the Buller Coalfield Zone and Mineral Extraction Zone within an Outstanding Natural Landscape described in Schedule Five.**

Activity Status Restricted Discretionary

Where:

1. **These are on land within the Buller Coalfield Zone or a Mineral Extraction Zone; and**
2. **This includes earthworks and buildings associated with the activity.**

Discretion is restricted to:

a. **Any requirements for landscape evaluation;**
b. **Managing adverse effects on historical, cultural, and biodiversity values;**
c. **Amenity and visual effects;**
d. **Managing effects on public access and natural character;**
e. **Effects on the values that make the feature or landscape Outstanding;**
f. **Identifying and avoiding adverse effects on Poutini Ngāi Tahu values;**
g. **Extent and design of earthworks; and**
h. **Mitigation measures for landscape effects.**

Activity status where compliance not achieved: Discretionary

NFL – R11	**Poutini Ngāi Tahu Activities or Māori Purpose Activities within an Outstanding Natural Landscape described in Schedule Five or Outstanding Natural Feature described in Schedule Six not meeting Rule NFL - R7**

Activity Status Restricted Discretionary

Where:

1. These are on land within a Māori Purpose Zone; and
2. This includes earthworks and buildings associated with the activity.

Discretion is restricted to:

a. Any requirements for landscape evaluation;

b. Managing adverse effects on historical, cultural, and biodiversity values;

c. Amenity and visual effects;

d. Managing effects on public access and natural character;

e. Effects on the values that make the feature Outstanding;

f. Identifying and avoiding adverse effects on Poutini Ngāi Tahu values;

g. Extent and design of earthworks; and

h. **Mitigation measures for** ~~L~~landscape **effects** ~~measures~~.

Activity status where compliance not achieved: Discretionary

NFL – R12	**Buildings or Structures and associated Earthworks within an Outstanding Natural Landscape described in Schedule Five or Outstanding Natural Feature described in Schedule Six not meeting Permitted Activity rules.**

Activity Status Restricted Discretionary

Where:

1. This is an addition to an existing building or a building accessory to an existing building; or
2. The building is identified on an approved subdivision plan for the site or for a residential building where there is no existing residential building on the property; or
3. This is required for:

a. A network utility;

b. A renewable electricity generation activity;

c. An agricultural pastoral or horticultural activity;

d. A conservation activity; or

e. A recreational activity in an Open Space Zone.

Discretion is restricted to:

a. Any requirements for landscape evaluation;

b. Managing adverse effects on historical, cultural, and biodiversity values;

c. Amenity and visual effects;

d. Managing effects on public access and natural character;

e. Effects on the values that make the feature Outstanding;

f. Identifying and avoiding adverse effects on Poutini Ngāi Tahu values;

g. Extent and design of earthworks; ~~and~~

h. **Mitigation measures for** ~~L~~**l**andscape **effects** ~~measures~~;

i. Any functional or operational needs that relate to the proposal and its location; and

j. Any matters of public safety.[174]

Activity status where compliance not achieved: Discretionary

Discretionary Activities

NFL – R13	**Afforestation with Plantation Forestry within an Outstanding Natural Landscape or Outstanding Natural Feature**

Activity Status ~~Discretionary~~Non-complying

[174] Manawa Energy Limited S438.100

Activity status where compliance not achieved: N/A

NFL – R14	**Buildings and Structures within Outstanding Natural Landscapes and Outstanding Natural Features not meeting Permitted, ~~Controlled~~ or Restricted Discretionary rules**

Activity Status Discretionary

Activity status where compliance not achieved: N/A

NFL – R15	**Earthworks, Mineral Extraction and Natural Hazard Mitigation Activities within Outstanding Natural Landscapes and Outstanding Natural Features not meeting Permitted or Restricted Discretionary Rules**

Activity Status Discretionary

Notification:

1. Applications to destroy any Outstanding Natural Feature or the Values which make it Outstanding will always be Notified to the Geosciences Society of New Zealand and may be publicly notified.
2. This rule also applies to plantation forestry activities, where this provision is more stringent than the NES - C~~P~~F.

Activity status where compliance not achieved: N/A

NFL – R16	**Poutini Ngāi Tahu and Māori Purpose Activities within an Outstanding Natural Landscape described in Schedule Five or Outstanding Natural Feature described in Schedule Six not meeting Rule NFL - R11.**

Activity Status Discretionary

Activity status where compliance not achieved: N/A

Subdivision Rules

SUB – R11	**Subdivision to create allotment(s) of land within the Outstanding Natural Landscape identified in Schedule Five or Outstanding Natural Feature identified in Schedule Six**

Activity Status Restricted Discretionary

Where:

1. The site is outside of the Coastal Environment;
2. The area has not been identified as an Area of Significant Biodiversity subject to Rules SUB – R8, SUB – R9 or SUB – R14
3. The area is not a Significant Natural Area identified in Schedule Four; and
4. All Subdivision Standards are complied with.

Discretion is restricted to:

a. **Matters outlined in Policies NFL P1 – NFL -P9 as relevant;**

b. Ensuring that landscape or natural feature values within the overlay for which the area or feature is scheduled are maintained;

c. The size, design, shape, location and layout of allotments;

d. The provision of infrastructure and services for **transport,** drinking water, wastewater and stormwater, telecommunications and energy;

e. The adequacy of water supply for firefighting;

f. **Measures to address any natural hazards or geotechnical considerations;**

g. **Management of potential reverse sensitivity effects on existing land uses, including network utilities and regionally significant infrastructure, rural activities or significant hazardous facilities;**

h. The requirement for financial contributions as outlined in Rules FC – R1 to FC – R12; and

i. The provision of esplanade reserves or strips, and the need for access to be provided to any esplanade reserve or strip created.

Advice Note: This rule does not apply to subdivisions to create allotments for network utilities, access or reserves which are subject to Rule SUB - R4.

SUB – R16	**Subdivision of Land within the Coastal Environment subject to an Outstanding Natural Landscape, Outstanding Natural Feature or High Coastal Natural Character Overlay**

Activity Status Discretionary

Where:

1. No new allotments are proposed within Outstanding Coastal Natural Character areas as identified in Schedule Eight.

Activity status where compliance not achieved: Non-complying

APPENDIX 2 – AMENDMENTS TO SCHEDULE 5

Preamble

Schedule Five identifies and describes 55 Outstanding Natural Landscapes (ONLs). The ONL Schedules are a tool to assist with the identification of the landscape values that are to be protected within an area. They contain both factual information and evaluative content and are to inform plan development and plan implementation processes and assist technical landscape assessment. The ONL Schedules are based on the scale of the relevant ONL and form a relatively 'high-level' summary of the more natural landscape values of the area. This means that the landscape values identified in an ONL Schedule may not apply to a site within the ONL. The ONL Schedules do not address established modifications that form part of the landscape to which they apply, such as infrastructure, rural buildings, farmhouses, roads, pastoral land use and production forestry. It is acknowledged that this existing modification is of a scale, character and/or location such that the area still qualifies as ONL. Given the scale of the landscape assessment underpinning the ONL schedules and the high-level nature of the schedules themselves, a finer grain proposal-specific assessment of landscape values will typically be required for plan development or plan implementation purposes (including plan changes or resource consent applications). Through any proposal-specific landscape assessment, landscape modifications and/or additional landscape values may be identified that are not recorded in the ONL Schedules.

Unique Identifier	Site Identifier	Site Type and Values
ONL1	Malcolm, McKenzie, & Hope Blue River Ranges	Series of remote low elevation ranges and valleys that are heavily dissected with high relief. Contains a sequence of steep coastal slopes, cliffs and headlands (Awarua Point) with a series of rocky shoals, outcrops, and broad beaches. • Unmodified and continuous mature coastal and lowland forest together with the dramatic terrain imparts a strong sense of naturalness. • Dramatic interaction of the landscape with Te Tai-o-Rēhua/ the Tasman Sea with its continuous vegetation cover providing a consistent patterning to this exposed landscape. • Extremely limited modification / human activities. • The highly distinctive and glacial shorn profile of Awarua Point is a key landmark within this Landscape • Important cultural landscape for Poutini Ngāi Tahu including SASM 214 Huruhuru Manu/Spoon River traditional nohoanga, mahinga kai and SASM 215 Hautai kāinga, mahinga kai Area below mean high water springs also scheduled in Proposed Regional Coastal Plan as ONL1.
ONL2	Bonar Knob & Katake/Cascade Point	Remote series of elevated plateaux, glacial shorn slopes, broad alluvial valleys, and deeply incised river gorges together with coastal cliffs and bluffs, and craggy headlands.

		• Unmodified and continuous mature coastal, lowland, and swamp forest giving way to alpine scrub and tussock on the plateaux, together with the dramatic terrain imparts a strong sense of naturalness. • Evidence of erosion, stream / river downcutting and entrenchment, tidal variation and coastal exposure as well as formative glacial processes. • The coastal exposure and orientation of the landscape creates a dramatic and expressive environment that abuts Te Tai-o-Rēhua/ the Tasman Sea. • The highly distinctive and glacial shorn profile of Katake/Cascade Point & Plateau is a key landmark within this landscape • Important cultural landscape for Poutini Ngāi Tahu including SASM 212 Cascade River kāīnga Mahinga kai, Traditional nohoanga, SASM 211 Cascade River Nohoanga, mahinga kai and SASM 213 Barn Bay kāīnga, urupā Area below mean high water springs also scheduled in Proposed Regional Coastal Plan as ONL2.
ONL3	Jackson Head & Stafford Ranges	Prominent craggy headland backed by a series of low elevation ranges and valleys that are heavily dissected. • The coastal outlook, exposure and orientation of the landscape creates a dramatic and expressive environment that abuts Te Tai-o-Rēhua/ the Tasman Sea • Interplay of coastal landforms and vegetation – regenerating scrubland on exposed slopes reinforce areas of coastal erosion, river and stream entrenchment. • Amalgam of very steep ranges, highly exposed headlands and unmodified windswept forest give the landscape a rawness and pronounced sense of naturalness. • The dramatic projection of Jackson Head out into Te Tai-o-Rēhua/ the Tasman Sea and the tranquil enclosed waters of Lake Ellery are key landmarks with this landscape • Important cultural landscape for Poutini Ngāi Tahu including SASM 209 No. 1 Arawata Native Reserve - West Reserve Block Māori Reserve Jackson Head also scheduled in Proposed Regional Coastal Plan as ONL3.
ONL4	Ōkahu/Jackson Bay	Vast and remote windswept stony beach immediately flanked by coastal forest that extends into an expansive plain. Includes several forest clad hill formations which rise dramatically from the plains. • Highly expressive of the landscapes formative and ongoing natural processes – post glacial alluvial plain, interplay of river mouths and Te Tai-o-Rēhua/ the Tasman Sea. Vegetation patterns reinforce the exposure to Te Tai-o-Rēhua/ the Tasman Sea and the expansive planar landform. • Pristine lowland and swamp forest predominates with wetland areas surrounding the numerous waterbodies within this landscape. • Strongly defined by enclosing mountain ranges.

		• Key landmarks within this landscape are the forest clad hills of Mt Mclean and Mosquito Hill rising dramatically from the plains, the Arawhata, Waiatoto, Okuru, and Haast Rivers, and the vast stony beach of Jackson Bay • Important cultural landscape for Poutini Ngāi Tahu and area of habitation for Ngāti Māhaki including eleven sites of significance to Māori - SASM 189 Waita River Nohoanga, SASM 190 Waita River kāinga, urupā, mahinga kai, SASM 191 Tawharekiri Lake (Māori Lakes) mahinga kai, SASM 192 Awarua Māori Reserve, SASM 196 Ōkuru River Nohoanga, SASM 197 Ōkuru Nohoanga, kāinga, urupā, mahinga kai, SASM 198 Ōkuru Mātaitai Reserve mahinga kai, SASM 199 Mussel Point wāhi tapu, SASM 202 Waiatoto Lagoon, North Bank Nohoanga, mahinga kai, SASM 204 Waiatoto Lagoon, South Bank Nohoanga, mahinga kai and SASM 205 No. 2 Waiatoto Native Reserve Area below mean high water springs also scheduled in Proposed Regional Coastal Plan as ONL4.
ONL5	Olivine & Haast Ranges	Broad alluvial valleys flanked by prominent high altitude mountain ranges. • Assemblage of predominately north-south running ridges, peaks, and mountaintops of similar attitudes, vegetative cover and appearance. • Interplay of mature indigenous forest and vegetative sequence from lowland beech forest through to alpine scrub communities reinforcing topography and pronounced relief. Exposed peaks and ridgetops revealing underlying geology are highly expressive of the landscapes formative and ongoing natural processes. • Extremely limited modification / human activities. • Landmarks – Olivine Range, Haast Range, and the Arawhata River.
ONL6	Tititea/Mt Aspiring & Hinemakawe/Mt Castor	Wild, remote, and dramatic sequence of mountain ranges, peaks, glaciers, lakes, and strongly defined valley systems. • Combination of glacial sculpted terrain, etched ridgelines, rocky outcrops, expansive permanent ice flows, glacial lakes, vegetation sequences giving way to raw and exposed peaks and ridges are highly natural. • Interplay of mature indigenous forest and vegetative sequence from lowland beech forest through to alpine scrub communities reinforcing topography and pronounced relief. Evidence of erosion revealing underlying geology and glacial erosion are highly expressive of the landscapes formative and ongoing natural processes. • Landmarks – Tititea/Mt Aspiring, Upper and Lower Volta Glaciers, Hinemakawe/Mt Castor and Mt Pollux.
ONL7	Selborne, Browning, Mark, & Bealey Ranges	• Extensive landscape consisting of strongly defined valley systems flanked by high altitude mountain • ranges.

		• Interplay of mature indigenous forest and vegetative sequence from lowland beech forest through to alpine scrub communities reinforcing topography and pronounced relief. Exposed peaks and ridgetops revealing underlying geology are highly expressive of the landscapes formative and ongoing natural processes. • Assemblage of ridges, peaks, and mountaintops of similar attitudes, vegetative cover and appearance. • Extremely limited modification / human activities. • Combination of glacial sculpted terrain, etched ridgelines, rocky outcrops, permanent ice flows, vegetation sequences giving way to raw and exposed peaks and ridges are highly natural.
ONL8	Awarua/Haast River	Very extensive braided river channel and gravel beds flanked by high altitude mountain ranges. • Interplay of mature indigenous forest and vegetative sequence from lowland beech forest through to alpine scrub communities reinforcing topography and pronounced relief. Exposed peaks and ridgetops revealing underlying geology are highly expressive of the landscapes formative and ongoing natural processes. • Dramatically eroded landforms clearly express the Haast Rivers power and varying flow. Broken vegetation and expansive depositional landforms reinforce these qualities. • Very high relief, steep to very steep mountain ranges that dramatically enclose the river valley. • Exposed upper peaks and rocky outcrops are apparent on the Bealey Range. • Awarua/Haast River is a key landmark within this landscape.
ONL9	Landsborough River Valley & Mt Hooker	Wild, remote, and dramatic sequence of mountain ranges, peaks, glaciers, and valley systems. • Interplay of mature indigenous forest and vegetative sequence from lowland beech forest through to alpine scrub communities reinforcing topography and pronounced relief. Exposed peaks and ridgetops revealing underlying geology are highly expressive of the landscapes formative and ongoing natural processes. • Combination of glacial sculpted terrain, etched ridgelines, rocky outcrops, expansive permanent ice flows, glacial lakes, vegetation sequences giving way to raw and exposed peaks and ridges imbue a strong sense of naturalness. • Assemblage of ridges, peaks, and mountaintops of similar orientation, attitudes, vegetative cover and appearance.
ONL10	Bald, Moeraki and Paringa Hills	Series of steep craggy headlands backed by forest clad foothills and valleys that are heavily dissected and contain two prominent lake basins: Lake Moeraki and Tāwhirirāupo/Lake Paringa. • Dramatic interaction of the landscape with Te Tai-o-Rēhua/ the Tasman Sea with its continuous mature coastal and lowland forest vegetation cover providing a consistent patterning to this exposed landscape.

		• Combination of glacial sculpted terrain with continuous vegetation cover, high relief, and the tranquility of the lakes opening up views up and down the valley basins reinforce the natural qualities of this landscape. • Assemblage of ridges, peaks, and mountaintops of similar orientation, altitude, vegetative cover and appearance. • Lake Moeraki, Tāwhirirāupo/Lake Paringa, and Heretaniwha Point are key landmarks with this unit. • Knights Point lookout provides dramatic elevated views of the coastline • Important cultural landscape for Poutini Ngāi Tahu and area of habitation for Ngāti Māhaki including SASM 180 No. 3 Paringa Native Reserve, SASM 184 Lake Pāringa, Statutory Acknowledgement, Mahinga kai, SASM 185 Lake Moeraki Reserve, Māori Reserve, Mahinga kai, SASM 186 Whakapoai Māori Reserve and SASM 187 Arnott Point Traditional nohoanga, Cave, Battle site, wāhi tapu Area below mean high water springs also scheduled in Proposed Regional Coastal Plan as ONL10.
ONL11	Mahitahi/ Bruce Bay to Cook Bluff	Remote and isolated coastline comprising broad sandy beaches, coastal cliffs, bluffs, and craggy headlands backed by expansive low lying swampland, glacial shorn hills, and braided river mouths. • Varied amalgam of raw and exposed landforms, windswept vegetation and isolated beach fronts impart a strong sense of naturalness. • Dramatic interaction of the landscape with Te Tai-o-Rēhua/ the Tasman Sea – sheer cliffs at Mahitahi, Makaawhio/Jacobs, Karangarua, and Cook Bluff plunge dramatically into the sea – Weheka/Cook & Karangarua River mouths are highly expressive of the landscapes natural processes. • High coastal exposure and orientation towards Te Tai-o-Rēhua/ the Tasman Sea. • Vast unmodified sequences of native forest enclosed by glacial shorn hills reinforce the natural qualities of this landscape. Mature wind swept rimu forest on Sandy Beach • Mahitahi/Bruce Bay was the landing place of Polynesian explorer Maui • Important cultural landscape for Poutini Ngāi Tahu and area of habitation for Ngāti Māhaki with ten sites of significance to Māori including SASM 144 Karangarua Lagoon Statutory Acknowledgement, Mahinga kai, SASM 146 Puketahi - The Sugar Loaf, SASM 147 Karangarua River Nohoanga, Mahinga kai , SASM 151 Bruce Bay/Manakaiaua Māori Reserve, SASM 156 Te Puku o te Wairapa sacred maunga, Ancestors embedded in the landscape, SASM 157 No. 10 Makāwhio Native Reserve Māori Reserve, Pā site, Urupā, SASM 158 No. 8 Makāwhio and No. 9 Makāwhio Māori Reserve, Pā site, Urupā, Mahinga kai, SASM 159 Tikitiki o Rehua sacred maunga, Ancestors embedded in the landscape, SASM 172 Pāpākeri Creek Mahinga kai, SASM 183 Makāwhio River Catchment (Jacobs River) Ancestors embedded in the landscape, Wāhi taonga, wāhi tapu, Mahinga kai Area below mean high water springs also scheduled in Proposed Regional Coastal Plan as ONL11.
ONL12	Mahitahi, Makaawhio/Jacobs River, and Karangarua foothills	Sequence of north-west facing mountain ranges that front on to an expansive swamp and farming plain.

		• Interplay of mature indigenous forest and vegetative sequence from lowland beech forest through to alpine scrub communities reinforcing topography and pronounced relief. Exposed peaks and ridgetops revealing underlying geology are highly expressive of the landscapes formative and ongoing natural processes. • Combination of etched ridgelines, rocky outcrops, expansive permanent ice flows, glacial lakes, vegetation sequences giving way to raw and exposed peaks and ridges reinforce the natural qualities of this landscape. • Important cultural landscape for Poutini Ngāi Tahu including the awa of Ngāti Māhaki – the Makaawhio River – SASM 166 and SASM 183. Poutini Ngāi Tahu have a statutory acknowledgement on the river, and the catchment is significant for ancestors embedded in the landscape, Wāhi taonga,Wāhi tapu and Mahinga kai Assemblage of ridges, peaks, and mountaintops of similar orientation, attitudes, vegetative cover and appearance.
ONL13	Strachan & Bannock Brae Ranges	Wild, remote, and dramatic sequence of mountain ranges, peaks, glaciers, and valley systems. • Interplay of mature indigenous forest and vegetative sequence from lowland beech forest through to alpine scrub communities reinforcing topography and pronounced relief. Exposed peaks and ridgetops revealing underlying geology are highly expressive of the landscapes formative and ongoing natural processes. • Combination of etched ridgelines, rocky outcrops, expansive permanent ice flows, glacial lakes, expansive braided rivers (Ōtoko, Mahitahi, and Makaawhio Rivers) vegetation sequences giving way to raw and exposed peaks and ridges are highly natural. • Assemblage of ridges, peaks, and mountaintops of similar orientation, attitudes, vegetative cover and appearance. • Important cultural landscape for Poutini Ngāi Tahu including the awa of Ngāti Māhaki – the Makaawhio River – SASM 166 and SASM 183. Poutini Ngāi Tahu have a statutory acknowledgement on the river, and the catchment is significant for ancestors embedded in the landscape, Wāhi taonga,Wāhi tapu and Mahinga kai
ONL14	Aoraki / Mt Cook	Extensive landscape consisting of dramatic mountain ranges that extend westward from the main divide, high altitude peaks, glaciers, permanent snowfields, and incised valley systems. • Interplay of mature indigenous forest and vegetative sequence from lowland beech forest through to alpine scrub communities reinforcing topography and pronounced relief – particularly where horizontal vegetation patterns including seral beech forest and scrub mark glacial retreat. • Exposed peaks and ridgetops revealing underlying geology are highly expressive of the landscapes formative and ongoing natural processes. Dramatic etched bluffs are highly expressive of formative glacial processes.

		• Combination of etched ridgelines, rocky outcrops, expansive permanent ice flows, glacial lakes, vegetation sequences giving way to raw and exposed peaks and ridges are highly natural. • Te Moenga-o-Tuawe/ Fox Glacier & Ngā Roimata-a-Hinehukatere/Franz Josef Glacier, Douglas Neve, Mt Tasman, Sefton, Elie De Beaumont, Hicks, & Aoraki are key / representative landmarks within this landscape. • Important cultural landscape for Poutini Ngāi Tahu including SASM 177 Copland Track, Ara tāwhito, SASM 145 Kā Roimata-a-Hinehukatere / Franz Josef Glacier, and SASM 148 Te Moeka-o-Tuawe / Fox Glacier are for Poutini Ngāi Tahu ancestors embedded in the landscape.
ONL15	Koihaihai/ Gillespies Point to Te Kohumarua Bluff	Series of steep craggy headlands and isolated sandy beaches backed by glacial shorn foothills covered in native forest which contain a number of lake and swamp basins. • Dramatic interaction of the landscape with Te Tai-o-Rēhua/ the Tasman Sea with its sheer cliffs and scarps, continuous coastal and lowland forest cover providing a consistent patterning to this exposed landscape. • Combination of glacial sculpted terrain with continuous vegetation cover, moderate relief, and the tranquility of the lakes opening up views up and down the valley basins reinforce the natural qualities of this landscape. • Unmodified vegetation sequences from dunefields to mature coastal forest. • Māpouriki/Lake Mapourika, Wahapo, Matheson, Three & Five Mile Lagoons, and Ōmoeroa Range are key landmarks within this unit • Important cultural landscape for Poutini Ngāi Tahu including SASM 136 No. 15 Omoeroa Native Reserve Māori Reserve, Traditional nohoanga, SASM 137 No. 17 Waiahope Native Reserve Māori Reserve, Traditional nohoanga, SASM 138 No. 16 Waikohai Native Reserve Māori Reserve, Traditional nohoanga, kainga, SASM 139 Gillespies Beach Māori Reserve, kainga, SASM 140 Lake Matheson Mahinga kai Area below mean high water springs also scheduled in Proposed Regional Coastal Plan as ONL15.
ONL16	Ōkārito Lagoon to Mt Bird	Vast and remote lagoon systems enclosed by extensive beaches and dune fields and flanked by mature low lying coastal forest which extends inland to Mt Bird across a broad gentle inclined glacial terrace. • Unmodified sequences of dunefield and wetland vegetation through to mature coastal forest. • Highly dynamic and dramatic interaction / relationship between the Ōkārito River mouth, associated sand bars and the open waters of the Tasman Sea. • Enclosure of the lagoon is expressive of formative coastal processes. • Combination of the enclosing terrain, continuous and vast expanse of vegetation cover, the tranquility of the Lagoons expansive open waters opening up views up and down the coast reinforce the natural qualities of this landscape. • Ōkārito is a key landmark within this landscape.

		• Important cultural landscape for Poutini Ngāi Tahu including SASM 128 Whataroa Native Reserves Sec 22, SASM 129 Waitangiroto Nature Reserve Former Māori Reserve, Mahinga kai, SASM 130 Whataroa Native Reserves Secs 21 wāhi tapu, SASM 131 Ōkārito Lagoon, Statutory Acknowledgement, Mahinga kai, Mātaitai, Ancestors embedded in the landscape, SASM 132 Ōkārito Mātaitai Reserve, mahinga kai, SASM 133 No.19 Ōkarito Native Reserve, kainga, SASM 134 Ōkārito River/Lagoon Nohoanga, mahinga kai, SASM 135 Ōkārito (No. 18 Koamaru Native Reserve) wāhi tapu
ONL17	Lower Waitangitāhuna/Waitangitaona, Whataroa, Pouerua-tāhuna/Poerua, and Whakanui/Wanganui Rivers	Expansive braided river channels flanked by a series of steep and dramatic river escarpments covered in indigenous forest. • Highly dynamic and dramatic interaction / relationship between the river mouths, associated sand bars and the open waters of the Tasman Sea. • Assemblage of river escarpments of similar orientation, altitude, vegetative cover and appearance – the dramatic profile of the escarpment features accentuate this landscapes endemic character. • Unmodified sequences of dunefield and wetland vegetation through to mature coastal and low land native forest. • Dynamic natural processes associated with the meandering braids and gravel beds, grading of aggregate sizes, downcutting, river terracing, flood events and inundation • Area below mean high water springs also scheduled in Proposed Regional Coastal Plan as ONL17.
ONL18	Mt Elie De Beaumont – Mt Whitcome	Extensive landscape consisting of dramatic mountain ranges that extend westward from the main divide, high altitude peaks, glaciers, permanent snowfields, and incised valley systems. • Interplay of mature indigenous forest and vegetative sequence from lowland beech forest through to alpine scrub communities reinforcing topography and pronounced relief – particularly where horizontal vegetation patterns including seral beech forest and scrub mark glacial retreat. • Exposed peaks and ridgetops revealing underlying geology are highly expressive of the landscapes formative and ongoing natural processes. Dramatic etched bluffs are highly expressive of formative glacial processes. • Combination of etched ridgelines, rocky outcrops, expansive permanent ice flows, glacial lakes, vegetation sequences giving way to raw and exposed peaks and ridges are highly natural. • The Garden of Eden Ice Plateau, Garden of Allah, Mt Elie De Beaumont, Whitcome, Mannering, Moffat, and Newton Peak are key / representative landmarks within this landscape
ONL19	Pouerua hāpua/Saltwater Lagoon	Vast and remote lagoon system enclosed by extensive beaches, dune fields and flanked by mature low lying coastal forest which extends inland across a broad elevated terrace. • Unmodified sequences of dunefield and wetland vegetation through to mature coastal forest.

		• Highly dynamic and dramatic interaction / relationship between the Lagoon mouth, associated sand bars and the open waters of the Tasman Sea. • Enclosure of the lagoon is expressive of formative coastal processes. • Combination of the enclosing terrain, continuous and vast expanse of vegetation cover, the tranquility of the Lagoons expansive open waters and islands reinforce the natural qualities of this landscape. • Pouerua hāpua/ Saltwater Lagoon is a key landmark within this landscape • Important cultural landscape for Poutini Ngāi Tahu including SASM 125 Lake Matahi/Lake Ianthe mahinga kai Area below mean high water springs also scheduled in Proposed Regional Coastal Plan as ONL19.
ONL20	Wakanui/Wanganui Bluff to Waitaha River	Isolated sandy beaches backed by a series of bluffs / cliffs, forest covered slopes, and swampland. • Dramatic interaction of the landscape with Te Tai-o-Rēhua/ the Tasman Seawith its sheer cliffs and scarps, continuous coastal and lowland forest cover providing a consistent patterning to this exposed landscape. • Varied amalgam of raw and exposed coastal landforms, strong elevated relief, windswept vegetation which impart a strong sense of naturalness. • Combination of bluffs and scarps, continuous vegetation cover, saltwater lagoons, dune fields, and wetlands and the tranquility of the extensive swampland reinforce the natural qualities of this landscape. • Unmodified vegetation sequences from dunefields and wetland vegetation through to mature coastal and low land native forest. • Important cultural landscape for Poutini Ngāi Tahu including SASM 162 Heretaniwha wāhi tapu, SASM 167 Mahitahi Mussel & Pipi Bed mahinga kai, SASM 168 No. 4 Heretaniwha Native Reserve wāhi tapu, SASM 169 No. 5 Mahitahi Native Reserve, kainga, SASM 170 Porangirangi to Mahitahi kāinga, SASM 171 Mahitahi River Nohoanga, SASM 181 Paringa River Reserve - Rural Section 727A, Māori Reserve and SASM 182 Paringa River Reserve - Lot 1 DP 3785, Māori Reserve Area below mean high water springs also scheduled in Proposed Regional Coastal Plan as ONL20.
ONL21	Matahi/ Lake Ianthe	Enclosed lake basin that is strongly defined by steep slopes covered in mature indigenous forest. • Very extensive and homogenous mature forest around the entire lake fringe that directly interacts with the open waters of the Lake. Intact sequences of wetland and swamp species through to canopy native forest. • Intact sequences of wetland and swamp species through to canopy native forest. • High transient values associated with evident bird life on the lake and surrounding indigenous forest. • The tranquility of the lake, vast unmodified sequences of native forest amplify the natural qualities of this landscape.

		• Due to its intimate scale and enclosure this landscape as a whole is a landmark. • Important cultural landscape for Poutini Ngāi Tahu including SASM 125 Lake Matahi/Lake Ianthe mahinga kai
ONL22	Bonar, Rangitoto & Bald Hill Ranges	Assemblage of heavily dissected ranges, foothills, and valley systems with broad rounded peaks whose underlying geology set them apart visually from the high altitude ranges to the east. • Interplay of mature indigenous forest and vegetative sequence from lowland beech forest through to alpine scrub communities reinforcing topography and pronounced relief. Exposed peaks and ridgetops revealing underlying geology are highly expressive of the landscapes formative and ongoing natural processes. • Assemblage of ridges, peaks, and mountaintops of similar orientation, altitudes, vegetative cover and appearance. Contiguous mountain range and foothills. Mature beech forest giving way to alpine vegetation at higher attitudes. • The Hokitika Gorge is a well known landmark within this landscape.
ONL23	Mt Camelback & Kokiraki/ The Doughboy	Two distinct forest clad hill formations that rise dramatically from the flat pastoral landscape which surrounds them. • Interplay / contrast of mature indigenous forest and surrounding pasture reinforces the dramatic topography and pronounced relief. • Striking and highly distinctive landforms that remain visually separate from nearby mountain ranges. • Homogenous mature forest cover. • Mt Camelback and Kokiraki/The Doughboy are themselves landmarks within the wider landscape.
ONL24	Kea Pass – Arthurs Pass – Amuri Pass	Extensive landscape consisting of dramatic mountain ranges along the main divide, high altitude peaks, glaciers, and incised valley systems. • Interplay of mature indigenous forest and vegetative sequence from lowland beech forest through to alpine scrub communities reinforcing topography and pronounced relief. • Exposed peaks and ridgetops revealing underlying geology are highly expressive of the landscapes formative and ongoing natural processes. Erosion, scree slopes and depositional landforms clearly express the erosive nature of the mountain landscape and uplifted landforms. • Combination of etched ridgelines, rocky outcrops, expansive permanent ice flows, glacial lakes, vegetation sequences giving way to raw and exposed peaks and ridges are highly natural. • Lake Christabel, Whakarewa/Lake Browning, & Kāurupātaka/Lake Kaurapataka as well as the numerous peaks along the main divide are key / representative landmarks within this landscape. • Nōti Taramakau (Harper Pass) was a significant Māori trail across the alps.
ONL25	Lake Kaniere	Elongated lake basin dramatically enclosed by an assemblage of broad ranges and hills whose underlying granite geology set them apart visually from the high altitude schist ranges to the east.

		• Interplay of mature indigenous forest and vegetative sequence from lowland beech forest through to alpine scrub communities reinforcing topography and pronounced relief. Exposed peaks and ridgetops revealing underlying geology are highly expressive of the landscapes formative and ongoing natural processes. • Very extensive and homogenous mature forest around the entire lake fringe that directly interacts with the open waters of the Lake. Intact sequences of wetland and swamp species through to canopy native forest. • Lake Kaniere, Mt Upright, & Turiwhati/Turiwhate are key / representative landmarks within this landscape. • Association with Ngāi Tahu – pounamu source and route to east coast.
ONL26	Lake Mahinapua	Low lying lake basin that is strongly defined by surrounding mature indigenous forest. • Very extensive and homogenous mature swamp forest around the entire lake fringe that directly interacts with the open waters of the Lake. Intact sequences of wetland and swamp species through to canopy native forest. • High transient values associated with evident bird life on the lake and surrounding indigenous forest. • The tranquility of the lake, unmodified sequences of native forest amplify the natural qualities of this landscape. • Due to its intimate scale this landscape as a whole is a landmark. • Important cultural landscape for Poutini Ngāi Tahu including SASM 111 Lake Māhinapua wāhi tapu
ONL27	Lower Taramakau River & Kawhaka Forest	Extensive braided river channel and gravel beds flanked by steep escarpments covered in mature native forest that extends across an elevated plateau housing a number reservoirs. • Dramatically eroded landforms clearly express the rivers power and varying flow. Broken vegetation and expansive depositional landforms reinforce these qualities. • Very extensive and homogenous swamp forest. Vegetation directly interacts with the river beds and the open waters of the reservoirs. • High transient values associated with evident bird life on the reservoirs and surrounding indigenous forest. • The Kapitea and Kumara Reservoirs are key landmarks within this unit. • Important cultural landscape for Poutini Ngāi Tahu including SASM 104 Kawhaka Creek Catchment Pounamu legends, Ancestors embedded in the landscape
ONL28	Taramakau & Ōtira River Valleys	Very broad river valley consisting of extensive braided river channels and gravel beds that are dramatically enclosed by mountain ranges and high altitude peaks. • Interplay of mature indigenous forest and vegetative sequence from lowland beech forest through to alpine scrub communities reinforcing topography and pronounced relief.

		• Very extensive and homogenous swamp forest. Vegetation directly interacts with the river beds and the open waters of the reservoirs • Exposed peaks and ridgetops revealing underlying geology are highly expressive of the landscapes formative and ongoing natural processes. Erosion, scree slopes and depositional landforms clearly express the erosive nature of the mountain landscape and uplifted landforms. • Coherent rhythm and orientation of landforms. • Views from SH73.
ONL29	Kōtukuwhakaoka/Lake Brunner – Ōhonu/Hohonu Range & Tekimoka/Mt Te Kinga	Extensive fluvio-glacial lake basin strongly contained by the broad landforms of the Hohonu Range and Mt Te Kinga to the south. • Exposed peaks and ridgetops revealing underlying geology are highly expressive of the landscapes formative and ongoing natural processes. Erosion, scree slopes and depositional landforms clearly express the erosive nature of the mountain landscape and uplifted landforms. • Dramatically eroded landforms clearly express the rivers power and varying flow. Broken vegetation and expansive depositional landforms reinforce these qualities. • Homogenous and extensive wetland and swamp forest around the lake fringes. Vegetation directly interacts the open waters of the lake. High transient values • Kōtukuwhakaoka/Lake Brunner is a key landmark within this unit. • Important cultural landscape for Poutini Ngāi Tahu including SASM 67 (part) Kōtukuwhakaoko/Arnold River mahinga kai, SASM 79 Cashmere Bay, Te Kinga Pā site, SASM 82 Kōtukuwhakaoko/Lake Brunner (Moana) Statutory Acknowledgement, Mahinga kai, SASM 81 Takataka Islands Pā site, SASM 84 Knoll Point Pā site, SASM 85 Ta Kinga, Kōtukiwhakaoko urupā, SASM 86 Ōrangipuku Creek Mouth Tauranga waka
ONL31	Rapahoe Range	Highly prominent and distinctive cuesta type formation comprising a sequence of coastal bluffs and escarpments with rocky shoals and bays closer to Point Elizabeth. • Dramatic assemblage of ridges of similar orientation, attitudes, vegetative cover and appearance. Distinctive limestone cuesta formation. • Interplay of coastal landforms and vegetation – regenerating scrubland on exposed slopes reinforce areas of coastal erosion, river and stream entrenchment. • Striking interface with the Tasman Sea. Sheer cliffs and scarps at Point Elizabeth which plunge dramatically into the sea. • The coastal outlook, exposure and orientation of the landscape creates a dramatic and expressive environment that abuts the Tasman Sea. • Given the ranges elevated profile above the surrounding terrain and its proximity to Greymouth this unit as a whole is a landmark.

		• Important cultural landscape for Poutini Ngāi Tahu including SASM 46 Point Elizabeth Tohu whenua, Wāhi taonga Area below mean high water springs also scheduled in Proposed Regional Coastal Plan as ONL31.
ONL32	Haupiri fluvio-glacial lakes	Sequence of enclosed fluvio-glacial lake basins flanked by moderate to steep glacial shorn terrain covered in native forest. • Exposed peaks and ridgetops revealing underlying geology are highly expressive of the landscapes formative and ongoing natural processes. Erosion, scree slopes and depositional landforms clearly express the erosive nature of the mountain landscape and uplifted landforms. • Dramatically eroded landforms clearly express the rivers power and varying flow. Broken vegetation and expansive depositional landforms reinforce these qualities. • Homogenous and extensive wetland and swamp forest around the lake fringes. Vegetation directly interacts the open waters of the lake. High transient values associate with prolific bird life • Lake Hochstetter, Ahaura, Haupiri, Kangaroo & Lady Lake, and the Ahaura River are a key landmarks within this unit. • Important cultural landscape for Poutini Ngāi Tahu including SASM 74 Lake Haupiri Nohoanga, mahinga kai, SASM 78 Lady Lake Nohoanga, mahinga kai
ONL33	Victoria Range west	Steep to very steep mountain range with high relief and dissected by deeply incised valleys. • Interplay of mature indigenous forest and vegetative sequence from lowland beech forest through to alpine scrub communities reinforcing topography and pronounced relief. • Exposed peaks and ridgetops revealing underlying geology are highly expressive of the landscapes formative and ongoing natural processes. Erosion, scree slopes and depositional landforms clearly express the erosive nature of the mountain landscape and uplifted landforms. • A mountain range sequence of deeply etched ridgelines or similar heights, displaying rock formations in upper elevations and alpine vegetation patterns. • Mt Puttick, Haast, Hunter, & Beckham are key / representative landmarks within this landscape – as seen from SH7 approaching springs junction.
ONL34	Upper Māwhera/Grey Valley	Series of steep ranges and peaks that enclose Te Māwherataka-o-kā-kuha-o-Tū-te-rakiwhanoa/Upper Grey River. • Interplay of mature indigenous forest and vegetative sequence from lowland beech forest through to alpine scrub communities reinforcing topography and pronounced relief. • Exposed upper slopes revealing underlying geology are highly expressive of the landscapes formative and ongoing natural processes. Erosion, scree slopes and depositional landforms clearly express the erosive nature of the mountain landscape and uplifted landforms.

		• Pristine beech forest, unmodified and dramatic landforms combine with the natural vegetation sequence to impart a strong sense of naturalness. • Pockets of farmland, buildings / dwellings, and modification have been excluded from this unit.
ONL35	Lewis Pass – Freyberg Range	Steep to very steep mountain ranges with deeply incised valleys and heavily etched and exposed rock formations. • Interplay of mature indigenous forest and vegetative sequence from lowland beech forest through to alpine scrub communities reinforcing topography and pronounced relief. • Exposed peaks and ridgetops revealing underlying geology are highly expressive of the landscapes formative and ongoing natural processes. • Freyberg Range, continuous vegetation cover, elevation and alpine wetland / lake assemblage create a very cohesive landscape. • Pristine beech forest, unmodified and dramatic landforms, scree slopes and rock formations combined with the natural vegetation sequences reinforce the natural qualities of this alpine landscape. • Lake Daniells and Mt Freyburg (as seen from SH7) are key landmarks within this landscape.
ONL36	Maruia River Valley east	Steep to very steep hill country and escarpments flanking the eastern side of the Maruia Valley and denotes the confluence of the Maruia and Alfred Rivers. • Erosion, scree slopes and depositional landforms clearly express the erosive nature of the mountain landscape and uplifted landforms. • Mature beech forest, steep landforms and lack of development create a strong sense of naturalness. • Consistent orientation, elevation and appearance of landforms flanking the eastern margins of the Maruia Valley. • Baldy is a key landmark within this landscape.
ONL37	Victoria Range east	Very steep, etched ridgelines with high relief and exposed rock formations and deeply incised valleys. Depositional landforms, outwash fans and river terracing. • Interplay of mature indigenous forest and vegetative sequence from lowland beech forest through to alpine scrub communities reinforcing topography and pronounced relief. • Exposed peaks and ridgetops revealing underlying geology are highly expressive of the landscapes formative and ongoing natural processes. • Contiguous mountain range and foothills. • Extensive beech forest, devoid of development and unmodified / pristine landforms impart a strong sense of naturalness. • Continuous beech forest giving way to alpine tundra at higher elevations.
ONL38	Reefton Saddle	Distinctive sequence of steep dissected hillcountry that sits between the Paparoa and Victoria Ranges.

		• Homogenous mature lowland forest cover. • Cohesive assemblage of ridges, peaks, and mountaintops of similar orientation, attitudes, vegetative cover and appearance. Contiguous unmodified landforms, pristine forest cover, moderate relief, incised river channels, and • vegetation patterns reinforce the natural qualities of the landscape. • Views of dramatic cliff / bluffs and steep slopes along the Inangahua River from SH69.
ONL39	Te Paparoa/Paparoa Range foothills	Assemblage of steep to very steep ridges and peaks, with deeply incised valleys that flank the Inangahua Valley. • Interplay of mature indigenous forest and vegetative sequence from lowland beech forest through to alpine scrub communities reinforcing topography and pronounced relief. • Exposed peaks and ridgetops revealing underlying geology are highly expressive of the landscapes formative and ongoing natural processes. • Pristine beech forest, unmodified and dramatic landforms, exposed ridge tops with the natural vegetation sequences reinforce the natural qualities of this alpine landscape. • Abuts areas of regenerating native scrub, farmland and exotic forestry in the Inangahua Valley. • Important cultural landscape for Poutini Ngāi Tahu including SASM 23 No. 45 Watarakau Native Reserve, Māori Reserve, Mahinga kai and SASM 25 Tiroroa Pā site
ONL40	Otututu River	Expansive broad outwash plain characterised by multiple channels, and exposed gravel beds flanked by numerous cliffs and terraces that extend down from Te Paparoa/ Paparoa Range toward the Māwhera/Grey River Valley. • Dramatically eroded landforms clearly express the rivers power and varying flow. Broken vegetation and a series of outwash fans from its tributaries reinforce these qualities. Highly expressive outwash plain and river escarpment. • Evidence of erosion revealing underlying geology, rockfall, stream downcutting and flooding. • The River contains a range of aggregate sizes and weathered boulders that are constantly sifted and graded by the varying flows. • Pristine beech forest, unmodified and dramatic landforms, exposed river terraces / cliffs with the natural vegetation sequences reinforce the natural qualities of this landscape. • Evidence of erosion – vegetation patterns accentuate the landscapes natural processes.
ONL41	Te Paparoa/Paparoa Range east & Mt William Range	Steep mountain range moderately dissected by descending foothills and lowland terraces with exposed rocky peaks and outcrops along the ridgetops. • Interplay of mature indigenous forest and vegetative sequence from lowland forest through to alpine communities reinforcing topography and pronounced relief.

		• Exposed peaks and ridgetops revealing underlying geology are highly expressive of the landscapes formative processes. • Assemblage of ridgelines, peaks and mountaintops of similar orientation, elevation and vegetation cover and appearance. • Continuous beech forest giving way to alpine tundra at higher elevations. • Mt Rochfort, Buckland peaks, and the lower Buller Gorge are landmarks within this landscape. • Important cultural landscape for Poutini Ngāi Tahu including SASM 47 Māwheranui Native Reserve and SASM 48 Brunner wāhi taonga
ONL42	Te Paparoa/Paparoa Range west (high elevation)	Steep mountain range running north to south with exposed rocky peaks and outcrops. • Interplay of mature indigenous forest and vegetative sequence from lowland beech forest through to alpine scrub communities reinforcing topography and pronounced relief. • Exposed peaks and ridgetops revealing underlying geology are highly expressive of the landscapes formative and ongoing natural processes. • A sequence of ridgelines of similar orientation, elevation and vegetation cover, punctuated by exposed ridgetops and tussock lands. • The pristine beech forest, unmodified mountain range with its high relief, exposed and rugged ridge tops creates a strong sense of naturalness. • The peaks and ridge sequence of Te Paparoa/ Paparoa Range as a whole is a landmark – views from SH6 between Westport and Charleston.
ONL43	Nine, Fourteen, and Seventeen Mile Bluffs	Sequence of coastal bluffs and escarpments interspersed by rocky shoals and sandy bays. • Dramatic interaction of the landscape with the Tasman Sea with its sheer cliffs and scarps, continuous coastal and lowland forest cover providing a consistent patterning to this exposed landscape. • Varied amalgam of raw and exposed coastal landforms, strong elevated relief, windswept vegetation which impart a strong sense of naturalness. • Patterning of mature wind swept coastal forest and scrub across the bluffs and slopes reinforces the topography and exposure. • Striking interface with the Tasman Sea - sheer cliffs plunge dramatically into the sea. • Nine, Fourteen, and Seventeen Mile Bluffs are key landmarks within this landscape – emphasised by key views obtained along SH6. • Important cultural landscape for Poutini Ngāi Tahu including SASM 35 Maukurunui (17 Mile Bluff) Tohu whenua, SASM 37 Kararoa Māori Reserve 35 Māori Reserve, Cultivations, SASM 38 Kararoa wāhi tapu, SASM 41 Kotorepi (Nine Mile) wāhi tapu, SASM 44 Rapahoe to Nine Mile Ancestors embedded in the landscape, SASM 45 Rapahoe Māori ReserveArea below mean high water springs also scheduled in Proposed Regional Coastal Plan as ONL43.

ONL44	Te Paparoa/Paparoa Range west (low elevation)	Sequence of coastal foothills comprising exposed limestone outcrops and deeply incised river gorges and valleys. • Mature native lowland forest predominates. With wetland areas of flax and native shrublands. • Evidence of erosion, stream / river down cutting and entrenchment, and coastal exposure. • The pristine lowland forest, unmodified terrain with moderate relief, rugged gorges and valleys creates a strong sense of naturalness. • The dramatic limestone gorges of the Waitakere/Nile, Tiropahi/Four Mile, Pororari and the Potikōhua/Fox Rivers as well as Punungairo/Bullock Creek are key landmarks within this landscape. • Important cultural landscape for Poutini Ngāi Tahu including SASM 26 Tiropahi wāhi tapu SASM 27 Fox River Kāinga Cultivations, Mahinga kai, Ara tāwhito, SASM28 Te Ana Matuku, Traditional nohoanga, Cave, SASM 34 Pahautane Beach, Wāhi taonga, Ara tāwhito
ONL45	Ōkoriko/Razorback, Dolomite, and Perpendicular Point	Sequence of distinct rock formations including Dolomite Point Pancake Rock and Ōkoriko/Razorback Point as well as adjoining cliff faces. • Varied amalgam of raw and exposed landforms, rock stratification, blowholes, sheer cliffs, caves, and windswept vegetation impart a strong sense of naturalness. • Striking interface with the Tasman Sea. Sheer cliffs plunge dramatically into the sea. • Patterning of wind swept coastal forest and scrub across the rock formations along with pockets of lowland forest and stands of nikau reinforce the landscapes topography and exposure. • Dramatic wave action, evident coastal erosion, and seasonal changes to atmospheric conditions are highly expressive and natural processes. • This landscape as a whole is a landmark. Area below mean high water springs also scheduled in Proposed Regional Coastal Plan as ONL45.
ONL46	Kaipakati Point to Needle Point	Sequence of coastal bluffs, escarpments, craggy headlands & points with a rocky and stony shoreline interspersed by rock shoals, outcrops, and islands. • Dramatic interaction of the landscape with Te Tai-o-Rēhua/ the Tasman Sea with its steep escarpments and continuous coastal forest cover providing a consistent patterning to this exposed landscape. • Sheer Cliffs and steep slopes plunge dramatically into Te Tai-o-Rēhua/ the Tasman Sea. • Patterning of wind swept coastal forest, stands of nikau and scrub across coastal slopes reinforce the landscapes topography and exposure. • Dramatic wave action, evident coastal erosion, and seasonal changes to atmospheric conditions are highly expressive and natural processes. • Seal Island, Potikōhua/Fox, Tiropahi/Four Mile River mouths are key landmarks within this landscape • Important cultural landscape for Poutini Ngāi Tahu including SASM 30 Te Miko Ara tāwhito, SASM 31 Punakaiki Kāinga, Cave, Mahinga kai, Ara tāwhito and SASM 32 Punakaiki River Nohoanga

		Area below mean high water springs also scheduled in Proposed Regional Coastal Plan as ONL46.
ONL47	Charleston coastline	Assemblage of craggy headlands & points with rock shoals, and outcrops that enclosed several sandy bays and the Waitakere/Nile River mouth. • Highly expressive of the interplay between the Waitakere/Nile River and the Tasman Sea. The tidal rhythm of Te Tai-o-Rēhua/ the Tasman Sea provides a counterpoint to the rivers natural variations of flow, clarity and flood cycles. • Patterning of wind swept native coastal forest and scrub across the coastal slopes and headlands reinforce the landscapes topography and exposure. • Dramatic wave action, evident coastal erosion, and seasonal changes to atmospheric conditions are highly expressive and natural processes. • The amalgam of rawness of the landforms, vegetation and the prominence of the headlands provide a strong sense of naturalness despite the presence of nearby dwelling and development. • The Waitakere/Nile River mouth and the headland between Constant & Joyce Bay are key landmarks within this landscape. Area below mean high water springs also scheduled in Proposed Regional Coastal Plan as ONL47
ONL48	Brunner & Lyell Ranges	• Assemblage of steep to very steep ranges and peaks with deeply incised valleys that flank the Inangahua and Kawatiri/Buller River Valleys. • Interplay of mature indigenous forest and vegetative sequence from lowland beech forest through to alpine scrub communities reinforcing topography and pronounced relief. • Exposed peaks and ridgetops revealing underlying geology are highly expressive of the landscapes formative and ongoing natural processes. • Sequence of ridgelines of similar orientation, elevation and vegetation cover, punctuated by exposed ridge tops and tussock lands. • The Upper Buller Gorge is a landmark with this landscape unit. • Forms the backdrop to the Inangahua River Valley.
ONL49	Orikākā River Valley	A deeply incised river valley flanked by broad terraces and plateau which are hemmed in by the Mt William Range and Lyell Range. • Homogenous cover of mature lowland forest. • Dramatically eroded landforms clearly express the rivers power and varying flow. Broken vegetation and expansive depositional landforms reinforce these qualities. • Evidence of erosion revealing underlying geology, rockfall, stream downcutting and flooding. • The River contains a range of aggregate sizes and weathered boulders that are constantly sifted and graded by the varying flows.

		• Distinctive assemblage of ridges and valleys of similar orientation, elevation and vegetation cover and appearance that contrasts with the higher Mt William and Lyell Ranges.
ONL50	Denniston – Waimangaroa	A well-defined valley system enclosed by steep to very steep ridges that descend from the Denniston Plateau along the coast. • Contiguous mixed podocarp / beech forest giving way to shrublands and grasslands on exposed faces. • Clearly expressed river valley and coastal ranges reinforce by the succession of lowland through to alpine vegetation cover and exposed upper elevations. • The landscape strongly defined by its dramatically uplifted landforms and coastal orientation / outlook. The vegetation patterns, exposed bluffs and outcrops reinforce the landscapes topography and exposure. • Mt Frederick, the Waimangaroa River and the dramatic bluffs that form the headwall of the Valley.
ONL51	Ngākawau River Valley	A steep to very steep sided valley and deeply etched chasm like gorge system with a narrow river channel which passes through a series of very broad rolling foothills set between the Glasgow Range to the east and Radcliff Ridge to the west. • Extensive coverage of mixed podocarp / beech forest. • A strong sense of naturalness is primarily derived from the dramatic and incised profile of the gorge and the coverage of mature native vegetation. • Dramatically eroded landforms clearly express the rivers power and varying flow. Broken vegetation and expansive depositional landforms reinforce these qualities. • Evidence of erosion revealing underlying geology, rockfall, stream downcutting and flooding. • The Ngākawau Gorge and the Radcliffe Ridge are key landmarks with this landscape.
ONL52	Tasman Mountains	A diverse landscape comprising steep peaks, ridges, and ranges opening out to rolling basins, plateau and river valleys. • Wild remote and dramatic sequence of mountain ranges, often deeply etched and displaying sculpted rock formation in the upper elevations. • Interplay of mature indigenous forest and vegetative sequence from lowland forest through to scrub, tussockland, pakihi and rockland vegetation reinforcing topography and pronounced relief. • Exposed peaks and ridgetops revealing underlying geology, and numerous glacial tarns are highly expressive of the landscapes formative and ongoing natural processes. • Mt Kendall, Domett, Luna and Aorere Peak - Gunnar, Gouland, Mackay Downs and Thousand Acres Plateau, the Whakapoāi/Heaphy, Kakara Taramea/Karamea, and Mōkihinui Rivers are key / representative landmarks with this landscape.

ONL53	Kongahu Point	Sequence of bluffs and steep coastal slopes backed by rugged hill country and a series of broad basins. Successional vegetation and regeneration of native forest gives way to scrubland and windswept vegetation along exposed ridgetops and coastal faces – patterning of vegetation and across the bluffs and slopes reinforces the topography and exposure. • Amalgam of raw and exposed coastal landforms, strong elevated relief, windswept vegetation which impart a strong sense of naturalness. • Well defined basins enclosed by a series of steep ranges and bluffs. • Continuous mature native forest comprising stands of matai and northern rata. • Lake Hanlon, Karamea Bluff, Kongahu Point and the Radiant Range are key / representative landmarks with this landscape. • Area below mean high water springs also scheduled in Proposed Regional Coastal Plan as ONL53.
ONL54	Fenian, Stormy & Radiant Ranges	Assemblage of north-east to south-west orientated ranges and dissected hillcountry and stream corridors with extensive native forest that contrast with the low lying pastoral farmland. • Interplay of mature indigenous forest and vegetative sequence from lowland beech forest through to alpine scrub communities reinforcing topography and pronounced relief. • Exposed peaks and ridgetops revealing underlying geology are highly expressive of the landscapes formative and ongoing natural processes. • Coastal derived landforms with indigenous vegetation patterns and pasture reinforcing the dramatic topography. Sequence of ridgelines of similar orientation, elevation and vegetation cover, punctuated by exposed ridge tops and tussock lands. • Predominately mature native coastal forest cover. • The Radiant Range, Stormy Ridge, Kakara Taramea/ Karamea River, and the Ōparara limestone arches are key / representative landmarks within this landscape.
ONL55	Kohaihai Bluff to Kahurangi Point	Sequence of coastal ranges, cliffs and headlands with strong elevated relief and a series of rocky shoal, outcrops, islets, bluffs, broad beaches, dunefields and lagoons along its shoreline. • Continuous mature coastal forest with a distinctive abundance of nikau groves and rata. • Unmodified coastal landforms – Interplay of indigenous forest with regenerating shrublands and exposed slopes reinforce areas of coastal erosion, river and stream entrenchment, and exposure to Te Tai-o-Rēhua/ the Tasman Sea. • The dramatic interaction of the landscape with Te Tai-o-Rēhua/ the Tasman Sea and its continuous vegetation cover provide a consistent patterning to this exposed landscape. • Kaurangi Point, Heaphy Bluff, Whakapoāi/Heaphy River, Kohaihai Bluff and Wekakura Point are key / representative landmarks within this landscape. • Important cultural landscape for Poutini Ngāi Tahu including SASM1 Kahurangi Point wāhi tohu, SASM 2 Whakapoai / Heaphy Māori reserve, SASM 3 Whakapoai Native Reserve 7B Māori reserve

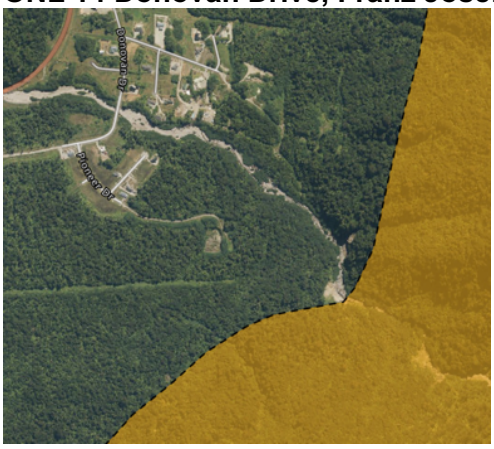
		and SASM 216 Ōtukoro Historic Reserve / Ōtukoro Iti, Kahurangi - Statutory Acknowledgement, Ancestors embedded in the landscape, Wāhi taonga, Wāhi tapu, Mahinga kai • Area below mean high water springs also scheduled in Proposed Regional Coastal Plan as ONL55.

APPENDIX 3 – AMENDMENTS TO OUTSTANDING NATURAL LANDSCPES

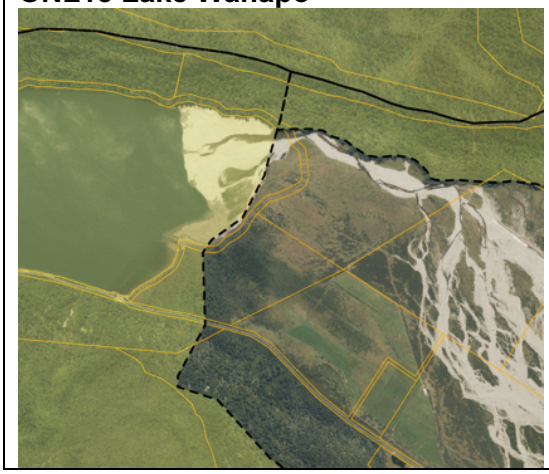
ONL4 Hannah's Clearing



ONL 14 Donovan Drive, Franz Josef



ONL15 Lake Wahapo



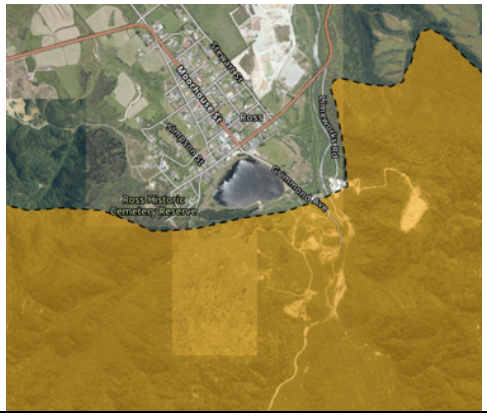
ONL 15 Ōkarito



ONL17 Site between Waitaha River and Poerua River



ONL20 Ross



ONL 22 The Doughboy



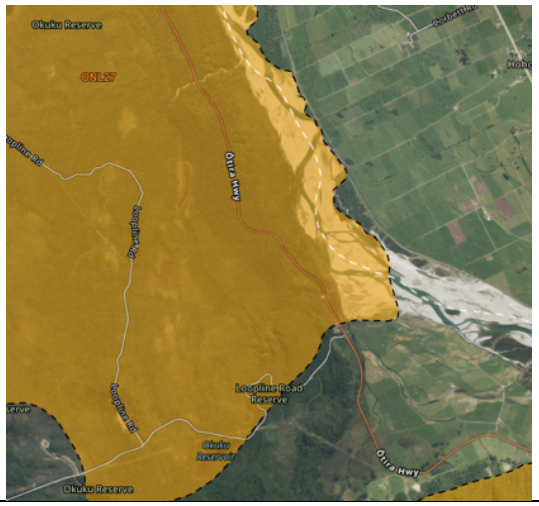
ONL25 Lake Kaniere Road



ONL26 Lake Māhinapua



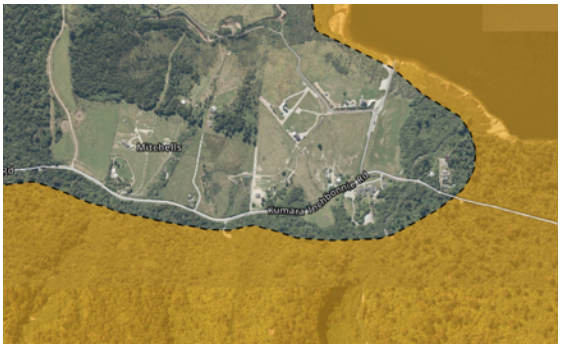
ONL 27 Taramakau River



ONL 28 Taramakau River



ONL 29 Mitchells



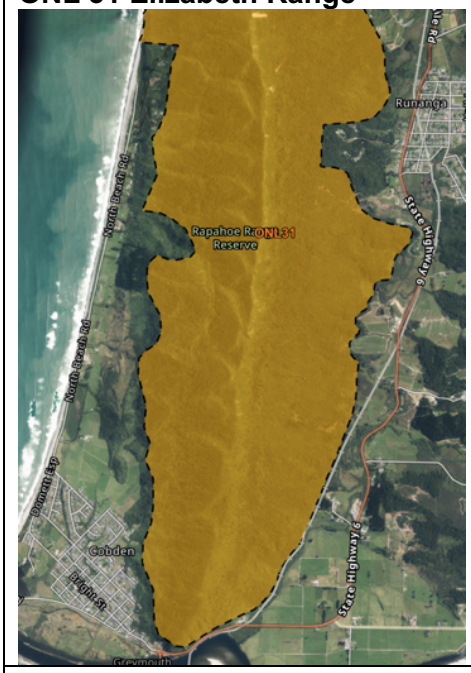
ONL 29 Iveagh Bay



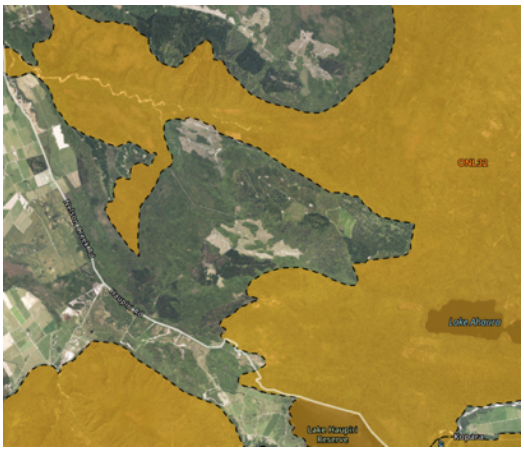
ONL 29 Moana



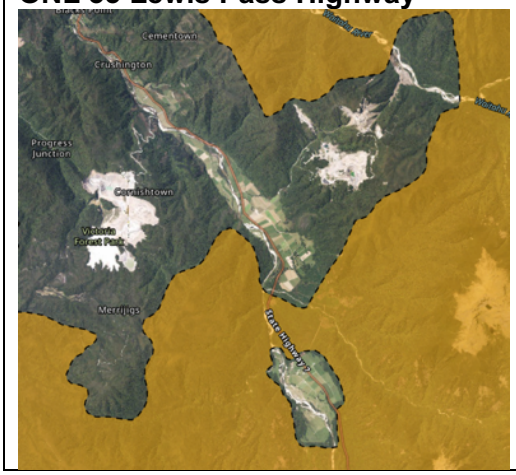
ONL 31 Elizabeth Range



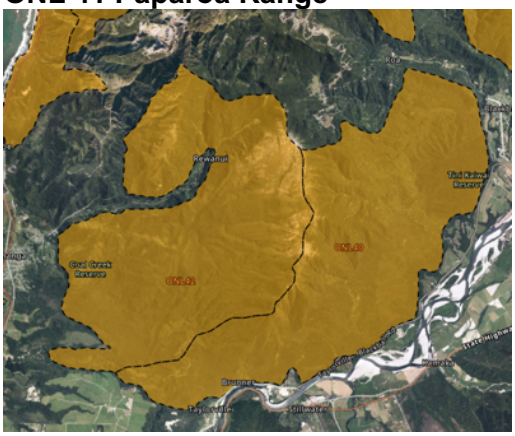
ONL 32 Lake Hochstetter

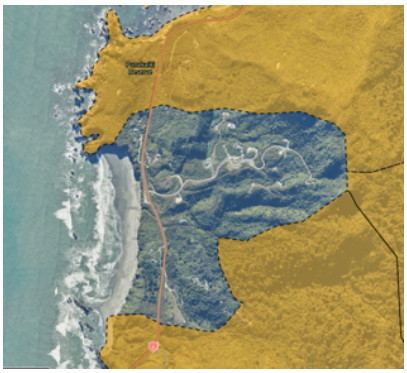


ONL 33 Lewis Pass Highway



ONL 41 Paparoa Range



ONL 44 Pahautane	ONL 54 Karamea
	

TAI POUTINI PLAN COMMITTEE

Hearing of Submissions on the Proposed Te Tai O Poutini Plan

Recommendation Report of Hearing Panel

Recommendation Report

Natural Character and Margins of Waterbodies - Ngā Ahua me ngā Mahi ka Noho Hāngai ki ngā Hopua Wai

and

Activities on the Surface of Water – Ngā mahi ki te kārewa o te wai

Hearing date: 20 and 21 February 2024

HEARING PANEL

Paul Rogers (Chair)

Maria Bartlett

Anton Becker

Sharon McGarry

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APPENDICES

Appendix 1 - Recommendations

PART A – INTRODUCTORY MATTERS

1. PRELIMINARY MATTERS

1.1. Introduction

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

2. This Recommendation Report relates to Natural Character and Margins of Waterbodies – Ngā Ahua me ngā Mahi ka Noho Hāngai ki ngā Hopua Wai (**NC**) Chapter in the Natural Environment – Nga Uara Taiao Aotūroa section of the pTTPP; and Activities on the Surface of Water – Ngā mahi ki te kārewa o te wai (**ASW**) Chapter in the General District Wide Matters - Ngā Kaupapa ā-Rohe Whānui section of the pTTPP. The Report contains the Hearing Panel's recommendations to Council on the submissions and further submissions received on these two chapters of the Plan.

3. The Section 32 Report[1] provided an evaluation of the options for the management of Natural Character and Waterbodies through the combined Plan, including the regulatory and policy direction, key resource management issues, the evidence base (research, consultation, information and analysis undertaken), the operative District Plan provisions, an analysis of best practice and an evaluation of the options.

4. The Section 42A Officer's Report[2] ('s42A Report'), authored by Ms Lois Easton, a planner with Kererū Consultants acting as the Reporting Officer, was circulated prior to the hearing. The s42A Report provided an analysis of submissions and further submissions received.

5. A total of 48 submissions and 22 further submissions relating to the Natural Character of Waterbodies and Activities on the Surface of Water were received

6. The s42A Report assessed a total of 323 submissions points and 151 further submission points on the Natural Character and Margins of Waterbodies; and 89 submission points and 40 further submission points relating to the Activities on the Surface of Water. It provided summaries of the submissions and further submissions received and the relief sought; an analysis of the proposed changes to provisions; and recommendations on changes to the plan provisions (see Appendix 1 of s42A Report) and the accept/accept in part/reject recommendations for individual submission and further submission points (see Appendix 2 of the s42A Report).

7. The matters raised by submitters were grouped in the s42A Report in relation to each of the following key issues for each of the two chapters:

    - General/Whole Chapter;
    - Overview;

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

[2] Te Tai o Poutini Plan Section 42A Officer's Report Natural Character and Margins of Waterbodies and Activities on the Surface of Water

- Objectives;
- Policies;
- Rules

8. This Recommendation Report follows the same structure as the s42A Report and provides a brief summary of the issues raised in submissions and further submissions, the s42A Report analysis and recommendations, submitter evidence and the Reporting Officer's reply evidence, before providing our evaluation and recommendation.

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

10. This Recommendation Report contains the reasons for the Panel's recommendations. These comprise either adoption of the reasoning and recommendations of the original section 42A Reports or the Reporting Officer's reply evidence (Councils' right of reply post hearing adjournment), or a specific reasoning by the Panel.

11. Where the Panel recommends the TTPP provisions should remain as notified, it is because:

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

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

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

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

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

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

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

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

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

14. If there are circumstances where the Panel consider that alternative relief is more appropriate than that requested in submissions and further submission to give effect to the RMA, national policy statements and/or RPS, but are still within the scope of the relief sought, the relevant recommendation clearly sets out the nature of the change and the reason for the change. This is recorded in this Recommendation Report.

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

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

1.2. Terminology in this Report

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

ASW	Activities on the Surface of Water
Bathurst	Bathurst Resources Limited and BT Mining Limited
ECO	Ecosystems and Indigenous Biodiversity
EIT	Energy, Infrastructure and Transport
BDC	Buller District Council
Te Mana Ora	Community and Public Health (Te Whatu Ora
Councils	Buller District Council, Grey District Council, and Westland District Council
DOC	Department of Conservation
Director General	Director General of Conservation

Forest & Bird	Royal Forest and Bird Protection Society of NZ incorporated
GDC	Grey District Council
Manawa	Manawa Energy Limited
WCRCP	Proposed West Coast Regional Coastal Plan 2016
NC	Natural Character and Margins of Waterbodies
NPSIB	National Policy Statement for Indigenous Biodiversity 2023
NPSFM	National Policy Statement for Freshwater Management 2020
NESF	National Environmental Standard for Freshwater
NPS	National Planning Standards
NZCPS	New Zealand Coastal Policy Statement
Poutini Ngāi Tahu	Te Rūnanga o Ngāi Tahu, Te Runanga o Ngāti Waewae, Te Rūnanga o Makaawhio
pTTPP	Proposed Te Tai Poutini Plan
RMA or the Act	Resource Management Act 1991
RPS	West Coast Regional Policy Statement
SNA	Significant Natural Area
SASM	Sites and Areas of Significance to Māori
Transpower	Transpower New Zealand Limited
Waka Kotahi NZTA	NZ Transport Agency Waka Kotahi
WCRC	West Coast Regional Council
WDC	Westland District Council

1.3. Hearing Arrangements

18. The hearing was held at the RSA Hokitika, 22 Sewell Street, Hokitika on the 20 and 21 of February 2024. A number of submitters appeared remotely by internet connection.

19. At the hearing, Ms Easton tabled a Planning Summary Statement to her s42A Report and Addendum Report with an updated Appendix 1 (recommended provisions with tracked changes) and Appendix 2 (Reporting Officer recommendations on submissions and further submissions).

1.4. Appearances

20. The following submitters appeared at the hearing:

Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio and Te Rūnanga o Ngāi Tahu ('Poutini Ngāi Tahu') - Ms Rachel Pull, Senior Environmental Advisor

Bathurst Resources Limited and BT Mining Limited ('Bathurst')
- Mr Joshua Leckie, Legal Counsel
- Ms Claire Hunter, Planner

Westpower Limited
- Mr Roger Griffiths, General Manager – Generation and Technology for Westpower
- Ms Sylvie Saskova, Technical Administrator for Westpower
- Mr Martin Kennedy, Planner

Director General of Conservation ('Director General')
- Mr Matt Pemberton, Counsel
- Ms Amy Young, Planner

West Coast Fish and Game Council ('Fish and Game')
- Mr Dean van Mierlo, Solicitor
- Mr Dean Kelly, Manager for West Coast Fish and Game Council
- Ms Helen Brosnan, Senior Policy Advisor for West Coast Fish and Game Council

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

Nikau Deer Farm Limited - Mr George and Mrs Carol Coates

Jet Boating NZ - Mr Malcolm Smith

Manawa Energy Limited ('Manawa') - Ms Stephanie Styles, Planner

Herenga ā Nuku Aoteoroa/Outdoor Access Commission – Ms Inger Perkins, Field Advisor

Lake Māhinapua Aquatic Club Incorporated - Mr Rob Daniel, Consultant Advisor

1.5. Overview of submitter evidence and statements received

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

(a) Mr Joshua Leckie/Ms Christina Sheard for Bathurst (dated 5 February 2024);

(b) Mr Matt Pemberton for the Director General of Conservation (dated 5 February 2024); and

(c) Mr Dean van Mierlo for West Coast Fish and Game Council (dated 5 February 2024).

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

(a) Ms Claire Hunter, Planner for Bathurst (dated 12 February 2024);

(b) Ms Amy Young, Planner for the Director General of Conservation (dated 22 January 2024);

(c) Ms Stephanie Styles, Planner for Manawa (dated 22 January 2024) and supplementary evidence (dated 21 February 2024);

(d) Ms Rachel Pull for, Senior Environmental Advisor for Ngāi Tahu (dated 19 January 2024);

(e) Ms Inger Perkins Regional, Field Advisor for Herenga ā Nuku Aotearoa/Outdoor Access Commission (dated 20 February 2024);

(f) Mr Malcolm Smith, Consultant Advisor for Jet Boating NZ (undated)

(g) Mr Dean Kelly, Manager for West Coast Fish and Game Council (dated 22 January 2024)

(h) Mr Helen Brosnan, Senior Policy Advisor for West Coast Fish and Game Council (dated 22 January 2024);

(i) Mr George Coates for Nikau Deer Farm Ltd (dated 21 February 2024);

(j) Mr Joshua Leckie on behalf of Bathurst Resources Limited and B T Mining Ltd (dated 5 February 2024);

(k) Mr Martin Kennedy, Planner for Westpower (dated 20 February 2024); and

(l) Ms Frida Inta on behalf of herself and Buller Conservation Group (dated 19 February 2024).

23. Following the receipt of the s42A Report and the Addendum Report:

(a) Transpower advised[3] it did not intend to appear at the hearing and that the substance of the relief it had sought had been accepted by the Reporting Officer. Transpower identified one exception where it would prefer to support the use of the words '*avoided, remedied or mitigated*' in Objective NC-O1 and questioned the need for the objective to address effects.

(b) Chris Horne, planner on behalf of Chorus, Spark, One NZ and Forty South advised[4] that the Companies wished to record their support for the s42A Report recommendations in regard to all of their submissions on this topic and would not be filing any evidence.

[3] Letter from Rebecca Eng, Technical Lead – Policy, Transpower New Zealand Limited dated 22 January 2024.

[4] Letter from Chris Horne, Consultant Planner dated 23 January 2024

24. Following the hearing adjournment, the following further information responding to matters raised in the hearing was received:

    (a) A response from Ms Pull on behalf of Poutini Ngāi Tahu confirming that the use of Kaimata/New River for recreational jet boating above the State Highway bridge is acceptable (dated 2 March 2024);

    (b) A supplementary statement of planning evidence from Ms Styles for Manawa (dated 21 February 2024) updating the Panel on any outstanding requested changes in the provisions to provide clarity for the Panel;

    (c) A response from Jet Boating NZ confirming its support for the proposed amendment presented by Poutini Ngāi Tahu in relation to allowing recreation jet boating above the State Highway bridge at Kaimata/New River; and

    (d) A response from Mr George Coates to questions by the Panel to clarify terminology used in relation to natural hazard structures.

1.6. Right of Reply

25. Ms Easton provided a written Right of Reply (dated 28 March 2024) that included an updated Appendix 1 showing tracked changes to the notified provisions (Attachment 1).

1.7. Procedural Steps and Issues

26. No procedural matters or issues were identified during the hearing

1.8. Site Visits

27. As part of our general site visits around the region, we visited Lake Māhinapua and Lake Brunner.

PART B - STATUTORY REQUIREMENTS AND DOCUMENTS

28. The Section 32 Report outlined the relevant statutory considerations applicable to natural character and the margins of waterbodies and activities on the surface of water; and the relationships between the sections of the RMA and higher order documents.

29. The s42A Report highlighted the relevant sections 6, 7 and 8 of the RMA, the National Policy Statement for Freshwater Management (**NPSFM**), National Policy Statement for Indigenous Biodiversity 2023 (**NPSIB**), National Policy Statement for Renewable Electricity Generation 2011 (**NPSREG**), Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009 (**NESETA**), and National Environmental Standard for Freshwater (**NESF**), two National Water Conservation Orders (Water Conservation (Buller River) Order 2001 and Water Conservation (Grey River) Order 1991) and the National Planning Standards (**NPS**).

30. In relation to the Water Conservation Orders, the s42A Report noted that most of the provisions relate to regional council functions, but that both also include a clause stating that a resource consent shall not be granted under section 9 of the Act (relating to land use) if the effect would be that the provisions of the water conservation order could not be observed. The Report noted that consents could only be issued by the district councils if they ensured that the values listed for the Buller River and Grey River were protected.

31. Clause 10 of the First Schedule states that it is not necessary to provide decisions on individual submissions. Recommendation of the Panel are made within the scope of requested relief, either individual submissions or groups of submissions making similar requests, as specified in reasons for recommendation.

32. The NPS mandatory direction 7.20 requires provisions relating to natural character of wetlands, lakes and rivers and their margins to be located in the Natural Character chapter of the Natural Environment Values section of the Plan. Mandatory direction 7.24 requires provisions relating to the management of activities on the surface of water to be located in the Activities on the Surface of Water chapter of the General District-wide Maters section of the Plan. The Panel is satisfied the Plan structure is consistent with this national direction.

PART C – SUBMISSIONS, EVIDENCE, EVALUATION AND RECCOMENDATIONS

2. NATURAL CHARACTER AND MARGINS OF WATERBODIES

2.1. NC General/Whole Chapter

Submissions and Further Submissions

33. Ten submission points and three further submission points relating to general matters on the whole NC Chapter were summarised in a Table on pages 12-13 of the s42A Report. One submission point was neutral, two submission points sought to retain the objectives, policies and rules, as notified, and six sought changes. The Panel has considered the relevant submissions and further submissions received and adopts the summaries in the s42A Report.

Section 42A Report

34. The s42A Report supported Forest & Bird's (S560.508) to move provisions relating to vegetation clearance to the Ecosystems and Indigenous Biodiversity (**ECO**) Chapter of the Plan, with cross references from the NC Chapter. It recommended moving Rule NC-R1 and Rule NC-R3 to the ECO Chapter. It noted Forest & Bird's (S560.044) request, that if the NC Chapter is retained, it should be referenced throughout the Plan. It did not support cross referencing within the rules because there were already specific references in the overview of each chapter guiding refence to other chapters where appropriate.

35. The s42A Report acknowledged Forest & Bird's submission (S560.243) requesting that the rules governing vegetation clearance be as least as stringent as the ECO Chapter and address RMA s6(c) matters. It noted this would be required when the rules affected were considered within the context of the ECO Chapter provisions.

36. The s42A Report did not support G.E and C.J Coates' request (S415.006) to delete the NC Chapter because they consider it does not align with the Regional Council rules and there is sufficient protection of waterbodies through land administered by the Department of Conservation (**DOC**).

37. The s42A Report supported in part the West Coast Regional Council's (S488.022) to ensure that there are no adverse effects on the social or economic welling being of West Coast people and communities. It considered it was unlikely no adverse effects on people and communities could be guaranteed. In response to a question from the Panel, Ms Easton agreed there was no national direction requiring no adverse effects on people.

38. The s42A Report did not support Grey District Council's request to remove all references to Sites of Significance to Māori (**SASM**) in the NC Chapter because this gives effect to RMA s6(e) as a matter of national importance.

39. There were no further recommendations from the Reporting Officer regarding the Whole Chapter.

Hearing and Submitter Evidence/Statements

40. Mr and Mrs Coates presented a statement to the Panel proposing that the NC Chapter should be removed in its entirety, as they considered it does not align with the Regional Council rules.

They considered there was insufficient evidence to support the rules and insufficient consideration of private property rights. They indicated that there were inadequate provisions to enable them to operate their farm in an efficient manner, including the ability to realign watercourses, clear vegetation for existing and new fence lines, establish and maintain farm tracks, and create new bridges wider than 3m.[5]

Reporting Officer Reply Evidence

41. There was no change to the Reporting Officer's view expressed in the 42A Report in response to the presentation by Mr and Mrs Coates in her Right of Reply. She remained of the view that it was not appropriate to remove the entire NC Chapter.

Hearing Panel's Evaluation

42. The Panel agrees with Ms Easton that it is not appropriate to remove the NC Chapter, or to remove references to overlays or references to SASM in the NC Chapter.

43. The Panel has considered the concerns raised by Mr and Mrs Coates in relation to their ability to operate their farm and are satisfied the provisions enable the continuation of existing lawfully established activities and new activities that have minor adverse effects. We consider new activities with the potential for more than minor adverse effects on the natural character of waterbodies should be assessed through the resource consent process.

44. The Panel is satisfied that provisions align with Regional Council rules and do not duplicate Regional Council function. The Panel accepts Ms Easton's recommendation to reject Mr and Mrs Coates submission point to remove the whole NC Chapter.

45. The Panel acknowledges the Plan provisions must give effect to the purpose and principles of the RMA and the higher statutory order direction. There is no require to have no adverse effects on people and communities, however, the Panel considers the provisions sufficiently provide for existing activities and new activities that have minor adverse effects. The Panel notes the s32 evaluation accompanying the Plan considers the social and economic impacts of the proposed regulations and specifically note that the approach taken is not new and is a refinement of existing regulations relating to the margins of waterbodies.

46. The Panel accepts Ms Easton's recommendation to move all vegetation clearance provisions to the ECO Chapter, with cross references in the NC Chapter, is appropriate. The Panel notes this affects rules NC-P2, NC-R1 and NC-R3, which is addressed below.

2.2. NC Overview

Submissions and Further Submissions

47. Ten submission points and one further submission point relating to the Overview were summarised in a table on pages 17-18 of the S42A report. The Panel adopts these summaries and has considered the relevant submissions and further submissions.

[5] Statement of evidence presented 21 March 2024

48. All submission points sought amendments to include additional wording in the Overview except for one submission which supported retaining the wording as notified.

Section 42A Report

49. The s42A Report did not support Forest & Bird's (S540.244) request to provide more detailed explanation of the relationship with the NESF and the activities regulated by the NESF because it is focussed on Regional Council functions. However, it recommended adding short statement to clarify this relationship and the

50. The s42A Report supported minor amendments to the Overview wording to improve clarity and make it clear that the rules that apply to other chapters are applicable in the NC Chapter as well. It recommended the following amendments:

> *Overview*
>
> *Waterbodies and their margins are an important part of the West Coast/Te tai Poutini, waterbodies are connected Ki uta ki tai from the mountains to the sea) and have important values, including for biodiversity, cultural,* ***recreational*** *or historical reasons.*
>
> *Under section 31 of the RMA district councils are responsible for the management of activities on land, including the margin of water bodies.* ***Natural Character and the margins of waterbodies require protection as a matter of national importance under Section 6(a) of the RMA. Te Tai o Poutini Plan also manages activities on the surface of waterbodies****.*
>
> *[ ]*
>
> *Rivers, streams, lakes and wetlands have important ecological, natural character,* ***recreational*** *and hydrological values. They provide for habitat for native plants, fish, birds, lizards, frogs, insects and aquatic and terrestrial macroinvertebrate aquatic life* ***and opportunities for access to and along waterways.***
>
> ***Some waterbodies (both natural and artificial) also form an important resource for the generation of hydroelectricity which contributes to the wellbeing of people and communities***
>
> *[ ]*
>
> *The National Environmental Standard for Freshwater Management 2020 (NESFM) has specific rules which relate to freshwater in particular* ~~*as relate*~~ ***in relation*** *to activities in the margins of natural inland wetlands.* ***These rules relate to the regional functions of the West Coast Regional Council and are administered by the organisation. The provisions in Te Tai o Poutini Plan have been developed considering the NESF and what additional provisions are required to fulfil the statutory functions of the district councils in relation to natural character of waterbodies. Te Tai O Poutini plan provisions in relation to riparian margins of wetlands only relate to wetlands in the coastal marine area to avoid duplication with the NESF.***
>
> *[ ]*
>
> *EARTHWORKS - The Earthworks Chapter includes provisions around earthworks management.* ***These relate to requirements for earthworks within zones and include***

general standards for earthworks. These rules apply in addition to rules on earthworks within the Natural Character of Waterbodies Chapter.

ECOSYSTEMS AND INDIGINOUS BIODIVERSITY – The Ecosystems and Indigenous Biodiversity Chapter contains provisions around vegetation clearance, including in the margins of waterbodies.

[ ]

ENERGY, INFRASTRUCTURE and TRANSPORT- The Infrastructure and Transport Chapter contains policies that are also relevant and should be assessed in relation to energy infrastructure or transport activities that trigger resource consent on the Natural Character of Waterbodies Rules.

Hearing and Submitter Evidence/Statements

51. Ms Rachel Pull, on behalf of Poutini Ngāi Tahu, clarified that the further submission (FS41.664) only opposed Herenga ā Nuku Aotearoa/Outdoor Access Commission's submission point in relation to the request to add further government departments to the third paragraph of the Overview. She considered this was not appropriate because the third paragraph recognised the legislative relationship between Councils and mana whenua in relation to waterbodies. She noted the further submission recommended the agencies listed be added as an Advice Note for public information purposes at the end of the Overview, as follows:

> ***Other Relevant Government Bodies***
> ***Aside from Regional and local government there are other key agencies and government groups involved in the integrated management of waterbodies. These include***
> - ***The Department of Conservation***
> - ***NZ Landcare Trust***
> - ***Catchment care and other restoration groups and***
> - ***The Herenga ā Nuku Aotearoa Outdoor Access Commission***

52. Ms Pull did not support the s42A Report recommendation to include cross referencing to the Energy, Infrastructure and Transport (**EIT**) chapters given it is standard practice to consider any relevant provisions when processing a resource consent. She highlighted the chapters of the Natural Environment Values section of the Plan include a statement under the policies of the chapter to refer to the policies of the EIT chapters, with the exception of the Public Access Chapter). She considered a specific reference would draw attention to them and imply they require special consideration of the EIT chapters. She requested removal of the statement from the policies section of the Natural Environment Values chapters ((Ecosystems and Indigenous Biodiversity, Natural Features and Landscapes, and Natural Character and the Margins of Waterbodies) as follows:

> ~~*Also where relevant refer to policies in the Energy, Infrastructure and Transport Chapters.*~~

53. Ms Pull sought to add the following to the Overview of the NC and ASW Chapters under 'Other relevant Te Tai o Poutini Plan Provisions':

> ***Energy, Infrastructure and Transport – The Energy, Infrastructure and Transport chapters contain provisions that manage Energy, Infrastructure and Transport activities and potential reserve sensitivity.***

54. Ms Pull's recommended amendment to the Overview to add other agencies as an Advice Note.

55. Ms Inger Perkins, on behalf of Herenga ā Nuku Aotearoa/Outdoor Access Commission, requested the following sentence be extended as follows in the Overview:

> *Waterbodies are connected (Ki uta ki tai) from the mountains to the sea) and have important values including for biodiversity, cultural**, recreational** or historical reasons*

56. Ms Perkins accepted the further submission from Poutini Ngāi Tahu in opposition to including the requested addition of other agencies to the Overview and agreed with including an Advice Note as suggested by Ms Pull. However, Ms Perkins considered there was one notable omission from the list and recommended that the West Coast Fish and Game Council be added.

57. Ms Perkins also requested the following addition to the end of the Overview:

> ***Rivers streams, lakes and wetlands have important recreational values including opportunities for access to and along waterways.***

58. Ms Stephanie Styles, on behalf of Manawa Energy Limited ('Manawa'), sought to include a reference to hydroelectricity in the Overview to acknowledge the important resource that waterbodies are for the region in terms of providing for hydroelectricity generation.

59. Mr Martin Kennedy, on behalf of Westpower Limited, sought additional text in the Overview to give effect to the interrelationship between natural character and infrastructure that is significant to the region, as recognised in RPS Chapter 6, Policies 3 and 6 as follows:

> ***There is a considerable network of energy activities and infrastructure, including critical infrastructure, on the West Coast that services the communities spread throughout the region and into neighbouring regions. Such activities have been, and will continue to be developed and undertaken recognising and taking into account the local conditions. Given the topography and extent of waterbodies and landscapes on the West Coast practical management solutions are required to ensure maintenance and enhancement of the supply of renewable energy to, and between, communities for the benefit of those communities and the wider environment from the use and development of renewable energy. The National Policy Statement for Renewable Electricity Generation also recognises the constraints and requirements of such activities including, amongst other matters, being located where the resource is.***

60. Ms Frida Inta, on behalf of herself and Buller Conservation Group, requested the following amendments to the wording of the Overview wording:

> *Waterbodies and their margins are **a vital underpinning** ~~an important part~~ of the West Coast **Region**/Te Tai Poutini **and its prosperity**. Waterbodies are connected (Ki uta ki tai*

from the mountains to the sea) and have important values, including ***<u>those</u>*** *for biodiversity,* ***<u>ecosystem services,</u>*** *cultur<u>e</u>~~al~~, recreation~~al~~ or histor<u>y</u>~~ical reasons~~.*

61. Ms Inta stated waterbodies are more than an important part of the West Coast, they *are* the West Coast, and she considered the proposed sentence overtly understated their importance. She considered the changes sought to correct grammatical errors and include reference to '*ecosystem services'.*

<u>Reporting Officer Reply Evidence</u>

62. At the hearing, Ms Easton recommended adding the Advice Note agreed to by Ms Pull and Ms Perkins to the end of the Overview. She also agreed it was appropriate to add the West Coast Fish and Game Council. However, the Panel note that this Advice Note was not included in Ms Easton's Right of Reply. The Panel considers this was an oversight given her response to questions at the hearing.

<u>Hearing Panel's Evaluation</u>

63. The Panel accepts that Ms Easton's recommended amendments to the Overview provide greater clarity for most of the issues sought by submitters, as shown in Appendix 1 of the s42A Report.

64. The Panel accepts the recommendation to add a new Advice Note as agreed by Ms Pull and Ms Perkins, with the addition of the West Coast Fish and Game Council.

65. The Panel accepts Ms Easton's recommendation to reject the proposed amendments to the Overview proposed by Mr Kennedy on behalf of Westpower given this only repeats what is already stated throughout the Plan.

66. The Panel accepts the Buller Conservation Group's submission point (S552.094), as recommended by Ms Easton, but considers that the further text changes sought by Ms Inta at the hearing are not within the scope of the Buller Conservation Groups original submission point.

67. The Panel accepts the Reporting Officer's recommendation to add wording clarifying the NESF and the functions of the Regional Council and accept in part Forest & Bird's submission. However, the Panel recommends the overview is corrected to refer to the Resource Management (National Environmental Standard for Freshwater) Regulation 2020 (NESF).

68. The Panel considers it is appropriate to update the reference in the Overview to the Resource Management (National Environmental Standards for Commercial Forestry) Regulations 2017 (**NES-CF**), which has replaced the NES-PF.

69. The Panel has also made minor corrections to the Overview to reflect the replacement of the NES-PF with the NES-CF, correct the use of capitals and grammatical errors.

<u>Recommendation</u>

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

accepted or accepted in part, and recommends the following changes to the Natural Character and Margins of Waterbodies Overview:

OVERVIEW

Waterbodies and their margins are an important part of the West Coast/Te Tai Poutini. Waterbodies are connected (~~K~~**k**i uta ki tai**,** from the mountains to the sea) and have important values, including for biodiversity, cultural**, recreational**[6] or historical reasons.

Under section 31 of the RMA district councils are responsible for the management of activities on land, including the margins of waterbodies. **Natural Character and the margins of waterbodies require protection as a matter of national importance under Section 6(a) of the RMA[7]. Te Tai o Poutini Plan also manages activities on the surface of waterbodies**.[8]

The West Coast Regional Council has responsibility for the management of wetlands, lakes and rivers**,** including land uses in the beds of rivers. This section of Te Tai o Poutini Plan focuses on the natural character of the margins of wetlands, lakes and rivers**,** thereby avoiding duplication with Regional Council functions.

The three district council**s** work with the West Coast Regional Council and Poutini Ngāi Tahu to ensure waterbodies are managed in an integrated way.

Poutini Ngāi Tahu have a special relationship with the mauri of waterbodies and ancestral, cultural spiritual or historical associations with waterbodies. Many waterbodies in the West Coast/TeTai o Poutini are identified as statutory acknowledgement area**s** and there are also nohoanga entitlements in place in some locations. These waterbodies contain~~er~~ associated ~~kainga~~**kāinga**, ~~pa~~ **pā,** important sites for the gathering of kai, **t**~~T~~auranga ika and specialised zones for various activities of high cultural value**,** such as cleansing, iriiringa, food preparation and bathing, which continue to be vital to the wellbeing, livelihood and lifestyle of Poutini Ngāi Tahu.

Rivers, streams, lakes and wetlands have important ecological, natural character**, recreational** [9] and hydrological values**.** ~~t~~**T**hey provide important habitat for native plants, fish, birds, lizards, frogs, insects and aquatic and terrestrial macroinvertebrate aquatic life **and opportunities for access to and along waterways.**[10]

Some waterbodies (both natural and artificial) also form an important resource for the generation of hydroelectricity, which contributes to the wellbeing of people and communities.[11]

The National Policy Statement for Freshwater Management 2020 (NPSFM) guides decision-making regarding the freshwater resources of New Zealand/Aotearoa. In particular**,** the councils must have regard to its objectives and policies in consent decision-making.

The Resource Management (National Environmental Standard for Freshwater) Regulations 2020 (NESF) has specific rules which relate to freshwater, in particular in relation to activities in the margins of freshwater wetlands. **These rules relate to the regional functions of the West Coast**

[6] Herenga ā Nuku Aotearoa Outdoor Access Commission S274.004
[7] Buller Conservation Group S552.094
[8] Director General of Conservation S602.100
[9] Herenga ā Nuku Aotearoa Outdoor Access Commision.S274.004
[10] Herenga ā Nuku Aotearoa Outdoor Access Commission S274.004
[11] Manawa Energy Limited S438.103

Regional Council and are administered by that organisation. The provisions in Te Tai o Poutini Plan have been developed considering the NESF and what additional provisions are required to fulfil the statutory functions of the district councils in relation to natural character of waterbodies. The Tai o Poutini Plan provisions in relation to riparian margins of wetlands only relate to wetlands in the coastal marine area to avoid duplication with the NESF.[12]

~~Plantation~~ **Commercial** Forestry

~~Plantation~~**Commercial** forestry is principally regulated by the Resource Management (National Environmental Standard for ~~Plantation~~**Commercial** Forestry) Amendment Regulations 2023 (NES-~~P~~**C**F).[13] However the NES-~~P~~**C**F allows that district plans can be more stringent where this gives effect to an objective in the National Policy Statement for Freshwater Management. Where provisions within this chapter over-rule the requirements of the NES-~~P~~**C**F an advice note to that effect is included within the rule.

Other relevant Te Tai o Poutini Plan provisions.

It is important to note that in addition to the zone chapters a number of District **w**~~W~~ide and Overlay chapters also contain provisions that may be relevant for waterbodies, including:

- Public Access - The Public Access Chapter contains provisions relating to the provision and maintenance of public access to waterbodies.
- Subdivision - The Subdivision Chapter contains provisions which manage subdivision and specific standards in relation to the provision of esplanade reserves and strips, in particular SUB- S9
- Activities on the Surface of water – The Activities on the Surface of Water Chapter contains provisions that mange activities that occur on the surface of water.
- Coastal Environment – The Coastal environment Chapter contains provisions that manage the natural character of the coastal environment.
- Earthworks - The Earthworks Chapter includes provisions around earthworks management. **These relate to requirements for earthworks within zones and include general standards for earthworks. These rules apply in addition to rules on earthworks within the Natural Character of Waterbodies Chapter.** [14]
- **Ecosystems and Indigenous Biodiversity – The Ecosystems and Indigenous Biodiversity Chapter contains provisions around vegetation clearance, including in the margins of waterbodies.**[15]
- **Energy, Infrastructure and Transport - The Energy, Infrastructure and Transport Chapter contains policies that are also relevant and should be assessed in relation to energy infrastructure or transport activities that trigger resource consent under Natural Character of Waterbodies Rules.** [16]

Also ~~**view**~~ the Strategic Objectives and Policies[17]

Advice Note:
Other Relevant Government Bodies

[12] Royal Forest and Bird Protection Society of New Zealand Inc S560.224
[13] Clause 16 RMA correction to reflect the enactment of the Resource Management (National Environmental Standard for Commercial Forestry) Regulations 2017, which replaces the NES-PF.
[14] Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio and Te Rūnanga o Ngāi Tahu S620.001
[15] Royal Forest and Bird Protection Society of New Zealand Inc S560.511
[16] Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio and Te Rūnanga o Ngāi Tahu S620.001
[17] Westpower Limited S547.312

Aside from regional and local government there are other key agencies and government groups involved in the integrated management of waterbodies. These include:

- **Department of Conservation;**
- **West Coast Fish and Game Council**
- **NZ Landcare Trust;**
- **Catchment care and other restoration groups; and**
- **Herenga ā Nuku Aotearoa, the Outdoor Access Commission.** [18]

2.3. NC Definitions

Submissions and Further Submissions

71. Twenty-two submission points and seven further submission points relating to definitions were summarised in a Table on pages 18-21 of the s42A Report.

72. One submission supported retaining the definition of '***Artificial Lake or Pond***' as notified.

73. Two submission points and one further submission point supported retaining the definition of '***Lake***' as notified, with one requesting the exclusion of a dredge pond. One submission opposed the definition and requested use of the RMA interpretation, with one further submission point opposing this submission point.

74. Five submission points sought amendments to the definition of '***Riparian Margin***' and two further submissions supported two of the submission points.

75. Four submissions points and eight further submission points relating to the '*extent of riparian margins'* were summarised on page 48 of the s42A Report and assessed in relation to the NC rules. Four submissions sought amendments to the definition; and seven further submission points opposed the amendments sought and one further submission supported the amendments in part. These submission points are addressed here in relation to the definition of '*Riparian Margin*', as well as in relation to the rules.

76. One submission point supported the definition of '***River***' as notified and three submission points sought amendments.

77. One submission point supported the definition of '***Waterbody***' as notified and one submission point sought amendment to clarify the relationship between the definition and the zone.

78. Two submission points supported the definition of '***Wetland***' as notified.

79. Two submission points sought new definitions for '***Bank***' and two further submission points opposed these submission points.

80. Three submission points sought a new definition for '***Watercraft***' and one further submission supported in part.

[18] Herenga ā Nuku Aotearoa Outdoor Access Commission S274.004

81. The Panel has considered the relevant submissions and further submissions and adopts the summaries in the s42A Report.

Section 42A Report

82. The s42A Report did not support the request to use the RMA definition of '*Lake*' given the definition would potentially capture a range of artificially constructed ponds associated with other activities.

83. The s42A Report supported the changes to the definition of '*Riparian Margin*' to refer to rivers and not streams. The Report agreed it was not clear where the riparian margin is measured from but considered it should be measured from the point of '*annual fullest flow'* for any lake or wetland. It did not support a reduction of the distance determining the riparian margin given the rule changes recommended allow for farming to continue. It also supported the addition of '*within the coastal marine area*' to specify that only wetlands within the coastal marine area are included within the definition (S620.041, FS79.7 and FS222.338).

84. The s42A Report did not support Manawa's request (S478.017) to standardise the width of the riparian margin to 10m given the different functions of the District Councils and the Regional Council. It also considered the riparian margins should not be substantially different between the Plan and the West Coast Regional Land and Water Plan (**RLWP**). It noted the RLWP has 20m riparian margins for lakes and recommended Manawa's requested to reduce this to 10m should be rejected.

85. The s42A Report did not support the requests to increase the riparian margin to 15m wide and recommended rejecting these submission points (S552.027 and S312.010) and accepting the six further submissions opposing this increase (FS232.048, FS150.028, FS215.028, FS215.029, FS104.040, FS222.027, FS231.041). It noted that the RLWP riparian margins for a river >3m is between 3-10m.

86. The s42A Report considered there was some merit in including 1-3m wide rivers in the definition given the riparian areas can have significant natural character. It noted the RLWP provides for 3m (pasture) or (5m (indigenous vegetation) riparian margin width for streams on low slope land and 10m width indigenous vegetation on land >12 degrees slope. In response to questions, Ms Easton considered 1-3m wide streams could have a 3m wide riparian margin, which would be consistent with the stock exclusion regulations.

87. The S42A Report did not support the request to identify the difference between intermittent and ephemeral waterbodies or the request to use the definition used in the RLWP given the definition of '*River*' is set by NPS.

88. The s42A Report supported Poutini Ngāi Tahu's request to clarify the relationship between the definition of '*Waterbody*' and zones, given the identification of waterbodies on the zone planning maps is confusing. It noted that only some waterbodies are identified on the planning maps, and a waterbody is not a zone in the planning maps. It recommended the identification of 'waterbody' is removed from the zone maps/layer and the areas identified be zoned General Rural Zone (**GRUZ**).

89. The s42A Report did not support the addition of a new definition for '*Bank*' given the term is not used in the Plan.

90. The s42A Report supported the addition of a new definition for '*Watercraft*' with a qualifier at the end to identify motorised watercraft.

Hearing and Submitter Evidence/Statements

91. Ms Styles, on behalf of Manawa, requested that the definition of '*Riparian Margin'* is simplified to a distance of 10m from all waterbodies because 20m for lakes would subject Manawa to unnecessary consenting requirements. She supported the 10m setback as notified for wetlands if these are to be addressed by a rule in the Plan. She disagreed with the s42A Report recommendation and noted the District Council and Regional Council functions are quite different in respect of riparian margins, with the District Council functions relating to the effects of land use and public access. She considered 'following' the RLWP provisions would result in unnecessary duplication and consenting costs.

92. Ms Styles noted Manawa has specific interests in riparian setbacks as its assets and operations are functionally and operationally required to be located within and adjacent to waterbodies, including natural lakes and rivers e.g. Kawhaka Creek and the Arnold River, and many artificial or modified waterbodies such as Kumara reservoir and Dillmans canal. She considered the 20m riparian margin from lakes may subject a greater number of Manawa activities to potential consenting requirements that are unnecessary for the district councils to manage, such as earthworks, vegetation clearance and structural maintenance.

93. Ms Pull, for Poutini Ngāi Tahu, requested (S620.041) an additional clause be added to the definition of '*Riparian Margin*' to be consistent with the RLWP and ensure control of indigenous biodiversity on land with a slope of less than 12 degrees, as follows:

> *(d) 5m of any river with an average bed width between 1-3m*

94. Ms Pull noted she disagreed with Ms Easton that waterbodies on the zone planning maps should be zoned GRUZ and considered the zoning should be that of the adjacent land (the same as roads). She did not support removing waterbodies from the zone planning maps.

95. Mr Martin Kennedy, on behalf of Westpower, sought to have the definition of '*River*' aligned with the RLWP definition to give consistency of interpretation and implementation of documents.

96. Ms Amy Young, on behalf of the Director General of Conservation ('**Director General**') supported the new definition for '*Watercraft'* recommended in the s42A Report.

97. Ms Inta, on behalf of herself and Buller Conservation Group, sought to have the definition of '*Riparian Margin'* amended to include '*the point at which terrestrial vegetation commences'.* She also sought the addition of the Buller District Council (**BDC**) Plan definition for '*Bank*'.

Reporting Officer Reply Evidence/Statements

98. Ms Easton responded to questions from the Panel regarding the definition of '*Riparian Margin*' used in NPS and the RLWP. She did not support using the RLWP definition given it is lengthy and complex. She noted the NPS definition for '*Bed*' is the same as the RMA definition.

99. To address concerns relating to clarity around where the riparian margin is measured from, she recommended adding '*As measured from the point of annual fullest flow for a river or*

annual fullest water level for a lake or wetland' to the definitions. To further assist, Ms Easton recommended adding new definitions for '*Fullest flow*' (based on the RLWP definition) '*Bank*' (based on its ordinary meaning) and '*Bed*' (using the RMA meaning).

100. In response to questions, Ms Easton did not support the zoning of waterbodies to that of the adjacent land and was not comfortable if the zoning changed in the middle of a waterbody.

101. In her Right of Reply, Ms Easton provided further information of the extent of waterways <3m wide throughout the West Coast, the extent of these waterways in indigenous vegetation, and rules in the RLWP and NES-CF. She noted that most of the public conservation land administered by DOC is covered by indigenous vegetation and would have riparian margins under the RLWP of either 5m or 10m. For land outside public conservation land, Ms Easton used NIWA's River Environment Classification maps to review river 'order 1' (the smallest classified) streams and noted that most were not significantly vegetated on their margins and were on the flatter, more developed areas. Ms Easton considered that earthworks and vegetation clearance in riparian margins of these smaller waterbodies are restricted under the RLWP provisions, which provided a good degree of management of potential adverse effects on natural character.

102. Ms Easton also provided further information on restrictions in riparian margins under the NES-CF and the stock exclusion regulations; and riparian margins from lakes in the NES-CF and in other district plans.

103. Ms Easton considered the issue of '*naturalised lakes'* and the definition of a wetland under the NPS-FM. She noted this specifically included wetlands that had developed in or around a deliberately constructed waterbody, since the construction of the waterbody. She considered that a 'naturalised' artificial lake is likely to have developed this wetland fringe and would therefore meet the definition of natural inland wetland.

104. Ms Easton advised that if the Panel is concerned that 'naturalised' artificial lakes should be excluded from the definition of '*Artificial Lake or Pond*', this could be amended by amending the definition of '*Artificial Lakes or Ponds*' as follows:

> *means a body of freshwater created by human intervention in a location where a lake or pond did not naturally exist and includes man made reservoirs.* ***Where the artificial lake has established a wetland margin that meets the NPSFM definition of natural inland wetland, this shall not be considered an artificial lake.***

105. However, Ms Easton noted there is no submission seeking an amendment to the definition of '*Artificial Lake or Pond*' or any changes to the rule, so was likely to be out of the scope of submissions.

Hearing Panel's Evaluation

106. The Panel notes the NPS include a definition for '*Lake*' that has the same meaning as the RMA definition. Where a term is defined in the NPS the Plan must use the definition as defined in the NPS.

107. The Panel notes the proposed Plan definition is intended to avoid capturing a range of ponds artificially constructed as part of mining activity, sediment ponds for earthworks and farm ponds for stock water. The Panel agrees this is the intent but accept the Forest & Bird

submission points (S560.066 and S560.424) to use the RMA definition given it is a listed definition in the Planning Standards and its use is mandatory.

108. The Panel considers the proposed Plan definition of '*Artificial Lake or Pond'* addresses exceptions without changing the RMA definition. The Panel considers that adding an Advice Note to the definition, cross referencing the Plan definition of '*Artificial Lake or Pond*', is not necessary because the definition is clear.

109. The Panel acknowledges the Federated Farmers submission point seeking to reduce the distances in the definition of '*Riparian Margin*' if the rules do not allow for farming activities to continue; and the reduction in the distance from 20m to 10m for any waterbody, as sought by Manawa (S438.017).[19]

110. The Panel accepts Ms Easton's recommendation not to reduce the riparian margin for lakes from 20m to 10m and rejects Manawa's submission point requesting simplification to 10m for all waterbodies. The Panel considers 20m is consistent with the RLWP and other district plans, as outlined in Ms Easton's Reply.

111. The Panel accepts Poutini Ngāi Tahu's submission point (S620.041) that streams 1-3m wide should be included in the 'Riparian Margin' definition. However, the Panel consider this should be 3m wide, which is consistent with the stock exclusion rule in the LWRP for pasture on low slope land. The Panel accepts Ms Easton's view that many of the lowland small streams are surrounded by pastural farmland and that the majority of small streams with indigenous vegetation are within public conservation land. The Panel is also conscious that any indigenous vegetation clearance is subject to the ECO Chapter rules.

112. The Panel accepts Ms Easton's recommendation to reject the submission point from Federated Farmers (S524.017) to reduce the riparian margin distance given the rule framework enables existing farm operations to continue without unnecessary restriction.

113. The Panel accepts Ms Easton's recommendation to delete '*stream or*' from the definition of '*Riparian Margin'* given the NPS definition (RMA definition) of '*River*'; and to add '*that is located in the coastal marine area'* to clarify that only wetlands in the coastal marine area are included.

114. To assist in clarifying where the '*Riparian Margin*' is measured from, the Panel accepts Ms Easton's recommendation to add new definitions for '*Fullest Flow'*, '*Bank*' and '*Bed*', as set out in her Right of Reply. However, we note that '*Bed*' is already included in the definitions in the Plan.

115. The Panel rejects the submission point of Westpower (S547.036) to use the RLWP definition of '*River*' given the Plan must use the NPS definition, which is the same as the RMA definition. The Panel also rejects Ms Inta and the Buller Conservation Group's submission points (S552.029 and S553.029) to differentiate between intermittent and ephemeral waterways

[19] The Panel notes submission points S552.027, FS232.048, FS150.028, FS215.028, FS215.029, FS104.040, FS222.027, FS231.041, S312.010, S478.017, S620.041, FS79.7 and FS222.338 were included in the Table on page 48 of the s42A Report in relation to the extent of 'Riparian Margin' in the definition. These submission points were addressed in relation to the rules in terms of the extent of riparian margins in paragraphs 175-179 of the s42A Report.

and to add cross-reference to the RLWP given the definition used is based on the RMA definition and the RLWP is not consistent with this definition.

116. The Panel accepts Ms Easton's recommended new definition for '*Watercraft*'.

117. The Panel accepts Ms Easton's recommendation to that waterbodies should be zoned General Rural Zone on planning maps to avoid confusion. We do not consider it is appropriate to zone them according to the adjacent land given the potential for different zoning on either side of the waterbody. The Panel is mindful that regulation of water and the beds of waterbodies is a Regional Council function.

Recommendation

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

RIPARIAN MARGIN

means all land within:

a. 10m of any wetland **that is located in the coastal marine area**;[20]
b. 20m[21] of any lake; and
c. 10m of any ~~stream or~~ river[22] with an average bed width greater than 3m; **and**
d. **3m of any river with an average bed width greater than 1m and less than 3m**. [23]

As measured from the point of annual fullest flow for a river or annual fullest water level for a lake or mean high water springs for a coastal wetland.[24]

Advice Note: Activities within 10m of a natural inland wetland are regulated under the NESF and administered by the West Coast Regional Council.

WATERCRAFT[25]

means a boat or other vessel that travels on water. This excludes fixed structures on water and use for residential activities.

In relation to the Activities on the Surface of water provisions motorised watercraft means a watercraft that is operated or propelled by a motor.

BANK[26]

means the land on either side of a river which confines the natural flow of the water whether the normal flow, or flood flows.

[20] Royal Forest and Bird Protection Society of New Zealand Inc S560.076
[21] Manawa Energy Limited S438.017
[22] Director General of Conservation S602.015
[23] Te Rūnanga O Ngāti Waewae, Te Rūnanga O Makaawhio and Te Rūnanga O Ngāi Tahu S620.041 and Buller Conservation Group S552.027
[24] Buller Conservation Group S552.028 and Frida Inta S553.028
[25] Department of Conservation S602.130 S602.022 and Ngai Tahu S620.191 620192
[26] Consequential amendment to Buller Conservation Group S552.028 and Frida Inta S553.028

FULLEST FLOW[27]

means the maximum amount of flow or highest water level that can occur without the river water overtopping the banks and beginning to flow over the flood plain.

2.4. NC Objectives

Submissions and Further Submissions

119. Nine submission points relating to the objectives as a whole were summarised on page 23 of the s42A Report, all sought to retain the objectives as notified.

120. Twenty-one submission points and seven further submission points relating to **Objective NC-01** were summarised on page 24-26 of the s42A Report. Twelve submission points sought to retain the Objective as notified, eight submission points sought amendments; and seven further submissions opposed the amendments sought and one further submission point supported one amendment in part.

121. Eight submission points relating to **Objective NC-02** were summarised on page 27 of the s42A Report, all sought to retain the Objectives as notified.

122. Twenty-two submission points and ten further submission points relating to **Objective NC-03** were summarised on pages 27-30 of the s42A Report. Five submission points sought to retain the Objective as notified, one submission point sought to delete the Objective and 16 submission points sought amendments; and five further submission opposed one submission point to retain the Objective, four further submission point supported some of the amendments and one further submission point opposed one amendment.

123. The Panel has considered the relevant submissions and further submissions received and adopts the summaries in the s42A Report.

Section 42A Report

124. In relation to **Objective NC-01**, the s42A Report did not support deleting the Objective given there are a range of activities that have a functional or operational need to locate on the edge of rivers and lakes.

125. It also did not support deleting '*while providing for appropriate subdivision, use and development*' or '*where adverse effects can be avoided or mitigated'*.

126. The s42A Report did not support separating the Objective into two or adding reference to taking a '*precautionary approach'.*

[27] Consequential amendment to Buller Conservation Group S552.028 and Frida Inta S553.028

127. The s42A Report supported replacing '*providing for*' with '*allow*' and adding '*appropriately managed in accordance with the effects management hierarchy*', as follows, as requested by the Director General[28]:

> ***NC-01***
> *To preserve the natural character of lakes, rivers and wetlands and their margins while ~~providing for~~ **allowing** appropriate subdivision, use and development where adverse effects can be ~~avoided or mitigated~~ **appropriately managed in accordance with the effects management hierarchy.***

128. In relation to Objective **NC-02**, the s42A Report highlighted all of the submissions received were in support of retaining it as notified.

129. In relation to **Objective NC-03**, the s42A Report supported the 12 submission points requesting to include '*or operational*' to refer to both functional and operational needs[29]. It did not support adding '*technical and locational*' given the '*functional or operational need*' sufficiently covers these matters; and the Plan includes a definition for '*functional need*' and recommends a new definition for '*operational need*'.

130. The s42A Report did not support deleting reference to '*natural character*', as requested by Manawa[30], given the preservation and protection of the natural character of the margins of waterbodies from inappropriate subdivision, use and development is a RMA s6 matter.

131. The s42A Report acknowledged that while some of the amendments sought had merit, overall, the following proposed amendments sought by the Director General[31] were the most appropriate and aligned closer with the RMA direction set out in s6:

> ***NC-03***
> *To provide for activities which have a functional **or operational** need to locate in the margins of lakes, rivers and wetlands ~~in such a way that the impacts~~ **while ensuring adverse effects** on natural character are minimised.*

Hearing and Submitter Evidence/Statements

132. Ms Styles, for Manawa, confirmed she was comfortable with the s42A Report recommendation for Objective NC-01 given the submission point sought to add 'remedy' and the effect management hierarchy includes provision for remedying effects.

133. In relation to NC-03, Ms Styles opposed use of the term '*minimise*' sought. She sought simplification of the Objective by deletion of '*while ensuring adverse effects on natural character are minimised*'. She requested the following wording:

[28] Director General of Conservation S602.101
[29] WMS Group S599.069, Tiga Minerals and Metals Limited S493.064, Birchfield Coal Mines S601.050, BRM Developments S603.034, Birchfield Ross Mining Limited S604.044, Phoenix Minerals Limited S606.035, Whyte Gold Limited S607.033, KiwiRail Holdings Limited S442.060, Bathurst Resources S491.024, Waka Kotahi S450.102, Manawa Energy S438.105 and Chorus NZ Ltd, Spark NZ Trading Ltd, Vodafone NZ Ltd S663.050
[30] S438.105
[31] S602.103

> ***NC-03***
> ~~*To provide for a*~~***Activities*** *which have a functional* ***or operational*** *need to locate in the margins of lakes, rivers and wetlands* ***are provided for.*** ~~*in such a way that the impacts on natural character are minimised.*~~

134. Ms Inta, on behalf of herself and Buller Conservation Group, sought to rewrite Objective NC-01 to require protection and not to provide for development at the expense of protection; and to correct poor grammar by moving '*adverse*' to the front of effects management hierarchy. In relation to Objective NC-03, she requested use of the RPS terminology or at the very least a reference to RPS Chapter 7A Policy 3.

135. Ms Young, for the Director General, supported the s42A Report recommendations.

136. Mr Kennedy provided further clarification on Westpower's request to split Objective NC-01 into two parts to give a clearer intention of the outcomes and to better reflect RPS Chapter 7A Objective 1 and 2. He also sought that Objective NC-03 be reworded as sought in submission point S547.314 to give effect to the RPS.

137. Mr Joshua Leckie and Ms Christina Sheard, for Bathurst Resources Limited and B T Mining Limited, provided legal submission in support of the s42A Report recommendations regarding the inclusion of reference to both operational and functional need. They opposed the proposed changes to Objective NC 01 as recommended to replace '*provide for*' with '*allow*' (as proposed by the Director General) because this inappropriately narrowed the scope and application of the objective.

138. Ms Clare Hunter, for Bathurst, also provided planning evidence opposing the s42A Report recommendations in relation to replacing '*providing for*' with '*allowing*' in Objective NC-01. She supported adding 'or operational' to Objective NC-03.

Reporting Officer Reply Evidence

139. In her Right of Reply, having considered the evidence and statements, Ms Easton made no changes to her recommendations on amendments to the objectives. She addressed the scope available to make changes to the Objectives NC-01 to NC-03 and advised there is minimal scope available to amend NC-02 given all submissions supported this objective as notified.

140. In considering Bathurst's opposition to replacing 'provide for' with 'allow' (as requested by the Director General) in NC-01, Ms Easton considered 'allow' should be used for permitted activities and '*provide for'* used for permitted activities or where a resource consent is required. She considered the appropriate term for use in an objective was '*provide for'*, although this change was not reflected in the updates to provisions in her Right of Reply.

Hearing Panel's Evaluation

141. In relation to **Objective NC-01**, the Panel disagrees with Ms Easton that the wording proposed by the Director General is the most aligned with RMA s6(a). In giving effect to RMA Part 2 matters of national importance the Panel must recognise and provide for -

> *s6(a) The preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use and development.*

142. The Panel considers the first part of the objective (as notified) combined with the wording proposed by Forest & Bird (S560.245) is consistent with the wording of s6(a). ***NC-01***

> *To preserve the natural character of lakes, rivers and wetlands and their margins ~~while~~ **and the protection of them from in**appropriate subdivision, use and development ~~where adverse effects can be avoided or mitgated~~.*

143. The Panel notes the above is also closely aligned with the wording of RPS Chapter 7B Objective 1:

> *To protect the natural character of the region's wetlands, and lakes and rivers and their margins, from inappropriate subdivision, use and development.*

144. The Panel considers the correct approach requires the preservation of natural character and the protection from inappropriate subdivision, use and development. How to achieve this objective, in terms of providing guidance on what is appropriate and the management of adverse effects, are matters for the policies. The Panel also considers that '*providing for'* or '*allowing*' appropriate subdivision, use and development is achieved through the rule framework with the guidance of policies. The Panel therefore rejects the Director General's submission point (S602.101) and recommends *'providing for'* as retained as notified.

145. The Panel partly accepts the submission points of Ms Inta (S553.095), Buller Conservation Group (S552.095) and Forest & Bird (S560.245) which combine to form the Panel's recommended wording of Objective NC-01. The Panel also partly accepts the Grey District Council's submission point (S608.064) given the recommendation to delete '*where adverse effects can be avoided*'.

146. The Panel accepts Ms Easton's recommendation to reject Westpower's (S547.313) request for NC-01 to be split two objectives given these simply repeat the RPS objective wording. The Panel also considers that the RPS objectives are not entirely consistent with RMA s6(a) because they do not reflect the obligation to '*preserve*' natural character of waterbodies and their margins.

147. The Panel agrees with Ms Easton that it is not appropriate to add reference to '*the precautionary approach*' to NC-01 and reject Te Mana Ora's submission point (S190.364).

148. In relation to **Objective NC-02**, the Panel accepts Ms Easton's recommendation to retain it as notified.

149. In relation to **Objective NC-03**, the Panel do not agree with Ms Easton that it is appropriate to add *'or operational need'* given the direction of the TTPP definitions of '*Functional Need'* and '*Operational Need*'. The Panel considers that to give effect to RMA s6(a) direction to preserve and protect, the threshold should be high and '*Functional Need*' requires an assessment to demonstrate the activity can only occur in the location through consideration of alternatives.

'Operational Need', is a much lower threshold requiring an assessment of technical, logistical or operational characteristics or constraints, which may include financial considerations. The RPS Chapter 6, Policy 3 only requires particular regard to such constraints in relation to regionally and nationally significant electricity transmission, distribution and renewable electricity generation infrastructure.

150. The Panel considers adding '*or Operational Needs*' significantly changes the intent of Objective NC-03, which is to provide for those activities that must locate within the margins of lakes and waterbodies. The Panel considers a high threshold is appropriate to give effect to the RMA and the RPS. [Note the definition of functional need includes 'can <u>only</u> locate', whereas 'operational need' is much wider NPS-IB definitions – relating effects on SNA.] RPS-REG Policy C1 'particular regard to the need locate where the RE resource is available'

151. The Panel agrees with Ms Easton that it is unnecessary to add '*technical*', '*locational*' and '*constraints or requirements'* given the definition of 'Functional Need' and 'Operational Need' and rejects Westpower's submission point (S547.314).

152. The Panel accepts Ms Easton's recommendation to amend Objective NC-03 by deleting '*in such a way that the impacts'* and replacing this with *'while ensuring adverse effects'*, as requested by the Director General (S602.103).

153. The Panel notes Ms Inta and the Buller Conservation Grupo did not make a submission point in relation to Objective NC-03.

154. The Panel rejects NZTA Waka Kotahi's submission point to add '*any significant adverse effects*' (S450.102).

<u>Hearing Panel's Recommendations</u>

155. For the reasons outlined above, and subject to our considerations of Part 2 of the RMA, the Panel recommends that the relevant submission points identified in footnotes below are accepted or accepted in part, and recommends the following changes to the **Objectives** in the NC Chapter set out below:

Natural Character and the Margins of Waterbodies Objectives
NC - 01
To preserve the natural character of lakes, rivers and wetlands and their margins ~~while providing for~~ **<u>and the protection of them from in</u>**appropriate[32] subdivision, use and development ~~where adverse effects can be avoided or mitigated~~.[33]
NC – 02

[32] Royal Forest and Bird Protection Society of New Zealand Inc S560.245
[33] Buller Conservation Group S552.095 and Frida Inta S553.095

To recognise and provide for the relationship of Poutini Ngāi Tahu and their traditions, values and interests associated with the natural character of lakes, rivers and wetlands and their margins. notified.
NC – 03
To provide for activities which have a functional need to locate in the margins of lakes, rivers and wetlands ~~in such a way that the impacts~~ **while ensuring adverse effects**[34] on natural character are minimised.

2.5. NC Policies

Submissions and Further Submissions

156. Eight submission points relating to the whole of the NC policies were summarised on page 32 of the s42A Report, with all supporting retain the policies as notified.

157. Twelve submission points and eight further submission points relating to **Policy NC-P1** were summarised on pages 32-34 of the s42A Report. Three submission points either supported the Policy be retained, two sought to delete the Policy, six submissions the policy in part or sought to amend the Policy and one submission point opposed in part. Five further submissions sought to disallow one submission point, and two further submissions sought to allow one submission point.

158. Twenty-six submission points and 16 further submission points relating to **Policy NC-P2** were summarised on pages 35-38 of the s42A Report. Five submission points supported retaining the Policy as notified, one submission point sought to delete the Policy and 20 submission points sought wording amendments. Twelve further submission points opposed the wording amendments sought and four further submission points supported the wording amendments sought.

159. Twenty submission points and two further submission points relating to **Policy NC-P3** were summarised on pages 40-43 of the s42A Report. Five submission points supported the Policy as notified, one submission point sought to delete the Policy, and 14 submission points either supported the policy in part or sought wording amendments to the Policy. Two further submission points sought to allow the amendments sought in the submissions.

160. Seven submission points and one further submission points relating to **Policy NC-P4** were summarised on page 43 of the s42A Report. Five submission points supported the Policy as notified, two submission points sought wording amendments and one further submission point sought to disallow one of the wording amendments sought.

161. Eight submission points and two further submission points relating to **Policy NC-P5** were summarised on pages 43-44 of the s42A Report. Four submission points supported the Policy as notified and four submission points sought wording amendments. Two further submissions sought to disallow wording amendments sought.

[34] Director General of Conservation S602.103

Section 42A Report

162. In relation to **Policy NC-P1**, the s42A Report did not support its deletion (Frida Inta S553.096 and Buller Conservation Group S552.096) given it sets the overall principles for what activities may be acceptable within the margins of a waterbody.

163. The s42A Report did not support replacing '*Minimise*' with '*Avoid, remedy or mitigate*' (Westpower S547.315, NZTA Waka Kotahi S450.103 and Manawa S438.106) or just '*mitigate*' (GDC S608.608) because the RMA s6(a) requirement to preserve natural character is a high threshold. It also did not support its replacement with '*Avoid*' (Forest & Bird S560.248) because this was an even higher threshold, which should be accompanied by non-complying activity status rules; and noted this was inappropriate given the wide range of existing activities in the margins of waterbodies and the substantially modified lowlands of the West Coast.

164. The s42A Report supported the amendments sought to add '*development*' (Forest & Bird S560.248); the addition of '*is of a form and scale that*' (Director General of Conservation S602.104); and '*including public access*' (Herenga ā Nuku Outdoor Access Commission S274.009). However, it recommended adding '*and maintains or enhances public access'* to better give effect to RMA s6(d).

165. In relation to **Policy NC-P2**, the s42A Report supported the replacement of `*provide for*` with '*allow*' (Director General of Conservation S602.105); the replacement of '*minimised*' with '*avoided, remedied or mitigated*' (Westpower S547.316, Grey District Council S608.609 and Manawa S438.107); the addition of '*energy activities'* to clause (b) (Westpower S547.317); and the addition of '*activities or Māori purpose activities in accordance with an Iwi/Papatipu Rūnanga Management Plan'* (Poutini Ngai Tahu S620.174).

166. The s42A Report supported the replacement of '*cultural purposes' with 'activities for Māori Purpose Activities'* (Poutini Ngāi Tahu S620.174). However, it recommended the Iwi/Papatipu Rūnanga Management plan that is referenced within Rule NC – R1, was also included as only those activities in accordance with a Papatipu Rūnanga Management Plan are permitted in that rule.

167. The s42A Report supported in part the request to add a new clause (g) '*Adverse effects on significant indigenous vegetation and significant habitats of indigenous fauna are avoided*' but recommended adding reference to locating activities outside Significant Natural Areas (**SNA**), in accordance with Policy 8 of the NPS-IB, at the beginning of the Policy.

168. The s42A Report did not support deleting the policy (Forest & Bird); adding '*subject to regional rules'* and deleting '*where significant*' (Frida Inta S553.097 and Buller Conservation Group S552.097); adding *'minerals extraction, exploration and prospecting activities*' (WMS Group S599.070, Birchfield Coal Mines S601.051, BRM Developments S603.035, Birchfield Ross Mining Limited S604.045 Phoenix Minerals Limited S606.036, Whyte Gold Limited S607.034); adding 'to undertake legally established activities' (Bathurst Resource S491.025); adding a

new clause 'for food production purposes' (Hort NZ S486.036 and Federated Farmers S524.077); the addition of '*energy activities where there is a technical, locational'* to clause (c) (Westpower S547.318); and adding '*regionally significant infrastructure'* and replacing *'activities'* with '*structures*' (Manawa S438.107); or '*critical infrastructure'* (Westpower S547.317).

169. However, at the hearing, Ms Easton reconsidered her recommendation and agreed that replacing '*infrastructure'* with '*regionally significant infrastructure'* was appropriate because it reduced the scope of the policy and better aligned with the RPS.

170. In relation **Policy NC-P3**, the s42A Report did not support deleting the policy (Forest & Bird S560.250 and S560.515). It supported the addition of the '*or operational*' (Tiga Minerals S493.066, WMS Group S599.071, Birchfield Coal Mines S601.052, BRM Developments S603.036, Birchfield Ross Mining Ltd S604.046, Phoenix Minerals Ltd S606.037, Whyte Gold Ltd S607.035, Bathurst Resources and BT Mining Ltd S491.026, NZTA Waka Kotahi S450.105 and Manawa S438.108).

171. The s42A Report, did not support Westpower's (S547.319) request to add '*technical*', '*locational*' and '*constraints or requirements'* given the definition of '*Functional Need'* and '*Operational Need*'; or the request to replace '*adversely affect'* with '*avoid, remedy or mitigate adverse effects on'* (S547.320).

172. In relation to **Policy NC-P4**, the s42A Report supported the adding '*including weed and pest, control*' (New Zealand Agricultural Aviation Association S166.017); and recommended the addition of an Advice Note instead of a new method or rule (partly accepting Forest & Bird S560.259 and S560.516).

173. In relation to **Policy NC-P5**, the s42A Report supported moving the Policy to the Public Access Chapter (S553.098 and S552.098); and adding '*or for health and safety reasons*' and '*and/or health and safety'* to clause (b) (Westpower S547.321 and Manawa S438.109).

Hearing and Submitter Evidence/Statements

174. Ms Pull, for Poutini Ngāi Tahu, questioned the need for specific references to other parts of the Plan and considered this implied they required special attention. She also noted a lack of consistency in the cross-referencing wording between chapters. She considered the existing refences to the EIT policies should be deleted and added to '*Other relevant Te Tai o Poutini Plan Provisions*' section of the overviews. She supported the s42A Report recommendations to retain NC-P3 as notified.

175. Mr Leckie and Ms Hunter, for Bathurst, sought changes to include reference to '*functional need*' in Policy NC-P3 and supported the amendments recommended in the s42A Report. Mr Leckie also sought greater recognition of lawfully established activities when undertaking activities that have a functional or operational need to locate in and around margins of waterbodies to be included in Policy NC-P2. He considered it was appropriate to not trigger the need for a district council resource consent if a land use activity had been lawfully

established and was authorised by a Coal Mining License. Ms Hunter supported the proposed amendments set out in paragraphs 103 and 131 of the s42A Report and amendments to NC-P2 to enable removal of indigenous vegetation and earthworks within riparian margins of waterbodies, to enable these activities to occur where they are lawfully established activities.

176. Mr Kennedy, for Westpower, considered the s42A Report recommended wording for NC-P1 was inconsistent with the RPS and sought the following wording:

> *Avoid, remedy or mitigate the adverse effects of activities on the elements, patterns and processes that together contribute to the natural character of wetlands, lakes and rivers and their margins.*

177. Mr Kennedy considered including public access in NC-P1 suggested that maintenance and enhancement of access is required in all instances and should be a separate matter included in the Public Access Chapter.

178. Mr Kennedy supported the s42A Report recommendation to insert '*energy activities*' in Policy NC-P2. In relation to Policy NC-P3, Mr Kennedy disagreed with the s42A Report recommendation and considered clause (b) should be amended as follows:

> *They ~~are of a form and scale that will not adversely effect~~ avoid, **remedy, or mitigate adverse effects** on the natural character of the riparian **margin**~~area~~.*

179. Mr Kennedy also sought alterations to Policy NC-P5 (now proposed to be PA-P1) to add '*or for health and safety reasons due to the operational requirements of regionally significant infrastructure'* and '*and/or health and safety*'; and delete '*natural hazard structures'*.

180. Mr Pemberton, for the Director General considered Policy NC-P3 should be retained as notified. He noted the NPS-FM only makes limited allowances for activities which have a functional need, however there are no provisions for activities on the basis of an operational need. He notes the NPS-IB allows some activities within SNA that have an operational need but that this is not directly applicable to Policy NC-P3, which relates to effects on the natural character of riparian areas. He considered providing a pathway for buildings and structures within riparian margins was not consistent with section 6(a) of the RMA in relation to recognising and providing for the preservation of natural character of wetlands, lakes and rivers and their margins.

181. Ms Young, for the Director General, supported the amendments to Policies NC-P1 and NC-P2, as proposed in the Director General's submission. She did not consider that buildings that have an operational need should be afforded the same level of leniency as buildings and structures that have a functional need. She highlighted riparian margins are sensitive areas and provide habitat for spawning threatened indigenous species. She considered avoiding buildings and structures that do not have a functional need in these areas was preferable and Policy NC-P3 should be retained as notified.

182. Ms Perkins, for Herenga ā Nuku Aotearoa/Outdoor Access Commission highlighted the request to add '*and maintains or enhances public access*' to Policy NC-P1.

183. Ms Inta, for herself and the Buller Conservation Group, disagreed with the recommended wording of Policy NC-P1, as she considered there was no reference to protecting the natural environment compared with other chapters that used the word protect on numerous occasions. In relation to Policy NC-P2, she questioned how wide the gap is between '*minor*' and '*significant*' and referred to RPS Chapter 7A Policy 4 in support of her evidence that uses '*no more than minor*'. She considered Policy NC-P2 breached the provisions of RPS and the RLWP. She highlighted that indigenous vegetation removal had been deleted from the rules in the NC Chapter given it is addressed in the Ecosystems and Indigenous Biodiversity (**ECO**) Chapter, and therefore indigenous vegetation should also be removed from Policy NC-P2.

184. Ms Styles, for Manawa, noted that '*natural character values*' in Policy NC-P1 could be interpreted in a variety of ways, in different contexts. To address this, she sought rewording of the policy to remove '*minimise'* and refer to '*identified natural character values*' to enable decisions to be based on the special values that merit protection and to reduce ambiguity when applying the policy. She also wanted to see a list of identified values somewhere in the Plan where it is applicable. She recommended the following wording:

> ***NC – P1***
> ~~*Minimise*~~ ***Avoid, remedy or mitigate*** *the adverse effects of activities on the natural character of the riparian margins of lakes, rivers and wetlands by ensuring that subdivision,* ***development*** *and land use* ~~*is of a form and scale that maintains*~~ ***protects*** *the elements, patterns and processes that contribute to* ~~*their*~~ ***the identified*** *natural character* ***attributes***~~*, and maintains or enhances public access*~~*.*

185. In relation to Policy NC-P2, Ms Styles cautioned against applying any recommended changes to have the policy applied outside SNA given the NPS-REG, NPS-IB and NPS-FM; and considered applying the policy outside SNA was not appropriate or consistent with the NPS-IB which do not apply to renewable electricity generation activities. She requested the following amendments to reflect the terminology used in the NPS-REG and the definitions in the TTPP:

> ***NC – P2***
> ~~*Provide for*~~ ***Allow*** ~~*indigenous vegetation removal and*~~ *earthworks within riparian margins of lakes, rivers and wetlands where:*
> ~~*1. This is located outside of a significant natural area; and*~~
> ***1***~~*2.s*~~*Significant adverse effects on natural character are* ~~*minimised*~~ ***avoided, remedied or mitigated*** *as far as practicable; and:*
> *a. It is for the purpose of natural hazard mitigation; or*
> *b. It is for the maintenance, repair, upgrade and extension of network utilities,* ~~*energy activities*~~ *and* ***regionally significant*** *infrastructure including the national grid; or*
> *c. It is for the establishment, operation, maintenance or upgrading of renewable* ~~*energy*~~ ***electricity*** *generation* ~~*structures*~~ ***activities*** *or infrastructure here this has a functional or operational need to be located in a riparian margin; or*

*d. It is for Poutini Ngāi Tahu ~~cultural purposes~~ **Activities or Māori Purpose Activities in accordance with an Iwi/Papatipu Rūnanga Management Plan**; or*
e. It is for the repair and maintenance of legally established structures; or
f. The activity has a functional or operational need to be located adjoining a waterbody.

186. Ms Styles further reiterated to the Panel the need to be clear on what is being protected in Policy NC-P3. She requested the following amendments:

NC – P3
*Provide for buildings and structures within riparian margins of lakes, rivers and wetlands where these: a. Have a functional need or **operational need** for their location; and b. They are of a form and scale that will not adversely ~~effect~~ **affec**t the **identified** natural character of the riparian area.*

187. Ms Styles had no concerns regarding the recommendation to move Policy NC-P5 into the Public Access Chapter.

Reporting Officer Reply Evidence

188. Having heard the evidence and undertaken further analysis Ms Easton considered Policy NC-P1 reflected RPS direction and references the elements, patterns and process. She considered there was no justification to include identified natural character values as sought by Manawa; and any concern relating to assessing indigenous vegetation clearance could be addressed by amending the Advice Note to direct Plan users to Policy NC-P2.

189. Revised Appendix 1 of the Right of Reply recommended the following amendments:

NC-P1

*Minimise the adverse effects of activities on the natural character of the riparian margins of lakes, rivers and wetlands by ensuring that subdivision, **development** and land use **is of a form and scale that** maintains the elements, patterns and processes that contribute to their natural character, **and maintains or enhances public access.***

NC-P2

Provide for indigenous vegetation removal and earthworks within riparian margins of lakes, rivers and wetlands where:

1. This is located outside of a significant natural area; and
*2. ~~s~~**S**ignificant adverse effects on natural character are ~~minimised~~ **avoided, remedied or mitigated** as far as practicable and*
   a. It is for the purpose of natural hazard mitigate; or
   *b. It is for the maintenance, repair, upgrade and extension of network utilities, **energy activities** and infrastructure including the national grid; or*
   c. It is for the establishment, operation, maintenance or upgrading of renewable energy generation structure or infrastructure where this has

a functional or operational need to be located in the riparian margin; or

d. *It is for Poutini Ngāi Tahu* ~~*cultural purposes*~~***Activities or Māori purpose Activities in accordance with an Iwi/Papatipu Runanga Management Plan; or***
e. *It is for the repair and maintenance of legally established structures or*
f. *The activity has a functional or operational need to be located adjoining a waterbody*

NC-P3

Provide for ***new*** *buildings and structures* ***and the upgrading of existing buildings and structures*** *within riparian margins of lakes, rivers and wetlands where these:*

a. *Have a functional need* ***or operational need*** *for their location; and*
b. *They are of a form and scale that will not adversely* ~~*effect*~~ ***affect*** *the natural character of the riparian area.*

NC-P4

Encourage the restoration and enhancement of the natural character of the riparian margins of lakes, rivers and wetlands ***including pest plant and pest animal control.***

Advice Note:

1 The Objective and policy in the Public Access Chapter should also be considered when assessing resource consent in relation to activities in the margins of waterbodies

Hearing Panel's Evaluation

190. In relation to **Policy NC-P1**, the Panel disagrees with Ms Easton that '*Minimise*' is a higher threshold than '*Avoid, remedy or mitigate'* and consider this assumes that minimising effects can achieve the preservation of natural character and its protection from inappropriate development. The Panel considers there will be circumstances where adverse effects on the natural character of waterbodies will need to be avoided and other circumstances where remedy or mitigating adverse effects may achieve the outcome of preservation and protection. The Panel accepts the submission points seeking to replace '*Minimise*' with '*Avoid, remedy or mitigate*' (Westpower S547.315, NZTA Waka Kotahi S450.103 and Manawa S438.106) gives effect to RMA s6(a) and the RPS.

191. The Panel considers replacing '*Minimise*' with '*Avoid'* is too restrictive given it is anticipated that some specified activities (i.e. RSI and REG activities) will have a functional need to locate within the margins of waterbodies.

192. The Panel also accept Manawa's (S438.107) request to replace '*structures*' with '*activities*' in clause (c) given the pTTPP definition for '*Renewable Electricity Generation Activities*' includes structures.

193. The Panel disagrees with Ms Easton's recommendation to add `*is of a form and scale*` (Director General S602.104) to NC-P1 because we agree with Ms Styles that it adds subjectivity, and it is unclear how activities would be assessed in relation to this policy.

194. The Panel partly accepts Manawa's request to replace '*maintains the elements, patterns and processes that contribute to natural character*' with '*protects the identified natural character values'* (Manawa S438.106) but consider that this should not include the word '*identified*' because the preservation of the natural character of margins of waterbodies require is not limited to identified values. It is appropriate to identify these values through a site-specific assessment in relation to considering a proposal.

195. The Panel agrees with Ms Easton's recommendation to add `*development'* (Forest & Bird S560.248) to better aligned with the wording of the RMA.

196. The Panel disagrees with Ms Easton's recommendation to add '*and maintains or enhances public access'* (Herenga ā Nuku Outdoor Access Commission S274.009) at the end of the policy. We accept the evidence of Ms Styles that this is not appropriate in relation to the NC provisions and should be addressed in the Public Access (**PA**) provisions. The Panel agrees and this is considered in the Panel's Recommendation Report on the PA Chapter

197. In relation to Policy **NC-P2**, the Panel agree with Ms Easton's recommendation to replace '*minimise*' with '*avoided, remedied or mitigated*' (Westpower S547.316, and Manawa S438.107) to give effect to RMA s6(a) and the RPS. However, we consider this requires the consequential deletion of '*as far as practicable*' given this relates to significant adverse effects which must be avoided either directly, or through remediation and mitigation, to achieve the preservation and protection of natural character of the margins of waterbodies. To only go as far as '*as far as practicable*' will not achieve preservation and protection of natural character values in the margins of waterbodies, as a matter of national importance.

198. Similarly, the Panel accepts the request to delete '*significant*' (Frida Inta S553.097 and Buller Conservation Group S552.097) because to allow environmental effects up to this threshold is not consistent with the directive of RMA s6(a) or RPS Chapter 7A, Policy 4 to only allow activities with no more than minor adverse effects would potentially lead to cumulative effects and will not achieve preservation and protection of natural character values in the margins of waterbodies, as a matter of national importance. The Panel considers this recommendation also negates the need to add a new clause (1) in relation to the protection of significant biodiversity and habitats by limiting effects on natural character to 'no more than minor'.

199. The Panel also disagrees with Ms Easton's recommendation to include '*energy activities*' in clause (b) and agree with that this is not appropriate in clause (c) given the TTPP for '*Energy Activities'* and the direction of the NPSREG, NPSET and RPS. Similarly, the Panel considers the amendment sought by Manawa to replace '*renewable energy generation structures or infrastructure*' with '*renewable electricity generation activities*` in clause (c) is appropriate and aligns better with direction in the NPS-REG. However, the Panel agrees with Mr Kennedy and

Ms Styles that '*infrastructure'* should be '*regionally significant infrastructure'* to align with the RPS and its direction regarding functional or operational need in relation to RSI and renewable electricity generation. The Panel agree that '*infrastructure*' is too broad to give effect to the higher order statutory direction.

200. For the same reasons, the Panel considers that '*infrastructure'* should be '*regionally significant infrastructure'* clause (c), as a consequential amendment to the Westpower and Manawa submission points relating to clause (b). We note the request by Forest & Bird to delete this policy also provides wide scope for this amendment.

201. The Panel agree with Ms Easton to replace '*cultural purposes*' with *`Activities or Māori Purpose Activities in accordance with an Iwi/Papatipu Rūnanga Management Plan'* in clause (d).

202. The Panel has carefully considered the appropriate use of functional need or operational need in light of the higher order statutory direction and our recommendations on the NC Objectives. We consider *'operational needs*' should only be used where this is consistent with the national direction given this is a much lower threshold and reduces the level of protection required. We agree that the NPS-IB provisions are specific to activities within SNA and consider giving effect to this direction must be undertaken in conjunction with the identification of SNA. Furthermore, with the removal of vegetation clearance, the policy is now focused on earthworks within the margins of waterbodies.

203. The Panel considers the inclusion of '*operational need*' should be limited to regionally and nationally significant electricity transmission, distribution and renewable electricity generation infrastructure and RSI, to give effect to the NPSREG, NPSET and RPS. These activities are captured in clause (b). The Panel accepts that other activities should only be located in the margins of waterbodies where the higher threshold of functional need can be met given the importance and sensitivity of these areas to earthworks and disturbance. The Panel also agrees with Ms Styles that the policy should not be broadened by adding 'energy activities' given the definition in the pTTPP includes non-renewable energy generation. The Panel agrees with Ms Styles and Mr Kennedy that the policy should apply to '*regionally significant infrastructure*' and not '*infrastructure*'; and accept this is consistent with national direction and the RPS.

204. For the same reasons, the Panel recommends deleting '*operational need'* from clause (f) to be consistent with NC-O3 and to give effect to national direction. The Panel considers this is within the scope of the request to delete the policy.

205. The Panel agree with Ms Easton's recommendations to reject the other submissions seeking changes for the reasons outlined in the s42A Report.

206. In relation to **NC-P3**, the Panel disagree with Ms Easton's recommendation to add '*or operational needs*' to clause (a) for the reasons discussed above in relation to NC-O3 and NC-P2.

207. The Panel agree with Ms Easton's recommended amendments to correct '*effect*' by replacing it with '*affect'* as sought by the Grey District Council; and to reject Westpower's suggested rewording to address this. The Panel also considers replacing *'area'* with '*margin*' in clause (b), as a RMA First Schedule clause 16(2) correction is appropriate for clarity. Similarly, the Panel accept Ms Easton's recommended wording additions clarify the intent to apply to both existing and new activites.

208. In relation to **NC-P4**, the Panel agree with Ms Easton's recommendation to add `*including pest plant and pest animal control*` as sought by NZ Agricultural Aviation Association to enable such activities.

209. The Panel agree with Ms Easton's revised recommendation to not include Advice Note (2), as shown in the s42A Report, in NC-P4 due to her consideration of further legal information from the Director General.

210. In relation to **NC-P5**, the Panel agree with Ms Easton to delete NC-P5 and move this into the Public Access Chapter. We agree with Ms Easton that the additions sought by Westpower, in relation to health and safety, are not appropriate given the requirement to maintain public access to and along the margins of waterbodies. However, we consider the wording sought by Manawa in relation to the operational needs of RSI is appropriate; and therefore, recommend accepting Manawa's submission point (S438.109).

Hearing Panel's Recommendation

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

NC-P1

Avoid, remedy or mitigate[35] adverse effects on the natural character of the riparian margins of lakes, rivers and wetlands by ensuring that subdivision, **development**[36] and land use maintains the elements, patterns and processes that contribute to their natural character.

NC-P2

Provide for ~~indigenous vegetation removal and~~[37] earthworks within riparian margins of lakes, rivers and wetlands where ~~significant~~ adverse effects on natural character are ~~minimised as far as practicable~~ **avoided, remedied or mitigated**[38] and:

a. It is for the purpose of natural hazard mitigation; or

b. It is for the maintenance, repair, upgrade and extension of network utilities, and **regionally significant**[39] infrastructure including the national grid; or

[35] Westpower Limited (S547.315), NZTA Waka Kotahi (S450.103) and Manawa Energy Limited (S438.106)
[36] Royal Forest and Bird Protection Society of New Zealand Inc (S560.248)
[37] Consequential amendment Royal Forest and Bird Protection Society of New Zealand Inc (S560.508)
[38] Westpower Limited (S547.316), Grey District Council (S608.609) and Manawa Energy Limited (S438.107)
[39] Manawa Energy Limited (S438.107), Westpower Limited (S547.317)

c It is for the establishment, operation, maintenance or upgrading of renewable electricity generation **actvities**~~structures~~[40] or **regionally significant**[41] infrastructure where this has a functional or operational need to be located in a riparian margin; or

d It is for Poutini Ngāi Tahu ~~cultural purposes~~**Activities or Māori Purpose Activities in accordance with an Iwi/Papatipu Rūnanga Management Plan;**[42] or

e It is for the repair and maintenance of legally established structures; or

f. The activity has a functional ~~or operational~~[43] need to be located adjoining a waterbody.

NC-P3

Provide for **new** buildings and structures **and the upgrading of existing buildings and structures**[44] within riparian margins of lakes, rivers and wetlands where these:

a. Have a functional need for their location; and

b. They are of a form and scale that will not adversely ~~effect~~ **affect**[45] the natural character of the riparian ~~area~~**margin**.[46]

NC-P4

Encourage the restoration and enhancement of the natural character of the riparian margins of lakes, rivers and wetlands **including pest plant and pest animal control.**[47]

Advice Note:

The objective and policy in the Public Access Chapter should also be considered when assessing resource consents in relation to activities in the margins of waterbodies.[48]

~~**NC-P5**~~

~~Reduction in public access to waterbodies can be considered when natural hazard mitigation works are required to protect communities from a significant natural hazard threat. When assessing proposals for natural hazard structures, effects on public access should be considered and ways to minimise them found, including:~~

~~a. Provision of alternate certain and enduring access; and~~

~~b. Provision of public amenity or opportunity for environmental benefit along the structure, provided that the physical integrity of the structure is maintained.~~[49]

Public Access – Te Āheinga Tūmatanui

[40] Manawa Energy Limited (S438.107)
[41] Royal Forest and Bird Protection Society of New Zealand Inc (S560.249) and consequential amendment to Manawa Energy Limited (S438.107), Westpower Limited (S547.317)
[42] Te Rūnanga O Ngāti Waewae, Te Rūnanga O Makaawhio and Te Rūnanga O Ngāi Tahu S620.174
[43] Royal Forest and Bird Protection Society of New Zealand Inc (S560.249)
[44] Clause 16(2) First Schedule of the RMA
[45] Grey District Council (S608.610)
[46] Clause 16(2) First Schedule of the RMA
[47] New Zealand Agricultural Aviation Association (S166.017)
[48] Buller Conservation Group (S552.098) and Frida Inta (S553.098)
[49] Buller Conservation Group (S552.098) and Frida Inta (S553.098)

~~NC-P5~~PA-P1[50]

Reduction in public access to waterbodies can be considered when natural hazard mitigation works are required to protect communities from a significant natural hazard threat or when required for public safety due to the operational requirements of regionally significant infrastructure.[51] When assessing proposals ~~for natural hazard structures~~,[52] effects on public access should be considered and ways to minimise them found, including:

a. Provision of alternate certain and enduring access; and

b. Provision of public amenity or opportunity for environmental benefit along the structure, provided that the physical integrity of the structure is maintained.

2.6. NC Rules

Submissions and Further Submissions

211. Seventeen submission points and 18 further submission points relating to the whole of the NC rules were summarised on pages 46-48 of the s42A Report, with all, except one, seeking amendments.

212. Eight submission points relating to **Rule NC-R1** were summarised on pages 53-57 of the s42A Report. Three submission points sought retention of the rule as notified and two submission points sought amendments. Seven submission points sought to reduce the range of permitted activities within the rule, with nine further submission points in opposition. Sixteen submission points sought to increase the range of permitted activities, with three further submission points in opposition and three further submission points in support. Seven submission points specific to natural hazard mitigation (clause (j) in the rule) sought amendments, with one further submission point in support and one further submission point in opposition. Five submission points on the volume of earthworks and area of vegetation clearance allowed sought amendments.

213. Twenty-two submission points and seven further submission points relating to **Rule-R2** were summarised on pages 62-65 of the s42A Report. Two submission points sought retention of the rule as notified, one submission point sought to delete the rule and 19 submission points sought amendments. Three further submission points opposed the wording amendments sought and three further submission points supported the word amendments sought.

214. Eleven submission points and two further submission points relating to **Rule NC-R3** (hazard mitigation structures) were summarised on pages 67-68 of the s42A Report. Two submission points supported the rule as notified, two submission points sought to delete the rule, and eight submission points sought amendments. Two further submission points opposed the amendments sought.

[50] Buller Conservation Group (S552.098) and Frida Inta (S553.098)
[51] Manawa Energy Limited (S438.107), Westpower Limited (S547.317)
[52] Consequential amendment to Buller Conservation Group (S552.098) and Frida Inta (S553.098)

215. Twenty-one submission points and two further submission points relating to **Rule NC-R3** (indigenous vegetation and earthworks not meeting permitted activity standards) were summarised on pages 69-71 of the s42A Report. Two submission points supported the rule as notified, five submission points sought to correct a numbering error, and 13 submission points sought amendments. Two further submission points opposed the amendments sought.

216. Seven submission points and one further submission points relating to **Rule NC-R4** were summarised on page 72 of the s42A Report. Five submission points sought to retain the rule as notified, two submission points sought to correct the numbering, and one sought to retain at least a discretionary activity status.

217. Sixteen submission points and one further submission point relating to **Rule NC-R5** were summarised on pages 73-74 of the s 42A Report. One submission point supported the rule as notified, two submission points sought to correct a numbering error, two submission points sought to delete the rule, and 11 submission points sought amendments. One further submission point supported the submission point to delete the rule.

218. Eight submission points sought **new rules** and twelve further submissions opposed new rules requested and one further submission supported a new rule.

Section 42A Report

219. In relation to the **Rules as a Whole**, the s42A Report supported correcting the numbering (Grey District Council S608.619), avoiding duplication with the NESF and regional council functions (Forest & Bird S560.252 and S560.509, Westpower S547.401, Grey District Council S608.614, S608.615 and S608.616).

220. The s42A Report did not support better protection for watercourses during development (Marie Elder S352.007) because it was not clear what changes to the provisions were sought; and did not support including more stringent rules than the NESF for natural wetlands (Forest & Bird S560.039).

221. In relation to Forest & Bird's request (S560.041) to revise the rules to give effect to RMA S6(a) requirements and to remove all permitted activities within riparian margins, the s42A Report did not support this because it considered there were a number of other matters that needed to be weighed alongside s6(a), including 6(e) and 6(h), the national direction of the NPSREG and NPSET, and the RPS. It noted RPS Chapter 7A Policy 4 and highlighted there were a wide range of existing uses that exist in the margins of waterbodies, that can only be undertaken in the margins of waterbodies. It noted the ECO Chapter provided for a range of permitted activities for vegetation clearance and that the NC rules have fewer permitted activities. For these reasons, it did not support a wholesale increase in stringency.

222. In relation to **Rule NC-R1**, the s42A Report supported, in part, clarifying the relationship of the ASW Chapter with the Energy Chapter as sought by Transpower (S299.084), if clause (b) is retained. It did not support changing the activity status when compliance is not achieved from

discretionary to restricted discretionary (Laura Coll McLaughlin S574.135, William McLaughlin S567.213, Chris & Jan Coll S558.135 and Chris J Coll Surveying Limited S566.135) given the preservation of natural character in margins of waterbodies is a RMA s6(a) matter of national importance.

223. The s42A Report did not support deleting Rule NC-R1 (Forest & Bird S560.253) because it considered lowland areas are already substantially modified and that within this context there are appropriate activities which should be permitted. It highlighted that the NESF specifically allows for earthworks and vegetation clearance for natural hazards work within riparian margins of wetlands, as well as for arable and horticulture uses; both the NPSREG and NESETA anticipate permitted activities; and the NPS-IB does not apply to renewable electricity generation and electricity transmission. It also noted the LWRP permitted activity standards apply in riparian margins in relation to water quality, earthworks and vegetation clearance.

224. The s42A Report did not support deleting Rule NC-R1 clauses (1)(a), (h) or (i) (Buller Conservation Group S552.099 and S552.215, and Frida Inta S553.099 and S553.219), as it considered fence lines can be key in reducing the impact of stock access on waterbodies, and regulations require the fencing of cattle 3m from and waterways >1m wide. It noted that enabling Poutini Ngāi Tahu activities and those on Māori Purpose zoned land gave effect to RMA s6(e) matters of national importance. It also did not support combining clauses (f) and (g) (Buller Conservation Group S522.214 and Frida Inta S552.218).

225. The s42A Report supported widening NC-R1(b) to all infrastructure or energy activities (Westpower S547.323) given there was very little difference in terms of the extent of the activities covered. Similarly, it also supported in part the widening clause (c) to include energy activities and infrastructure where such activities are located underground (Westpower S547.324) but not where these are above ground.

226. The s42A Report did not support adding '*to undertake legally established activities'* clause (e) (Bathurst (491.027) given this would substantially expand the range of activities and no detail was provided about the types and scale of activities sought.

227. The s42A Report did not support increasing the limit in clause (g) from 3m to 10m (Westpower S547.325) given the potential for significant adverse effects and the need to assess effects through a resource consent process.

228. The s42A Report supported adding '*or a site of significance to Māori in Schedule Three*' (Poutini Ngāi Tahu SS620.176) to clause (j) to give effect to RMA s6(e).

229. The s42A Report supported in part to add a new clause to Rule NC-R1 to include '*New network utilities and regionally significant infrastructure where these are underground and located within a formed legal road or attached to an existing bridge*' (Chorus NZ Ltd, Spark NZ Trading Ltd and Vodaphone NZ Ltd S663.051). It noted that if these are underground service there is no visual impact on natural character of the riparian area. It also supported adding '*formed legal road*', as sought by Poutini Ngāi Tahu (FS41.728).

230. The s42A Report supported adding a new clause '*Clearance of pest plants and pest animals for biosecurity purposes'*, as sought by NZ Agricultural Aviation Association (S166.018), but recommended using wording consistent with Policy NC-P4.

231. The s42A Report did not support including whitebaiting or structures associated with whitebaiting in Rule NC-R1 because these structures are addressed under Rule NC-R2.

232. The s42A Report supported, in part, the submissions from Buller Conservation Group (S552.218) and Frida Inta (S553.333) to address the issue of lands that are mapped as waterbodies in the planning maps. It recommended removing the waterbody identifier on the zoning layer and zoning these areas General Rural.

233. The s42A Report did not support the inclusion of a new clause for clearance and earthworks for '*bridges and/or dams as part of a Temporary Military Activity'* as a permitted activity, as sought by the NZ Defence Force (S519.030).

234. The s42A Report did not support adding new clauses '*food production purposes*` and '*biosecurity purposes*'; but recommended using '*Arable, horticultural or pastoral farming use where this is a lawfully established activity that is no greater in intensity, scale or character over time than at 14 July 2022*' using wording consistent with the NESF and NPS-IB as alternative relief (Hort NZ S486.037 and Federated Farmers of New Zealand S524.079).

235. In relation to submissions on natural hazard mitigation in Rule NC-R1, the s42A Report recommended deleting reference to `*natural hazard activities*` and replacing this with 'hazard mitigation structures'. It recommended new clause '*Maintenance and repair of natural hazard mitigation structures*' and amending clause (j) to '*New Hazard mitigation structures and upgrading of existing hazard mitigation structures undertaken by a statutory agency or their nominated contractor*'. It considered this enabled maintenance and repair of existing hazard mitigation structures regardless of who undertakes the activity, while retaining the specification that such vegetation clearance and earthworks for new natural hazard mitigation structures should be undertaken by a statutory agency or their authorised contractor. It also recommended that clause (5) should amended so that restrictions only apply to natural hazard mitigation structures owned or managed by a statutory agency.

236. In relation to submissions on the volume of earthworks/area of vegetation clearance allowed in Rule NC-R1, the s42A Report did not support the addition of offsetting by riparian margin enhancement (Frida Inta S553.223). It did not consider the rule was too restrictive given it would enable maintenance and construction of up to a 3m wide river crossing. It did not support an increase in the area of vegetation clearance or volume of earthworks as sought by Westpower (S547.327 and S547.326) and Manawa (S438.110) given this would increase adverse effects.

237. The S42A Report did not support changing the activity where compliance is not achieved from discretionary to restricted discretionary, as sought by Manawa (S438.110). It did support the

submission point from Manawa seeking to replace *'critical infrastructure'* with *`regionally significant infrastructure'.*

238. In relation to **Rule NC-R2**, the s42A Report did not support the deleting the rule (Forest & Bird (S560.254) and making the activities discretionary given the range of existing activities and the need to provide for their ongoing existence and operation. It again highlighted the context of the substantially modified lowlands of the West Coast.

239. The s42A Report supported adding `*including energy activities and infrastructure*' to clause (a) (Westpower S547.328 and KiwiRail S442.063) and consistency with similar amendments to Rule ASW-R1. It also supported adding a new clause to allow temporary maimai for game bird hunting (West Coast Fish and Game Council S302.005); as well as a timeframe for removal at the end of the season (Grey District Council FS1.080).

240. The s42A Report supported including '*have a functional need to be located in the riparian margin*' in the first part of the rule (Buller Conservation Group S552.100 and Frida Inta S553.100) but recommended this is `*functional or operational need*` to be consistent with the policy. It did not support adding '*technical, locational, functional or operational constraints or requirements'* (Westpower S547.329).

241. The s42A Report supported in part the submission from NZ Defence Force (S519.031) that temporary bridges that do not include earthworks or vegetation clearance are appropriate but did not consider temporary dams are appropriate within a riparian margin.

242. The s42A Report did not support adding a new clause '*Associated with a lawfully established activity and have an operational or functional need to be in that location'* (Bathurst Resources S491.111) given the word 'associated' would expand the definition of lawfully established activities. It did not support the deleting clause (e) `*natural hazard mitigation structures being constructed by a statutory authority or their nominated contractor*`[53] given the need for restrictions to give effect to RMA s6.

243. The s42A Report supported adding a new clause '*Pump sheds*', as sought by Horticulture NZ (S524.080). It did not support the deletion of network utilities, parks facilities, natural hazard mitigation structures, renewable electricity generation facilities and stormwater discharge structures and water supply intake structures from the permitted activities (Director General S602.108) given the need to provide for existing activities. It considered that separate rules were appropriate to deal with the substantive issue of which activities are permitted.

244. In relation to **Rule NC-R3** (Natural Hazard Mitigation Structures), the s42A Report recommended its deletion given amendments to Rule NC-R2 provide for natural hazard mitigation structures. However, it supported a new restricted discretionary rule for natural hazard mitigation structures within riparian margins not meeting permitted activity standards.

[53] Grey District Council (S608.066), Buller District Council (S538.224, William McLaughlin (S567.216), Chris & Jan Coll (S558.136), Chris J Coll Surveying Limited (S566.136) and Laura Coll McLaughlin (S574.136)

245. In relation to **Rule-NC-R3** (Indigenous Vegetation and Earthworks not meeting Permitted Activity standards), the s42A Report did not support amending the heading to add '*or controlled*' or a new controlled activity rule.[54] It did not support adding '*excluding mineral extraction, exploration and prospecting activities*'[55](Bathurst Resources S491.111) given the potential for significant adverse effects on natural character. It noted the strategic direction supporting minerals extraction and the direction on the natural environment have equal weight; and mineral extraction cannot override the RMA and other national direction.

246. In relation to a submission from Forest & Bird (S560.256) seeking to ensure that the rules are no more lenient than the NESF, the s42A Report recommended that rules in relation to vegetation clearance be moved to the ECO Chapter. It did not recommend the same rules apply to the margins of waterbodies as they are to be considered in a separate manner and that national instruments recognise that different activities have functional or operational needs to locate in the margins of waterbodies.

247. In relation to **Rule NC-R4**, the s42A Report recommended correcting rule numbering. It did not support the submission from Forest & Bird (S560.257) seeking that the rules are no more lenient than the NESF or the ECO or EW Chapter rules given the Rule NC-R4 specifically addresses buildings and structures and effects on natural character of the margins of waterbodies is a separate matter under the RMA.

248. In relation to **Rule NC-R5**, the s42A Report recommended correcting rule numbering. It did not support deleting the rule (Buller District Council S538.227 and Director General of Conservation S602.111) or changing the activity status from discretionary to controlled.[56] It did not support the submission from Forest & Bird (S560.257) seeking that the rules are no more lenient than the NESF or the ECO or EW Chapter rules given the Rule NC-R4 specifically addresses buildings and structures and effects on natural character of the margins of waterbodies is a separate matter under the RMA.

249. In relation to requests for **new rules**, the s42A Report did not support new controlled activity rules for new hazard mitigation structure or for earthworks, vegetation clearance, building and structures given this may be inappropriate within a riparian margin and consent cannot be declined for a controlled activity. It did not support a new restricted discretionary activity rule for earthworks not meeting the permitted activity standard given the wording of RMA s6(a).

250. The s42A Report noted it was not opposed in principle to a new non-complying activity rule for activities that are likely to cause significant adverse effects but sought further information from the submitter. It did not support a prohibited activity where reductions in setbacks are sought.

[54] Westpower (S547.331 and S547.333), Chris & Jan Coll (S558.143), Chris J Coll Surveying Limited (S566.143) and Laura Coll McLaughlin (S574.143)

[55] WMS Group (S599.072), TiGa Minerals and Metals Limited (S493.067), Birchfield Coal Mines Ltd (S601.053), BRM Developments Limited (S603.037), Birchfield Ross Mining Limited (S604.047), Phoenix Minerals Limited (S606.038) and Whyte Gold Limited (S607.036)

[56] William McLaughlin (S567.220, S567.212, S567.215, S547.217), Chris & Jan Coll (S558.134, S558.137 and S558.139), Chris J Coll Surveying Limited (S566.134, S566.137 and S566.139), Laura Coll McLaughlin (S574.134, S547.137 and S574.139) and Grey District Council (S608.067)

Hearing and Submitter Evidence/Statements

251. Ms Pull, for Poutini Ngāi Tahu, sought to amend Rule NC-R2 as follows:

> *NC-R2 Buildings and Structures within the Riparian Margin of a River, Lake or Wetland*
> *Activity Status: Permitted*
> *Where:*
> 1. ***All standards in Rule NC-R1 and ECO-RX in relation to riparian margins are complied with; and***
> 2. *Where the buildings and structures…*

252. Ms Pull clarified that the further submission (FS41.189) was concerned with unmanaged effects from temporary bridges and that the reasons given in the s42A Report adding a new clause stated that temporary bridges do not include earthworks or vegetation clearance. She considered this would clarify how the activity is required to comply with the earthworks and vegetation clearance limits in the riparian margin; and was similar to how the earthworks permitted activities are organised.

253. Ms Styles, for Manawa, noted in relation to all the rules that they must give effect to the NPS-REG and not impose higher levels of restrictions on REG activities than other similar activities. She highlighted the need for consistent terminology throughout the Plan relating to REG activities and RSI to avoid confusion in interpretation.

254. In relation to NC-R1, Ms Styles sought that the quantity limits do not apply to REG activities or are significantly increased to reasonably provide for RSI activities. She noted that unlike ONL, riparian margins are confined to a linear area and large areas can need to be used as part of a power scheme or access. She considered placing restriction on existing REG activities fails to give effect to the higher order direction. She recommended excluding maintenance, operation, minor upgrade and repair of existing REG activities. She considered the default status should be restricted discretionary, which was similar to other rules dealing with similar matters.

255. Ms Styles saw merit in relocating indigenous vegetation clearance with riparian margins to the ECO Chapter but highlighted the need to avoid duplication or confusion. She considered the new rules were in effect a duplication of NC-R1 and NC-R3 but apply to vegetation clearance only. She had the same concerns in relation to the new rules and the request for a restricted discretionary default activity status and not discretionary.

256. Mr Kennedy, for Westpower, considered that if riparian margins of 5m were required for waterways with bed widths <3m there would be significant regulatory impacts that had not been assessed. He noted the further submission (FS222.027 and FS222.0338) to disallow these submissions remained valid.

257. Mr Kennedy noted the recommended changes to NC-R1 in the s42A Report was wider than the clarification sought (S547.324) and it was unclear how the rule would provide for both above and below ground connections, as the notified wording intended. He requested the

amendment should use the wording originally submitted. He considered the area and volume limits should be $30m^2$ and $30m^3$ respectively based on a 10m wide riparian margin and a 3m crossing. He considered clauses (2) and (3) should apply to '*new*' indigenous vegetation clearance and earthworks; noting this may now apply to new ECO-RX. He considered '*minor upgrading*' was too restrictive for RSI activities and noted there was scope to provide a restricted discretionary activity rule.

258. Ms Young highlighted the Director General's submission to delete the following activities from Rule NC-R2:
- *Network utilities;*
- *Parks facilities*
- *Natural hazard mitigation structures constructed by a statutory agency or their nominated contractor;*
- *Renewable electricity generation facilities where these have a functional need to locate within the riparian margin;*
- *Stormwater discharge structures and water supply intake structures constructed in accordance with NZS 4404 Code of Practice for Land Development and Subdivision Infrastructure.*

259. Ms Young considered these activities should not be permitted and should be assessed through a resource consent process to enable appropriate conditions to be imposed. She recommended that these activities and hazard mitigation structures should be restricted discretionary activities.

Reporting Officer Reply Evidence

260. In her Right of Reply, Ms Easton noted that the maximum limit of $25m^2$ proposed under Rule NC-R1 was the same as the RLWP rule. She highlighted that the vegetation clearance and earthworks rules under the NESF are very strict within 10m of a wetland, with limited permitted activities and activities requiring resource consent, outside of those specified, being a non-complying activity. She clarified the district council functions in this regard relate to vegetation clearance and earthworks within a margin of a wetland.

261. In Reply, Ms Easton relation recommended one additional change to NC-R1 to replace $20m^2$ with $25m^2$ in clause (3). There were no other changes to the other NC rules identified in her updated Appendix 1.

Hearing Panel's Evaluation

262. The Panel recommends consistency changes to the NC rules to use the phrase *'statutory agency or authorised contractor acting on its behalf'* which clarifies that the statutory agency is in control. The Panel notes this is a plan-wide issue, and that this approach is consistent with the Panel's recommended wording for Rule EW-R2(2)(g) in relation to hazard mitigation structures, as well as elsewhere in the Plan.

263. The Panel has considered Ms Easton's clarifications regarding duplication of regional council functions under the NESF. We accept her advice that district council functions are limited to

the riparian margins of 'coastal' wetlands (i.e. those that do not meet the definition of a natural inland wetland).

264. In relation to **Rule NC-R1**, the Panel accepts Ms Easton's recommended amendments and new clauses; and her recommendation to clarify indigenous vegetation clearance is recommended to addressed in the ECO Chapter by removing the reference in the rule heading and recommending new Rule ECO-RX and new Rule ECO-RXX. However, we note that both these recommended new ECO rules have changed substantially as the result of expert caucassing and the resulting recommendations in the ECO hearing. Although this is primarily structural in terms of separating out permitted activites into separate rules and the substance of the new rules relied on by Ms Easton remains very similar in scope and scale.

265. In the ECO Recommendation Report, recommended ECO-R1(2) addresses vegetation clearance in riparian margins and limits this to 20m^2 per 200 metres of linear length, as a permitted activity, with a default to a discretionary activity. We agree this is appropriate to ensure effects on natural character values are no more than minor. We noted this is consistent with the relief sought by Manawa (S438.110). We also consider this outcome partly addresses the relief sought by Forest and Bird (S560.253) because it defaults to a discretionary activity.

266. The Panel considers it is appropriate to add '*lawfully established'* in relation to hazard mitigation structures in new clause (k) and existing farm use in new clause (n). This is consistent with clause (f) and the Panel's approach plan-wide. However, we have simplified the wording to remove reference to '*character, intensity and scale*' in clause (n) because this is inherent in RMA s10.

267. The Panel has carefully considered the submission from Westpower seeking to increase the permitted width for establishing a river crossing point from 3m (as notified) to 10m for energy activities. The Panel consider this increase is too permissive for earthworks within the margins of waterbodies given the potential for more than minor adverse effects on natural character, which should be assessed through a resource consent process.

268. The Panel accepts the submissions seeking to delete clause (5) because new clauses (k) and (l), replacing clause (j) (as notified) appropriately address hazard mitigation structures.

269. In relation to **Rule NC-R2**, the Panel disagrees with Ms Easton's recommendation to add '*or operational need'* to locate buildings or structures within the riparian margin, for the reasons discussed in relation to the policies. The Panel considers the list of matters provided for is appropriate.

270. The Panel considers it is not appropriate to add *'energy activities'* to clause (a) given its definition in the pTTPP, national direction and the RPS. However, we agree that '*infrastructure*' should be replaced with '*regional significant infrastructure'* for the same reasons. We note that renewable electricity generation facilities are appropriately included in clause (f) but consider this shound be '*renewable electricity generation activites'*.

271. The Panel accepts Ms Easton's recommendations to include the addition to clause (b) but considers the words '*game bird*' are not needed.

272. The Panel accepts the addition of new clauses (h) and (i) given these activities have the functional need to be located within the margins of waterbodies. In response to a question from the Panel, Ms Easton advised that if a limit of the size of pump shed was necessary $5m^2$ was appropriate. We consider it is appropriate to include a maximum size limit given the potential for more than minor adverse effects.

273. The Panel considers it is appropriate to include new advice note (2), as a consequential amendment to the West Coast Fish and Game Council's request to add temporary mai mai, to be consistent with advice note (3) in NC-R2.

274. In relation to **Rule NC-R3**, the notes that the notified plan had two rules labelled NC-R3. The Panel agrees with the reasoning and recommendation to change the activity status for natural hazard mitigation structures to from permitted to restricted discretionary with addition of matters of discretion for clarity; and to delete the Indigenous vegetation clearance as a consequential amendment to moving vegetation clearance to the ECO Chapter. To achieve this, we accept the recommendation to delete the permitted activity rule NC-R3; and amending notified discretionary activity NC-R5 to be restricted discretionary and renumbering this NC-R3.

275. In relation to **Rule NC-R4,** the Panel agrees with Ms Easton's recommendation retain this rule as notified, except for renumbering this NC-R5.

276. In relation to **Rule NC-R5,** the Panel agrees Ms Easton's recommendation to change the numbering sequence on this rule.

Hearing Panel's Recommendation

277. For the reasons outlined, and subject to Part 2 of the RMA, the Panel recommends that the relevant submission points identified in footnotes below are accepted or accepted in part, and recommends the following amendments to the **NC Rules**:

Natural Character and the Margins of Waterbodies Rules
Note: There may be a number of plan provisions that apply to an activity, building, structure and site. In some cases, consent may be required under rules in this chapter as well as rules in other chapters in the Plan. In those cases, unless otherwise specifically stated in a rule, consent is required under each of these identified rules. Details of the steps Plan users should take to determine the status of an activity are provided for in General Approach.
Permitted Activities

NC - R1	**~~Indigenous Vegetation Clearance and~~**[57] **Earthworks within the Riparian Margin of a River, Lake or Wetland**

Activity status Permitted

1. Where this is outside of any Significant Natural Area identified in Schedule Four and for:

a. Fence lines; or
b. Maintenance, operation, minor upgrade and repair of network utilities ~~critical~~ **regionally significant**[58] infrastructure or renewable electricity generation activities; **or**
c. **New network utilities and regionally significant**[59] **infrastructure where these are underground and located within a formed legal road or attached to an existing bridge; or**[60]
d. Connections to wastewater, stormwater and reticulated network utility systems **and underground energy and infrastructure connections**;[61] or
e. Installation of an environmental monitoring and extreme weather event monitoring facility; or
f. Maintenance and repair of lawfully established structures; or
g. The construction of parks facilities, parks furniture or public access points within an Open Space and Recreation Zone; or
h. The establishment of a river crossing point up to 3m wide; or
i. Poutini Ngāi Tahu Activities; or
j. Activities on Māori Purpose Zoned Land **or a site of significance to Māori in Schedule Three**[62] and **is**[63] undertaken in accordance with an Iwi/Papatipu Rūnanga Management Plan; or
k. **Maintenance and repair of lawfully established natural hazard mitigation structures; or**[64]
l. **New** ~~N~~natural hazard mitigation ~~actvities~~ **structures and upgrading of existing natural hazard mitigation structures** undertaken by a statutory agency or ~~their nominated~~ **authorised** contractor **acting on its behalf; or**[65]
m. **Clearance of pest plants and pest animals for biosecurity purposes; or**[66]
n. **Arable, horticultural or pastoral farming use where this activity is lawfully established at 14 July 2022**; **and** [67]

~~2. The amount of indigenous vegetation clearance is not greater than 20m^2 per 200m length of Riparian Margin;~~ [68]

3. The amount of earthworks is not greater than **25**[69]~~20~~m^3 per 200m length of Riparian Margin; **and**
4. All earthworks stockpiles are located outside of the riparian margin of the waterbody**.**~~; and~~

[57] Consequential amendment Royal Forest and Bird Protection Society of New Zealand Incorporated S560.508
[58] Manawa Energy Limited S438.110
[59] Manawa Energy Limited S438.110
[60] Chorus NZ Ltd, Spark NZ Trading Ltd, Vodafone NZ Ltd S663.051
[61] Westpower Limited S547.324
[62] Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio and Te Rūnanga o Ngāi Tahu S620.175 and S620.176
[63] RMA First Schedule Clause 16(2) amendment.
[64] William McLaughlin S567.211, Chris & Jan Coll S558.133, Chris J Coll Surveying Limited S566.133, Buller District Council S538.223 and Laura Coll McLaughlin S574.133
[65] William McLaughlin S567.211, Chris & Jan Coll S558.133, Chris J Coll Surveying Limited S566.133, Buller District Council S538.223 and Laura Coll McLaughlin S574.133
[66] New Zealand Agricultural Aviation Association S166.018
[67] Horticulture New Zealand S486.037, Federated Farmers of New Zealand S524.079
[68] Consequential amendment Royal Forest and Bird Protection Society of New Zealand Incorporated S560.508
[69] Westpower Limited S547.401

5. ~~Unless carried out by a statutory agency or their nominated contractor responsible for natural hazard mitigation, the clearance and earthworks are not located within areas used and identified for natural hazard mitigation structures~~.[70]

Advice Notes:

1. Rules in other Overlay Chapters particularly Historic Heritage, Sites and Areas of Significance to Māori, Natural Hazards and Natural Features and Landscapes may also apply in these locations.
2. **Also refer to Rules in the Energy, Infrastructure and Transport Chapters for activities in relation to those matters.** [71]
3. Activities within the margins of waterbodies and wetlands are also the subject of regulation under the NES Freshwater, NPS Freshwater **Management**[72] and the West Coast Regional Land and Water Plan.
4. This Rule also applies to ~~plantation~~ **commercial** forestry activities, where this provision is more stringent than the NES-**C**~~P~~F.[73]

Activity status where compliance not achieved: Discretionary

NC - R2 Buildings and Structures within the Riparian Margin of a River, Lake or Wetland

Activity Status Permitted

Where the buildings and structures **have a functional need to locate in the riparian margin and**[74] are:

a. Network utilities **and regionally significant infrastructure; or**[75]
b. Temporary whitebait stands **and temporary mai mai for game bird hunting provided these are removed within two weeks of the end of the season**; **or** [76]
c. Environmental monitoring facilities**; or**[77]
d. Parks facilities and parks furniture within an Open Space and Recreation Zone**; or**[78]
e. Natural Hazard mitigation structures constructed by a statutory agency or **authorised** ~~nominated~~ contractor **acting on its behalf**; [79] or
f. Renewable energy generation **activities**~~facilities~~[80] ~~where these have a functional need to locate within the riparian margin~~; **[81]** or
g. Stormwater discharge structures and water supply intake structures constructed in accordance with NZS 4404 Code of Practice for Land Development and Subdivision Infrastructure**; or**

[70] William McLaughlin S567.211, Chris & Jan Coll S558.133, Chris J Coll Surveying Limited S566.133, Buller District Council S538.223 and Laura Coll McLaughlin S574.133
[71] Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio and Te Rūnanga o Ngāi Tahu S620.001
[72] RMA First Schedule Clause 16(2) amendment.
[73] RMA First Schedule Clause 16(2) amendment to reflect the enactment of the Resource Management (National Environmental Standard for Commercial Forestry) Regulations 2017, which replaces the NES-PF.
[74] Buller Conservation Group S552.100 and Frida Inta S553.100
[75] Westpower S547.328 and KiwiRail S442.063
[76] West Coast Fish and Game Council S302.005
[77] RMA First Schedule Clause 16(2) amendment.
[78] RMA First Schedule Clause 16(2) amendment.
[79] Consequential amendment Plan-wide amendment
[80] RMA First Schedule Clause 16(2) amendment to used defined term.
[81] Consequential amendment Buller Conservation Group S552.100 and Frida Inta S553.100

h. Temporary bridges constructed as part of a temporary military training activity; or[82]
i. Pump sheds, less than 5m². [83]

Advice Notes:
1. Rules in other Overlay Chapters particularly Historic Heritage, Sites of Significance to Māori, Natural Hazards and Natural Features and Landscapes may apply in these locations.
2. **Activities within the margins of waterbodies and wetlands are also the subject of regulation under the NES Freshwater, NPS Freshwater Management and the West Coast Regional Land and Water Plan.** [84]

Activity status where compliance not achieved: Discretionary

~~**NC-R3 New Natural Hazards Mitigation Structures**~~

~~Activity Status Permitted~~

~~Where:~~
~~1. These are constructed by a Statutory Agency or their authorised contractor~~

~~Activity status where compliance not achieved: Discretionary~~[85]

Restricted Discretionary Activities

NC-R~~5~~3 Natural Hazard Mitigation Structures within the Riparian Margin of a River, Lake or Wetland[86] **not meeting Permitted Activity Rules**

Activity Status: **Restricted** Discretionary

Discretion is restricted to:
a. Design and location of the structure;
b. Visual impact of the structure; and
c. Methods to avoid, remedy or mitigate adverse effects on natural character or public access. [87]

Activity status where compliance not achieved: N/A

Discretionary Activities

[82] New Zealand Defence Force S519.03
[83] Horticulture New Zealand S486.0387, Federated Farmers of New Zealand S524.080
[84] Consequential amendment Fish and Game Council S302.005
[85] Director General of Conservation S602.109 and Royal Forest and Bird Protection Society Inc. S560.255
[86] RMA First Schedule Clause 16(2) amendment
[87] William McLaughlin S567.220, Chris & Jan Coll S558.134, Chris J Coll Surveying Limited S566.134, and Laura Coll McLaughlin S574.134, Grey District S608.067

NC-R~~3~~4	**~~Indigenous Vegetation Clearance and~~**[88] **Earthworks within the Riparian Margin of a River, Lake or Wetland**[89] **not meeting Permitted Activity Rules**

Activity Status: Discretionary

Advice Note**s**:

1. This rule also applies to ~~plantation~~ **commercial** forestry activities, where this provision is more stringent than the NES-**C**~~P~~F.[90]
2. The NES-Freshwater has extensive regulation around works that can be undertaken in or near any natural **inland**[91] wetland. These rules are administered by the West Coast Regional Council and are not repeated in this Plan.

Activity status where compliance not achieved: N/A

NC R4~~5~~	**Buildings and Structures within Riparian Margin of a River, Lake or Wetland not meeting Permitted Activity Rules**

Activity Status: Discretionary

~~**NC-R5**~~	~~**Natural Hazard Mitigation Structures not meeting Permitted Activity Standards**~~

~~Activity Status: Discretionary~~

~~Activity status where compliance not achieved: N/A~~[92]

3. ACTIVITIES ON SURFACE OF WATER CHAPTER

3.1 ASW General/Whole Chapter

Submissions and Further Submissions

278. Eight submission points and one further submission point relating to general matters/whole ASW Chapter were summarised in a table on page 80 of the s42A Report. Three submission points were in support of retaining the chapter as notified, one submission point sought to remove all references to Site or Area of Significance to Māori (**SASM**) in the Chapter and one further submission opposed this. Three submission points sought amendments to the Overview.

279. The Panel adopts these summaries and has considered the relevant submissions and further submissions.

[88] Consequential amendment Royal Forest and Bird Protection Society of New Zealand Inc (S560.508)
[89] RMA First Schedule Clause 16(2) amendment
[90] RMA First Schedule Clause 16(2) amendment
[91] RMA First Schedule Clause 16(2) amendment
[92] Consequential amendment from new restricted discretionary rule (William McLaughlin S567.220, Chris & Jan Coll S558.134, Chris J Coll Surveying Limited S566.134, and Laura Coll McLaughlin S574.134, Grey District S608.067)

Section 42A Report

280. The s42A Report did not support the Grey District Council submission point (S608.078) that sought to remove the any reference to SASM from the Chapter because s6(e) and (f) of the RMA requires recognising and providing for the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, waahi tapu and other taonga; and the protection of historic heritage, which includes the definition of Sites of Significance to Māori.

281. The s42A Report supported in part Westpower's submission points (S547.394 and S547.395) seeking changes to the Overview to highlight the needs of energy activities and infrastructure and recommended amended wording that fits with wording used in the Overview of other chapters.

282. The s42A Report noted one request to add references in to the Strategic Objectives and Policies in the Overview but considered this was unnecessary given there is already a reference to them and a link in place for this.

283. The s42A Report recommendation in relation to amending the Overview to give relief to the submissions seeking changes.

> *Overview*
> *On the West Coast/Te Tai o Poutini a range of activities occur on the surface of rivers, streams, lagoons and lakes. These include activities that have a functional need to locate on water surfaces such as jetties and piers, recreation activities like fishing and boating and cultural activities undertaken by Poutini Ngāi Tahu.* ***Some waterbodies (both natural and artificial) also form an important resource for the generation of hydroelectricity which contributes to the wellbeing of people and communities.***
> *[ ]*
> ***• Energy, Infrastructure and Transport -The Energy, Infrastructure and Transport Chapter contains policies that are also relevant and should be assessed in relation to Energy, Infrastructure or Transport Activities that trigger resource consent under the Activities on the Surface of Water Rules.***

Hearing and Submitter Evidence/Statements

284. Ms Inta objected to the recommended addition in the Overview of '*Some waterbodies (both natural and artificial) also form an important resource for the generation of hydroelectricity'*, She noted the chapter was about activities on the surface of water whereas hydro encompasses the whole of the waterbody and the activities should be about only boats or things that float on the water.

285. Mr Kennedy, for Westpower, noted partial support of what was sought by Westpower in the Overview in the s42A Report recommendation. However, he considered that rather than giving reference to hydroelectricity under the heading of 'Strategic Objectives and Policies'

this should be relocated under 'Other Relevant Te Tai Poutini Plan provisions'. He considered this would provide consistency across the whole document.

286. Ms Styles, on behalf of Manawa, acknowledged the recommended amendment in the s42A Report to the provisions in the Overview and agreed with this recommendation.

287. Ms Pull, on behalf of Poutini Ngāi Tahu, opposed the recommended reference to the policies of the Energy, Infrastructure and Transport Chapter and suggested a revised wording, as follows:

> ***Energy, Infrastructure and Transport – The Energy, Infrastructure and Transport chapters contain provisions that manage Energy, Infrastructure and Transport activities and potential reserve sensitivity.***

Reporting Officer Reply Evidence

288. Ms Easton's Right of Reply made no changes to the recommendations to the Overview shown in Appendix 1 of the s42A Report.

Hearing Panel's Evaluation

289. The Panel notes that Ms Inta did not specifically submit on the ASW Overview but opposed the s42A Report recommendation based on the proposed wording of the additional sentence. The Panel are conscious that the wording of the additional sentence proposed is different to that requested by Westpower (S547.395) and that Ms Inta did not have the opportunity to make a further submission on the recommended wording. The Panel accepts this recommended wording is alternative relief to the submission point but consider it could not be anticipated by submitters.

290. While the Panel agrees that activities on the surface of water can and do provide benefits for the community and environment, there is no statutory direction in the RMA or RPS to '*recognise and provide*' for surface water activities that provide benefits. The Panel agrees that any benefits are relevant considerations in a consent process. The Panel considers the additional sentence wording can be improved to better reflect the amendment sought as follows:

> ***Activities on the surface of water can provide benefits and contribute to the wellbeing of people and communities.***

291. The Panel therefore partly accept Westpower's submission point (S547.395).

292. The Panel rejects the Grey District Council submission point (S608.078) seeking to remove references to SASM from the Chapter and accepts Poutini Ngāi Tahu's further submission (FS41.020). The Panel agrees that identifying SASM recognises and provides for RMA s6(e) and (f) matters of national importance.

293. The Panel accept Ms Easton's recommendation to add reference to the EIT chapters as shown in the Right of Rely.

Hearing Panel's Recommendation

294. For the reasons outlined above, and subject to our considerations of Part 2 of the RMA, the Panel recommends that the relevant submission points identified in footnotes below are accepted or accepted in part, and recommends the following changes to the **ASW Overview**:

Overview

On the West Coast/Te Tai Poutini a range of activities occur on the surface of rivers, streams, lagoons and lakes. These include activities that have a functional need to locate on water surfaces such as jetties and piers, recreation activities like fishing and boating and cultural activities undertaken by Poutini Ngai Tahu. **Activities on the surface of water can provide benefits and contribute to the wellbeing of people and communities.**[93]

The provisions in this chapter manage the effects of activities on the surface of water. Many of the activities that occur on the surface of water have few effects (e.g. occasional recreational boating or sailing). Other more permanent activities such as structures have potential to generate adverse effects which could compromise important water values (such as the natural character, ecological, cultural, amenity and recreational values of waterbodies).

Other Relevant Te Tai Poutini Plan provisions.

- Natural Character and the Margins of Waterbodies- Many activities on the surface of water may also involve activities in the riparian margin if the adjacent riverbank or lakeside.
- Provisions for managing activities next to waterbodies are found in the Natural Character and the Margins of Waterbodies Chapter.
- Sites and Areas of Significance to Māori. – Many rivers and lakes have a high degree of significance to Poutini Ngai Tahu and are identified in Schedule Three Sites and Areas of Significance to Māori, where rivers or lakes are included within Schedule three the Sites of Significance to Māori provisions also apply.
- **Energy, Infrastructure and Transport - The Energy, Infrastructure and Transport Chapter contains policies that are also relevant and should be assessed in relation to Energy, Infrastructure or Transport Activities that trigger resource consent under the Activities on the Surface of Water Rules.**[94]

Other relevant regulations

The responsibility for managing the effects of activities on the bed of waterbodies lies with the West Coast Regional Council and are managed through the West Coast Regional Land and Water Plan.

3.2 ASW Objectives

Submissions and Further Submission.

295. Twelve submission points and one further submission point relating to the **Objective ASW-01** were summarised in a table on pages 81-82 of the 42A Report. Seven submission points sought

[93] Westpower Limited (S547.394 and S542.395)
[94] Westpower Limited (S547.396)

to retain the Objective as notified and five submission points sought amendments, with one further submission point opposing the request to delete references to SASM.

Section 42A Report

296. The s42A Report supported the amendments sought by the Director General (S602.129) to add '*landscape, natural feature*' to include to the landscape and natural features values of the district's waterbodies.

297. The s42A Report did not support amendments sought by Jet boating NZ to add '*more than minor adverse effects*'; or addition of a new objective as sought be Westpower (S547.397) and William Mc Laughlin (S567.340) given the current objective expressed the direction sought by the TTPP Committee and community during the plan development phase. It agreed with the further submission from Poutini Ngāi Tahu (FS41.054) that the benefit of activities and structures on surface water are considered in any consent process.

Hearing and Submitter Evidence

298. Mr Kennedy, for Westpower, sought to include a new objective to recognise and provide for the benefits of activities on the surface of water, with a focus on regionally significant infrastructure (**RSI**) activities that have a need to locate on the surface of water given this is acknowledged in the Overview section. He considered this was relevant given the potential benefits to the community need to be acknowledged in the Plan. Given the rejection of a new objective, he suggested the following amendment:

> *ASW-O1 – The ecological …. and lagoons are;*
> *a. Protected from the adverse effects of activities and structures on the surface of water, or*
> *b.* ***In the case of RSI activities and structures with an operational or functional need to locate on the surface of water adverse effects are managed.***

299. Mr Kennedy suggested with this amendment to the objective, the new objective requested (S547.397) would be more appropriately expressed as a new policy as follows:

> ***ASW-PX – The benefits of RSI activities and structures which have an operational or functional need to locate on the surface of water are recognised and provided for.***

300. Mr Malcolm Smith, on behalf of Jet Boating NZ, sought consideration in the objective to recognise that minor and less than minor adverse effects may be acceptable in some circumstances.

Reporting Officer Reply Evidence

301. Ms Easton made no changes to her recommendation on Objective ASW-01 from Appendix 1 of the s42A Report in her Right of Reply.

Hearing Panel's Evaluation

302. The Panel accepts Ms Easton's recommended amendments to Objective ASW-01 and accepts the Director General's submission point (S602.129); and recommends the changes to the

Objective as shown in the Right of Reply. However, the Panel considers the addition should be '*natural landscape and features*' to use language consistent with RMA s6(a).

303. The Panel has considered the need for a new objective or second limb to ASW-01 to recognise and provide for the benefits of activities on the surface of water, as requested by Westpower. The Panel agrees with Ms Easton that the benefits of any proposed activities would be considered in a consent process.

304. The Panel rejects the requested wording for a new objective (Westpower S547.397 and William McLaughlin S567.340) because there is no statutory direction to '*recognise and provide for*' the benefits of activities on the surface of water; and accepts Poutini Ngāi Tahu's further submission in opposition (FS41.054).

305. The Panel has also considered the alternative relief sought by Mr Kennedy and his change in focus to the operation or functional need for RSI to locate on the surface of water. The Panel rejects this alternative relief because it goes beyond the scope of the new objective sought in the original submission (S547.397).

306. The Panel also rejects Westpower's submission point (S547.398) to reword the Objective and considers adding '*are appropriately managed*' increases uncertainty.

Hearing Panel's Recommendation

307. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends that the relevant submission points identified in footnotes below are accepted or accepted in part, and recommends the following amendments to **Objective ASW-O1**:

ASW-O1
The ecological, recreational, natural character, **natural landscape and features,**[95] amenity and Poutini Ngāi Tahu values of the District's rivers, lakes and lagoons are protected from the adverse effects of activities and structures on the surface of water.

3.3 ASW Policies

Submissions and Further Submissions

308. A total of sixteen submission points and eight further submission point were received relating to the policies as a whole and individual policies were summarised in a Table on pages 83-85.

309. Six submission points and one further submission point related to the **policies as a whole**. Four submission points sought to retain the policies as notified and two submission points sought additional wording to the policies and one further submission point opposed the alternative wording sought.

[95] Director General of Conservation S602.129

310. One submission point was received in relation to **Policy ASW-P1** sought to retain the policy as notified.

311. Five submission points and two further submission points were received relating to **Policy ASW-P2**. Three submission points sought to retain the policy as notified and two submission points sought amendments. Two further submission points opposed these amendments.

312. Four submission points and five further submission points were received relating to **Policy ASW-P3**. Two submission points sought to retain the policy as notified, and two submission points sought amendments. Four further submission points supported amendments, and one further submission opposed an amendment sought.

Section 42A Report

313. The s42A Report did not support submissions seeking a new policy specifically providing for energy and Infrastructure on the surface of water, including critical infrastructure, due to technical, locational, functional or operational constraints or requirements (Chris J Coll Surveying Limited S566.275 and Westpower S547.399). It also did not support giving a blanket policy support for infrastructure without consideration of the values or effects to give effect to Part 2 of the RMA.

314. In relation to **Policy ASW-P1**, the s42A Report acknowledged the support for the policy from Te Mana Ora. It recommended no changes to Policy ASW-P1 as notified.

315. In relation to **Policy ASW-P2**, the s42A Report acknowledged the support from Jet Boating New Zealand, Poutini Ngāi Tahu, and Te Mana Ora. for ASW-P2.

316. The s42A Report did not support the submission point from the Lake Māhingapua Aquatic Club in relation to ASW-P2 to exclude the Club's motorised watercraft use of Lake Māhingapua where it conflicts with Poutini Ngāi Tahu values. She highlighted the RMA s6 requirement to recognise and provide for the relationship of Māori and their culture and traditions within their ancestral lands, water sites waahi tapu and other taonga as a matter of national importance. She noted that specific waterbodies, including Lake Māhinapua, are identified as SASM and where access by motorboat is considered inappropriate by Poutini Ngāi Tahu.

317. The s42A Report did not support the amendment sought by Forest & Bird (S560.525) to delete the word '*significantly*' from Policy ASW-P2 given the policy recognises that some use of motorised watercraft is used for biosecurity, health and safety and monitoring services. The Panel considers the preservation of natural character and the protection of the values in ASW-01 requires the avoidance of more than minor adverse effects. As worded, the Policy enables adverse effects up to a level where it does not significantly impacting these values. The Panel considers the Policy should only enable activities that have no more than minor effects to be consistent with the RMA s6 and the RPS (Chapter 7A Policy 4).

318. In relation to **ASW-P3**, the s42A Report acknowledged the support from Poutini Ngāi Tahu and Te Mana Ora. It supported the four further submissions indicating that the plan provisions do

not explicitly provide for commercial port activities for the Greymouth and Buller Ports. It noted that the TTPP Committee were undertaking consultation with the community over a draft variation to the Plan to specifically address this concern.

319. Ms Easton did not support the submission from Forest & Bird to delete the word '*significantly*' from ASW-P3 as per the reasons outlined above in relation to ASW-P2..

320. Ms Easton did not support the submission from Westpower Limited seeking to alter the first paragraph of ASW-P3 to refer to (avoids, remedies or mitigates) as this would change the direction of the policy to be much more enabling of commercial activities and structures.

Hearing and Submitter Evidence

321. Mr Kennedy on behalf of Westpower Limited sought the addition of a new policy to provide for matters that are proposed to be regulated through the Rules for which there are no relevant objectives or policies. He recommended the following:

> *ASW-PX Provide for energy and infrastructure activities including RSI and structures which have a functional need or operational need to occur on the surface of water where adverse effects are avoided, remedied or mitigated.*

322. Mr Kennedy noted that if there is an intent to regulate activities which have a need to locate on the surface of water they should be provided with a relevant policy.

323. Mr Malcolm Smith representing Jet Boating New Zealand further reiterated their support for ASW-P2 as notified.

324. Ms Pull on behalf of Poutini Ngāi Tahu further reiterated their support for ASW-P3 as notified.

Reporting Officer Reply Evidence

325. There was no additional comment in relation to the policies from the Ms Easton.

Hearing Panel's Evaluation

326. The Panel accepts the amendment sought by Forest & Bird (S560.525) to delete the word '*significantly*' from Policy ASW-P2. We acknowledge that the intent of the policy is to provide for non-commercial use of motorised watercraft for biosecurity, health and safety and monitoring services. However, we consider that deleting '*significant*' without qualification would require the protection from all adverse effects.

327. The Panel considers the preservation of natural character and the protection of the values in ASW-01 would not be achieved by '*not impact significantly*' in relation to natural character, ecosystems, biodiversity, and Poutini Ngāi Tahu values. As worded, the Policy would enable adverse effects up to a level less than 'significantly' impacting these values. The Panel considers this is contrary to the direction of RMA s6 and the RPS (Chapter 7A Policy 4).

328. RPS Chapter 7A Policy 4 directs '*Allow activities which have no more than minor adverse effects on natural character.*' It is clear that the policy intent is to have permitted activity status for activities that have no more than minor effects.

329. Overall, the Panel finds preservation and protection national directives are not supported by enabling activities with less than significant (i.e. '*not impact significantly*') and can only be given effect to by enabling activities with no more than minor effects. The Panel considers this is consistent with the permitted activity rule framework; and where adverse effects are more than minor, the rule framework enables the assessment of effects through the resource consent process.

330. The Panel notes that Variation 1 – Activities on the Surface of Water to the Plan inserts a new policy into the ASW Chapter enabling the use of ports. The evaluation of this is addressed in the recommendation report for Variation 1. The recommendation to include ASW-P4 is included below.

Hearing Panel's Recommendation

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

Activities on the Surface of Water Policies
ASW - P1
Enable the non-commercial use of non-motorised watercraft on rivers, lakes and lagoons.
ASW - P2
Enable the non-commercial use of motorised watercraft on rivers, lakes and lagoons on the West Coast where this does not **have more than minor adverse effects**~~impact significantly~~[96] on natural character, ecosystems and biodiversity values, Poutini Ngāi Tahu values, public access, amenity or disruption of natural quiet.
ASW - P3
Provide for commercial activities and structures on the surface of West Coast/Te Tai o Poutini rivers, lakes and lagoons provided that the activity does not create: a. Adverse effects on: i. Significant natural heritage values including identified scheduled sites; ii. Cultural and spiritual values including sites and areas of significance to Māori; iii. Poutini Ngāi Tahu values and in particular as relate to culturally significant rivers and lakes; b. ~~Significant~~**More than minor**[97] adverse effects on: i. Amenity values; ii. Ecological values;

[96] Royal Forest and Bird Protection Society of New Zealand Inc (S560.525)
[97] Royal Forest and Bird Protection Society of New Zealand Inc (S560.525)

iii. Natural character;
iv. Other recreational uses; and
c. Cumulative adverse effects with any other structures or activities on the surface of waterbodies.

ASW – P4

Enable the use of the Port of Greymouth and Westport Harbour Ports and Westport Harbour Ports and their use of the Māwheranui/Grey and Kawatiri/Buller Rivers for port activities and commercial activities associated with the ports.[98]

3.4 ASW Rules

Submissions and Further Submissions.

332. Eight submission points and four further submission point relating to the **ASW Rules as a whole** were summarised on page 86-87 of the s42A Report. Six submission points sought to retain the rules as notified and two submission points sought amendments. Four further submission points opposed the amendments sought.

333. No submissions were received on **Rule ASW-R1**.

334. Eight submission points and five further submission points relating to **Rule ASW-R2** were summarised on page 87-89 of the s42A Report. Eight submissions sought amendments to the rule; and four further submissions opposed the amendments requested and one further submission supported in part an amendment.

335. One submission seeking an amendment to the heading of **Rule ASW-R3** was summarised on page 89 of the s42A Report.

336. Five submission points and three further submission points relating to **Rule ASW-R4** were summarised on pages 89-90 of the s42A Report. Five submission points sought amendments to the rule and two further submission points opposed the amendments requested and one further submission point supported in part an amendment requested.

337. Three submission points and two further submission points relating to **Rule ASW-R5** were summarised on pages 90-91 of the s42A Report. One submission point sought to retain the rule as notified and two submission points sought amendments to the rule. One further submission point supported in part an amendment and one further submission opposed an amendment.

338. Five submission points and six further submission points relating to **Rule ASW-R6** were summarised on pages 91-92 of the s42A Report. Five submission points sought amendments to the rule and one further submission point supported an amendment. Four further submission points opposed an amendment requested and one further submission point was neutral.

[98] New rule inserted by for Variation 1 – Activities on the Surface of Water of the TTPP. See the Recommendation Report on Variation 1

339. Three submission points and two further submission points relating to **Rule ASW-R7** were summarised on page 92 of the s42A Report. Three submission points sought amendments to the rule and two further submission points opposed the amendments sought.

340. The Panel adopts these summaries and has considered the relevant submissions and further submissions.

Section 42A Report

341. In relation to **Rule ASW-R2**, the s42 Report considered that including reference to the lakes and waterbodies currently included in the Buller District Plan may be appropriate given these waterbodies have a high state of naturalness and ecological values, and are located within areas of high natural character or outstanding natural landscapes. However, it invited the submitters requesting these changes to provide more information at the hearing.

342. The s42A Report did not support the deletion of the 'Makaawhio River and Kaimata/New River' from the rule, as requested by Jet Boating New Zealand (S161.003), given the low loss of recreational amenity compared to a high degree of cultural benefit by including these rivers in the rule.

343. The s42A Report supported in part an amendment to the Rule to include motorised craft on Lake Māhinapua for the setting of buoys and the direction of regattas and club sailing. It considered the best approach was to provide a specific exemption to the rule for the regattas of the Lake Māhinapua Aquatic Club rather than a general exemption for motorised craft. It noted a further submission by Poutini Ngāi Tahu opposed this request, and encouraged dialogue between the two submitters to reach agreement. It suggested the best approach may be a specific number of days that such an activity can occur and suggested the following wording:

> *'Use of Lake Māhinapua for the yachting regattas and club sailing associated with the Lake Māhinapua Aquatic Club where the craft are propelled by a motor but not exceeding a speed of 5 knots.'*

344. The s42A Report supported a new clause, as sought by Poutini Ngāi Tahu (S620.196), to include 'Mātauranga Māori Monitoring' because this better enabled them to undertake their kaitiaki role.

345. The s42A Report did not support including suction dredging in the rule (Mineral West Coast (S569.031) given the potential to have significant effects on natural character and cultural values in rivers and lakes that are at particular risk of adverse effects.

346. The s42A Report supported Te Tumu Paeroa's request (S440.038) to add a new clause, as follows:

> ***'Access to landlocked parcels where primary and physical access is only achieved through crossing the waterway'***

347. The s42A Report did not consider restricting this to just the landowner, as sought in further submissions by Poutini Ngāi Tahu (FS41.058) would reasonable.

348. In relation to **Rule ASW-R3**, the s42A Report supported adding 'and waterways' to the heading, as requested by Westpower (S547.403). However, it recommended '*and artificial waterways*' in the interests of clarity.

349. In relation to **Rule ASW-R4**, the s42A Report supported adding '*These are temporary Mai Mai installed for the purposes of lawful gamebird hunting',* as requested by Fish and Game (S302.006); but also recommended adding a timeframe as requested by the Grey District Council (SFS1.081) *'provided these are removed within 2 weeks of the end of the game season*'. It noted the same approach is recommended for Rule NC-R2.

350. The s42A Report supported an amendment to make it clear that whitebait stands should also be '*temporary*' (Poutini Ngāi Tahu S620.197) and noted that this was a drafting error. It also supported the request to move the reference to written approval from Poutini Ngāi Tahu to an Advice Note.

351. The s42A Report supported including '*the laying of temporary marker buoys by the Lake Māhinapua Aquatic Club Inc. on Lake Māhinapua during the sailing season of October to April*' (Lake Māhinapua Aquatic Club S332.002). It noted this would be consistent with section 3.4.7 of the Lake Māhinapua Management Plan.

352. The s42A Report did not support the deletion of '*temporary swimming platforms installed for a single swimming season'* (Director General S602.131) and invited the submitter to provide more information at the hearing.

353. The s42A Report did not support Westpower's requests (S547.504 and S547.508) to add two new permitted activity rules because it would duplicate the regulation of activities already controlled by the WCRC. It noted the rule provides for a very limited range of structures as permitted activities, given the WCRC regulates activities in the beds of rivers to address different matters in relation to their regional function.

354. The s42A Report supported improving clarity for existing energy activities and infrastructure structures given the different approach to existing use rights under Section 10A of the RMA than occurs for existing structures and activities on land. It considered it is appropriate that the rule specifically provides for existing lawfully established energy and infrastructure structures.

355. In relation to **Rule ASW-R5**, the s42A Report supported the request to add a new matter of control '*Management of effects on ecological, biodiversity and conservation values*' (Director General S602.132). It noted the further submission (BDC FS149.127) supported this addition but did not support making temporary swimming platforms subject to the rule. It invited the submitter to provide more information at the hearing on their reasoning why they consider

temporary swimming platforms need consent (Director General S602.134), and why they consider that the activity status should be discretionary through the addition of a new rule.

356. In relation to **Rule ASW-R6**, the s42A Report did not support the submissions (Buller Conservation Group S552.125 and Frida Inta S553.125) seeking to extend the list of waterbodies in relation to those where commercial activities are not acceptable because no information was provided regarding which waterbodies such an extension should apply to or why.

357. The s42A Report noted the further submission (West Coast Bulk Logistics Limited FS152.003) seeking a new rule to allow for vessel activities on the surface of rivers associated with Port Operations. It noted this would be covered in Variation 1 to the Plan.

358. The s42A Report supported moving the reference to '*Written Approval form the Poutini Ngāi Tahu Rūnanga*' from the rule to an Advice Note (Poutini Ngāi Tahu S620.199).

359. The s42A Report did not consider the amendment to specifically exclude suction dredging (Tiga Minerals and Metals Limited (S493.068) was necessary given this activity would fall under the definition of 'Industrial Activity', not 'Commercial Activity'.

360. The S42A Report supported inclusion of the following additional matter of discretion: 'Effects on Ecological, biodiversity and conservation values' (Director General S602.133) and considered it was appropriate these matters are considered in any assessment.

361. In relation to **Rule ASW-R7**, the s42AReport supported the amendment sought by Poutini Ngāi Tahu for the reference to limited notification be to Poutini Ngāi Tahu, however, it noted that limited notification clauses are no longer lawful. She proposed an amendment to the clause as follows:

> *When making notification decisions in relation to this rule, the council will be informed by advice from Poutini Ngāi Tahu and should the application be notified it will be served on the relevant Poutini Ngāi Tahu Rūnanga.*

362. The s42A Report did not support the amendment by Tiga Minerals and Metals Limited to exclude suction dredging activities because suction dredging has the potential to have significant effects on natural character and cultural values in rivers and lakes, which is appropriately assessed through a resource consent process.

363. The s42A Report did not consider the amendments to the rule proposed by Forest & Bird to be an improvement to the clarity of the rule but supported the submission in part given a minor amendment to the rule was recommended.

Hearing and Submitter Evidence/Statements

364. Ms Inta, for herself Buller Conservation Group, sought inclusion of the list of sites currently identified in the Buller District Plan that restrict motorised craft to be added to the list in the TTPP. She highlighted the s42A Report agreed that these such waterbodies are highly natural

with high ecological values. She suggested an addition to the ruling stating '*Motorised craft are only allowed on lakes accessible by formed road and exclude the lakes listed in the current Buller Plan'*.

365. Ms Inta requested further restrictions to limit motorised craft to 1/3 of the length of the river and to restrict such craft to the lower reaches of rivers. She also proposed the following additional wording to ASW-R4:

> *(1) These are temporary whitebait stands installed in accordance with West Coast whitebait Fishing regulations and are removed within 2 weeks of the end of the whitebait season*
> *(2) These are temporary mai mai installed for the purposes of lawful gamebird hunting provided these are removed within 2 weeks of the end of the game bird season.*

366. Ms Inta also sought to include the list of restricted waterbodies in the current Buller District Plan to be included in ASW-R5.

367. Mr Kennedy, for Westpower, sought to add '*The plan currently regulates watercraft, structures and commercial activities*' to the note regarding '*Activities on the surface of Water rules'*. He considered this would simplify interpretation and application of the rules for Plan users.

368. Mr Kennedy noted concern regarding the s42A Report comment '*If there are activities that should be identified as non-complying, I prefer that a specific rule is included and invite the Department of Conservation to provide information on this at the hearing'* and the implications of this given there was little information and it would be unclear how other submitters on the rules could provide further input. He considered that such a process would normally occur through a further submission process.

369. Ms Young, for the Director General, provided comment on the request to include all swimming platforms in Rule ASW-R5 and indicated she was not aware of any instances where temporary swimming platforms had caused concern, as verified by checking with local DOC staff. She agreed s42A Report recommendation that temporary swimming platforms should be under Rule ASW-R4 and permanent swimming platforms should be considered under Rule ASW-R5. She also agreed that a non-complying activity catch all rule is not appropriate for swimming platforms and agreed permanent swimming platforms should remain a controlled activity.

370. Ms Pull, for Poutini Ngāi Tahu, addressed their further submission (FS41.058) on Te Tumu Paeroa's submission (S440.038) on ASW-R2 for the use of waterbodies to access landlocked parcels of land. She noted support for addressing past errors such as landlocked parcels preventing the use and development of Māori land. She highlighted the two alternatives outlined in the further submission – enabling access on a case by case basis or limiting access to the landowner only. Given the s42A Report recommendation, she recommended limiting the rule to Māori Land to minimise potential effects and replacement of the terms used as follows:

> *Access to **Māori Land that is** a landlocked ~~parcels~~ **site** where primary and physical access is only achieved through crossing the ~~waterway~~ **waterbody***

371. Ms Pull supported the s42A Report recommendation for Rules ASW- R2 and ASW-R4 but sought the following amendments to Rule ASW-R4(4) and to the Advice Note on ASW-R6:

> *Written approval is **recommended** from the relevant Poutini Ngāi Tahu Rūnanga-Te Rūnanga o Ngāti Waewae or Te Rūnanga o Makaawhio. **In relation to** Lake Māhinapua, written approval from Te Rūnanga o Ngāi Tahu **in addition** to Te Rūnanga o Ngāti Waewae or Te Rūnanga o Makaawhio is recommended.*

372. After the hearing, Ms Pull provided a supplementary statement of evidence regarding use of Kaimata/New River for jet boating. She advised the cultural experts, Mr Paul Madgwick and Mr Francois Tumahai, were comfortable with the approach identified by Jet Boating New Zealand to use an alternative entry point for jet boating on Kaimata/New River above the State Highway bridge; and that Poutini Ngāi Tahu have no further opposition under further submission FS41.051 on S161.003 by Jet Boating New Zealand, in relation to Rule ASW-R2 and Kaimata/New River. Ms Pull advised that opposition to the removal of Makaawhio River from Rule ASW-R2 remained.

373. Mr Smith, on behalf of Jet Boating NZ, noted they had sought the exclusion of the Makaawhio River (Jacobs River) and the Kaimata/New River from Rule ASW-R2 but that after further consideration and looking at the reality of difficult access around the lower reaches of the Makaawhio River, they now accepted the proposed restriction on this river. In relation to the Kaimata/New River, Mr Smith noted the river afforded high recreational jet boating values when conditions are suitable, and they wanted to retain the use of the river. He noted they had given consideration to using another access points to the river, rather than using the lagoon, and had attempted to consult with Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio and Te Rūnanga o Ngāi Tahu but that no response had been received. Mr Smith noted they were keen to pursue an outcome where the river can be shared by users.

374. After the hearing, Jet Boating NZ provided a further statement of evidence supporting the supplementary evidence of Ms Pull and advised of agreement with Poutini Ngāi Tahu that recreational jet boating activities on Kaimata/New River, above the State Highway bridge, will not have more than minor effects.

375. Ms Helen Brosnan, for the West Coast Fish and Game Council, sought a minor amendment to the drafting of Rule ASW-R2(1)(b) and requested that '*and*' in the middle line be replaced with '*or*', so it cannot be read as requiring any motorised watercraft use on the listed rivers to be for both sportfish and gamebird management at the same time. She also indicated that reference to '*Fish and Game New Zealand'* should be changed to *'West Coast Fish and Game Council'* as they are a separate legal identity. In conclusion, she supported the inclusion of a permitted activity rule for temporary mai mai and suggested a suitable maximum size, if the Panel considered it appropriate.

376. Mr Dean Kelly, for West Coast Fish and Game Council, provided a statement of evidence outlining the reasons for the use and role of mai mai for game bird hunting.

377. Mr Dean Van Mierlo presented legal submission on behalf of West Coast Fish and Game Council. He clarified the land status surrounding Lake Māhinapua and indicated support for the s42A Report recommendation regarding to mai mai structures.

378. Mr Rob Daniel, for the Lake Māhinapua Aquatic Club, outlined the Club's establishment in 1943 and its activities and use of Lake Māhinapua for sailing regattas. He noted the Club sought to continue 80+ years of sailing without resource consents or approval from Poutini Ngāi Tahu. He requested all activities be permitted, including recognition of the existing eight permanent marker buoys and use of motorised watercraft travelling more than 5 knots for health and safety during regattas.

Reporting Officer Reply Evidence

379. In her Right of Reply, Ms Easton recommended that Rule ASW-R4 should refer to the existing eight permanent marker buoys used by the Lake Māhinapua Aquatic Club given these had no existing use rights. She also proposed an amendment to ASW-R2 to allow boats used by the Lake Māhinapua Aquatic Club to exceed 5 knots of speed for search and rescue activities, as outline by Mr Daniel at the hearing.

380. In response to the questions from the Panel relating to defining whitebaiting as a 'Commercial Activity', Ms Easton recommended adding an Advice Note stating that Rule ASW-R6 does not apply to whitebaiting.

381. Ms Easton recommended the following further amendments highlighted in yellow in Appendix-Updated Appendix 1 of the Right of Reply:

> ***ASW -R2*** *Use of Motorised Watercraft for Non-commercial Use on the Surface of Rivers Lagoons and Lakes.*
>
> *Activity Status Permitted*
>
> *Where;*
>
> *1. This does not occur on the surface of Lake Mahinapua or Mahinapua Creek/Tuwharewhare, Waitangroto River, Makawhio river, Arahura River, Kaimata/New River, Makatata Stream or Saltwater Lagoon(at Paroa) except*
> *a As provided for in an Iwi/Papatipu Runanga Management Plan for these awa, roto and hapua; or*
> *b Where the activity is for:*
> *i Matauranga Maori Monitoring;*
> *ii Scientific investigations or monitoring;*
> *iii Law enforcement;*
> *iv Search and Rescue work;*
> *v Conservation work undertaken by the Department of Conservation in respect of their duties under the Conservation Act 1987, Wildlife Act 1953 or Fisheries Act 1983;*

vi The control and management of sports fish (as defined in the Conservation Act 1987) and game (as defined in the first schedule of the Wildlife Act 1953) by fish and Game New Zealand;

vii Biosecurity work carried out by the West coast Regional Council or Fish and Game New Zealand;

viii Access to landlocked parcels where primary and physical access is only achieved through crossing the waterbody; or

*ix Use of Lake Mahinapua for the yachting regattas and club sailing associated with the Lake Mahinapua Aquatic Club during the sailing season of October to April where the craft are propelled by a motor but not exceeding a speed of 5 knots**, except in an emergency response.***

ASW-R4 *Installation of Structures on the Surface of Natural Waterbodies*

Activity Status Permitted

Where:

a. These are temporary whitebait stands installed in accordance with the West Coast Whitebait Fishing Regulations

b. These are temporary maim ai installed for the purposes of lawful gamebird hunting provided these are removed within two weeks of the end of the game bird season;

c. These are temporary swimming platforms installed for a single swimming season; or

d. These are structure installed by Poutini Ngai tahu that are identified in an Iwi/Papatipu Runanga Management Plan for Arahura River, Mkaawhio River, Waitangiroto River, Mahinapua Creek/Tuwharewhare, Makatata Stream or Lake Mahinapua ~~and have written approval of the relevant Poutini Ngai Tahu Runanga Te Runanga o Ngati Waewae or Te Runanga O makaawhio~~

*e. This is ~~the laying of temporary~~ marker buoys **used** by the Lake Mahinapua Aquatic Club Inc on Lake Mahinapua **~~during sailing season October to April~~** or*

f. This is the operation, maintenance and repair of existing structures where this is of the same or similar scale and intensity as of 14 July 2022.

Advice Note:

For the avoidance of doubt this rule does not apply to whitebaiting activities on the surface of water.

Hearing Panel's Evaluation

382. The Panel accepts Ms Easton's recommendation to retain **Rule ASW-R1**, as notified.

383. In relation to **Rule ASW-R2**, the Panel notes that Ms Easton's recommendations do not reflect the agreement between Jet Boating NZ and Poutini Ngāi Tahu to delete Kaimata/New River, above the State Highway Bridge from Rule ASW-R2 and the consequential amendment to Rule ASW-R6. The Panel accepts the restriction on motorised watercraft use should only apply to below the State Highway bridge in the Saltwater Lagoon, which is identified as a Site and Area

of Significance to Māori. The Panel recommends the reference to Kaimata/New River is deleted from the Rule ASW-R2 and Rule ASW-R6.

384. The Panel accept the evidence of the West Coast Fish and Game Council that it is a separate legal entity to Fish and Game New Zealand and that the references to the Fish and Game New Zealand in Rule ASW-R2(1)(v) and (vi) should be corrected. The Panel notes there is no specific submission point from West Coast Fish and Game Council seeking this relief but accept this is a minor correction.

385. The Panel agrees with Ms Easton's recommendation to add '*Mātauranga Māori monitoring*' and accept Poutini Ngāi Tahu's submission point (S620.196).

386. The Panel agrees with Ms Easton's recommendation to add '*Access to landlocked parcels where primary and physical access is only achieved through crossing the waterbody'* and to accept Te Tumu Paeroa' submission point (S440.038). The Panel does not agree this should be restricted to Māori Land only or to landowners only, as recommended by Ms Pull, for Poutini Ngāi Tahu. The Panel accepts Ms Easton's recommendation to use the terms '*parcels'* and '*waterbody*'.

387. The Panel agrees with Mr Easton's recommendation to add '*Use of Lake Māhinapua for the yachting regattas and club sailing associated with the Lake Māhinapua Aquatic Club Incorporated during the sailing season of October to April where the craft are propelled by a motor but not exceeding a speed of 5 knots except in an emergency response'* (Neville Higgs S329.001). However, the Panel considers '*craft*' should be replaced with '*watercraft*' given the inclusion of a new definition. The Panel is satisfied this addresses the concerns raised at the hearing by Mr Daniel.

388. The Panel notes there is no information from the Buller District Council regarding Ms Inta and Buller Conservation Group's requests to add the lakes included in the Buller District Plan to ASW-R2. We do not consider this is appropriate without further analysis.

389. The Panel accepts Ms Easton's recommendation to amend **Rule ASW-R3** to add '*and Artificial Watercourses'* (Westpower S547.403)

390. In relation to **Rule ASW-R4**, the Panel accepts Ms Easton's recommendations to add '*temporary*' to clause (1) (Poutini Ngāi Tahi SS620.197) and a new clause *'These are temporary mai mai installed for the purposes of lawful gamebird hunting'* (West Coast Fish and Game Council S302.006).

391. The Panel notes Ms Inta's request at the hearing for use of the same rule wording for the removal of temporary whitebait stands and for temporary mai mai, and her view that these structures should be removed after the season ends. Although the Panel notes Ms Inta did not make a specific submission point on ASW-R4, we agree that consistency is important in relation to enabling temporary seasonal activities and the clauses should be similar for temporary mai mai and whitebait stands. The Panel considers adding a requirement to

remove these structures two weeks after the season ends addresses the submission point (S620.197) seeking to ensure these are temporary.

392. The Panel notes Ms Easton's updates to Rule ASW-R4 and ASW-R5 did not include the amendments sought by Ms Pull in evidence. The Panel has considered the wording proposed by Ms Pull for a new advice note (4) stating that written approval from the relevant rūnanga is recommended given the deletion of written approval from clause (4). We consider it is appropriate for the advice note to state that consultation with the relevant rūnanga is recommended given written approval cannot be required for a permitted activity.

393. The Panel accepts Ms Easton's recommendation to add new clause (5) addresses the concerns raised by the Lake Māhinapua Aquatic Club Incorporated (S332.002) to provide for the existing maker buoys on the surface of Lake Māhinapua and agree this does not need to be limited to a specific period. However, the Panel recommends replacing '*This is marker buoys'* with '*These are marker buoys*' to correct the grammar.

394. The Panel accepts Ms Easton's recommendation to include a new clause '*This is the operation, maintenance and repair of existing structures where this is of the same or similar scale and intensity as of 14 July 2022*' to address Westpower's request (S547.0508) for a new permitted activity. However, we have simplified the wording, as addressed above in relation to the NC rules. We consider a new permitted activity for structures on the bed would duplicate Regional Council functions.

395. The Panel notes Ms Young's agreement that temporary swimming platforms should not be deleted from ASW-R4 (Director General S602.131) and permanent swimming platforms should be under Rule ASW-R5.

396. New **Rule ASW-4A**, as inserted by Variation 1 – Activities on Surface Water to the TTPP is shown in the recommendations below. This is addressed in the Recommendation Report on TTPP Variation 1.

397. In relation to **Rule ASW-R5**, the Panel agrees with Ms Easton's recommendation to add '*Management of effects on ecological, biodiversity and conservation values'* (Director General of Conservation S602.132); and to add an Advice Note to ASW-R6 giving clarity to whitebaiting being exempt from this Rule.

398. The Panel notes Ms Young's evidence for the Director General confirmed agreement that permanent swimming platforms should be considered under Rule ASW-R5 as controlled activities.

399. In relation to **Rule ASW-R7**, the Panel accepts Ms Easton's recommended changes to make the heading of the rule clearer and to reflect wording requested by Poutini Ngāi Tahu.

400. The Panel accepts Ms Easton's recommendation to reject the request from TiGa Minerals and Metals Limited (S493.069) to not include suction dredges as a permitted activity given the

potential for significant adverse environmental effects, in the absence of parameters. However, the Panel notes there is a significant gap in the rule framework in relation to commercial activities on waterbodies not listed in Rule ASW-R6 (which are the identified sensitive waterbodies) with the default activity status being discretionary for those commercial activities.

Hearing Panel's Recommendations

401. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends that the relevant submission points identified in footnotes below are accepted or accepted in part, recommends that Rule ASW-R1 is retained as notified, the addition of new Rule ASW – R4A and the following changes to Rule ASW-R2, Rule ASW-R3, Rule ASW-R4, Rule ASW-R5, Rule ASW-R6 and Rule ASW-R7, as follows:

Activities on the Surface of Water	
Note: There may be a number of Plan provisions that apply to an activity, building, structure and site. In some cases, consent may be required under rules in this Chapter as well as rules in other Chapters in the Plan. In those cases, unless otherwise specifically stated in a rule, consent is required under each of those identified rules. Details of the steps Plan users should take to determine the status of an activity are provided in General Approach.	
Permitted Activities	
ASW-R1	**Use of Non-motorised Watercraft for Non-Commercial Use on the Surface of Rivers, Lagoons and Lakes**
Activity Status Permitted Advice Note: Use of non-motorised watercraft for temporary events on the surface of waterbodies within Sites and Areas of Significance to Māori are also subject to Rule SASM-R5 Activity status where compliance not achieved: N/A	
ASW-R2	**Use of Motorised Watercraft for Non-Commercial Use on the Surface of Rivers, Lagoons and Lakes.**
Activity Status Permitted. Where: 1. This does not occur on the surface of Lake Māhinapua or Māhinapua Creek/Tuwharewhare, Waitangiroto River, Makaawhio River, Arahura River, Kaimata/New River **below the State Highway bridge**,[99] Makatata Stream or Saltwater Lagoon (at Paroa) except: a. As provided for in an Iwi/Papatipu Runanga Management Plan for these awa, roto and hāpua; or b. Where the activity is for: i **Mātauranga Māori monitoring**; [100] ii Scientific investigations or monitoring;	

[99] Jet Boating New Zealand S161.003
[100] Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio and Te Rūnanga o Ngāi Tahu S620.196

iii Law enforcement;
Iv Search and rescue work;
v Conservation work undertaken by the Department of Conservation in respect of their duties under the Conservation Act 1987, Wildlife Act 1953 or Fisheries Act 1983;
vi The control and management of sports fish (as defined in the Conservation Act 1987) **or**~~and~~ game (as defined in the first schedule of the Wildlife Act 1953) by **West Coast** Fish and Game **Council** ~~New Zealand~~; ~~or~~[101]
vii Biosecurity work carried out by West Coast Regional Council or **West Coast** Fish and Game **Council** ~~New Zealand~~; [102]
viii **Access to landlocked parcels where primary and physical access is only achieved through crossing the waterbody; or**[103]
ix **Use of Lake Māhinapua for the yachting regattas and club sailing associated with the Lake Māhinapua Aquatic Club Incorporated during the sailing season of October to April where the watercraft are propelled by a motor but not exceeding a speed of 5 knots except in an emergency response.** [104]

Activity status where compliance not achieved: Discretionary

ASW-R3 Installation of Structures on the Surface of Artificial Lakes and Ponds and Artificial Watercourses[105]

Activity Status Permitted.

Activity status where compliance not achieved: N/A

ASW-R4 Installation of Structures on the Surface of Natural Waterbodies

Activity Status Permitted
Where:
1. These are **temporary**[106] whitebait stands installed in accordance with the West Coast Whitebait Fishing Regulations **and are removed within two weeks of the end of the whitebait season; or**
2. **These are temporary mai mai installed for the purposes of lawful gamebird hunting provided these are removed within two weeks of the end of the game bird season; or**[107]
3. These are temporary swimming platforms installed for a single swimming season; or
4. These are structures installed by Poutini Ngāi Tahu that are identified in an Iwi/Papatipu Runanga Management Plan for Arahura River, Makaawhio River, Waitangiroto River, Māhinapua Creek/Tuwharewhare, Makatata stream or Lake Māhinapua; ~~and have written approval of the relevant Poutini Ngai Tahu Runanga Te Runanga o Ngati WaeWae or Te Runanga o Makaawhio;~~ **or**[108]

[101] RMA First Schedule clause 16(2) correction
[102] RMA First Schedule clause 16(2) correction
[103] Te Tumu Paeroa – The Office of the Māori Trustee S440.038
[104] Neville Higgs S329.001
[105] Westpower S547.403
[106] Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio and Te Rūnanga o Ngāi Tahu S620.197
[107] West Coast Fish and Game Council S302.006
[108] Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio and Te Rūnanga o Ngāi Tahu S620.197

5. **These are marker buoys used by the Lake Māhinapua Aquatic Club Incorporated on Lake Māhinapua; or**[109]
6. **This is the operation, maintenance and repair of existing lawfully established structures as of 14 July 2022.** [110]

Advice Note**s**:

1. Whitebait stands are primarily regulated by the West Coast Regional Council through the West Coast Regional Land and Water Plan.
2. Where structures are proposed on the surface of waterbodies check the Natural Character and the Margins of Waterbodies provisions to determine whether consent is required for the landward portion of the structure located in any riparian margin.
3. Where structures are proposed on the surface of waterbodies within Sites and Areas of Significance to Māori these are also subject to Rule SASM - R6 in the Sites of Significance to Māori Chapter.
4. **Consultation with the relevant Poutini Ngāi Tahu rūnanga - Te Rūnanga o Ngāti Waewae or Te Rūnanga o Makaawhio is recommended. In relation to Lake Māhinapua consultation with Te Rūnanga o Ngāi Tahu in addition to Te Rūnanga o Ngāti Waewae and Te Rūnanga o Makaawhio is recommended.** [111]
5. **For the avoidance of doubt this rule does not apply to whitebaiting activities on the surface of water.** [112]

Activity status where compliance not achieved: Controlled where standard ~~2~~**3** is not complied with. Discretionary where standards 1, **2, 4, 5** and ~~3~~**6** are not complied with.[113]

ASW – R4A Use of Watercraft for Commercial Activities and Port Activities on the Surface of Water[114]

Activity Status: Permitted

Where: This is the use of the surface of water for commercial activities on water and other Port Activities

1. **Associated with Port of Greymouth and harbour, and seaward of the State Highway 6 Bridge on the Māwheranui/Grey River, and including within the Erua Moana Lagoon; or**
2. **Associated with Westport Harbour Port and harbour, and seaward of the State Highway 67 Bridge on the Kawatiri/Buller River.**

Activity status where compliance not achieved: Restricted Discretionary.

Controlled Activities

ASW-R5 Permanent Swimming Platforms on the Surface of Natural Waterbodies

Activity Status Controlled

[109] Lake Māhinapua Aquatic Club Incorporated S332.002
[110] Westpower S547.0508
[111] Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio and Te Rūnanga o Ngāi Tahu S620.197
[112] RMA First Schedule clause 16(2) clarification
[113] Consequential amendment as a result of changes to the rule.
[114] New rule added by Variation 1 to the TTPP – Activities on the Surface of Water. See Variation 1 Recommendation Report.

1 Where this does not occur in the Arahura River, Makaawhio River, Makatata Stream or Lake Māhinapua.

Matters of control are:

a. Size, design and location of structure
b. Water safety measures.
c. Compliance with any Iwi/Papatipu Runanga Management plan or where this does not exist advice from the relevant Poutini Ngāi Tahu Rūnanga- Te Rūnanga o Ngāti Waewae or Te Rūnanga o Makaawhio; ~~and~~
d. Management of effects on natural character of the waterbody and its margins; **and**
e. Management of effects on ecological, biodiversity and conservation values.[115]

Activity status where compliance not achieved: Discretionary

Restricted Discretionary Activities

ASW-R6 Commercial Activities on the Surface of Rivers, Lagoons and Lakes and not associated with Westport Harbour Port and Port of Greymouth

Activity Status Restricted Discretionary

Where:

~~1.~~ Any commercial activity on the Makaawhio River, Arahura River, Lake Māhinapua, Māhinapua Creek/Tumwharewhare, Makatata Stream, Saltwater Lagoon (at Paroa), Waitangiroto River or Kaimata New River is in accordance with an Iwi-Papatipu Runanga Management plan ~~and has approval of the relevant Poutini Ngai Tahu Runanga Te Runanga o Ngati Waewae or Te Runanga o Makaawhio.~~ [116]

Discretion is restricted to:

a. Effects on public access and recreational use of the waterbody;
b. Effects on landscape, natural features or natural character of the waterbody and its margins;
c. Effects on the amenity values or any adjacent residential activities;
d. Effects on significant natural or historic heritage values including effects on scheduled sits or areas;
e. Effects on ecological, biodiversity and conservation values; [117]
f. Effects on noise of the natural character, ecological and amenity values; and
g. Effects on Poutini Ngāi Tahu cultural values including access to mahinga kai and scheduled sites and areas.

Advice Note**s**:

1. Where activities are proposed on the surface of waterbodies within Sites and Areas of Significance to Māori these **are**[118] also subject to rules in the Sites and Areas of Significance to Māori Chapter.

[115] Director General of Conservation S602.132
[116] Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio and Te Rūnanga o Ngāi Tahu S620.199
[117] Director General of Conservation S602.133
[118] RMA First Schedule clause 16(2) correction

2. **Written approval is recommended from the relevant Poutini Ngāi Tahu rūnanga - Te Rūnanga o Ngāti Waewae or Te Rūnanga o Makaawhio. In relation to Lake Māhinapua, written approval from Te Rūnanga o Ngāi Tahu in addition to Te Rūnanga o Ngāti Waewae or Te Rūnanga o Makaawhio is recommended.**[119]

Discretionary Activities

ASW – R7	**Use of Motorised Watercraft for Non - Commercial Use, Commercial Activities, and Structures on the Surface of Water not ~~meeting Permitted, Controlled or Restricted Discretionary Activity~~ provided for in another rule~~Rules~~**[120]

Activity Status Discretionary

Notification:~~Any activity not provided for in an Iwi/Papatipu Rūnanga Management Plan for Makaawhio River, Arahura River, Lake Māhinapua, Māhinapua Creek/Tuwharewhare, Waitangiroto River, Makatata Stream Saltwater Lagoon (at Paroa) or Kaimata/New River always be limited notified to the relevant Poutini Ngāi Tahu rūnanga and may be publicly notified.~~ **When making notification decisions in relation to this rule, the Council will be informed by advice from Poutini Ngāi Tahu and should the application be notified, it will be served on the relevant Poutini Ngāi Tahu rūnanga.** [121]

Activity status where compliance not achieved: N/A

Amendments to Planning Maps

Amend the zoning maps so that waterbodies are identified as General Rural Zone. [122]



Paul Roger
Hearings Panel – Chair



Anton Becker
Hearings Panel Member



Sharon McGarry
Hearings Panel Member



Maria Bartlett
Hearings Panel Member

Date: 11 September 2025

[119] Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio and Te Rūnanga o Ngāi Tahu S620.199
[120] Royal Forest and Bird Protection Society of New Zealand Inc S560.528
[121] Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio and Te Rūnanga o Ngāi Tahu S620.200
[122] Frida Inta S553.333 and Buller Conservation Group S552.218

APPENDIX 1 RECOMMENDATIONS

Definitions

RIPARIAN MARGIN

means all land within:

e. 10m of any wetland **that is located in the coastal marine area**;
f. 20m of any lake; and
g. 10m of any ~~stream or~~ river with an average bed width greater than 3m; **and**
h. **3m of any river with an average bed width greater than 1m and less than 3m**.

As measured from the point of annual fullest flow for a river or annual fullest water level for a lake or mean high water springs for a coastal wetland.

Advice Note: Activities within 10m of a natural inland wetland are regulated under the NESF and administered by the West Coast Regional Council.

WATERCRAFT

means a boat or other vessel that travels on water. This excludes fixed structures on water and use for residential activities.

In relation to the Activities on the Surface of water provisions motorised watercraft means a watercraft that is operated or propelled by a motor.

BANK

means the land on either side of a river which confines the natural flow of the water whether the normal flow, or flood flows.

FULLEST FLOW

means the maximum amount of flow or highest water level that can occur without the river water overtopping the banks and beginning to flow over the flood plain.

Natural Character and the Margins of Waterbodies Chapter

OVERVIEW

Waterbodies and their margins are an important part of the West Coast/Te Tai Poutini. Waterbodies are connected (**~~K~~k**i uta ki tai**,** from the mountains to the sea) and have important values, including for biodiversity, cultural**, recreational** or historical reasons.

Under section 31 of the RMA district councils are responsible for the management of activities on land, including the margins of waterbodies. **Natural Character and the margins of waterbodies require protection as a matter of national importance under Section 6(a) of the RMA. Te Tai o Poutini Plan also manages activities on the surface of waterbodies**.

The West Coast Regional Council has responsibility for the management of wetlands, lakes and rivers**,** including land uses in the beds of rivers. This section of Te Tai o Poutini Plan focuses on the natural

character of the margins of wetlands, lakes and rivers**,** thereby avoiding duplication with Regional Council functions.

The three district council**s** work with the West Coast Regional Council and Poutini Ngāi Tahu to ensure waterbodies are managed in an integrated way.

Poutini Ngāi Tahu have a special relationship with the mauri of waterbodies and ancestral, cultural spiritual or historical associations with waterbodies. Many waterbodies in the West Coast/TeTai o Poutini are identified as statutory acknowledgement area**s** and there are also nohoanga entitlements in place in some locations. These waterbodies contain~~er~~ associated ~~kainga~~**kāinga**, ~~pa~~ **pā,** important sites for the gathering of kai, **t**~~T~~auranga ika and specialised zones for various activities of high cultural value**,** such as cleansing, iriiringa, food preparation and bathing, which continue to be vital to the wellbeing, livelihood and lifestyle of Poutini Ngāi Tahu.

Rivers, streams, lakes and wetlands have important ecological, natural character**, recreational** and hydrological values**.** ~~t~~**T**hey provide important habitat for native plants, fish, birds, lizards, frogs, insects and aquatic and terrestrial macroinvertebrate aquatic life **and opportunities for access to and along waterways.**

Some waterbodies (both natural and artificial) also form an important resource for the generation of hydroelectricity, which contributes to the wellbeing of people and communities.

The National Policy Statement for Freshwater Management 2020 (NPSFM) guides decision-making regarding the freshwater resources of New Zealand/Aotearoa. In particular**,** the councils must have regard to its objectives and policies in consent decision-making.

The Resource Management (National Environmental Standard for Freshwater) Regulations 2020 (NESF) has specific rules which relate to freshwater, in particular in relation to activities in the margins of freshwater wetlands. **These rules relate to the regional functions of the West Coast Regional Council and are administered by that organisation. The provisions in Te Tai o Poutini Plan have been developed considering the NESF and what additional provisions are required to fulfil the statutory functions of the district councils in relation to natural character of waterbodies. The Tai o Poutini Plan provisions in relation to riparian margins of wetlands only relate to wetlands in the coastal marine area to avoid duplication with the NESF**.

~~Plantation~~ **Commercial** Forestry

~~Plantation~~**Commercial** forestry is principally regulated by the Resource Management (National Environmental Standard for ~~Plantation~~**Commercial** Forestry) Amendment Regulations 2023 (NES-~~P~~**C**F). However the NES-~~P~~**C**F allows that district plans can be more stringent where this gives effect to an objective in the National Policy Statement for Freshwater Management. Where provisions within this chapter over-rule the requirements of the NES-~~P~~**C**F an advice note to that effect is included within the rule.

Other relevant Te Tai o Poutini Plan provisions.

It is important to note that in addition to the zone chapters a number of District **w**~~W~~ide and Overlay chapters also contain provisions that may be relevant for waterbodies, including:

- Public Access - The Public Access Chapter contains provisions relating to the provision and maintenance of public access to waterbodies.
- Subdivision - The Subdivision Chapter contains provisions which manage subdivision and specific standards in relation to the provision of esplanade reserves and strips, in particular SUB- S9
- Activities on the Surface of water – The Activities on the Surface of Water Chapter contains provisions that mange activities that occur on the surface of water.
- Coastal Environment – The Coastal environment Chapter contains provisions that manage the natural character of the coastal environment.
- Earthworks - The Earthworks Chapter includes provisions around earthworks management. **These relate to requirements for earthworks within zones and include general standards for earthworks. These rules apply in addition to rules on earthworks within the Natural Character of Waterbodies Chapter.**
- **Ecosystems and Indigenous Biodiversity – The Ecosystems and Indigenous Biodiversity Chapter contains provisions around vegetation clearance, including in the margins of waterbodies.**
- **Energy, Infrastructure and Transport - The Energy, Infrastructure and Transport Chapter contains policies that are also relevant and should be assessed in relation to energy infrastructure or transport activities that trigger resource consent under Natural Character of Waterbodies Rules.**

Also ~~**view**~~ the Strategic Objectives and Policies

Advice Note:
Other Relevant Government Bodies
Aside from regional and local government there are other key agencies and government groups involved in the integrated management of waterbodies. These include:

- **Department of Conservation;**
- **West Coast Fish and Game Council**
- **NZ Landcare Trust;**
- **Catchment care and other restoration groups; and**
- **Herenga ā Nuku Aotearoa, the Outdoor Access Commission.**

Natural Character and the Margins of Waterbodies Objectives

NC - 01

To preserve the natural character of lakes, rivers and wetlands and their margins ~~while providing for~~ **and the protection of them from in**appropriate subdivision, use and development ~~where adverse effects can be avoided or mitigated~~.

NC – 02

To recognise and provide for the relationship of Poutini Ngāi Tahu and their traditions, values and interests associated with the natural character of lakes, rivers and wetlands and their margins. notified.

NC – 03

To provide for activities which have a functional need to locate in the margins of lakes, rivers and wetlands ~~in such a way that the impacts~~ **while ensuring adverse effects** on natural character are minimised.

NC-P1

Avoid, remedy or mitigate adverse effects on the natural character of the riparian margins of lakes, rivers and wetlands by ensuring that subdivision, **development** and land use maintains the elements, patterns and processes that contribute to their natural character.

NC-P2

Provide for ~~indigenous vegetation removal and~~ earthworks within riparian margins of lakes, rivers and wetlands where ~~significant~~ adverse effects on natural character are ~~minimised as far as practicable~~ **avoided, remedied or mitigated** and:

a. It is for the purpose of natural hazard mitigation; or

b. It is for the maintenance, repair, upgrade and extension of network utilities, and **regionally significant** infrastructure including the national grid; or

c It is for the establishment, operation, maintenance or upgrading of renewable electricity generation **actvities**~~structures~~ or **regionally significant** infrastructure where this has a functional or operational need to be located in a riparian margin; or

d It is for Poutini Ngāi Tahu ~~cultural~~ ~~**purposes**~~**Activities or Māori Purpose Activities in accordance with an Iwi/Papatipu Rūnanga Management Plan;** or

e It is for the repair and maintenance of legally established structures; or

f. The activity has a functional ~~or operational~~ need to be located adjoining a waterbody.

NC-P3

Provide for **new** buildings and structures **and the upgrading of existing buildings and structures** within riparian margins of lakes, rivers and wetlands where these:

a. Have a functional need for their location; and

b. They are of a form and scale that will not adversely ~~effect~~ **affect** the natural character of the riparian ~~area~~**margin**.

NC-P4

Encourage the restoration and enhancement of the natural character of the riparian margins of lakes, rivers and wetlands **including pest plant and pest animal control.**

Advice Note:

The objective and policy in the Public Access Chapter should also be considered when assessing resource consents in relation to activities in the margins of waterbodies.

~~**NC-P5**~~

~~Reduction in public access to waterbodies can be considered when natural hazard mitigation works are required to protect communities from a significant natural hazard threat. When assessing proposals for natural hazard structures, effects on public access should be considered and ways to minimise them found, including:~~

~~c. Provision of alternate certain and enduring access; and~~

~~d. Provision of public amenity or opportunity for environmental benefit along the structure, provided that the physical integrity of the~~ structure ~~is maintained.~~

Natural Character and the Margins of Waterbodies Rules

Note: There may be a number of plan provisions that apply to an activity, building, structure and site. In some cases, consent may be required under rules in this chapter as well as rules in other chapters in the Plan. In those cases, unless otherwise specifically stated in a rule, consent is required under each of these identified rules. Details of the steps Plan users should take to determine the status of an activity are provided for in General Approach.

Permitted Activities

NC - R1 ~~**Indigenous Vegetation Clearance and**~~ **Earthworks within the Riparian Margin of a River, Lake or Wetland**

Activity status Permitted

1. Where this is outside of any Significant Natural Area identified in Schedule Four and for:

a. Fence lines; or
b. Maintenance, operation, minor upgrade and repair of network utilities ~~critical~~ **regionally significant** infrastructure or renewable electricity generation activities; **or**
c. **New network utilities and regionally significant infrastructure where these are underground and located within a formed legal road or attached to an existing bridge; or**
d. Connections to wastewater, stormwater and reticulated network utility systems **and underground energy and infrastructure connections**; or
e. Installation of an environmental monitoring and extreme weather event monitoring facility; or
f. Maintenance and repair of lawfully established structures; or
g. The construction of parks facilities, parks furniture or public access points within an Open Space and Recreation Zone; or
h. The establishment of a river crossing point up to 3m wide; or
i. Poutini Ngāi Tahu Activities; or
j. Activities on Māori Purpose Zoned Land **or a site of significance to Māori in Schedule Three** and **is** undertaken in accordance with an Iwi/Papatipu Rūnanga Management Plan; or
k. **Maintenance and repair of lawfully established natural hazard mitigation structures; or**

l. **New** ~~N~~natural hazard mitigation ~~actvities~~ **structures and upgrading of existing natural hazard mitigation structures** undertaken by a statutory agency or ~~their nominated~~ **authorised** contractor **acting on its behalf; or**
m. **Clearance of pest plants and pest animals for biosecurity purposes; or**
n. **Arable, horticultural or pastoral farming use where this activity is lawfully established at 14 July 2022**; **and**

~~2. The amount of indigenous vegetation clearance is not greater than 20m^2 per 200m length of Riparian Margin;~~
3. The amount of earthworks is not greater than **25**~~20~~m^3 per 200m length of Riparian Margin; **and**
4. All earthworks stockpiles are located outside of the riparian margin of the waterbody**.**~~; and~~
5. ~~Unless carried out by a statutory agency or their nominated contractor responsible for natural hazard mitigation, the clearance and earthworks are not located within areas used and identified for natural hazard mitigation structures~~.

Advice Notes:

1. Rules in other Overlay Chapters particularly Historic Heritage, Sites and Areas of Significance to Māori, Natural Hazards and Natural Features and Landscapes may also apply in these locations.
2. **Also refer to Rules in the Energy, Infrastructure and Transport Chapters for activities in relation to those matters.**
3. Activities within the margins of waterbodies and wetlands are also the subject of regulation under the NES Freshwater, NPS Freshwater **Management** and the West Coast Regional Land and Water Plan.
4. This Rule also applies to ~~plantation~~ **commercial** forestry activities, where this provision is more stringent than the NES-**C**~~P~~F.

Activity status where compliance not achieved: Discretionary

NC - R2 Buildings and Structures within the Riparian Margin of a River, Lake or Wetland

Activity Status Permitted

Where the buildings and structures **have a functional need to locate in the riparian margin and** are:

a. Network utilities **and regionally significant infrastructure; or**
b. Temporary whitebait stands **and temporary mai mai for game bird hunting provided these are removed within two weeks of the end of the season**; **or**
c. Environmental monitoring facilities**; or**
d. Parks facilities and parks furniture within an Open Space and Recreation Zone**; or**
e. Natural Hazard mitigation structures constructed by a statutory agency or **authorised** ~~nominated~~ contractor **acting on its behalf**; or
f. Renewable energy generation **activities**~~facilities where these have a functional need to locate within the riparian margin~~; or
g. Stormwater discharge structures and water supply intake structures constructed in accordance with NZS 4404 Code of Practice for Land Development and Subdivision Infrastructure**; or**

h. Temporary bridges constructed as part of a temporary military training activity; or
i. Pump sheds, less than 5m^2.

Advice Notes:
1. Rules in other Overlay Chapters particularly Historic Heritage, Sites of Significance to Māori, Natural Hazards and Natural Features and Landscapes may apply in these locations.
2. **Activities within the margins of waterbodies and wetlands are also the subject of regulation under the NES Freshwater, NPS Freshwater Management and the West Coast Regional Land and Water Plan.**

Activity status where compliance not achieved: Discretionary

~~**NC-R3 New Natural Hazards Mitigation Structures**~~

~~Activity Status Permitted~~

~~Where:~~
~~1. These are constructed by a Statutory Agency or their authorised contractor~~

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

Restricted Discretionary Activities

NC-R~~5~~3 Natural Hazard Mitigation Structures within the Riparian Margin of a River, Lake or Wetland not meeting Permitted Activity Rules

Activity Status: **Restricted** Discretionary

Discretion is restricted to:
a. Design and location of the structure;
b. Visual impact of the structure; and
c. Methods to avoid, remedy or mitigate adverse effects on natural character or public access.

Activity status where compliance not achieved: N/A

Discretionary Activities

NC-R~~3~~4 ~~Indigenous Vegetation Clearance and~~ Earthworks within the Riparian Margin of a River, Lake or Wetland not meeting Permitted Activity Rules

Activity Status: Discretionary

Advice Note**s**:

1. This rule also applies to ~~plantation~~ **commercial** forestry activities, where this provision is more stringent than the NES-**C**~~P~~F.
2. The NES-Freshwater has extensive regulation around works that can be undertaken in or near any natural **inland** wetland. These rules are administered by the West Coast Regional Council and are not repeated in this Plan.

Activity status where compliance not achieved: N/A

NC R45 Buildings and Structures within Riparian Margin of a River, Lake or Wetland not meeting Permitted Activity Rules

Activity Status: Discretionary

~~**NC R5 Natural Hazard Mitigation Structures not meeting Permitted Activity Standards**~~

~~Activity Status: Discretionary~~

~~Activity status where compliance not achieved: N/A~~

Public Access Chapter– Te Āheinga Tūmatanui

~~**NC P5**~~**PA-P1**

Reduction in public access to waterbodies can be considered when natural hazard mitigation works are required to protect communities from a significant natural hazard threat or when required for public safety due to the operational requirements of regionally significant infrastructure. When assessing proposals ~~for natural hazard structures~~, effects on public access should be considered and ways to minimise them found, including:

a. Provision of alternate certain and enduring access; and

b. Provision of public amenity or opportunity for environmental benefit along the structure, provided that the physical integrity of the structure is maintained.

Activities on the Surface of Water Chapter

Overview

On the West Coast/Te Tai Poutini a range of activities occur on the surface of rivers, streams, lagoons and lakes. These include activities that have a functional need to locate on water surfaces such as jetties and piers, recreation activities like fishing and boating and cultural activities undertaken by Poutini Ngai Tahu. **Activities on the surface of water can provide benefits and contribute to the wellbeing of people and communities.**

The provisions in this chapter manage the effects of activities on the surface of water. Many of the activities that occur on the surface of water have few effects (e.g. occasional recreational boating or sailing). Other more permanent activities such as structures have potential to generate adverse effects which could compromise important water values (such as the natural character, ecological, cultural, amenity and recreational values of waterbodies).

Other Relevant Te Tai Poutini Plan provisions.

- Natural Character and the Margins of Waterbodies- Many activities on the surface of water may also involve activities in the riparian margin if the adjacent riverbank or lakeside.
- Provisions for managing activities next to waterbodies are found in the Natural Character and the Margins of Waterbodies Chapter.
- Sites and Areas of Significance to Māori. – Many rivers and lakes have a high degree of significance to Poutini Ngai Tahu and are identified in Schedule Three Sites and Areas of Significance to Māori, where rivers or lakes are included within Schedule three the Sites of Significance to Māori provisions also apply.
- **Energy, Infrastructure and Transport - The Energy, Infrastructure and Transport Chapter contains policies that are also relevant and should be assessed in relation to Energy, Infrastructure or Transport Activities that trigger resource consent under the Activities on the Surface of Water Rules.**

Other relevant regulations

The responsibility for managing the effects of activities on the bed of waterbodies lies with the West Coast Regional Council and are managed through the West Coast Regional Land and Water Plan.

ASW-O1

The ecological, recreational, natural character, **natural landscape and features,** amenity and Poutini Ngāi Tahu values of the District's rivers, lakes and lagoons are protected from the adverse effects of activities and structures on the surface of water.

Activities on the Surface of Water Policies

ASW - P1

Enable the non-commercial use of non-motorised watercraft on rivers, lakes and lagoons.

ASW - P2

Enable the non-commercial use of motorised watercraft on rivers, lakes and lagoons on the West Coast where this does not **have more than minor adverse effects**~~impact significantly~~ on natural character, ecosystems and biodiversity values, Poutini Ngāi Tahu values, public access, amenity or disruption of natural quiet.

ASW - P3

Provide for commercial activities and structures on the surface of West Coast/Te Tai o Poutini rivers, lakes and lagoons provided that the activity does not create:

a. Adverse effects on:
i. Significant natural heritage values including identified scheduled sites;
ii. Cultural and spiritual values including sites and areas of significance to Māori;
iii. Poutini Ngāi Tahu values and in particular as relate to culturally significant rivers and lakes;
b. ~~Significant~~**More than minor** adverse effects on:
i. Amenity values;
ii. Ecological values;
iii. Natural character;
iv. Other recreational uses; and
c. Cumulative adverse effects with any other structures or activities on the surface of waterbodies.

ASW – P4

Enable the use of the Port of Greymouth and Westport Harbour Ports and Westport Harbour Ports and their use of the Māwheranui/Grey and Kawatiri/Buller Rivers for port activities and commercial activities associated with the ports.

Activities on the Surface of Water

Note: There may be a number of Plan provisions that apply to an activity, building, structure and site. In some cases, consent may be required under rules in this Chapter as well as rules in other Chapters in the Plan. In those cases, unless otherwise specifically stated in a rule, consent is required under each of those identified rules. Details of the steps Plan users should take to determine the status of an activity are provided in General Approach.

Permitted Activities

ASW-R1	**Use of Non-motorised Watercraft for Non-Commercial Use on the Surface of Rivers, Lagoons and Lakes**

Activity Status Permitted

Advice Note: Use of non-motorised watercraft for temporary events on the surface of waterbodies within Sites and Areas of Significance to Māori are also subject to Rule SASM-R5

Activity status where compliance not achieved: N/A

ASW-R2	**Use of Motorised Watercraft for Non-Commercial Use on the Surface of Rivers, Lagoons and Lakes.**

Activity Status Permitted.

Where:

1. This does not occur on the surface of Lake Māhinapua or Māhinapua Creek/Tuwharewhare, Waitangiroto River, Makaawhio River, Arahura River, Kaimata/New River **below the State Highway bridge**, Makatata Stream or Saltwater Lagoon (at Paroa) except:

a. As provided for in an Iwi/Papatipu Runanga Management Plan for these awa, roto and hāpua; or
b. Where the activity is for:
i **Mātauranga Māori monitoring**;
ii Scientific investigations or monitoring;
iii Law enforcement;
Iv Search and rescue work;
v Conservation work undertaken by the Department of Conservation in respect of their duties under the Conservation Act 1987, Wildlife Act 1953 or Fisheries Act 1983;
vi The control and management of sports fish (as defined in the Conservation Act 1987) **or**~~and~~ game (as defined in the first schedule of the Wildlife Act 1953) by **West Coast** Fish and Game **Council** ~~New Zealand~~; ~~or~~
vii Biosecurity work carried out by West Coast Regional Council or **West Coast** Fish and Game **Council** ~~New Zealand~~;
viii **Access to landlocked parcels where primary and physical access is only achieved through crossing the waterbody; or**
ix **Use of Lake Māhinapua for the yachting regattas and club sailing associated with the Lake Māhinapua Aquatic Club Incorporated during the sailing season of October to April where the watercraft are propelled by a motor but not exceeding a speed of 5 knots except in an emergency response.**

Activity status where compliance not achieved: Discretionary

ASW-R3	**Installation of Structures on the Surface of Artificial Lakes and Ponds and Artificial Watercourses**

Activity Status Permitted.

Activity status where compliance not achieved: N/A

ASW-R4	**Installation of Structures on the Surface of Natural Waterbodies**

Activity Status Permitted
Where:
1. These are **temporary** whitebait stands installed in accordance with the West Coast Whitebait Fishing Regulations **and are removed within two weeks of the end of the whitebait season; or**
2. **These are temporary mai mai installed for the purposes of lawful gamebird hunting provided these are removed within two weeks of the end of the game bird season; or**
3. These are temporary swimming platforms installed for a single swimming season; or
4. These are structures installed by Poutini Ngāi Tahu that are identified in an Iwi/Papatipu Runanga Management Plan for Arahura River, Makaawhio River, Waitangiroto River, Māhinapua Creek/Tuwharewhare, Makatata stream or Lake Māhinapua; ~~and have written approval of the relevant Poutini Ngai Tahu Runanga Te Runanga o Ngati WaeWae or Te Runanga o Makaawhio;~~ **or**
5. **These are marker buoys used by the Lake Māhinapua Aquatic Club Incorporated on Lake Māhinapua; or**
6. **This is the operation, maintenance and repair of existing lawfully established structures as of 14 July 2022.**

Advice Note**s**:

6. Whitebait stands are primarily regulated by the West Coast Regional Council through the West Coast Regional Land and Water Plan.
7. Where structures are proposed on the surface of waterbodies check the Natural Character and the Margins of Waterbodies provisions to determine whether consent is required for the landward portion of the structure located in any riparian margin.
8. Where structures are proposed on the surface of waterbodies within Sites and Areas of Significance to Māori these are also subject to Rule SASM - R6 in the Sites of Significance to Māori Chapter.
9. **Consultation with the relevant Poutini Ngāi Tahu rūnanga - Te Rūnanga o Ngāti Waewae or Te Rūnanga o Makaawhio is recommended. In relation to Lake Māhinapua consultation with Te Rūnanga o Ngāi Tahu in addition to Te Rūnanga o Ngāti Waewae and Te Rūnanga o Makaawhio is recommended.**
10. **For the avoidance of doubt this rule does not apply to whitebaiting activities on the surface of water.**

Activity status where compliance not achieved: Controlled where standard ~~2~~**3** is not complied with. Discretionary where standards 1, **2, 4, 5** and ~~3~~**6** are not complied with.

ASW – R4A Use of Watercraft for Commercial Activities and Port Activities on the Surface of Water

Activity Status: Permitted

Where: This is the use of the surface of water for commercial activities on water and other Port Activities

1. **Associated with Port of Greymouth and harbour, and seaward of the State Highway 6 Bridge on the Māwheranui/Grey River, and including within the Erua Moana Lagoon; or**
2. **Associated with Westport Harbour Port and harbour, and seaward of the State Highway 67 Bridge on the Kawatiri/Buller River.**

Activity status where compliance not achieved: Restricted Discretionary.

Controlled Activities

ASW-R5 Permanent Swimming Platforms on the Surface of Natural Waterbodies

Activity Status Controlled

1 Where this does not occur in the Arahura River, Makaawhio River, Makatata Stream or Lake Māhinapua.

Matters of control are:

a. Size, design and location of structure
b. Water safety measures.

c. Compliance with any Iwi/Papatipu Runanga Management plan or where this does not exist advice from the relevant Poutini Ngāi Tahu Rūnanga- Te Rūnanga o Ngāti Waewae or Te Rūnanga o Makaawhio; ~~and~~
d. Management of effects on natural character of the waterbody and its margins; **and**
e. Management of effects on ecological, biodiversity and conservation values.

Activity status where compliance not achieved: Discretionary

Restricted Discretionary Activities

ASW-R6 Commercial Activities on the Surface of Rivers, Lagoons and Lakes and not associated with Westport Harbour Port and Port of Greymouth

Activity Status Restricted Discretionary

Where:

~~1.~~ Any commercial activity on the Makaawhio River, Arahura River, Lake Māhinapua, Māhinapua Creek/Tumwharewhare, Makatata Stream, Saltwater Lagoon (at Paroa), Waitangiroto River or Kaimata New River is in accordance with an Iwi-Papatipu Runanga Management plan ~~and has approval of the relevant Poutini Ngai Tahu Runanga Te Runanga o Ngati Waewae or Te Runanga o Makaawhio.~~

Discretion is restricted to:

a. Effects on public access and recreational use of the waterbody;
b. Effects on landscape, natural features or natural character of the waterbody and its margins;
c. Effects on the amenity values or any adjacent residential activities;
d. Effects on significant natural or historic heritage values including effects on scheduled sits or areas;
e. Effects on ecological, biodiversity and conservation values;
f. Effects on noise of the natural character, ecological and amenity values; and
g. Effects on Poutini Ngāi Tahu cultural values including access to mahinga kai and scheduled sites and areas.

Advice Note**s**:

1. Where activities are proposed on the surface of waterbodies within Sites and Areas of Significance to Māori these **are** also subject to rules in the Sites and Areas of Significance to Māori Chapter.
2. **Written approval is recommended from the relevant Poutini Ngāi Tahu rūnanga - Te Rūnanga o Ngāti Waewae or Te Rūnanga o Makaawhio. In relation to Lake Māhinapua, written approval from Te Rūnanga o Ngāi Tahu in addition to Te Rūnanga o Ngāti Waewae or Te Rūnanga o Makaawhio is recommended**.

Discretionary Activities

ASW – R7 Use of Motorised Watercraft for Non - Commercial Use, Commercial Activities, and Structures on the Surface of Water not ~~meeting Permitted, Controlled or Restricted Discretionary Activity~~ provided for in another rule~~Rules~~

Activity Status Discretionary

Notification: ~~Any activity not provided for in an Iwi/Papatipu Rūnanga Management Plan for Makaawhio River, Arahura River, Lake Māhinapua, Māhinapua Creek/Tuwharewhare, Waitangiroto River, Makatata Stream Saltwater Lagoon (at Paroa) or Kaimata/New River always be limited notified to the relevant Poutini Ngāi Tahu rūnanga and may be publicly notified.~~ **When making notification decisions in relation to this rule, the Council will be informed by advice from Poutini Ngāi Tahu and should the application be notified, it will be served on the relevant Poutini Ngāi Tahu rūnanga.**

Activity status where compliance not achieved: N/A

Amendments to Planning Maps

Amend the zoning maps so that waterbodies are identified as General Rural Zone.

TAI POUTINI PLAN COMMITTEE

Hearing of Submissions on the Proposed Te Tai O Poutini Plan

Recommendation Report of Hearing Panel

Recommendation Report

Coastal Environment - Te Taiao o te Takutai

Hearing Dates:

22 and 23 October 2024 (Westport)

30 and 31 October 2024 (Hokitika)

HEARING PANEL

Dean Chrystal (Chair)

Anton Becker

Maria Bartlett

Paul Rogers

Sharon McGarry

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APPENDICES

Appendix 1 - Recommendations

PART A – INTRODUCTORY MATTERS

1. PRELIMINARY MATTERS

1.1. Introduction

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

2. This Recommendation Report relates to the **Coastal Environment - Te Taiao o te Takutai** (**CE**) Chapter of the pTTPP; and contains the Hearing Panel's evaluations and recommendations to the TTPP Committee on the submissions and further submissions received on this section in Part 2, relevant definitions in Part 1, Schedules Seven and Eight in Part 4 Appendices, and the planning maps locating these landscapes and features of the Plan.

3. The Section 32 Report[1] provided an evaluation of the options for the management of the Coastal Environment through the combined Plan, including the regulatory framework, key resource management issues, the evidence base (research and basis for identifying areas of Outstanding Natural Coastal Character, and High Natural Coastal Character), consultation, information and analysis undertaken, and evaluation of the options.

4. The Section 42A Officer's Report[2] ('s42A Report'), authored by Ms Lois Easton, a planner with Kererū Consultants acting as the Reporting Officer, was circulated prior to the hearing. The s42A Report provided an analysis of submissions and further submissions received; and made recommendations on changes to the notified plan provisions (the changes were included in Appendix 1 and the recommendation on all submissions as to either accept, accept in part or reject in Appendix 2).

5. Ms Easton subsequently provided a supplementary statement[3], which amended her recommendations in relation to the application of the Coastal Environment to urban areas of Westport, Hokitika and Greymouth, following discussions on Day 1 of the hearing.

6. The s42A Report assessed a total of 1223 submissions points and 211 further submissions points on the Coastal Environment topic overall, including Schedules Seven and Eight and the planning maps.

7. The matters raised by submitters were grouped in the s42A Report in relation to each of the following key issues for each of the chapter:

    - Definitions;
    - Chapter as a whole and overview;
    - Objectives;
    - Policies;
    - Rules; and

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

[2] Te Tai o Poutini Plan Section 42A Officer's Report Coastal Environment

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

- Planning Maps and Schedules.

8. This Recommendation Report follows this same structure of the s42A Report and provides a brief summary of the issues raised in submissions and further submissions, the s42A Report analysis and recommendations, submitter evidence and the Reporting Officer's reply evidence, before providing our evaluation and recommendation.

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

10. This Recommendation Report contains the reasons for the Panel's recommendations. These comprise either adoption of the reasoning and recommendations of the original section 42A Report or the Reporting Officer's reply evidence (Councils' right of reply post hearing adjournment), or a specific reasoning by the Panel.

11. Where the Panel recommends the TTPP provisions should remain as notified, it is because:

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

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

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

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

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

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

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

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

13. Where there may be a different recommendation between the s42A Report and the Reporting Officer's supplementary statement or reply evidence (i.e. the recommendation by the Reporting Officer has changed as a result of hearing the evidence of submitters), unless the Panel decision specifically adopts the original s42A Report's reasoning and recommendations,

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

14. If there are circumstances where the Panel consider that alternative relief is more appropriate than that requested in submissions and further submissions to give effect to the RMA, NZCPS, national policy statements and/or RPS, but are still within the scope of the relief sought, the relevant recommendation clearly sets out the nature of the change and the reason for the change. This is recorded in this Recommendation Report.

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

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

1.2. Terminology in this Report

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

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

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

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

1.3. Appearances

18. The following submitters appeared at the hearing:

Director General of Conservation ('The Director General')
- Mr Matt Pemberton, Counsel
- Mr Murray Brass, Senior Planner

Ms Lynne Lever & Mr Greg Tinney for themselves

Mr Neil Mouat for himself

Mr Vance Boyd for himself

Bathurst Resources Limited and BT Mining Limited ('Bathurst')
- Mr Campbell Robertson, Environmental Manager for Bathurst Resources Limited
- Ms Claire Hunter, Planner

Westpower Limited
- Mr Martin Kennedy, Planner

Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio and Te Rūnanga o Ngāi Tahu ('Poutini Ngāi Tahu')
- Ms Rachael Pull, Senior Environmental Advisor

Mr Dean van Mierlo for himself

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

Nikau Deer Farm Limited - Mr George Coates

1.4. Overview of submitter evidence and statements received

19. Legal submissions were received from Mr Matt Pemberton for the Director General (dated 7 October 2024).

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

(a) Ms Claire Hunter, Planner for Bathurst (dated 23 September 2024);

(b) Mr Murray Brass, Planner for the Director General (dated 18 September 2024);

(c) Mr Philip James McKinnel, on behalf of Birchfield Coal Mines Ltd (date 23 September 2024);

(d) Mr Martin Kennedy, planner for Westpower Limited (dated 12 February 2024);

(e) Mr Leicester Murray, landscape architect for Karamea Lime Co Ltd (dated 12 February 2024);

(f) Ms Ngahuia Huirama, Ms Vanesa Griffiths and Ms Hannah McKinlay for Te Tumu Paeroa - The Office of the Māori Trustee;

(g) Mr Murray Stewart (received 4 March 2024) on behalf of himself;

(h) Mr Paul Lynch (dated 22 February 2023) on behalf of Mitchells 2021 Ltd;

(i) Mr Dean van Mierlo (dated 22 February 2023) on behalf of himself;

(j) Ms Rachael Pull (dated 19 September 2024), for Poutinin Ngāi Tahu;

(k) Mr Geoff Volckman, Director (dated 11 March 2024) on behalf of Karamea Lime Co Ltd;

(l) Mr George Coates on behalf of Nikau Deer Farm Ltd;

(m) Mr Hadley Mills (dated 19 March 2024) on behalf of himself; and

(n) Ms Frida Inta (dated 19 March 2024) on behalf of Buller Conservation Group and herself.

21. Following the receipt of the s42A Report and the Addendum to the s42A Report:

(a) Waka Kotahi NZTA[4] advised it did not intend to appear at the hearing and provided a statement to be tabled as a record of their position. Waka Kotahi NZTA continued to seek that CE-P3 should more broadly capture critical infrastructure or regionally significant infrastructure where it has an operational and/or functional need within the Coastal Environment. It supported the s42A Report recommendations on their other submission points.

(b) Silver Fern Farms[5] confirmed they accepted the recommendations in the s42A Report and did not intend to file evidence or appear at the hearing.

(c) Transpower advised[6] it did not intend to appear at the hearing and that it accepted the recommendations on nine of 12 of its original submission points. The letter provided further commentary on the outstanding submission points.

(d) Horticulture New Zealand (Hort NZ) did not attend the hearing and provided an industry statement by Ms Emily Levenson, Environmental Policy Advisor (dated 2 February 2024). Ms Levenson confirmed that Hort NZ continued to seek an amendment to NFL-R1 to provide for rural production activities to support NFL-P1, which provides for lawfully

[4] Letter from Stuart Pearson, Senior Planner, Poutiaki Taiao / Environmental Planning, System Design, on behalf of Waka Kotahi New Zealand Transport Agency, dated 23 September 2024.
[5] Letter from Steve Tuck, Mitchell Daysh Ltd dated 9 September 2024
[6] Letter from Rebecca Eng, Technical Lead – Policy, Transpower New Zealand Limited dated 18 September 2024.

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

(e) KiwiRail provided a letter[7] that confirmed it would not be filing evidence or attending the hearing. The letter indicated that KiwiRail continued to seek amendments to NFL-P1, NFL-P3 and NFL-R1, but accepted the Reporting Officer's recommendations in relation to NFL–P2, NFL–P5 and NFL–R6.

(f) Terra Firma Mining Limited (Terra Firma) provided a letter[8] confirming that it would not be filing evidence and did not wish to be heard at the hearing. The letter provided responses to the s42A Report recommendations on Terra Firma's submission points, which were essentially in support of the changes proposed.

(g) Mr Chris Horne, Planner on behalf of Chorus, Spark, One NZ and Forty South advised[9] that the Telecommunication Companies wished to record their support for the s42A Report recommendations in relation to all of their submissions on this topic and confirmed they would not be filing any evidence. Mr Horne noted that in terms of NFL-R8 the Reporting Officer agreed with the submission (in paragraph 274 of the s42A Report), but that this recommended change had not flowed through to paragraph 280 and Appendix 1 of the s42A Report, which he assumed was an error.

(h) WCRC provided a letter[10] indicating that they did not wish to appear at the hearing, but noted they had provided written evidence that addressed the mapping of ONL54 in relation to a Council-managed quarry and various provisions relating to it. WCRC sought changes to NFL-R2(2) and (2)(a) and ECO-R1 (5)(i) to address their concerns. The evidence noted that the Council still intended to relodge a Notice of Requirement seeking that designation for its assets, including quarries, be added to the pTTPP. However, it stated that if the changes sought in WCRC's submission and written evidence relating to its assets were within scope and were accepted by the Hearing Panel, the Council may not need to seek the designation.

(i) Legal Counsel for Russell Robinson and Brunner Builders Limited, Ms Kelsey Barry, filed a memorandum (dated 12 February 2024) along with a statement of evidence by Russell Robinson (dated 12 February 2024). The memorandum sought leave to present the brief in the Settlement Zone Hearing, alongside other technical evidence for the site-specific zoning.

Note: Leave was granted

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

(a) Additional mapping material from Mr Mouat (dated 16 May 2024);

(b) A supplementary statement of planning evidence from Ms Styles for Manawa (dated 27 March 2024);

(c) A response on behalf of the Director General (dated 21 March 2024) from Mr Pemberton to questions from the Panel;

[7] Letter from Sheena McGuire, Senior RMA Advisor, KiwiRail dated 7 February 2024
[8] Letter from Lucy Smith, Managing Director dated 19 February 2024
[9] Letter from Chris Horne, Consultant Planner dated 23 January 2024
[10] Letter from Selva Selvarajah, Acting Planning Manager for West Coast Regional Council dated 2 February 2024.

(d) A joint statement of position and recommendations to the Hearing Panel from Poutini Ngāi Tahu and Te Tumu Paeroa – the Office of the Māori Trustee (dated 14 August 2024); and

(e) Formal withdrawal of submission point S440.031 by Te Tumu Paeroa[11] in relation to NFL-P7.

23. Following the hearing, the Panel issued a Minute (Minute 21) identifying ONL where we considered specific review, over and above the general review and refinement of all ONL boundaries discussed at the hearing, was necessary. We noted that in considering the identified ONL areas, boundaries could not be extended beyond what was notified, unless this was sought in submissions, but that ONL could be reduced from that notified.

1.5. Right of Reply

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

1.6. Procedural Steps and Issues

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

1.7. Site Visits

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

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

PART B - STATUTORY REQUIREMENTS AND DOCUMENTS

27. Coastal Environment is one of seven chapters within the General District-Wide matters – Ngā Kaupapa ā-Rohe Whānui, which is one of seven sections located in Part 2 – District-Wide Matters – Te Wāhanga 2 – Ngā Kaupapa ā-Rohe Whānui.

28. The Section 32 Report outlined the relevant statutory considerations applicable to the coastal environment and the relationships between the sections of the RMA and higher order documents.

29. The section 42A Report highlighted the relevant section 6, 7 and 8 of the RMA, the New Zealand Coastal Policy Statement 2010 (**NZCPS**), National Policy Statement for Indigenous Biodiversity 2023 (**NPSIB**), National Policy Statement for Renewable Electricity Generation 2011 (**NPSREG**), Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009 (**NESETA**), Resource Management (National Environmental Standards for Commercial Forestry) Regulations 2017 (**NESCF**), and the National Planning Standards.[12]

30. The Panel notes the NZCPS applies with the coastal environment. We acknowledge the NPSIB states that if there is a conflict between the NZCPS and the NPSIB, the NZCPS must prevail. We note the particular relevance of Policies 11, 13, 14 and 15 of the NZCPS. We acknowledge that the NPSIB does not apply to the development, maintenance or upgrade of renewable electricity generation assets and activities, and electricity transmission network assets and activities.

31. The s42A Report highlights that the NESCF specifies the activity status for new plantation forestry within a Significant Natural Area (**SNA**) as restricted discretionary. However, it does enable a district plan to have more stringent rules to protect SNA, ONL and areas of outstanding and high coastal natural character.

32. RMA Schedule 1, clause 10 states that it is not necessary to provide decisions on individual submissions. Recommendations of the Panel are made within the scope of requested relief, either individual submissions or groups of submissions making similar requests, as specified in reasons for recommendations.

33. The Planning Standards mandatory direction 7.28 requires a Coastal Environment chapter to be provided within General District-wide matters if the district has a coastline. We are satisfied the Plan structure is consistent with this national direction.

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

PART C – SUBMISSIONS, EVIDENCE, EVALUATION AND RECCOMENDATIONS

2. DEFINITIONS

Submissions and Further Submissions

34. Six submission points and six further submission points relating to definitions were summarised in a Table on pages 16-17 of the s42A Report.

35. Four submission points sought amendments to the '*General Coastal Environment Area'* definition. One further submission opposed an amendment and one supported an amendment.

36. One submission sought to amend the '*Coastal Environment'* definition. Three further submissions opposed this amendment and one supported the amendment.

37. One submission sought inclusion of a new definition.

38. The Panel has considered the relevant submissions and further submissions received and adopts the summaries within the s42A Report.

Section 42A Report

39. Four submission points[13] related to the term '*General Coastal Environment Area'* and sought that urban areas be more clearly excluded from the provisions. The s42A Report noted that the term '*general coastal environment area'* was not defined and was referred to only within the 'Relationships Between Spatial Layers' section of the Plan. It advised that the term was a concept included in the draft plan, but had ultimately been discarded because it made the rule provisions too complex. Ms Easton supported the submissions in part and recommended removing reference to the '*general coastal environment area'* from the Plan as an RMA Schedule 1 clause 16 amendment given no submissions had explicitly sought this change. She agreed the provisions should more simply exclude urban areas from the restrictions on structures and earthworks. This is discussed further below in relation to the mapping.

40. Forest and Bird (S560.059) sought that the definition of '*Coastal Environment'* be amended to '*mean those areas described in Policy 1 of the NZCPS landward of the CMA and as shown on the Planning maps.',* which was not supported by Ms Easton. She noted her recommendation to remove the urban parts of Hokitika, Greymouth and Westport from Coastal Environment overlay planning maps so that these areas were not regulated by the Plan under Policy CE-P1.

41. Ms Easton did not support a submission from Forest and Bird (560.414) that sought the use of the WCRPS definition of "*significant indigenous biological diversity*" be added to the Plan and used within this Chapter because she considered indigenous biodiversity was covered in the Ecosystems and Indigenous Biodiversity (**ECO**) Chapter. She noted the appropriate definitions around indigenous biodiversity were considered in the s42A Report for that Chapter and Ms Easton did not see the value of introducing another definition.

Hearing and Submitter Evidence/Statements

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

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

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

Reporting Officer Reply Evidence

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

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

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

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

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

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

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

Hearing Panel's Evaluation

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

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

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

Hearing Panel's Recommendation

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

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

3. COASTAL ENVIRONMENT

3.1. Coastal Environment Whole Chapter

Submissions and Further Submissions

50. Thirteen submission points and six further submission points relating to the chapter as a whole were summarised in a Table on pages 17-18 of the s42A Report. Twelve submission points sought amendments, and one was in opposition and sought that the section be deleted.

51. The Panel has considered the relevant submissions and further submissions received and adopts the summaries of each within the s42A Report.

Section 42A Report

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

[14] Royal Forest and Bird Protection Society of New Zealand Inc S560.059, Grey District Council S608.004, Westpower Limited S547.547.014
[15] Westpower Limited S547.0509

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

53. Buller Conservation Group (S552.126 and S552.012) and Frida Inta (S553.012) sought that the Coastal Environment Chapter be relocated in the Natural Environment Values section of the Plan. Ms Easton did not support this because the Planning Standards require this chapter to be in the General District-Wide Matters section, but she agreed that the Natural Environment Values section would be a logical and sensible place for the chapter to be located.

54. Ms Easton supported submission points from Forest and Bird (S560.002), John Caygill (S290.006) and Riarnne Klempel (S296.006) that sought amendments to the chapter to align with the NZCPS. She did not propose any specific relief, but noted that she would consider amendments to achieve this in the individual provisions.

55. Ms Easton supported a submission from the Director General (S602.140) that sought for the offshore islands to be zoned and included within the coastal environment because the omission from the maps was a mapping error. She considered these islands should be zoned Open Space Zone and included in the coastal environment, noting that the Open Bay Islands had also been identified as an area of Outstanding Coastal Natural Character (**OCNC**) (NCA12) and were listed as such in Schedule Eight, but not shown on the maps.

56. Ms Easton did not support a submission point from GDC (S608.080) that sought all references to Sites and Areas of Significance to Māori (**SASM**) be deleted from the chapter, for the reasons outlined in previous s42A Reports and as discussed in detail in the Sites and Areas of Significance to Māori s42A Report.

57. Westpower (S547.0509, S547.404, S547.405) sought that the identification of outstanding natural features, landscapes character (including high natural character) appropriately recognised and provided for the existing energy activities and infrastructure located within them, and that the associated provisions adequately recognise the importance of these activities and infrastructure to the community and the environment within which they must locate or traverse. Ms Easton supported these submissions in part because she considered existing energy activities and infrastructure were appropriately recognised and provided for, subject to the amendments she proposed to specific provisions.

Hearing and Submitter Evidence/Statements

58. Ms Inta presented a statement at the hearing on behalf of herself and Buller Conservation Group. She noted there was no mention of cumulative adverse effects in the costal environment provisions. She considered that the Overview needed to include '*NC - Natural Character and Margins of Waterbodies*', or instead of listing chapters the Overview could say: '*the chapters within Part 2: Natural Environment Values*'.

59. Mr Kennedy, for Westpower, noted that Westpower's submissions on the chapter as a whole were not specifically discussed in the s42A Report, and he sought that infrastructure and energy activities be fully considered throughout.

60. Mr Matt Pemberton, Counsel for the Director-General, presented legal submissions outlining concerns that the Panel may find that the WCRPS does not 'cover the field' in relation to the coastal environment and lacked detail in some areas to give effect to national direction of the NZCPS. He urged the Panel to ensure the Plan gives full effect to the NZCPS.

61. Mr Murray Brass provided evidence at the hearing on behalf of the Director General. He noted that neither the s32 Report, nor the s42A Report, addressed NZCPS Policy 11 (Indigenous Biological Diversity). He considered that this policy was relevant to the Coastal Environment provisions. He acknowledged and supported the s42A Report recommendation to include offshore islands in the mapping.

62. Mr George Coates, for Nikau Deer Farm Limited, spoke at the hearing in support of their submission and provided two written statements. He requested removal of the OCNC (NCA40) from their property due to inaccuracies in the 'desktop' mapping which had included land on their property that had been 'humped and hollowed'. He acknowledged that he had seen some changes to the boundaries, but did not want any of the property within the OCNC.

Reporting Officer Reply Evidence

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

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

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

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

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

Hearing Panel's Evaluation

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

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

67. The Panel agrees that it is appropriate to clarify the link between the rule, schedules and the planning maps by adding an introductory statement at the beginning of each schedule. We consider this is an RMA Schedule 1, clause 16 clarification.

68. The Panel considers Mr Coates' concerns below in relation to the boundaries of OCNC (NCA40), and Rule CE-R4. We do not consider any further amendments are required in response to the whole chapter. We acknowledge that the CE Chapter is required by the Planning Standards and gives effect to the national direction of the NZCPS and the regional direction of the RPS.

69. The Panel considers that submission point S560.002 provides scope to make amendments to the provisions to align with and give effect to the NZCPS. We consider this in relation to each provision below. We also consider the alignment of the WCRPS with the NZCPS in relation to each provision below. We note the further submission points (FS104.606, FS150.034, FS215.035 and FS222.0276) opposing S560.002 and reject these, given we are required to give effect to the objectives and policies in the NZCPS.

Hearing Panel's Recommendation

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

Planning Maps

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

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

Schedules

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

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

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

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

[16] Director General of Conservation S602.140
[17] Director General of Conservation S602.140
[18] RMA Schedule 1, clause 16(2)
[19] RMA Schedule 1, clause 16(2)

3.2. Coastal Environment Overview

Submissions and Further Submissions

71. Eight submission points and seven further submission points relating to the Overview were summarised in a Table on pages 21-23 of the s42A Report. One submission point supported the Overview as notified and seven sought amendments. Six further submission points supported some of the amendments and one opposed an amendment.

72. The Panel has considered the relevant submissions and further submissions received and adopts the summaries in the s42A Report.

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73. Ms Easton acknowledged the submission point from Waka Kotahi NZTA (S450.145) in support.

74. Ms Easton did not support a submission from West Coast Penguin Trust (S275.006 and S275.015) that sought to add '*or other vegetation where it provides habitat for indigenous species*' to the end of the Overview. She considered that the statement was incorrect because the ECO Chapter did not include provisions for non-indigenous vegetation.

75. WMS Group (599.073) sought to add text stating that there were a significant range of activities in the coastal environment, some of which have a functional or operational need to locate there. Westpower (S547.406) sought to add a new paragraph addressing the development of energy activities and infrastructure, the importance of these to the community and referencing the NZCPS, NPSREG and WCRPS. Ms Easton supported these submissions in part and acknowledged they provided useful contextual information to be included in the Overview. However, she recommended adding simplified wording as follows:

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

76. Ms Easton supported a submission from Westpower (S547.407) that sought to add reference to the strategic objectives in the '*Other Poutini Ngāi Tahu Provisions'* section of the Overview because she considered this was a useful cross reference.

77. Ms Easton supported in part the submission from Forest and Bird (S560.077) that sought clarification in the overview of the approach taken to mapping the Coastal Environment overlay in the planning maps. She noted the methodology was described in West Coast Landscape and Natural Character Study 2012 and 2013: Explanation of Assessment Methodologies" - located in the technical reports online at https://ttpp.nz/wp-content/uploads/2022/01/West-CoastRegion-ONL-Natural-Character-Assessment-Report-2021.pdf. She did not recommend repeating that information in the Overview but considered some explanation would be useful as follows:

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

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

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

79. Ms Easton did not support the submission point from the Director General (S602.137) that sought amendments to paragraph 3 to state that adverse effects on the coastal environment were appropriately managed through TTPP rules because she considered this unnecessary.

80. Ms Easton recommended an amendment to the Overview to cross-reference the Energy, Infrastructure and Transport chapters of the Plan and to clarify the application of these rules. This recommendation was made in response to a submission point from Transpower (S299.069) that sought amendments to state the rules in the CE Chapter do not apply to energy activities, which was summarised in relation to the rules.

Hearing and Submitter Evidence/Statements

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

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

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

Reporting Officer Reply Evidence/Statements

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

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

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

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

Hearing Panel's Evaluation

85. The Panel accepts Ms Eason's analysis of the submission and further submission points and recommendations in relation to the Overview. We recommend the amendments shown in Appendix 1 of the Right of Reply, with additional amendments to give effect to the NZCPS and RPS.

86. The Panel consider the recommended addition to the third para should include '*protection of areas of significant indigenous biodiversity*' to align with the NZCPS and RPS. We note the recommended Plan definition for '*areas of significant indigenous biodiversity*' includes significant indigenous vegetation and the significant habitats of indigenous fauna that meet the significance assessment criteria in WCRPS Appendix 1.

87. The Panel also considers the fourth paragraph should use the language of the NZCPS and RMA s6, which is '*The preservation of the natural character of the coastal environment and its protection from inappropriate subdivision, use and development*'. Similarly, we consider the second sentence should be '*preserve and protect*' as is not natural character that is '*managed*', it is the adverse effects of inappropriate activities on natural character that must be managed.

88. The Panel considers the reference to the Strategic Objectives and Policies should begin with reference to '*Strategic Directions*' and the sentence shortened.

89. The Panel notes that Ms Easton did not specifically respond to Transpower's concern regarding the reference to the '*District Wide rules'* and the request to delete this to avoid confusion. We consider the reference should remain, but recommend adding '*General District-Wide provisions*' to clarify the reference is to the chapters that apply district-wide.

Hearing Panel's Recommendation

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

Overview

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

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

Approach to managing the coastal environment

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

Natural Character, Landscape and Natural Features

[20] WMS Group (HQ) Limited and WMS Land Co. Limited S599.073, Westpower Limited S547.406
[21] Royal Forest and Bird Protection Society of New Zealand Incorporated S560.277
[22] RMA Schedule 1, clause 16(2)
[23] Royal Forest and Bird Protection Society of New Zealand Incorporated S560.476

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

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

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

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

Coastal Natural Hazards

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

Plantation/Commercial[28] **Forestry**

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

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

Other relevant Te Tai o Poutini Plan provisions

[24] Royal Forest and Bird Protection Society of New Zealand Incorporated S560.002
[25] Royal Forest and Bird Protection Society of New Zealand Incorporated S560.002
[26] Royal Forest and Bird Protection Society of New Zealand Incorporated S560.002
[27] RMA Schedule 1, clause 16(2)
[28] RMA Schedule 1, clause 16(2)
[29] RMA Schedule 1, clause 16(2)
[30] RMA Schedule 1, clause 16(2)

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

- **Strategic Direction – The strategic objectives and policies set out the overarching direction for Te Tai o Poutini Plan.** [31]

- **Indigenous Biodiversity** - The objectives, policies and rules in relation to clearance of indigenous vegetation in the coastal environment are located in the ECO - Ecosystems and **Indigenous**[32] Biodiversity Chapter.

- **Sites and Areas of Significance to Māori** - The coastal environment is of high significance to Poutini Ngāi Tahu, who have kaitiakitanga and rangatiratanga responsibilities in respect of it. Many Statutory Acknowledgement Areas are also within the coastal environment. The Sites and Areas of Significance to Māori Chapter contains objectives, policies and rules relating to the protection of these important cultural areas.

- **Public Access** - The Public Access Chapter contains additional provisions relating to recreational and public access to and along the coastal environment, in particular relevant objectives and policies.

- **Energy, Infrastructure and Transport – These chapters contain the objectives, policies and rules for managing energy activities, infrastructure and transport. These apply alongside the General District-Wide provisions, including the Coastal Environment provisions within this chapter.** [33]

3.3. Coastal Environment Objectives

Submissions and Further Submissions

91. Four submission points relating to the objectives as a whole were received and were summarised in a table on page 26 of the s42A Report. Three were in support and one requested amendment.

92. Forty-five submission points and seven further submission points were received on Objective **CE-O1** and are summarised in a table on pages 30-31 of the s42A Report. Thirty-six were in support and the remainder sought amendments. One further submission supported their own submission and six opposed amendments.

93. Twenty-three submission points and one further submission point were received on Objective **CE-O2** and are summarised in a table on pages 26-28 of the s42A Report. Twenty-two were in support and one sought an amendment. The further submission supported their own submission in support.

[31] Westpower Limited S547.407
[32] RMA Schedule 1, clause 16(2)
[33] Transpower New Zealand Limited S299.069

94. Forty-two submission points and seven further submission points were received on Objective **CE-O3** and are summarised in a table on pages 31-36 of the s42A Report. Four were in support and 38 sought amendments.

95. The Panel has considered the relevant submissions and further submissions received and adopts the summaries in the s42A Report.

Section 42A Report

Objectives as a whole

96. Ms Easton acknowledged the submissions[34] in support of the objectives.

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

Objective CE - O1

98. Ms Easton acknowledged the 36 submission points that supported CE-O1 as notified.

99. Ms Easton supported the submission point from the Director General (S602.141) that sought to add *'and protect these values from inappropriate subdivision, use and development'* to CE-O1 because she considered this wording would give effect to the RMA s6 and NZCPS direction.

100. BCG (S552.127) and Frida Inta (S553.127) sought to separate CE-O1 into two objectives. Ms Easton did not support this because she considered the objective '*outlines that the management of the coastal environment is a balancing of outcomes, reflecting the realities of the location of development within the coastal environment on the West Coast*'.

101. Ms Easton did not support submission points from Westpower (S547.408 and S547.409) that sought substantial redrafting, including separating the objective into two objectives and adding a new objective. She considered that these submissions fell within the overall thrust of Westpower's submission requesting that the provisions for indigenous biodiversity in the coastal environment be located in the CE Chapter, rather than in the ECO Chapter. Ms Easton noted that landscape matters in the coastal environment were dealt with in this chapter because the areas of OCNC were located entirely within the ONL overlay. As noted above, she did not support separating the objective into two objectives.

102. Ms Easton supported in part a submission point from Forest and Bird (S560.278) that sought to delete '*while enabling people and communities to provide for their social, economic and cultural wellbeing in a manner appropriate for the coastal environment*' because it did not give effect to the NZCPS. Ms Easton noted the NZCPS provided for appropriate subdivision, use and

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

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

103. Ms Easton did not support a submission point from Inger Perkins (S462.019) that sought to expand the objective to consider current and future needs of people and communities in accordance with sustainable development principles. She considered the objectives in the CE Chapter should be clear and directive with a focus on giving effect to the NZCPS and not widened out to more general statements around sustainable development. She considered more general '*sustainable development'* direction was appropriately included in the Strategic Direction Chapter, and did not recommend any changes.

104. Ms Easton did not support submission points from Minerals West Coast (S569.014) and Straterra (S536.064) that sought to replace the word '*preserve*' with '*protect*' because she considered the objective was consistent with the direction in NZCPS Policy 2, which sought to preserve the natural character of the coastal environment. However, she considered the recommendation made in response to the Director General's submission point partially addressed these submission points.

Objective CE-O2

105. Ms Easton acknowledged the 22 submission points that supported CE-O2 as notified.

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

Objective CE-O3

107. Ms Easton acknowledged the four submission points supported CE-O3 as notified.

108. A number of submissions[35] sought that the objective include reference to '*technical, locational or operational need'* and others sought reference to '*operational need*'[36]. Westpower (S547.410) sought reference to '*technical, locational or operational constraints or requirements*' and to include '*while managing adverse effects on natural character, landscape, natural features, access and biodiversity values*' for consistency within the Plan. Transpower (S299.062) sought reference to '*operational need in respect of the National Grid*'.

109. Ms Easton supported these submissions, noting that the objective was derived from direction in the NZCPS and WCRPS, and that the NZCPS recognises that some activities have a functional

[35] John Brazil (S360.028), Avery Brothers (S510.078 and S510.086), Peter Langford (S615.087), Karamea Lime Company (S614.087), Minerals West Coast (S569.015), Catherine Smart-Simpson (S564.065), William McLaughlin (S567.345), Steve Croasdale (S516.067), Westpower Limited (S547.410), Geoff Volckman (S563.059), Leonie Avery (507.086), Jared Avery (S508.086), Kyle Avery (S509.086), Avery Bros (510.086), Bradshaw Farms (S511.086), Paul Avery (S512.086), Brett Avery (S513.086), Chris & Jan Coll (558.280), Chris J Coll Surveying Limited (S566.280), Laura Coll McLaughlin (S574.280), and Neil Mouat (S535.036)

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

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

110. Ms Easton noted that the matter of whether '*technical, locational, functional or operational constraints or requirements*' versus '*functional need or operational need'* was appropriate had been canvassed in other s42A Reports. She considered that the Planning Standard definition for '*operational need*' encompassed technical and locational aspects.

111. Ms Easton supported the submission point from the Director General (S602.142) that sought to replace '*in such a way that the impacts'* with '*while ensuring adverse effects'* because she considered it was more consistent with higher order documents.

112. Ms Easton supported in part the submission point from Westpower (S547.410) that sought to replace *'in such a way that the impacts on natural character, landscape, natural features, access and biodiversity values are minimised*' with '*while managing adverse effects on natural character, landscape, natural features, access and biodiversity values'.* She considered the direction in the NZCPS and WCRPS was stronger than '*manage adverse effects'* and considered that the term '*minimise*' (as per the recommended definition in the Introduction and General Provisions s42A Report) provided stronger direction. She considered the amendment made in response to the Director General's submission point partially addressed this submission point.

113. Ms Easton did not support a submission point from GDC (S608.647) that sought to reword the objective to provide clarity and focus by replacing the word *'minimise*' with '*mitigate*.' She noted that the NZCPS and WCRPS have a strong '*avoid*' direction in relation to adverse effects on these values and therefore considered '*minimise*' was appropriate.

114. Ms Easton did not support submission points from Bert Hofmans (S504.009) and Lindy Millar (S505.009) that sought to delete '*functional need*'. She noted that the NZCPS specifically recognised activities with a functional need to locate in the coastal environment and the WCRPS also recognised technical, locational and operational constraints and requirements. She therefore considered the term was appropriate.

115. Ms Easton did not support a submission point from Forest and Bird (S560.279) that sought to replace '*Provide for'* with *'to consider'*, and to replace '*minimised*' with '*appropriately avoided, remedied or mitigated*'. She considered that '*provide for'* was appropriate because it did not require a permitted activity status and activities could be provided for through a resource consent process. She also preferred the term '*minimise*' because she considered this was a better reflection of the intent of the NZCPS and WCRPS direction than the use of '*appropriately avoided, remedied or mitigated'*.

116. Ms Easton did not support submission points from Minerals West Coast (S569.035) and Bathurst (S491.029) that sought to replace '*minimised*' with '*avoided, remedied, mitigated, offset and/or compensated*'. She considered that '*minimised*' was the appropriate term within the objective. She noted that the use of effects management hierarchy (including offsetting and/or compensation) was the way in which the objective might be achieved - and that any reference to offsetting and compensation should be at a policy level in relation to biodiversity as outlined in the NPSIB.

Hearing and Submitter Evidence/Statements

117. Mr Kennedy, for Westpower, reiterated the amendments sought to CE-O1 and noted these related to giving effect to higher order documents and accurately reflecting the NZCPS and WCRPS provisions. He considered the Westpower amendments more accurately gave effect to the relevant provisions of these documents and provided clear outcomes for '*inappropriate activities'* and '*appropriate activities.'*

118. Mr Kennedy accepted the s42a Report recommendation for CE-O3 to refer to '*functional and operational need*' although he considered the wording should be consistent with the WCRPS. He continued to seek further amendments to CE-O3 to refer to '*managing adverse effects*'. He noted that the WCRPS sought to avoid some effects, and avoid, remedy or mitigate others, and considered these to constitute '*management*' rather than '*minimisation*'.

119. Frida Inta, for herself and the BCG, reiterated the request for Objective CE-O1 to be separated into two. She noted that the proposed New Plymouth District Plan included one objective for protecting the coastal environment and another relating to impacts of activities on coastal values. She considered separating the objective into two to be more respectful of the natural values. She was also concerned the objectives did not address cumulative effects.

120. Ms Claire Hunter presented planning evidence on behalf of Bathurst and concurred with the s42A Report recommendation to amend CE-O3 to refer to '*functional and operational need'*. In relation to Bathurst's request to replace the word '*minimised*' with '*avoided, remedied, mitigated, offset or compensated'*, Ms Hunter noted that '*minimise*' would require impacts to be reduced to the smallest amount reasonably practicable and that this did not allow for consideration of offsetting or compensation. She stated that '*Bathurst is seeking to ensure appropriate recognition is given to activities that may be functionally and/or operationally constrained by providing access to a comprehensive suite of tools for managing their effects on values within the coastal environment.*' She confirmed support for the s42A Report recommendations regarding the eight further submissions Bathurst made opposing submissions from Forest and Bird and the Director General.

121. The letter from Silver Fern Farms Ltd confirmed their support for the s42A Report recommendation that CE-O1 refer to '*functional need'* and did not provide further comment on the objectives.

122. The letter from Transpower accepted the s42A report recommendations on CE-O1 and CE-O3.

Reporting Officer Reply Evidence

123. In response to Panel questions, Ms Easton reviewed Forest and Bird's submission and considered whether the objectives sufficiently addressed the direction provided in the NZCPS. She considered the following matters were not well addressed in the CE objectives:

- Coastal processes, ecosystems, coastal water quality, open space and recreation, public access, coastal hazard risks.

124. Ms Easton noted that coastal hazards, open space and recreation and public access were dealt with in other chapters of the TTPP, and that water quality was principally a regional council matter. She therefore did not recommend any amendments in relation to these matters.

125. Ms Easton considered that the objectives did not sufficiently recognise the NZCPS direction around coastal processes and ecosystems, and noted that CE-O1 did not specifically

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

> ***CE - O1***
>
> *To preserve the natural character, landscapes,* ***natural features, coastal processes, ecosystems*** *and biodiversity of the coastal environment* ***and protect these values from inappropriate subdivision, use and development*** *while enabling people and communities to provide for their social, economic and cultural wellbeing ~~in a manner appropriate for the coastal environment.~~*
>
> ***CE - O3***
>
> *To provide for activities which have a functional need* ***or operational need*** *to locate in the coastal environment ~~in such a way~~ while ensuring that the ~~impacts~~ adverse effects on natural character, landscape, natural features,* ***coastal processes,*** *access,* ***ecosystems*** *and biodiversity values are minimised.*

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

> ***CE - O3***
>
> *To provide for activities which have a functional need* ***or operational need*** *to locate in the coastal environment ~~in such a way~~* ***while ensuring*** *that the ~~impacts~~* ***adverse effects including cumulative adverse effects*** *on natural character, landscape, natural features,* ***coastal processes,*** *access,* ***ecosystems*** *and biodiversity values are minimised.*

Hearing Panel's Evaluation

127. In relation to **CE-O1**, the Panel considers the notified objective is inconsistent with the direction of the NZCPS and WCRPS because it trying to give effect to Policies 11, 13 and 15, which all have different requirements, and it mixes in enabling people and communities to provide for their social, economic and cultural wellbeing. It is simply trying to achieve too much and as a result does not give effect to strong national direction of the NZCPS or the WCRPS.

128. The Panel has carefully considered whether the WCRPS Chapter 9 objectives and policies give effect to the NZCPS in relation to the coastal environment. We consider the three parts of WCRPS Objective 1 are consistent with the direction of NZCPS Objectives 1 and 2, and Policies 11, 13 and 15. However, we consider WCRPS Chapter 9 Objective 2 is inconsistent with the NZCPS because it seeks to provide for appropriate subdivision, use and development to enable people and communities to '*maintain or enhance*' their economic, social and cultural wellbeing. In our view, this goes beyond NZCPS Objective 6 and we take this into account in giving effect to the NZCPS.

129. The Panel appreciates Ms Easton's analysis of the provisions in the NZCPS that are missing in the CE objectives and agree with this analysis. We agree that managing cumulative effects on natural character and indigenous ecosystems in the coastal environment is a significant gap, including the protection of the significant habitats of indigenous species and threatened and at risk species. As discussed in the ECO Recommendation Report, there has been no identification of significant habitat of indigenous fauna (including highly mobile species) or habitats of threatened and at risk species. We do not consider rules managing the clearance of indigenous vegetation address this given threatened and at risk species often rely on habitat that has been modified. This was a point well made by Ms Perkins (for the West Coast Penguin Trust) in relation to penguin species utilising coastal fringe habitats that include modifications and exotic vegetation.

130. Overall, the Panel considers the strong direction of the NZCPS in Policies 11, 13 and 15 needs to be more clearly expressed. We consider that notified CE-O1 should be split into two. The NZCPS is very clear that adverse effects on significant/outstanding values must be avoided; and significant adverse effects on biodiversity and natural features must be avoided, and other adverse effects must be avoided, remedied or mitigated. These are matters for the policy and rule framework that flows on from the redrafted objectives.

131. NZCPS Policy 13 also requires that the Panel recognise that natural character is not the same as natural features and landscapes or amenity. We have been mindful of this direction in terms of our recommendations in the Light Chapter, regarding the natural darkness of the night sky, and in the natural elements, processes and patterns that contribute to ONFL in our recommendations on the Natural Features and Landscape Chapter.

132. The Panel considers the direction '*to preserve'* should only relate to natural character of the coastal environment (NZCPS Objective 2 and WCRPS Chapter 9 Objective 1(b)) and not the other matters included in recommended CE-O1. Similarly, *'protect'* should only relate significant indigenous biodiversity and outstanding natural features and landscapes in the coastal environment, not to landscapes and biodiversity generally.

133. In terms of addressing cumulative effects and setting appropriate thresholds to avoid adverse cumulative effects, the Panel considers this further in relation to the policies and rules.

134. Overall, the Panel agrees that CE-O1 requires redrafting to better give effect to the higher order instruments, within the scope of submissions, including overarching submissions from Forest & Bird, John Caygill and Riarnne Klempel that sought better alignment with the NZCPS, and the Buller Conservation Group and Frida Inta, and Westpower that sought for CE-O1 to be split into two objectives. The Panel rely on the Ecosystems and Indigenous Biodiversity Chapter to manage effects on indigenous biodiversity within the coastal environment, but consider it appropriate to reference indigenous biodiversity within the Coastal Environment Chapter objectives to provide a link between the two chapters. The Panel takes a similar approach to the relationship between the Natural Features and Landscapes Chapter and the Coastal Environment Chapter in relation to protecting natural features and landscapes in the coastal environment.

135. In relation to **CE-O2**, the Panel recommends retaining the Objective as notified and supports the analysis of Ms Easton in relation to it, with the exception that the Panel notes Te Tumu Paeroa withdrew their submission point in relation to '*ancestral lands*'. The Panel considers this term is readily able to be interpreted in the context of the objective and the Tangata Whenua Chapter of the Plan.

136. In relation to **CE-O3**, the Panel accepts Ms Easton's recommended amendments, as shown in Appendix 1 of the Right of Reply, with some modification, including replacing the word '*minimise*' with the phrase '*avoid, remedy or mitigate*' to better align with national direction, and incorporating reference to '*regionally significant infrastructure*' and '*mineral extraction*'.

137. The Panel notes that the NZCPS Policy 6(1) requires that in relation to the coastal environment, we must recognise the provision of infrastructure, the supply and transport of energy, including the generation and transmission of electricity, and the extraction of minerals, as these are important to the social, economic and cultural wellbeing of people and communities. Policy 6(1)(e) requires us to consider where and how built development on land should be controlled to not compromise activities of national or regional importance that have a functional need to locate in the *coastal marine area*. It is not as broad as applying to the coastal environment, as suggested by Ms Easton.

138. Similarly, Policy 6(2) relates specifically to the coastal marine area, where we need to recognise that there are activities that have a functional need to be located in the coastal marine area; and to recognise that activities that do not have a functional need for locating in the coastal marine area generally should not be located there.

139. The WCRPS Chapter 9 Policy 1 sets out how to achieve the protection of indigenous biodiversity, natural character and natural features from inappropriate subdivision, use and development, by identifying significant values in plans, avoiding adverse effects on these values, and avoiding significant adverse effects, and avoiding, remedying and mitigating other adverse effects. We consider this is consistent with the NZCPS.

140. Policy 2(1) enables the operation maintenance or minor upgrading of existing National Grid infrastructure. Policy 2(2) requires that in having regard to technical and operational constraints, new development or major upgrades of the National Grid shall seek to avoid adverse effects, and otherwise remedy or mitigate effects on areas of significant indigenous biodiversity and significant habitats of indigenous fauna, ONFL and areas of high and outstanding natural character. However, it also states that in some circumstances adverse effects on those values must be avoided. We consider this is inconsistent with direction of the NZCPS, where adverse effects on significant and outstanding values must be avoided; and significant adverse effects must be avoided, and other effects avoided, remedied or mitigated.

141. WCRC Chapter 9 Policy 3 provides for subdivision, use and development in the coastal environment, which requires use of natural and physical resources in the coastal environment or has a technical, functional or operation requirement to be located in the coastal environment. It also recognises that minor or transitory effects may not be adverse effects on significant and outstanding values; to allow adverse effects that are no more than minor on environmental values; and to allow lawfully established activities to continue provided the adverse effects are the same or similar in scale, character or intensity.

142. WCRC Chapter 9, Policy 4 provides existing and new renewable electricity generation activities by having regard to the need to be located where the resource is available and the technical, functional or operational needs of the activities.

143. The Panel further addresses distinctions regarding different types of infrastructure, matters of functional need or operational need, and the management of adverse effects in the coastal environment in accordance with the NZCPS within the policy and rule framework of the chapter.

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

Hearing Panel's Recommendation

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

Coastal Environment Objectives	
CE - O1	To preserve natural character**, and protect natural features and** landscapes ~~and biodiversity of~~ **in** the coastal environment **from inappropriate subdivision, use and development, and protect areas of significant indigenous biodiversity**.~~while enabling people and communities to provide for their social, economic and cultural wellbeing in a manner appropriate for the coastal environment~~. [37]
CE – O2	**To enable people and communities to provide for their social, economic and cultural wellbeing and their health and safety, through appropriate subdivision, use and development.** [38]
CE - O~~2~~3[39]	The relationship of Poutini Ngāi Tahu with their cultural values, traditions, interests and ancestral lands in the coastal environment is recognised and provided for and Poutini Ngāi Tahu are able to exercise tino rangatiratanga and kaitiakitanga.
CE – O~~3~~4[40]	To provide for activities which have a functional need **or operational need**[41] to locate in the coastal environment**, including regionally significant infrastructure and mineral extraction activities,**[42] ~~in such a way~~**while ensuring**[43] that ~~the impacts~~ **adverse effects, including cumulative adverse effects,** on natural character,

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

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

[39] Consequential to recommendations on CE-O1

[40] Consequential to recommendations on CE-O1

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

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

[43] Director General of Conservation S602.142

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

3.4. CE Policies

Submissions and Further Submissions

146. Six submission points and five further submission points were received on the policies as a whole and summarised in a table on pages 38-39 of the s42A Report. Two submission points were in support and the remainder sought amendments. The further submission points opposed amendments.

147. Thirty-one submission points and five further submission points were received on Policy **CE-P1** and were summarised in a table on pages 41-43 of the s42A Report. Twenty-four submission points were in support and seven sought amendments. The further submission points supported or supported in part requested amendments.

148. Seven submission points and two further submission points were received on Policy **CE-P2** and were summarised in a table on page 45 of the s42A report. Four submission points were in support and three sought amendments.

149. Twenty submission points and six further submission points were received on Policy **CE-P3** and were summarised in a table on pages 47-50. Six submission points were in support and the fourteen sought amendments.

150. Twenty-seven submission points were received in Policy **CE-P4** and were summarised in a table on pages 52-54. Four were in support, one was in opposition and 23 sought amendments.

151. Fifty-six submission points and six further submission points were received on Policy **CE-P5** and were summarised in a table on pages 56-59 of the s42A Report. Twenty-one submission points were in support of the policy and 35 sought amendments.

152. Forty-five submission points and seven further submission points were received on Policy **CE-P6** and were summarised in a table on pages 61-65 of the s42A Report. Thirty-two submission points were in support of the policy and 13 sought amendments.

153. Twelve submission points and one further submission point were received on Policy **CE-P7** and were summarised in a table on page 68 of the s42A Report. Ten submission points were in support and two sought amendments.

154. Nine submission points and six further submission points were received on Policy **CE-P8** and are summarised in a table on pages 69-70 of the s42A Report. Three were in support, one was in opposition and five sought amendments.

155. The Panel has considered the submissions and further submissions received and adopts the summaries in the s42A Report.

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

Section 42A Report

Policies as a whole

156. Ms Easton acknowledged the submissions[45] in support of the policies.

157. Ms Easton supported in part a submission from Westpower (S547.411) that sought a new policy providing for new and existing renewable electricity generation activities in the coastal environment. She considered this matter could be addressed via an amendment to CE-P5, which provided for lawfully established activities and those with a functional or operational need to establish in the coastal environment. She recommended an additional clause be added '*are new renewable electricity generation activities where the coastal environment is where the renewable electricity resource is available'.* She also supported the request for the policies to give effect to the matters in Policy 3, Chapter 9 of the WCRPS, noting that the provisions need to give effect to all parts of the WCRPS, not just one policy. She did not recommend any specific amendment as a result of this part of the submission and noted consistency with the WCRPS was discussed in relation to specific policies.

158. Ms Easton did not support a submission point from Forest and Bird (S560.283) (opposed by three further submissions points) that sought to add a new policy as follows:

> *Manage adverse effects of activities outside of outstanding coastal natural character, outstanding coastal natural landscapes and outstanding coastal natural features by avoiding significant adverse effects and avoiding, remedying or mitigating other adverse effects of activities on natural character, natural landscapes and features in the coastal environment in accordance with Policy 13 and 15 NZCPS.*

159. Ms Easton considered Policy CE-P3 addressed these matters in a more tangible level of detail that would assist Plan interpretation and resource consent assessment in a way that this proposed policy would not.

160. Ms Easton did not support a submission from Forest and Bird (S560.287) that sought an additional policy restricting vehicles access onto beaches in accordance with NZCPS Policy 20 because she was unsure whether a district Plan could regulate vehicle access to beaches, particularly when many may be paper roads. She noted that a report prepared by Forest and Bird stated '*The jurisdiction of who has control and/or enforcement over beaches, specifically vehicles on beaches, is not a clearly defined and it is difficult to distinguish who hold responsibility. It is unsurprising that the general public are often referred between different agencies.'*

161. Ms Easton considered that the Land Transport Act and Bylaws should be used to regulate vehicle access to beaches and not district plans, noting that the NZCPS Policy 10 guidance document cites Reserve Management Plans, Bylaws and the Northland Regional Coastal Plan as examples of how vehicles on beaches were restricted. She invited the submitter to provide more information on what a policy could contain and how this would provide a framework to address this issue within the Plan.

162. Forest and Bird (S560.418) also sought to amend the policy direction providing that Coastal Environment areas outside of Outstanding Coastal Natural Character/Natural Landscape and High Coastal Natural Character overlays could be determined as beyond the coastal environment through a consent process and would not be subject to Coastal Environment

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

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

Policy CE - P1

163. Ms Easton acknowledged the submissions[46] in support of Policy CE-P1 as notified.

164. Ms Easton did not support a submission point from Snodgrass Road submitters (S619.040) that sought to delete the policy or to remove the Coastal Environment overlay from their properties. She noted the policy wording paraphrased the clear criteria for identifying the coastal environment that was set out in Policy 1 of the NZCPS.

165. Westpower (S547.412) sought to amend clause (f) to add '*including energy activities and critical infrastructure*.' Ms Easton did not support this because she considered energy infrastructure and critical infrastructure were subsets of infrastructure and therefore the qualifier was unnecessary. She supported the second part of the submission point that sought for existing energy activities and infrastructure to be clearly identified within values assessments and identified on the relevant maps. She considered there was significant merit in showing the extent of the Westpower network on the Planning Maps as an information layer, and noted there was an extensive electricity distribution network in the coastal environment, particularly in the settlements and townships.

166. Ms Easton supported a submission from Federated Farmers (S524.087) that sought for the overlay to be identified and mapped because this was already included in the Plan.

167. Ms Easton supported the submission point from the Director General (S602.143) that sought to amend the policy to add in matters in NZCPS Policy 1(2) that were not included, specifically '*coastal lakes, lagoons, tidal estuaries, saltmarshes, coastal wetlands, and the margins of these, islands, inter-related coastal marine and terrestrial systems, including the intertidal zone and habitats of migratory birds'*. She also supported deleting the reference to accelerated sea level rise in relation to coastal hazards to give effect to the NZCPS, and considered this would remove a degree of ambiguity around what matters must be considered for inclusion in an assessment of the extent of the coastal environment.

168. Ms Easton considered the recommended changes in response to the Director General's submission point discussed above also address the Forest and Bird submission point (S560.280) that sought amendments to the policy to accurately reflect NZCPS Policy 1.

169. Ms Easton supported a submission from Poutini Ngāi Tahu (S620.202) that sought to replace *'cultural areas of features'* with '*values*'. She considered this change was consistent with terminology she had recommended for use throughout the Plan.

170. Ms Easton supported in part a submission from Forest and Bird (S560.0530) that sought that terminology used in the Plan provide clarity about whether the Coastal Environment was an overlay or a map layer. Ms Easton noted the coastal overlay and other overlays were mapped, and considered that if there was confusion it must be remedied. However, she was unclear

[46] John Brazil (S360.029), Avery Brothers (S510.087 and S510.079), Peter Langford (S615.088), Karamea Lime Company (S614.088), Catherine Smart-Simpson (S564.066), William McLaughlin (S567.346), Steve Croasdale (S516.068), Geoff Volckman (S563.060), Leonie Avery (507.087), Jared Avery (S508.087), Kyle Avery (S509.087), Bradshaw Farms (S511.087), Paul Avery (S512.087), Brett Avery (S513.087), Chris & Jan Coll (558.281), Chris J Coll Surveying Limited (S566.281), Laura Coll McLaughlin (S574.281), and Neil Mouat (S535.037), NZTA Waka Kotahi (S450.132), Te Mana Ora (S190.471), Craig Schwitzer (S96.017), Grey District Council (S608.648)

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

Policy CE - P2

171. Ms Easton acknowledged the submissions[47] in support of the policy.

172. Ms Easton supported the submission point from Westpower (S547.415) that sought to amend the policy to include reference to inappropriate subdivision use and development, so that it better reflected the WCRPS. She considered the requested wording better reflected the direction in RMA s6, as well as NZCPS Policies 13 and 15, which specifically refer to '*inappropriate subdivision use and development*'.

173. Ms Easton supported a submission point from Forest and Bird (S560.281) that sought to amend the policy to accurately capture NZCPS Policies 13 and 15 and therefore give effect to the NZCPS. She was unclear what amendment to the policy was sought, noting that the criteria in the NZCPS had been part of the consideration in identifying areas of OCNC, and ONFL in the coastal environment (which addressed clause (2) of Policy 13 and clause (c) of Policy 15). She also noted that Policy CE – P3 addressed some of the matters in NZCPS Policies 13 and 15, and she did not see value in simply copying policies from higher order documents into the Plan. She considered the policies needed to provide appropriate direction on how the higher order documents were to be given effect to in the West Coast context. She invited Forest and Bird to provide more information about the changes sought.

174. Ms Easton supported in part a submission from Forest and Bird (S560.532) that sought amendments to address adverse effects of vegetation clearance. She considered this should have been addressed within the ECO Chapter s42A Report. She shared the concern of Forest and Bird that Rule ECO – R5 did not adequately address the coastal environment, and supported the addition of a matter of discretion in ECO – R5 for consideration of adverse effects on natural character, and natural landscapes and features in the coastal environment.

175. Forest and Bird also sought substantive amendments to ECO-R2, some of which Ms Easton recommended were accepted. She considered this rule adequately manages the risk to outstanding coastal natural character of vegetation clearance within these identified areas of OCNC, which would have little or no infrastructure or any other type of development within them. However, she was uncertain as to whether there was scope within this submission point (which relates to areas beyond the overlays), or another submission point, to address that matter, and invited Forest and Bird to provide their view on scope.

Policy CE - P3

176. Ms Easton acknowledged the submissions[48] in support of the policy.

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

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

[48] Te Mana Ora (S190.473), Craig Schwitzer (S96.019), Chris & Jan Coll (558.282), Chris J Coll Surveying Limited (S566.282), Laura Coll McLaughlin (S574.282), William McLaughlin (S567.347), Snodgrass Road submitters (S619.041)

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

178. Ms Easton did not support these submissions and considered that only the exemption for the National Grid should be provided for in the policy. In forming this view, she relied on the NZCPS and WCRPS, noting that Policy CE-P3 specifically related to scheduled areas of outstanding and high coastal natural character, areas of outstanding coastal natural landscapes and coastal natural features. She noted WCRPS Chapter 9 (Coastal Environment) Policy 1 sought to avoid adverse effects on outstanding areas; and avoid significant adverse effects on other areas of coastal natural character, landscape, natural features and indigenous biodiversity. She noted that WCRPS Chapter 9 Policy 2 provided an exclusion for the National Grid in relation to these outstanding areas, but no other activities were provided for in these areas. She noted that Chapter 9 Policy 2 and 3 provided for activities in the wider coastal environment.

179. Ms Easton supported the submission point from Minerals West Coast (S569.016) that sought to ensure care was taken in identifying outstanding natural features and landscapes. She noted these areas had been assessed and reassessed with significant care to ensure only areas meeting the criteria were included. She therefore did not recommend any changes in response to this submission point.

180. Ms Easton supported the submission from Transpower (S299.065) that sought amendments to the wording to refer to areas of "*high coastal natural character*", "*outstanding coastal natural landscapes*" and "*outstanding coastal natural features"* because she considered these would clarify the policy in relation to the coastal nature of the overlays. Transpower also sought that *'functional and operational'* be amended to '*functional or operational*' and Ms Easton supported this change because she considered the WCRPS supported a direction of providing for the operational need of the National Grid.

181. Ms Easton did not support the submission point from the Director General (S602.145) that sought to include reference to the effects management hierarchy because it was not referenced in NZCPS, which had a strong focus on avoiding adverse effects in the identified outstanding areas. She also noted that the NPSIB stated that where there was conflict between it and the NZCPS, the NZCPS must take precedence.

182. Ms Easton did not support the submission point from Forest and Bird (S560.282) that sought to amend the policy to apply more widely to the coastal environment because the policy was focused on the management of identified and scheduled areas. Forest and Bird also sought to delete clause (d) and Ms Easton considered there was merit in better defining what purposes were 'appropriate' and referring to the defined terms used in the corresponding rule. She considered that activities other than cultural harvest should be included within an Iwi/Papatipū Rūnanga Management Plan.

183. Ms Easton supported the submission point from Poutini Ngāi Tahu (S620.203) that sought to amend clause (d) to refer '*Poutini Ngāi Tahu Activities'* or '*Māori Purpose Activities'* rather than '*cultural purpose'*, noting this policy links directly to Rule CE – R3, which provided for '*Māori Purpose Activities'* and '*Poutini Ngāi Tahu Activities*'.

Policy CE - P4

184. Ms Easton acknowledged the submissions[49] in support of the policy.

185. Ms Easton did not support a submission point from Craig Schwitzer (S96.016) that sought to remove the policy so that there was no provision for industrial primary production or mineral extraction within the coastal environment. The submitter sought that the Plan only allow for small scale primary production or mineral extraction in the coastal environment that was sustainable and environmentally complementary to the specific area. Ms Easton noted there were existing activities located in areas of HCNC and ONL within the Coastal Environment. She noted that she has recommended changes to the policy in response to other submissions but did not support its deletion.

186. Several submissions[50] sought an additional clause providing for activities with a functional, technical or operational need to locate in the coastal environment. Ms Easton did not support these submission points, noting that this policy related to areas of the highest value within the coastal environment. She considered Policy CE-P3 already addressed activities with a functional or operational need to locate in these areas and that there was no need for an amendment to CE-P4.

187. The Director General (S602.146) sought an amendment to clauses (b) to add the phrase "*and any associated buildings and structures*" and to delete "*outstanding or*" so that it only applied to areas of high values. The Director General also sought to add a new clause (c) "*adverse effects on outstanding natural character, outstanding natural landscapes and outstanding natural features areas are avoided*". Ms Easton supported the addition of reference to associated buildings and structures and the addition of new clause (c) because she considered this better reflected the NZCPS and WCRPS. She did not support the policy only applying to the high coastal natural character areas, on the basis that it is a '*provide for'* policy rather than an '*allow'* policy and it was therefore appropriate to include the outstanding areas.

188. Ms Easton supported the submission from Forest and Bird (S560.284) that sought to replace '*does not degrade'* with '*protects*' because she considered it was more consistent with the RMA s6 direction, NZCPS and WCRPS.

Policy CE - P5

189. Ms Easton acknowledged the submissions[51] in support of the policy.

190. Several submissions[52] sought to amend clause (d) by replacing '*functional or operational need'* with '*functional, technical, locational or operational need*'. Ms Easton noted that although the WCRPS included the wording '*functional, technical, locational or operational'*, the Planning Standards had come into effect since the WCRPS was produced. She explained that the

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

[50] John Brazil (S360.030), Avery Brothers (S510.088 and S510.080), Peter Langford (S615.089), Karamea Lime Company (S614.089), Catherine Smart-Simpson (S564.067), William McLaughlin (S567.348), Steve Croasdale (S516.069), Geoff Volckman (S563.061), Leonie Avery (507.088), Jared Avery (S508.088), Kyle Avery (S509.088), Bradshaw Farms (S511.088), Paul Avery (S512.088), Brett Avery (S513.088), Chris & Jan Coll (558.283), Chris J Coll Surveying Limited (S566.283), Laura Coll McLaughlin (S574.283), and Neil Mouat (S535.038)

[51] Te Mana Ora (S190.475), Craig Schwitzer (S96.020), Transpower New Zealand Limited (S299.066), Silver Fern Farms Limited (S441.023), KiwiRail Holdings Limited (S442.075), NZTA Waka Kotahi (S450.134), Ministry of Education (S456.020), TiGa Minerals and Metals Limited (493.073), Avery Brothers (S510.063), Avery Bros (S690.055), Leonie Avery (507.063), Jared Avery (S508.063), Kyle Avery (S509.063), Bradshaw Farms (S511.063), Paul Avery (S512.063), Brett Avery (S513.063), Westland Farms Services (S550.005), Snodgrass Road submitters (S619.041) WMS Group (S599.078), Birchfield Coal Mines Ltd (S601.057) and Birchfield Ross Mining Ltd (S604.052)

[52] John Brazil (S360.031), Avery Brothers (S609.081), Peter Langford (615.090), Karamea Lime Company (S614.090), Catherine Smart-Simpson (S564.068), William McLaughlin (S567.349), Steve Croasdale (516.070), Geoff Volckman (S563.062), Leonie Avery (S507.089), Jared Avery (S508.089), Kyle Avery (S509.089), Avery Bros (S510.089), Bradshaw Farms (S511.089), Paul Avery (S512.089), Brett Avery (S513.089), Chris & Jan Coll (S558.284), Chris J Coll Surveying Limited, (S566.284), Laura Coll McLaughlin (S574.284), Neil Mouat (S535.039) and Westpower Limited (547.421)

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

191. Ms Easton did not support submission points[53] that sought to add '*or sites'* to the end of clause (a), which referred to lawfully established structures, to recognise that lawfully established sites were able to be built upon. She considered the addition was unnecessary, noting that provided the size and scale requirements were met then the development of buildings or structures were already supported by the policy.

192. Ms Easton did not support submission points from Bert Hofmans (S504.010) and Lindy Millar (S505.010) that sought to delete reference to '*functional need*', noting that this policy applied to areas outside of outstanding and high natural character areas of the coastal environment. She noted that the NZCPS and WCRPS both provided for activities with a functional need to locate within the coastal environment.

193. The Director General (S602.147) sought to restructure the policy to shift clause (b) to the end; and to add two additional clauses that '*adverse effects on amenity, natural character, historic and cultural values, and biodiversity are appropriately managed*' and that activities are '*consistent with the NZCPS'*. Ms Easton supported this submission point in part. She supported the addition of a clause around management of adverse effects, but did not support the clause requiring activities be consistent with NZCPS. She considered this was vague, uncertain, and unlikely to assist in assessing whether activities were appropriate.

194. Buller Conservation Group (S552.128) and Frida Inta (S553.128) sought an additional clause '*adverse effects on natural character, natural landscapes and natural features are avoided*'. Ms Easton supported these submission points in part, noting that the NZCPS and WCRPS direct that significant adverse effects must be avoided. She noted that the intent of the policy was to provide clarity about what might be appropriate development that fits within this direction. She considered that the recommended change made in response to the Director General's submission partly addressed this submission point.

195. Ms Easton did not support a submission point from Westpower (S547.418) that sought to replace '*provide for'* with '*allow*' because she noted this policy supported permitted activity rules and CE-R13 and CE-R14, which were restricted discretionary activities.

196. Ms Easton supported a submission point from Westpower (S547.419) that sought to add '*buildings*' to clause (a), noting that the omission of the word was a drafting error.

197. Ms Easton supported in part a submission from Westpower (S547.420) that sought to add '*energy activities and infrastructure (including critical infrastructure*)' to clause (c). She considered reference to infrastructure was appropriate, but considered that the full phrase sought was unnecessary.

198. Ms Easton did not support a submission point from Forest and Bird (S560.285) that sought to replace '*provide for*' with '*consider*'. She noted that the TTPP planning team considered '*provide for'* to support both permitted activities and those requiring resource consent. She considered the wording was appropriate because the policy supported permitted activity rules and the escalation rules where permitted activity standards were not met.

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

Policy CE - P6

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

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

200. Ms Easton acknowledged the submissions[54] in support of the policy.

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

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

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

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

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

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

[54] Te Mana Ora (S190.476), Craig Schwitzer (S96.021), Transpower New Zealand Limited (S299.067), Silver Fern Farms Limited (S441.024), Avery Brothers (S510.064 and S510.090), Avery Bros (S690.056 and S609.082), Leonie Avery (507.064 and S507.090), Jared Avery (S508.064 and S508.090), Kyle Avery (S509.064 and S509.090), Bradshaw Farms (S511.064 and S511.090), Paul Avery (S512.064 and S512.090), Brett Avery (S513.064 and S513.090), Westland Farms Services (S550.006), Snodgrass Road submitters (S619.043),Tim and Phaedra Robins (S579.019), Chris & Jan Coll (S558.286), Chris J Coll Surveying Limited, (S566.286), Laura Coll McLaughlin (S574.286), Neil Mouat (S535.040 and S535.069), Catherine Smart-Simpson (S564.069), William McLaughlin (S567.350), Steve Croasdale (516.071), Geoff Volckman (S563.063), Lauren Nyhan & Anthony Phillips (S533.012), Stewart & Catherine Nimmo (S559.012), Joel & Jennifer Watkins (S565.022), Silver Fern Farms Limited (S441.024).

(b) Adding the adverse effects of activities with a functional need to locate in the coastal environment are managed in accordance with the effects management hierarchy; and

(c) Adding significant adverse effects on natural character are avoided and that adverse effects on natural character in areas of outstanding natural character are avoided.

206. Ms Easton considered other amendments she had recommended made some of these changes unnecessary. She also noted that the focus of the policy was to support permitted activities in the coastal environment and as there was no ability to place consent conditions on these, she did not support reference to the effects management hierarchy being included.

207. Ms Easton did not support a submission point from Westpower (S547.423) that sought to add '*outstanding natural landscapes and/or'* to clause (c) because the policy supported permitted activities outside of outstanding areas. She supported in part the submission (S547.424) the request to add '*technical, locational, functional or operational constraints and requirements*' because she considered '*functional need or operational need'* was the appropriate phrase in this context (relating to areas outside those with outstanding values) and the Plan definition included technical and locational aspects. Ms Easton supported submission point (S547.426) to replace '*minimise*' with '*avoid, remedy or mitigate'* in clause (c)(v) because she noted that this policy applied outside of identified high and outstanding areas and the wording was therefore appropriate.

208. Forest and Bird (S560.286) sought several amendments to the policy, including:

(a) Qualifying the policy by adding "*where it may be appropriate to*";

(b) Deleting the reference to modifications in clause (a) arising due to primary production activities;

(c) Adding that the areas not be subject to a natural hazard overlay in clause (a);

(d) Reordering clause (c) and revising a range of points within it, which relate to outstanding and high natural character, including referring to a new CE-PX [new policy giving effect to Policy 13 (a) and (b) of the NZCPS] and protection of significant natural areas;

(e) Deleting clause (c)(i), (ii) and (iii), replacing this with "'*avoiding encroachment into unmodified areas' to 'managing encroachment to enable appropriate subdivision, use or development to occur";*

(f) Replacing "*provide for*" with *"make provision for*" and adding "*that manage adverse effects in accordance with provisions of this Plan*" in clause (c)(i); and

(g) Adding "*where the area is subject to a natural hazard overlay the activity is consistent with achieving NH objectives*" to clause (c).

209. Ms Easton supported the addition of '*activities*' in clause (a); and replacing '*minimises*' with *'avoided, remedied or mitigated'* in clause (c)(v). She did not support add '*avoiding encroachment into unmodified areas' to 'managing encroachment to enable appropriate subdivision, use or development to occur'* to clause (c)(iv) because of the direction of NZCPS Policies 11, 13 and 15 to avoid adverse effects on identified outstanding and significant areas, and significant adverse effects on natural character, landscape, natural features and biodiversity values. She noted these values were most likely to be found in unmodified areas and therefore considered '*avoid*' was consistent with this national direction.

210. Ms Easton did not support the other requested changes, noting that a number of these matters were dealt with in other chapters of the Plan, including natural hazards and significant

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

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

Policy CE - P7

212. Ms Easton acknowledged the submissions[55] received in support of the policy.

213. Ms Easton supported a submission from Westpower (S547.427) that sought to amend the policy to allow a reduction in public access where there was a health and safety reason. Ms Easton considered that the dynamic nature of the coastal environment, including erosion and land stability, could create risks for public access that may warrant a reduction in public access. She also noted that in locations such as ports, industrial areas or other land uses in townships, there may be a reasonable need to restrict public access.

214. Ms Easton did not support a submission point from GDC (S608.651) opposing the word *'minimise'* on the basis that priority should be placed on natural hazard management because maintaining public access would increase the cost of natural hazard protection works. She considered the policy recognised that at times there may be an impact on public access where there was a significant hazard that needed to be addressed. She considered it was important to recognise that maintaining public access was a matter of national importance under the RMA and this policy provided guidance on how to manage this matter.

Policy CE - P8

215. Ms Easton acknowledged the submissions[56] received in support of the policy.

216. Ms Easton supported submission points from Buller Conservation Group (S552.130) and Frida Inta (S553.130) that sought amendments to amend CE-P8 or combine it with policy CE-P3 because it was a repeat. She noted that CE-P3 applied to areas of outstanding and high coastal natural character and outstanding coastal natural features, but that the reference to '*overlay chapter areas*' included other overlays not addressed in CE-P3. She considered the reference to *'overlay chapter areas'* was of limited utility because these matters were addressed in other chapters.

217. Ms Easton noted that Policy CE-P3 was intended to give effect to WCRPS Chapter 9, Policy 2 in relation to the National Grid, which stated:

> *(1) In the case of the National Grid, operation, maintenance or minor upgrading of existing National Grid infrastructure shall be enabled.*
>
> *(2) In the case of the National Grid, following a route, site and method selection process and having regard to the technical and operational constraints of the network, new development or major upgrades of the National Grid shall seek to avoid adverse effects, and otherwise remedy or mitigate adverse effects on areas of significant indigenous vegetation and significant habitats of indigenous fauna, outstanding natural features*

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

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

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

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

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

219. Ms Easton did not support the submission point from the Director General (S602.149) that sought to amend the policy to replace '*seek to avoid, and otherwise remedy or mitigate' adverse effects*' with '*apply the effects management hierarchy to manage*' because her recommended amendment was to delete the reference to the overlay chapters.

220. Ms Easton did not support a submission point from Forest and Bird (S560.288) that sought to delete the policy because she considered it was appropriate to give effect to WCRPS Chapter 9 Policy 2.

221. Ms Easton did not support submission points from GDC (S608.652) and KiwiRail (S442.076) that sought the policy be expanded to critical/regionally significant infrastructure. She noted that the WCRPS policies specifically enable and support the National Grid and renewable electricity generation energy activities, but not other regionally significant or critical infrastructure.

Reporting Officer Supplementary Statement

222. Following the first day of the hearing, Ms Easton issued a supplementary statement amending her recommendations in relation to excluding the urban areas of Westport, Hokitika and Greymouth from the Coastal Environment due to the direction of the NZCPS. She noted that, as drafted, the rules would not apply, but the coastal objectives and policies would be relevant to any assessment of resource consent applications for activities in these areas. Ms Easton advised she had reviewed eight recent district plans and noted that all but one of these identified urban areas within the Coastal Environment.

223. Ms Easton noted the s42A Report had made a consequential amendment to CE-P6, which she also withdrew as a result of this change. This was to amend the text from *'including areas on the edges of Westport, Greymouth and Hokitika,'* to '*including parts of Westport, Greymouth and Hokitika'.*

<u>Hearing and Submitter Evidence/Statements</u>

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

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

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

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

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

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

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

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

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

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

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

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

232. Silver Fern Farms supported Ms Easton's recommendations relating to CE-P5(c) and in relation to their submissions on policies CE-P1, P5 and P6 and did not provide further comment.

233. The letter from Transpower accepted the s42A Report recommendations on policies CE-P1, CE-P2, CE-P3, CE-P5 and CE-P6. In relation to the s42A Report recommendations on CE-P8, Transpower supported the concept of the text, but considered the wording was confusing. They sought additional changes as follows:

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

234. Transpower considered the insertion of '*and*' was a minor grammatical error. It considered reference to '*district wide rules'* was confusing because the objectives and policies would also apply, noting that the Energy Chapter overview referred to '*Coastal Environment Overlay provisions and District Wide provisions'.*

235. Mr Kennedy, for Westpower, sought a further amendment to CE-P1(h) to refer to '*regionally significant infrastructure*', noting that there were variations in the definitions of '*infrastructure*' and *'regionally significant infrastructure'*. In relation to CE-P2, Mr Kennedy noted a recommended change to ECO-R5 in the ECO Chapter and considered this illustrated the issues with separating matters. He expressed concern that the provision of evidence for ECO Chapter was closed, so submitters on that chapter would not have an opportunity to respond to this change.

236. Mr Kennedy continued to seek that CE-P3 provide for regionally significant infrastructure via an amendment to subclause (e). He noted that the WCRPS recognises that electricity activities are required to be located in these areas, and considered that the TTPP did not adequately recognise this or achieve the WCRPS objectives and policies. In the absence of alignment with the WCRPS, he considered there was no policy for RSI in these areas other than the National Grid. He requested that CE-P3 be reworded in either of the following ways:

> *~~Only a~~**A**llow new subdivision ...*
>
> *(e) It is National Grid infrastructure **or other regionally significant electricity distribution and renewable electricity generation infrastructure, activities and networks** that has**ve** a functional or operational need to ~~locate~~ **be undertaken** in these areas.*
>
> *or*
>
> *~~Only a~~**A**llow new subdivision ...*
>
> *(e) It is National Grid infrastructure **or other regionally significant infrastructure***
>
> *that has a functional or operational need to ~~locate~~ **be undertaken** in these areas.*

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

Reporting Officer Reply Evidence

238. In her Right of Reply Ms Easton confirmed that Te Tumu Paeroa had not withdrawn any submissions that would affect recommendations on the Coastal Environment Chapter.

239. In response to a Panel question asking whether she considered '*minimise*' as defined equated to a more than minor effect in relation to the NZCPS policies, Ms Easton considered '*minimise*' was less stringent than '*avoid,*' but implied a greater degree of reduction in effect than '*remedy or mitigate*.' She considered the level of adverse effects that might arise from minimised effects would often be less than minor, but noted that this would not always be the case; and that '*where practicable'* introduced an economic element in decision making.

240. In response to a Panel question asking whether there was a need for policy amendments to address cumulative effects, Ms Easton noted there were no provisions to manage these. She considered this omission did not give effect to the NZCPS. She considered the Forest and Bird submission provided scope to address this matter and recommended amendments to CE-P3, CE-P4, CE-P5 and CE-P6 to add *'including adverse cumulative effects*.'

241. Ms Easton confirmed that the recommended wording of Policy CE-P2 had omitted the words '*and protect these*' as highlighted by Mr Brass. She considered this was an error of omission and recommended it was corrected as follows:

> *Preserve the natural character, natural features and landscape qualities and values of areas within the coastal environment* ***and protect these from inappropriate subdivision, use and development*** *that have: …*

242. The Panel queried whether Policy CE-P3 should refer to '*Poutini Ngāi Tahu Activities'* or '*Cultural purposes*.' Ms Easton noted that the definition for '*Poutini Ngāi Tahu Activities*' was narrower than '*Māori Purpose Activities'* and were provided for in the policy, where located in a Māori Purpose Zone and in accordance with an Iwi Management Plan. She therefore considered '*Poutini Ngāi Tahu Activities'* was appropriate in this policy.

243. The Panel requested that Policy CE-P3 be amended to clarify the difference between where significant adverse effects versus adverse effects must be avoided. To achieve this, Ms Easton recommended splitting clause (b) into two parts and including reference to ecosystems, biodiversity and coastal processes as follows:

> *b. i. Significant adverse effects,* ***including cumulative adverse effects*** *on natural character,* ***ecosystems, biodiversity, coastal processes,*** *natural landscapes and natural features, and*
>
> *ii. adverse effects on areas of significant indigenous biodiversity, areas of outstanding* ***and high*** *natural character and outstanding* ***coastal*** *natural landscapes and* ***outstanding coastal natural*** *features are avoided;*

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

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

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

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

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

> *e. Are renewable electricity generation activities ~~where the coastal environment is where the renewable electricity resource is available;~~*
>
> *g Ensure that significant adverse effects, including cumulative adverse effects, on amenity, natural character, historic and cultural values, and biodiversity are appropriately managed*

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

> ***CE – P6***
>
> *Recognise that there are existing settlements and urban areas located within the coastal environment of the West Coast/Te Tai o Poutini including **parts** ~~areas on the edges of~~ Westport, Greymouth and Hokitika and **in these areas** enable ~~new~~ subdivision, ~~buildings and structures~~ use and development ~~within~~ and expansion of towns and settlements where these **activities** are located in areas already modified by built development or primary production activities.*
>
> ***CE – P6A***
>
> *In areas of ~~outstanding or~~ high natural character:*
>
> *i. Provide for lawfully established land uses and activities to continue;*
>
> *ii. Allow for other uses with a functional need **or operational need** to locate in the coastal environment;*
>
> *iii. Allow for Poutini Ngāi Tahu ~~cultural~~ uses **Activities and Māori Purpose Activities**;*
>
> *iv. Avoid encroachment into unmodified areas of the coastal environment; and*
>
> *v. Ensure subdivision and development is of a scale and design where adverse effects, **including cumulative adverse effects**, on the elements, patterns and processes that contribute to natural character are ~~minimised~~ avoided, remedied or mitigated*

249. The Panel queried whether Policy CE-P7 should be in the Public Access Chapter, and Ms Easton agreed it should because the Planning Standards regulation 22 directed that all public access provisions must be located in this chapter. She considered there was no scope to amend Policy CE-P7 to better address NZCPS Policy 19. She noted that none of the submissions from Inger Perkins, West Coast Penguin Trust or Herenga ā Nuku Aotearoa Outdoor Access Commission sought consistency with the NZCPS or amendments to reflect Policy 19.

250. The Panel requested that Ms Easton responded to Transpower's evidence on Policy CE-P8 and provide information on the extent to which the Transpower network traversed the coastal environment. Ms Easton reviewed the Transpower designation and advised that it included areas within the coastal environment around Westport and Greymouth, but did not pass through any area of Outstanding Natural Landscape, Outstanding Natural Character, High Natural Character or Site of Significance to Māori within the coastal environment.

251. Ms Easton noted that Transpower sought the notified version of CE-P8 was retained with minor modifications. She highlighted her s42A Report recommended an amendment in response to Frida Inta's submission, which considered there was duplication in the policies. She confirmed she was comfortable with retaining the "*seek to avoid*" limb of the policy as sought by Transpower.

252. Ms Easton noted that the evidence of Mr Brass raised issues with the term "*upgrade"* rather than "*minor upgrade*" being included in the first limb of the policy. She agreed with the evidence of Mr Brass that the WCRPS referred to "*minor upgrade*" and agreed it was a drafting error that the word "*minor*" was omitted. She therefore recommended amendment to CE-P8 as follows:

> *Enable the maintenance, repair~~, and~~ operation and **minor upgrade** of the National Grid. Where new development and upgrades of the National Grid are required, seek to avoid and otherwise remedy or mitigate adverse effects on Overlay Chapter areas.*

253. In response to a Panel query on whether there was scope for a new policy on restoration of the coastal environment and whether she would support such a policy, Ms Easton considered such a policy could be useful, but advised that she had not found scope in any submission. She advised that Frida Inta sought expansion of the existing restoration policy in the ECO Chapter, but had not sought any provisions around restoration in the coastal environment. She considered there was no scope provided in the submission from the West Coast Penguin Trust.

Hearing Panel's Evaluation

Policies as Whole

254. NZCPS Policy 13 uses '*preserve*' in the context of natural character of the coastal environment only and specifically recognises this is not the same as natural features and landscapes. Policy 13 provides guidance on the thresholds of adverse effects for '*appropriate*' subdivision, use and development, which is to:

> (1) Avoid adverse effects on natural character in the coastal environment with outstanding natural character; and
>
> (2) Avoid significant adverse effects and avoid, remedy and mitigate other adverse effects on natural character in all other areas of the coastal environment.

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

256. To address this, and to be consistent with the higher order statutory direction, the Panel prefer to amend CE-P2 to avoid <u>significant</u> adverse effects on indigenous biodiversity, natural character, and natural features and landscapes <u>outside</u> of outstanding coastal environment areas, including high coastal natural character areas and the coastal environment generally. This addresses the significant gap identified by Forest and Bird and other submitters in relation to consistency with NZCPS Policy 11, 13 and 15.

Policy CE – P1

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

Policy CE – P2

258. The Panel note that CE-P2, as notified, has similar problems with CE -O1. In line with our discussion above, we recommended amendments to focus this policy on values and areas in the coastal environment <u>outside</u> of outstanding coastal environment areas and areas of significant indigenous biodiversity.

259. We consider wording of the recommended address the concerns raised by Mr Brass (for the Director General) and is appropriate given the direction of the NZCPS and WCRPS.

260. In response to Forest and Bird's (S560.532) concerns about vegetation clearance in the coastal environment that may adversely affect natural character, Ms Easton acknowledged that Rule ECO-R5 did not adequately address this and therefore recommended adding a new matter of discretion '*Effects on natural character, natural landscapes, and natural features in the coastal environment*'. We agree this is a gap given the potential for adverse effects on natural character from indigenous vegetation clearance, but recommend the new matter of discretion added is '*Effects on the natural character of the coastal environment'.* We note Mr Kennedy's concerns that the date for the provision of expert evidence for the ECO Chapter was before the CE Chapter hearing. However, we consider any submitter could have spoken at the ECO

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

Policy CE – P3

261. The Panel generally accepts Ms Easton's reasoning and recommended amendments to Policy CE-P3, as shown in Appendix 1 of the Right of Reply. However, as discussed above, we have deleted clause (b) related to significant adverse effects, which is now included in CE-P2. We have also made amendments to use the defined term '*Outstanding Coastal Environment areas'.*

262. The Panel agree with the recommended wording changes to clause (d) (renumbered clause (e)). However, we consider the addition of subclause (ii) should be '*Māori Purpose Activities within the Māori Purpose Zone ~~Iwi/Papatipū Rūnanga Management Plan~~*' in recognition the Māori Purpose Zone provisions apply.

263. The Panel agree with Ms Easton that it is not appropriate to widen clause (e) (renumbered clause (f)) to include other activities given the direction of the NZCPS and WCRPS. We agree with Ms Easton that the exemption in the WCRPS Chapter 9, Policy 2 for activities within outstanding and significant areas in the coastal environment is specific to the National Grid only. We also agree WCRPS Chapter 9, Policy 4 in relation to renewable electricity generation is within the coastal environment and not significant and outstanding areas. We therefore reject these submission points.

264. The Panel accepts Ms Easton's recommendation to add a new clause in relation to minor and transitory adverse effects to give effect to WCRPS Chapter 9, Policy 3(d). We also acknowledge this threshold of minor or transitory adverse effects in relation to the '*avoid*' direction is consistent with case law. We consider submission points seeking consistency with the WCRPS provide scope for this change. However, we consider this should be simplified to '*It has a minor or transitory effect*'.

Policy CE – P4

265. The Panel accepts Ms Easton's reasoning and recommended amendments to Policy CE-P4, as shown in Appendix 1 of the s42A Report. We agree that these amendments give effect to the NZCPS and WCRPS. We recommend a minor amendment to add '*within <u>areas of</u>'* to reflect the identification of these areas in the Plan. We consider '*including cumulative effects'* is not necessary given the RMA definition for '*cumulative*' included cumulative effects. This also relates to CE-P5 as recommended.

266. The Panel considers it is also appropriate to use the defined term '*Outstanding Coastal Environment areas'* in new clause (f).

Policy CE – P5

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

Policy CE – P6

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

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

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

Policy CE – P7

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

Policy CE – P8

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

New Policies

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

Hearing Panel's Recommendation

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

CE - P1	Identify and map a Coastal Environment overlay that recognises and provides for the extent of the coastal environment and different areas, elements or characteristics within it, including:

a. Areas where coastal processes, influences or qualities are significant **including coastal lakes, lagoons, tidal estuaries, saltmarshes and coastal wetlands and their margins;** [57]

b. Elements and features that contribute to the natural character, landscape, visual qualities or amenity values;

c. Areas along the coast and river mouths where coastal erosion and coastal inundation is likely, and within the wider coastal environment where there is a potential hazard risk ~~should accelerated sea level rise occur~~; [58]

d. Historic heritage and Poutini Ngāi Tahu ~~cultural areas or features~~ **values**; [59]

e. Islands; [60]

f. Inter-related coastal marine and terrestrial systems, including the intertidal zone; [61]

~~e.~~**g.** Areas of significant coastal vegetation and habitat of indigenous coastal flora and fauna species**, including migratory birds**; [62] and

~~f.~~**h.** The built environment and infrastructure which have modified the coastal environment.

CE - P2 Preserve the natural character~~,~~ **and protect indigenous biodiversity and** natural features and landscape**s by avoiding significant adverse effects, and avoiding, remedying and mitigating other adverse effects on areas outside of Outstanding Coastal Environment areas, including within areas of high coastal natural character.** [63] ~~qualities and values of areas within the coastal environment that have~~:

~~a. Significant indigenous biodiversity including Significant Natural Areas as described in Schedule Four~~

~~b. Outstanding natural landscapes as described in Schedule Five;~~

~~c. Outstanding natural features as described in Schedule Six;~~

~~d. High coastal natural character as described in Schedule Seven; and~~

~~e. Outstanding coastal natural character as described in Schedule Eight.~~

[57] Director General of Conservation S602.143
[58] Director General of Conservation S602.143
[59] Te Rūnanga o Ngāi Tau, Te Rūnanga of Ngāti Waewae and Te Rūnanga o Makaawhio S620.202
[60] Director General of Conservation S602.143
[61] Director General of Conservation S602.143
[62] Director General of Conservation S602.143
[63] Royal Forest and Bird Protection Society of New Zealand Incorporated S560.281 and S560.002, John Caygill S290.006, Riarnne Klempel S296.006

CE - P3 Only allow new subdivision, use and development within areas of outstanding ~~and high~~[64] coastal natural character, outstanding coastal natural landscapes and outstanding coastal natural features where:

a. The elements, patterns, processes and qualities that contribute to the outstanding or high natural character or landscape are maintained;

b. ~~Significant adverse effects on natural character, natural landscapes and natural features, and~~[65]

c. A~~a~~dverse effects on areas of significant indigenous biodiversity~~, areas of outstanding natural character~~ and **O**~~o~~utstanding **Coastal Environment areas** ~~natural landscapes and features~~ are avoided; [66]

~~c.~~**d.** The development is of a size, scale and nature that is appropriate to the environment;

~~d.~~**e.** It is for~~:~~ ~~a~~

i. Poutini Ngāi Tahu **activities; or**

ii. Māori Purpose Activities within the Māori Purpose Zone; or

iii. Cultural **harvest** ~~purpose~~; or[67]

~~e.~~ **f.** It is National Grid infrastructure that has a functional ~~and~~ **or** operational need to locate in these areas.

c. It has a minor or transitory effect. [68]

CE - P4 Provide for primary production activities within **areas of** ~~the~~[69] outstanding and high natural character, outstanding natural landscapes and outstanding natural features within the coastal environment where:

a. These are existing lawfully established activities **and associated lawfully established buildings and structures; and** ~~or~~[70]

b. The use ~~does not degrade~~ **protects** the elements, patterns or processes that contribute to the outstanding or high **natural character** values**; and**[71]

c. Adverse effects on outstanding natural character, outstanding natural landscapes and outstanding natural features are avoided. [72]

[64] Consequential amendment Royal Forest and Bird Protection Society of New Zealand Incorporated S560.281 and S560.002, John Caygill S290.006, Riarnne Klempel S296.006
[65] Consequential amendment Royal Forest and Bird Protection Society of New Zealand Incorporated S560.281 and S560.002, John Caygill S290.006, Riarnne Klempel S296.006
[66] Director General of Conservation S602.145, Royal Forest and Bird Protection Society of New Zealand Incorporated S560.282, Transpower New Zealand Limited S299.065
[67] Te Rūnanga o Ngāi Tau, Te Rūnanga of Ngāti Waewae and Te Rūnanga o Makaawhio S620.203, Royal Forest and Bird Protection Society of New Zealand Incorporated S560.282
[68] John Caygill S290.006
[69] RMA First Schedule, Clause 16
[70] Director General of Conservation S602.146
[71] Royal Forest and Bird Protection Society of New Zealand Incorporated S560.284
[72] Director General of Conservation S602.146

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

a. Are existing lawfully established **buildings or**[73] structures; or

~~b. Are of a size, scale and nature that is appropriate to the area; or~~[74]

c. Are in the parts of the coastal environment that have been historically modified by built development**, infrastructure**[75] and primary production activities; or

d. Have a functional **need**[76] or operational need to locate within the coastal environment**; or**

e. Are new renewable electricity generation activities ~~where the coastal environment is where the renewable electricity resource is available;~~[77]

f. Are of a size, scale and nature that is appropriate to the area; and [78]

g. Ensure that significant adverse effects on amenity, natural character, historic and cultural values, and indigenous biodiversity are appropriately managed.[79]

CE - P6 Recognise that there are existing settlements and urban areas located within the coastal environment of the West Coast/Te Tai o Poutini including **parts** ~~areas on the edges~~[80] of Westport, Greymouth and Hokitika and enable ~~new~~ subdivision, ~~buildings and structures~~ **use and development** ~~within~~[81] and expansion of towns and settlements where~~: a. T~~**these activities are located in areas already modified by built development or primary production activities.**~~or~~[82]

CE – P7

~~b. Where located in unmodified areas, any adverse impact on natural character can be mitigated;~~ [83]

~~c.~~ In areas of ~~outstanding or~~[84] high natural character:

[73] Westpower Limited S547.419
[74] Director General of Conservation S602.147
[75] Westpower Limited S547.420
[76] RMA First Schedule, Clause 16
[77] Westpower Limited S547.411
[78] Director General of Conservation S602.147
[79] Director General of Conservation S602.147, Buller Conservation Group S552.128, Frida Inta S553.128
[80] RMA First Schedule, Clause 16
[81] Westpower Limited S547.422
[82] Consequential amendment from separating CE-P6 into two policies.
[83] Consequential amendment from separating CE-P6 into two policies. Buller Conservation Group S552.129, Frida Inta S553.129
[84] Director General of Conservation S602.148

	~~i.~~ **a.** Provide for lawfully established land uses and activities to continue; ~~ii.~~ **b.** ~~Allow~~**Provide**[85] for other uses with a functional need **or operational need**[86] to locate in the coastal environment; ~~iii.~~ **c.** Allow for Poutini Ngāi Tahu **Activities and Māori Purpose Activities** ~~cultural uses~~; [87] ~~iv.~~ **d.** Avoid encroachment into unmodified areas of the coastal environment; and ~~v.~~ **e.** Ensure subdivision**, use**[88] and development is of a scale and design where adverse effects on the elements, patterns and processes that contribute to natural character are ~~minimised~~ **avoided, remedied or mitigated**. [89]
~~**CE – P7**~~ **PA – P2**	Reduction in public access to the coastal environment can be considered when coastal hazard mitigation works are required to protect communities from a significant natural hazard threat **or for health and safety reasons**. When assessing proposals for ~~natural hazard structures~~ **a reduction in public access, measures to minimise** effects on public access ~~should~~ **will** be considered ~~and ways to minimise them found,~~ including: a. Provision of alternate certain and enduring access; and b. Provision of public amenity or opportunity for environmental benefit **including** along ~~the~~ **any natural hazard mitigation structure**, provided that the physical integrity and function of the structure is maintained. [90]
CE - P8	Enable the maintenance, repair**,** ~~and~~ operation **and minor upgrade**[91] of the National Grid. Where new development and upgrades of the National Grid are required, seek to avoid and otherwise remedy or mitigate adverse effects on Overlay Chapter areas.

3.5. CE Rules that affect the whole coastal environment

Submissions and Further Submissions

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

[85] Royal Forest and Bird Protection Society of New Zealand Incorporated S560.286
[86] Westpower Limited S547.424
[87] Consequential amendment Te Rūnanga o Ngāi Tau, Te Rūnanga of Ngāti Waewae and Te Rūnanga o Makaawhio S620.203, Royal Forest and Bird Protection Society of New Zealand Incorporated S560.282
[88] RMA First Schedule, Clause 16
[89] Westpower Limited S547.426
[90] Westpower Limited S547.427
[91] Director General of Conservation S602.149

supported the provisions and 16 sought amendments. Four further submissions opposed some of the amendments and four supported some of the amendments.

275. Seven submission points that sought amendments to **controlled, restricted discretionary or discretionary activity rules** were summarised in a table on page 74 of the s42A Report.

276. Five submissions that sought **new rules** and 11 further submissions were summarised in a table on pages 75-76 of the s42A Report. All the further submissions opposed some of the amendments.

277. Thirty submissions and three further submissions received on **Rule CE-R1** were summarised in a table on pages 80-82 of the s42A Report. Twenty-two were in support and the remainder sought amendments. Three further submissions opposed some of the amendments.

278. Nine submission points received on **Rule CE-R2** were summarised in a table on pages 84-85 of the s42A Report. Seven were in support, one sought amendment and one was in opposition and sought the rule be deleted.

279. Ten submission points and one further submission point received on **Rule CE-R3** were summarised in a table on pages 85-86 of the s42A Report. Eight were in support and two sought amendments. The further submission opposed an amendment.

280. Fifty-eight submission points and 10 further submissions received on **Rule CE-R4** were summarised in a table on pages 87-94 of the s42A Report. Five submission points were in support, one was in opposition and sought the rule be deleted, and the remainder sought amendments or opposed the rule in part. Seven further submissions opposed some of the amendments and three supported some of the amendments.

281. Four submission points and one further submission received on **Rule CE-R13** were summarised in a table on pages 100-101 of the s42A Report. Two submission points were in support and two sought amendments. The further submission point opposed an amendment.

282. Twenty-four submission points and six further submissions received on **Rule CE-R14** were summarised in a table on pages 101-103 of the s42A Report. Two submission points were in support and the remainder sought amendments. Three further submissions opposed some of the amendments and three supported some of the amendments.

283. The Panel has considered the submissions and further submissions received and adopts the summaries of each within the s42A Report.

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284. The submission point from the Snodgrass Road submitters (S619.045) supported the rules subject to amendments to CE-R4 and CE-R12, which are addressed below.

285. Ms Easton acknowledged the submission from KiwiRail (S442.078) in support of the permitted activity rules.

286. Transpower (S299.069) sought that either the rules section be amended to state that the rules did not apply to energy activities; or that the chapter be amended to be clear about which rules applied to the National Grid and whether the rules in this chapter apply in addition to the Energy Chapter rules. Ms Easton supported the alternative relief in part and clarified all

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

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

287. Robert Burdekin (S378.001) sought clarification of what the intent and anticipated outcome was for property identified as being in the 'Coastal Environment' under the TTPP. Ms Easton supported this submission point in part because she considered the CE Chapter overview provided explanation of the chapter and provisions. Ms Easton noted that Mr Burdekin was concerned about how the CE overlay would impact his property and considered this was a matter for a direct conversation between him and the BDC in relation to activities he wished to undertake on his land.

288. BDC (S538.287) sought a consistency review and amendments to several rule headings. Ms Easton agreed there is a need for consistency and considered this to be addressed through the changes made to specific rules throughout the chapter.

289. Inger Perkins (S462.021) sought permitted activity rules be amended to prevent clearance of any vegetation providing habitat for indigenous coastal species. Ms Easton did not support this submission and noted that without on-site assessment there was no way of determining whether vegetation provided habitat for indigenous coastal species. She also noted this submission point was incorrectly allocated to this topic and was discussed in the ECO Chapter s42A Report in relation to another submission point from the same submitter. Ms Easton noted that she did not support the proposal in the ECO Chapter, as it would require any vegetation, including exotic vegetation and weeds, to be assessed to determine whether it provided habitat for indigenous species. Ms Easton considered that areas of exotic vegetation that provided significant habitat should be specifically identified and scheduled in the Plan.

290. Ms Easton did not support a submission point from Inger Perkins (S462.002) that sought amendments to the advice notes referring to the ECO Chapter to refer to clearance of other vegetation that may provide habitat for indigenous coastal species for the same reasons outlined above.

291. Ms Easton did not support a submission from Foodstuffs (S464.007) that sought the Settlement Zone be excluded from the coastal environment provisions. Ms Easton discussed this issue with Ms Gilbert in relation to her landscape review and noted she supported excluding urban Westport, Greymouth and Hokitika, but not the smaller settlements where there was significant remaining natural character that would be excluded.

292. Ms Easton noted that the rules were designed to recognise levels of development and ensure that in more natural areas, significant adverse effects on the natural character, features and landscapes of the coastal environment were avoided. As notified, the coastal environment included Market Cross at Karamea, which had a Four Square supermarket and Ms Easton's mapping recommendations were to exclude this township. She noted that this change may provide some relief to the submitters concerns. However, as discussed above, the recommendation to exclude urban areas from the CE was retracted by Ms Easton in her Supplementary Statement.

293. Ms Easton did not support a submission point from Jane Whyte & Jeff Page (S467.037) that sought the coastal environment rules did not apply to Punakaiki Village. She noted Punakaiki Village also fell within the Settlement Zone: Coastal Settlement Precinct, which had, in most

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

294. Greg Maitland (S571.012), Frank and Jo Dooley (S478.002) and Avery Brothers (S609.085 and S609.086) sought amendments to make the rules more enabling of development. Ms Easton did not support these submission points, noting that no information was provided on what aspect of the rules was too restrictive, or how they could be amended in a way that fits within the requirements of WCRPS and NZCPS.

295. Ms Easton did not support a submission point from Forest and Bird (S560.533) that sought that additions and alterations were addressed within the same rule as for new buildings and structures. Outside of identified outstanding and high value areas, she did not consider that it was necessary or appropriate to restrict additions and alterations to existing buildings and that this would create an unreasonable degree of regulation on many properties within the coastal environment.

296. Ms Easton did not support a submission point from Forest and Bird (S560.534) that sought upgrades for infrastructure other than the National Grid be subject to more restrictive provisions and not be provided for at a permitted activity level. She considered that there was considerable variability in natural character and values across the coastal environment, and permitted upgrades were appropriate in more modified areas.

297. Ms Easton did not support a submission point from Joel and Jennifer Watkins (S565.021) that sought rules providing for buildings and structures of an appropriate scale because they considered the provisions flowing on from CE-P5 did not support this policy. Ms Easton noted the development rules provided for buildings with size, scale and nature appropriate to the area and considered that they appropriately differentiated between established urban areas and towns and other less intensively developed parts of the coast.

298. Ms Easton did not support a submission point from Cape Foulwind Staple 2 Ltd (S568.013) that sought a maximum building coverage within the coastal environment and considered this to be appropriately managed within the zone provisions.

299. Submission points from John Brazil (S360.041 and S360.042), Chris J Coll Surveying Ltd (S566.294), William McLaughlin (S567.358 and S567.365) and Laura Coll McLaughlin (S5574.294) sought resource consent requirements be amended to make various rules more enabling of development. Ms Easton did not support these submission points and considered the rules were appropriate to give effect to the WCRPS and NZCPS, subject to the recommended amendments.

300. Ms Easton supported a submission point from Poutini Ngāi Tahu (S620.207) that sought to add archaeological sites as a matter of discretion for all restricted discretionary activities within the Chapter. She noted there was a paucity of information on archaeological resources on the West Coast, with large numbers of archaeological sites both identified and unidentified.

301. Ms Easton supported in part a submission from Forest and Bird (S560.309 and S560.038) that sought a new discretionary activity rule for afforestation with plantation forestry in the coastal environment, outside of identified areas of high and outstanding coastal natural character. She noted it was possible to be more stringent than NES-CF in relation to afforestation, and that the plan proposed this in CE-R20 within outstanding areas. She considered it would be

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

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

302. Ms Easton did not support a submission point from NZDF (S519.033) that sought a new permitted activity rule for temporary military training activities. She noted that these were provided for in the Temporary Activities Chapter. She noted NZDF had not provided information about what aspects of their activities they sought to provide for in this new rule. She noted the submission point stated that they sought a rule requiring all permitted activity standards to be met and she considered that the activity would be covered by other provisions and there was no need for a new rule.

303. Ms Easton supported in part a submission point from Forest and Bird (S560.289) that sought the rules be amended and restructured so that conditions for earthworks were included within the same rule as the activities to which they related; unless the EW rules could be relied upon, in which case a condition or information note to that effect should be included. Ms Easton noted she proposed some significant restructuring of rules and additional provisions around earthworks, but not to the extent the submission point sought. She considered some additional restrictions on earthworks may be required in some instances to give effect to the NZCPS, and noted that this was discussed in relation to the specific rules.

304. Ms Easton did not support submission points from Forest and Bird (S560.312) and the Director General (S602.165) that sought a catch-all rule because she considered the CE rules focussed on key matters that could affect natural character and landscape values, and a catch-all rule could create a significant regulatory burden for activities with negligible adverse effects. She noted that other district-wide rules also applied in the coastal environment, and that she was not aware of any building, structures or earthworks that were not adequately addressed by the existing rules (including recommended amendments). Ms Easton considered that specific rules to address any activities not adequately managed by the rules would be more appropriate than a catch-all rule.

Rule CE-R1

305. Ms Easton acknowledged submissions[92] in support of the rule as notified.

306. KiwiRail (S442.077) sought that critical infrastructure and railways be added to the rule title. Ms Easton supported the addition of '*regionally significant infrastructure*' and noted that because this included railways, railways did not need to be included separately.

307. Westpower (S547.428) sought to remove standard (1) as they considered it to conflicted with rules CE-R5-CE-R11. Ms Easton did not support this submission point because CE-R1 was intended to clearly provide for maintenance and repair of lawfully established structures and

[92] John Brazil (S360.033), Avery Brothers (S510.083 and S510.057), Avery Bros (S510.065 and S510.091), Peter Langford (S615.092), Karamea Lime Company (S614.092), Catherine Smart-Simpson (S564.070), William McLaughlin (S567.351), Steve Croasdale (S516.072), Geoff Volckman (S563.064), Leonie Avery (S507.065 and S507.091), Jared Avery (S508.065 and S508.091), Kyle Avery (S509.065 and S509.091), Bradshaw Farms (S511.065 and S511.091), Paul Avery (S512.065 and S512.091), Brett Avery (S513.065 and S513.091), Chris & Jan Coll (558.287), Chris J Coll Surveying Limited (S566.287), Laura Coll McLaughlin (S574.287), Neil Mouat (S535.041), NZTA Waka Kotahi (S450.135), Te Mana Ora (S190.479), Federated Farmers of New Zealand (S524.089), Buller District Council (S538.288)

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

308. Westpower (S547.429) also sought to add '*minor upgrade and upgrade'* to the rule and reference to energy activities and critical infrastructure. Ms Easton did not support the inclusion of upgrade or minor upgrade, clarifying that this rule applied across the coastal environment, including within sensitive areas. She noted it was intended to provide for maintenance and repair only, with more specific provisions applying in the High Coastal Natural Character Overlay and the Outstanding Coastal Environment Area with appropriate performance standards. She did not support the addition of energy activities because these were covered by network utilities and renewable electricity generation, but supported the addition of regionally significant infrastructure.

309. Ms Easton did not support a submission point from Forest and Bird (S560.290) that sought to delete the words '*lawfully established*' due to concerns that the rule did not appropriately manage effects on indigenous biodiversity. Ms Easton considered this was a matter addressed in the ECO Chapter and considered the cross-reference in Advice Note (1) was sufficient.

310. Ms Easton did not support a submission point from Forest and Bird (S560.0536) that sought a range of additional performance standards be added. She considered these changes would significantly restrict the maintenance and repair of lawfully established structures across a large area of modified coastal land, including many small settlements and areas of farmland, and would be excessive in this context. She considered that rules in other chapters, including ECO Chapter rules controlling vegetation clearance and Earthworks Chapter rules addressed some of the matters the submitter was concerned with. She considered an advice note referring to the Earthworks standards would be a useful addition.

311. Ms Easton did not support a submission point from Forest and Bird (S560.0537) that sought a restricted discretionary activity status where compliance was not achieved because she considered maintenance and repair activities were appropriately permitted and the rule did not provide for new activities.

312. GDC (S608.653) sought clarity on the activity status for listed activities outside the high or outstanding Coastal Environment. Ms Easton supported this submission point and recommended adding '*Activity Status Where Compliance Not Achieved: N/A'.*

313. GDC (S608.653) sought clarification on Rule NC – R1 and raised concern about the restrictions rendering the other permitted activity rules unusable. Ms Easton noted that this was a stand-alone rule providing for maintenance and repair activities.

314. In response to questions, Ms Easton agreed that two clauses under the '*Activity Status Where Compliance Not Achieved: N/A'* were advice notes and should be renumbered (4) and (5).

Rule CE-R2

315. Ms Easton acknowledged submissions[93] in support of the rule.

316. Forest and Bird (S560.291) sought to delete the rule and considered performance standards were needed. The submitter (S560.0575) also sought an amendment to require that Council

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

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

Rule CE-R3

317. Ms Easton acknowledged submissions[94] in support of the rule.

318. Ms Easton supported a submission point from Poutini Ngāi Tahu (S620.205) that sought to amend the rule title to '*Māori Purpose Activities and Associated Buildings'* because she considered this would clarify that any buildings must be associated with the Māori Purpose Activity.

319. Ms Easton supported in part a submission point from Forest and Bird (S560.0576) that sought an additional standard requiring activities to be outside of outstanding areas, or other standards to achieve Policies 13 and 15 of the NZCPS. Ms Easton considered some of these activities could have significant effects on the natural character or landscape values of outstanding coastal areas and that these areas should be excluded from the rule, although she noted that cultural harvest activities should be permitted. Ms Easton noted she had recommended adding a definition for '*cultural harvest*' in the ECO Chapter s42A Report.

320. Ms Easton did not support a submission point from Forest and Bird (S560.292) that sought to delete '*buildings*' from the heading because the rule would not apply in unmodified or outstanding areas of the coastal environment. She noted that the direction in the WCRPS was to avoid adverse effects on outstanding areas and avoid significant adverse effects on other areas. In this context she considered the provisions for buildings were appropriate.

321. Forest and Bird (S560.0577) sought to retain the advice note relating to indigenous vegetation clearance and the inclusion of an additional advice note referring to the Earthworks Chapter provisions. Ms Easton supported this submission point and considered this would provide clarity for Plan users.

Rule CE-R4

322. Ms Easton acknowledged submissions[95] in support of the rule.

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

[94] William McLaughlin (S567.353), Chris & Jan Coll (558.289), Chris J Coll Surveying Limited (S566.289), Laura Coll McLaughlin (S574.289), Te Mana Ora (S190.481), Buller District Council (S538.290)

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

appropriate because it was a reduction in scale in comparison to the wider zone standards, but still allowed for a full height barn or a split-level residential dwelling. She noted a maximum 7m height limit also applied in the Settlement Zone – Coastal Settlement Precinct and to non-residential buildings in the Rural Lifestyle Zone.

324. Ms Easton noted that a similar approach was taken to determining the maximum GFA standard and that 200m^2 provided for a larger than average residential dwelling, while placing some constraints on the degree of dominance over natural character and landscapes. She noted it was also consistent with the maximum permitted GFA in the Coastal Settlement Precinct.

325. Ms Easton noted that the submissions opposing the height and GFA standards did not address how visual impacts on coastal landscapes or adverse effects on natural character would otherwise be avoided, remedied or mitigated. She also noted that since the original landscape and natural character studies were undertaken in 2013, several locations previously considered to have outstanding or high natural character had been significantly degraded by development to the extent that they no longer met these definitions. She noted this was due to construction of residential built development changing the areas from being predominantly natural to modified in character.

326. Ms Easton did not support a submission from Cape Foulwind Staple 2 (S568.012) that sought to reduce the height limit to 5.5m and increase the maximum permitted GFA increased to 400m^2. Ms Easton disagreed that this would have a reduced visual impact compared to the proposed rule and considered that 400m^2 was exceedingly large for a residential dwelling, with the average new dwelling in New Zealand in 2023 being 141m^2. She noted the rule was intended to address impacts on natural character and indigenous biodiversity as well as landscape; and considered that 400m^2 buildings could have significant adverse effects on the natural character, biodiversity and landscape values of the coastal environment, which needed assessing through a resource consent process.

327. Ms Easton supported in part submissions from BDC (S538.291) and Federated Farmers (S524.090) that sought amendments to the standard to allow for larger farm buildings. BDC sought a 300m^2 GFA and Federated Farmers sought a 500m^2 GFA with a 10m height limit to allow for farm equipment storage. Ms Easton noted that neither submitter had provided information about the size of a typical agricultural building, nor how great a constraint the 200m^2 standard created. She had not been able to determine that a 10m high building would be required to house agricultural equipment typically used on the coast. Ms Easton invited these submitters to provide information on the size of agricultural buildings and the size of equipment they need to house at the hearing.

328. Ms Easton did not support a submission from Foodstuffs (S464.047) that sought an exemption for supermarkets. She noted that the Four Square at Karamea was the only supermarket in the coastal environment subject to the rule and was a single storey 400m^2 building. She considered it could be replaced under existing use rights without need for resource consent. She also noted that the review of the Coastal Environment boundary discussed in section 15 of the s42A Report recommended excluding Market Cross within Karamea, and if that recommendation was adopted then the Karamea Four Square would no longer be affected by this rule.

329. Ms Easton did not support a submission point from Bathurst (S491.030) that clause (2)(a) applies to the Mineral Extraction Zone and Buller Coalfields Zone to address a perceived conflict with Rule BCZ-R3. Ms Easton considered that the submitter had misinterpreted the

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

330. Ms Easton did not support submission points from Frida Inta (S553.121) and Buller Conservation Group (S552.121) that sought to amend standard (1) to refer to '*unmodified coastal area or area of high natural biodiversity*.' She considered that, as these areas were not identified or mapped Plan users, she could not determine whether an activity was permitted or not.

331. Ms Easton did not support a submission point from Snodgrass Road submitters (S619.046) that sought to remove the requirement for natural hazard mitigation structures to be constructed by a statutory agency or authorised contractor. She considered that natural hazard mitigation structures had the potential to result in significant adverse effects on natural character where this was undertaken within riparian margins. She considered that activities undertaken by a statutory agency were more likely to be designed and planned to consider adverse effects on the environment as there were other checks through their design and construction process. She considered this approach was consistent with that taken in the NC Chapter.

332. Ms Easton noted she had recommended a definition for '*Statutory Agency*' was added to the Plan in her Introduction and General Provisions s42A Report, as follows:

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

333. Ms Easton considered this definition addressed the first part of the submission point from Waka Kotahi NZTA (S450.136), however, she did not support excluding the state highway network from the schedules because they traverse many areas of high and outstanding natural values. She noted that legal road corridors were often much wider than the carriageway and vegetated, often containing significant natural values. She considered it was appropriate that the landscape and natural character areas assessment has been 'tenure neutral'.

334. Ms Easton supported a submission from GDC (S608.655) that sought to amend the rule to clarify the definition of '*Statutory Agency'* and ensure that the roading network was protected. She considered that the recommended definition addressed this matter.

335. Ms Easton did not support a submission from Forest and Bird (S560.293) that sought to amend Rule CE-R4 to include new structures and buildings, including those in High and Outstanding areas addressed in rules CE-R5 and CE-R10. Ms Easton noted CE-R4 was focussed on areas outside of high and outstanding overlays and considered that combining the rules made them more complex and would not improve the usability of the Plan.

336. The Director General (S602.150) sought several amendments including:

(a) Amending the rule to require that all buildings were set back more than 25m from the coastal marine area;
(b) Deleting clause (b) which provided for energy activities, network utilities and ancillary earthworks subject to provisions in the Energy, Infrastructure and Transport chapters;
(c) Deleting clause (c) which provided for natural hazard mitigation structures constructed by a Statutory Agency or their authorised contractor;

(d) Amending clause (1) to refer to overlay chapter areas, rather than the specific listed overlays; and
(e) Amending the Advice Note to refer Plan Users to the Overlay Chapters and Zone Chapters for additional rules in relation to buildings and structures, rather than listing the specific chapters.

337. In considering this submission point, Ms Easton considered consistency with other natural character provisions in the Plan, in particular the NC Chapter. She supported the proposal for a setback from the coastal marine area for new buildings, as this was the location where natural character values, as well as habitats of coastal fauna and remnant vegetation were most likely to be located, even in relatively modified rural areas and settlements. She noted that the WCRCP or WCRLWP included setbacks for earthworks and on-site effluent discharge, but did not include setbacks for buildings, structures or other activities from the coastal marine area. She noted that in the operative district plans, rural zones all included setbacks of 50-150m for buildings to protect natural character and natural hazards. She noted that the Coastal Hazards Chapter provisions that restrict buildings did not address natural character, and considered a 25m setback for buildings in the Rural Zones and Open Space and Recreation Zones was appropriate.

338. Ms Easton supported in part the request to delete clauses (b) and (c) and considered the following buildings should be permitted within the 25m setback area:

(a) New network utility buildings where these were located within a formed legal road; and

(b) The construction of parks facilities and parks furniture within an Open Space and Recreation Zone.

339. Ms Easton did not support applying the setback to structures because this would capture a wide range of potentially appropriate activities that have minor effects on the coastal environment.

340. Ms Easton supported in part the proposed amendment to clause (1), noting that historic heritage and Sites of Significance to Māori were appropriately managed through the provisions in those chapters of the Plan and did not require further restriction under the CE Chapter. She did not support additional controls on activities in SNA being included in the CE Chapter. However, she considered clause (1) could be amended to refer to just the *'Outstanding Coastal Environment Area'* (which encompassed the areas of Outstanding Natural Landscape, Outstanding Natural Features and Outstanding Coastal Natural Character within the coastal environment) and to the '*High Coastal Natural Character overlay'* because this would simplify the rule wording to some extent.

341. Ms Easton supported the proposed amendment to the Advice Note to refer to Overlay Chapters and Zone Chapters in relation to additional rules that may apply to buildings and structures.

342. Forest and Bird (S560.0578) sought several amendments as follows:

(a) To apply within the Open Space and Recreation Zones and only allow for parks facilities or parks furniture;
(b) To apply within the Māori Purpose Zone where these buildings also met CE –R3;
(c) Reduce the permitted gross ground floor area to 100m^2;
(d) To regulate earthworks and provide only for these where they are for:

i. Establishment of a building platform and access to a building site in an approved subdivision or where there is no existing residential building on the site; and
ii. Any earthworks are limited to fill, excavation or removal of no more than 250m^2 and 250m^3; and

(e) Delete reference to natural hazard mitigation structures; and
(f) Amend reference to energy activities and network utilities to only those that were permitted activities in the Energy, Infrastructure and Transport chapters of the Plan.

343. Ms Easton supported this submission point in part. She supported the provisions also applying to the Open Space Zone (outside of the settlements of Greymouth, Hokitika and Westport) and the Natural Open Space Zone in all locations in relation to the recommended 25m setback. She also supported the addition of a requirement that energy and network utilities also be Permitted Activities in the Energy, Infrastructure and Transport Chapter.

344. Ms Easton did not support the rule applying to the Sports and Recreation Zone as this was predominantly found within the most modified parts of the coastal environment. She also did not support the rule applying in the Māori Purpose Zone because buildings were only provided for as a permitted activity under Rule CE – R3, where they were undertaken in accordance with an Iwi/Papatipu Rūnanga Management Plan. She did not support a reduction in permitted GFA to 100m^2, as she considered the proposed 200m^2 limit was appropriate. She did not support deleting natural hazard mitigation structures constructed by a statutory agency, as previously discussed. She did not support restrictions on earthworks, noting that other district plans reviewed almost universally only applied restrictions on earthworks where they are in areas of high or outstanding natural character.

Rule CE-R13

345. Ms Easton acknowledged submissions[96] in support of the rule as notified.

346. Ms Easton did not support a submission point from Forest and Bird (S560.302) that sought a discretionary activity status in the outstanding coastal environment. She noted that enabling and supporting Tino Rangatiratanga was a key strategic focus of Te Tai o Poutini Plan. Within this context, she considered that a sufficient assessment of any adverse effects on outstanding values was able to be undertaken and managed through a restricted discretionary activity rule.

347. Ms Easton did not support a submission from GDC (S608.660) that sought reference to the escalation status where the rule was not met, noting that the submitter appeared to have misinterpreted the rule as there was no escalation.

Rule CE-R14

348. Ms Easton acknowledged the submissions[97] in support of the rule.

349. Sixteen submitters[98] sought the rule be amended to be more enabling of development as they considered it was too restrictive. Ms Easton did not support these submissions, noting that

[96] Te Mana Ora (S190.491), Buller District Council (S538.300)
[97] Te Mana Ora (S190.492), Buller District Council (S538.301)
[98] Avery Bros (S510.101), Peter Langford (S615.103), Karamea Lime Company (S614.103), Catherine Smart-Simpson (S564.081), William McLaughlin (S567.359), Steve Croasdale (S516.079), Geoff Volckman (S563.070), Leonie Avery (S507.101), Jared Avery (S508.101), Kyle Avery (S509.101), Bradshaw Farms (S511.101), Paul Avery (S512.101), Brett Avery (S5101), Chris & Jan Coll (558.295), Chris J Coll Surveying Limited (S566.295), Neil Mouat (S535.101),

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

350. Ms Easton did not support a submission point from Westpower (S547.440) that sought to add a matter of discretion: '*the benefits arising from the activity*.' She acknowledged that a similar submission was accepted in relation to the NFL Chapter because the policy framework included specific consideration of positive effects, but she noted this was not present in the coastal environment framework, which was more precautionary. On this basis she did not consider this assessment criteria to be appropriate.

351. Ms Easton supported in part a submission point from Westpower (S547.441) that sought to add a matter of discretion: '*The technical, locational, functional or operational constraints and/or requirements of the activity*.' She supported an additional matter worded *'the functional or operational needs of the activity',* recognising that the Planning Standards definition for *'Operational need'* included technical and locational requirements.

352. The Director General (S602.159) sought additional matters of discretion: '*adverse effects on amenity*'; '*adverse effects on historic heritage';* and *'adverse effects on ecological functioning and the life supporting capacity of air, water, soil and ecosystems*.' The Director also sought an amendment to clause (i) to refer to '*adverse effects'* rather than *'impacts'* and to consider adverse effects on conservation values. Ms Easton supported this in part and recommended historic heritage be considered as part of matter of discretion (d), which already addressed Poutini Ngāi Tahu values. She did not consider amenity was an issue needing specific consideration as a matter of discretion. She considered ecological functioning and the life supporting capacity of air, water, soil and ecosystems was a very wide matter and was not an appropriate matter of discretion. She supported replacing *'impacts'* with '*adverse effects'*.

353. Ms Easton did not support the submission point from Forest and Bird (S560.303) that sought the rule be combined with CE-R15. She noted CE-R15 only applied to areas identified as High Natural Character and addressed earthworks which were not controlled under CE-R4. She noted that she had not supported earthworks being included in CE-R4.

354. Ms Easton supported in part a submission point from Forest and Bird (S560.0560 and S560.531) that sought an additional matter of discretion: '*effects on natural character, natural landscapes and natural features of the coastal environment'*. She noted that effects on natural character of the coast were already addressed under matter (c), but she supported an additional matter *'effects on natural landscapes and natural features of the coastal environment*'.

355. GDC (S608.661) sought a reference to activity status where the rule was not met. Ms Easton noted that they appeared to have misinterpreted the rule, as there was no escalation status, therefore she did not support his submission.

Hearing and Submitter Evidence/Statements

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

357. Mr Brass, for the Director General, confirmed he was comfortable with the s42A Report recommendations on rule CE-R4.

358. Ms Inta noted that the amendment she and the Buller Conservation Group had requested to CE-R4 were rejected. She sought a direct reference to Rule ECO-R2 be added to the advice notes for CE-R4. She also sought that CE-RXX include an additional matter of discretion, either '*Area and location of any indigenous vegetation clearance and habitats of indigenous fauna',* as in CE-R12, or '*Adverse effects on biodiversity and conservation values',* as in CE-R14.

359. Ms Pull, for Poutini Ngāi Tahu, noted the s42a Report recommendations on CE-R3 and highlighted the '*outstanding*' overlays were highly valued partly because of the Poutini Ngāi Tahu associations, as stated in CE-P1. She considered that restricting the ongoing associations and relationships with these areas did not protect these values but rather reduced them by preventing associations that give them value. She considered that enabling Māori activities in the zoning and restricting it under the overlays did not achieve the Treaty Settlement, RMA s6 and s8, the NZCPS or the WCRPS.

360. In evidence provided following the hearing, Ms Pull confirmed that 141.52ha of land within the Māori Purpose Zone and the Coastal Environment was also within the Outstanding Natural Character or Outstanding Coastal Environment Overlay. She noted the land within the outstanding and other overlays was 144.63ha in area. She provided a list of SASM and other areas that this included and confirmed that this was considered during plan development, quoting sections from the Special Zones s32 Report (pg. 52) and of the Coastal Environment s32 Report (pg. 90 and 104). With respect to whether a restriction on Māori Purpose Activities on Māori Purpose Zone land within the outstanding coastal environment needed restrictions, Ms Pull noted that 150ha of land was impacted by this rule. She noted that as all the sites in this area were also SASM, the sites were of high cultural value, which would restrict a high level of modification. She noted she would not expect significant loss of naturalness for the sites containing silent files, nor the ones protected due to high mahinga kai values. She considered this leaves the Arahura River site as the most likely to be enabled by the notified version of the rule, but noted this includes an urupā and ancestors embedded in the landscape. She considered development would therefore be around the marae and likely of low density.

361. Ms Pull acknowledged NZCPS Objective 2 required the natural character of the coastal environment to be preserved, but that it also requires the identification and protection of areas where development would be inappropriate. She considered this meant the Plan could also identify areas where development was appropriate and encourage activities in those areas.

362. In a tabled letter to the Panel[99] Poutini Ngāi Tahu did not support the s42A Report recommendation to limit Rule CE-R3 to apply only outside the Outstanding Coastal Environment Areas. They considered this did not implement CE-P3, which included all of these areas. The letter also noted that the policy referred to cultural harvest, while the rule provided essentially a new definition. Poutini Ngāi Tahu considered this created confusion as the rule provided for mahinga kai as part of cultural harvest throughout the coastal environment, but was also a Poutini Ngāi Tahu Activity only allowed outside the coastal environment. They noted the requirements in the NZCPS to take into account the principles of Te Tiriti o Waitangi, tangata whenua and kaitiakitanga in relation to the coastal environment. They recommended

[99] Rachael Pull, 19 September 2024

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

363. Ms Pull supported the s42A Report recommendations on CE-R13 and the submission point from Poutini Ngāi Tahu requesting archaeological sites be included as a matter of discretion for restricted discretionary activities, including cross-referencing in the Plan.

364. The letter from Transpower confirmed their acceptance of the s42A Report recommendations on its submission on CE-R4.

365. Mr Kennedy, for Westpower, confirmed that he accepted the recommendation on the CE rules as a whole. In relation to CE-R1, he agreed with adding '*regionally significant infrastructure*' to the rule heading, but requested that the proposed advice note be amended to read '*refer to the rules in Earthworks Chapter*'. He considered the recommendations on CE-R4 resulted in a lack of clarity around what Westpower activities were permitted, particularly in terms of the electricity distribution network. He considered this rule had significant potential to impact Westpower's ability to supply renewable energy to the community, given the spatial extent of the coastal environment. Although clause (2)(a) remained unchanged, Mr Kennedy noted that following a matter arising in the Natural Hazards Chapter, it was unclear why network utility operators could undertake hazard mitigation works, given the rule applied outside of outstanding or high natural character areas. Mr Kennedy acknowledged Westpower did not submit on this clause, but noted that the recommended definition for '*Statutory Agency*' would exclude network utility operators.

366. In relation to CE-R14, Mr Kennedy considered that it was unclear whether CE-R14 applied to Energy Activities and Network Utilities given the advice note stated '*In the case of Energy Activities and Network Utilities the relevant Energy, Infrastructure or Transport Rules apply'*. He considered that if recourse was to be had to the Energy, Infrastructure and Transport (**EIT**) chapters rules, but consent was still required under CE-R14, then the additional matters of discretion sought in the Westpower submission should be included in CE-R14. He noted that matters of discretion in the EIT chapters included consideration of benefits and constraints and requirements. Mr Kennedy noted that the s42A Report Appendix 1 included a matter of discretion '*the functional or operational needs of the activity*' and sought that an additional matter '*the benefits arising from the proposed activity***'** was added.

367. Mr Kennedy generally supported the amendments proposed to CE-R14(d), (i) and (k), which Westpower made further submissions on, and noted clause (i) included '*conservation values*', which Westpower opposed because of the undefined nature of the term. He requested the term was deleted.

368. Ms Hunter, for Bathurst, advised of the withdrawal their submission point on Rule CE-R4.

Reporting Officer's Reply Evidence

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

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

370. The Panel queried the implications of the recommended changes to Rule CE-R3 and the location of Māori Purpose Zone land covered by Outstanding Natural Character areas that would be affected by the recommended change. Ms Easton considered the major change would exclude outstanding areas from the permitted activity rule. She noted that in the notified plan there were no ONFL within the coastal environment over Māori Purpose Zone areas. She noted that, as is discussed in the Natural Landscape and Features Right of Reply, she did not recommend any expansion of this overlay over private land due to scope and natural justice issues.

371. Ms Easton provided a map identifying the areas of outstanding natural character over Māori Purpose Zone land, noting these were:

- Bruce Bay – Māori Purpose Zone on the foreshore of the southern end of Bruce Bay.
- Makaawhio River Mouth – part of an area of Māori Purpose Zone around the river mouth.

372. Ms Easton noted the Bruce Bay land was a historic urupā at Mahitahi. She considered any impacts on this area would be minimal as it had no legal or physical access other than by boat and was entirely bush covered. She considered this site was very unlikely to be developed other than for seasonal camping/nohoanga.

373. Ms Easton noted the other location was the mouth of the Makaawhio River, which was a much larger area and a former large settlement, on a property where Ngāti Māhaki have development aspirations and active development planning underway. Although this area was subject to the Coastal Hazard Alert overlay, she noted removing the permitted activity status for Māori Purpose Activities from this site would restrict the ability of Ngāti Māhaki to exercise tino rangatiratanga over the site.

374. Ms Easton noted that Ms Gilbert's revised mapping of the ONC areas would mean additional outstanding natural character areas were located within part of the Hunts Beach/Manakaiaua Māori Purpose Zone, but she considered there was no scope to include that change.

375. The Panel asked Ms Easton to address the inconsistency between CE-P3 and CE-R2, with regard to outstanding areas and Poutini Ngāi Tahu values. We also asked her to consider whether the term '*ancillary buildings'* in the title of CE - R3 was more appropriate than '*associated buildings'*. Ms Easton responded that she had considered the evidence of Poutini Ngāi Tahu, the information discussed above, and how she had addressed the matter at policy level. She noted that NZCPS policy 6(d) stated:

> *(d) recognise tangata whenua needs for papakāinga, marae and associated developments and make appropriate provision for them;*

376. In light of this, and the clear intention of TTPP to provide for tino rangatiratanga, Ms Easton confirmed she no longer supported the addition of the standard that Rule CE-R3 not apply to outstanding areas. She supported the use of *'ancillary buildings'* because this was a defined term and removed uncertainty from the Plan. Her updated recommendations for this rule were for it to be retained as notified, with the addition of '*ancillary buildings*'.

377. The Panel requested that Ms Easton consider whether CE-R4 could provide an allowance for larger farm buildings compared to residential units. In response to Mr Coates and the assessments of Mr Stephen Brown, she considered some allowance could be made for larger farm buildings. She noted that residential dwellings had significant associated infrastructure

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

378. Ms Easton noted that it had been fragmentation of areas with residential dwellings that had resulted in landscape areas on the hills behind Greymouth and part of the hills behind Barrytown being downgraded from outstanding. She considered the colour, size and shape of the dwellings to be a significant contributor to these. In addition, she noted that dwellings were often located to maximise views and frequently protruded above ridgelines, resulting in greater visual effects. By comparison, she considered farm buildings with simple forms were a common part of the coastal landscape and were less visually dominating. She also considered that farms were generally much larger sized properties than rural residential or lifestyle properties, so the density of farm buildings was lower than residential development.

379. In light of the above, Ms Easton considered differentiation between the two types of buildings was appropriate. She noted that the General Rural Zone allowed for 10m high buildings and there were existing buildings of this size within the coastal environment. She considered that Mr Coates had provided useful examples at the hearing as to the types of requirements for farming buildings that created a need for a taller building, such as fertilizer silos. Ms Easton noted that the General Rural Zone allowed for buildings with very large footprints and considered some restriction on size was still necessary in the coastal environment to reduce the loss of natural character and landscape values. She reviewed how this matter was dealt with in other Plans, but found that they did not differentiate between residential and non-residential buildings; and that the notified height and floor area allowed in the TTPP was more permissive than that of other district plans.

380. The Panel requested that Ms Easton clarify requirements for structures in CE-R4 and advise whether amendments would make these clearer. Ms Easton noted that the standards in CE-R4 applied to new buildings only, not extensions. She recommended adding an advice note as follows:

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

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

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

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

Hearing Panel's Evaluation

Rule CE – R1

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

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

Rule CE – R2

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

Rule CE – R3

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

Rule CE – R4

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

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

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

389. The Panel recommends amending clause (2)(iv)(I) to replace '*formed legal road'* with *'legal road reserve*'.

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

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

Rule CE – R13

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

Rule CE – R14

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

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

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

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

New Rule

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

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

Hearing Panel's Recommendation

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

CE - R1 Maintenance ~~and~~ repair and minor upgrade[100] of lawfully established structures, network utilities, renewable electricity generation activities,[101] regionally significant infrastructure,[102] fence lines and tracks within the Coastal Environment

Activity Status Permitted

Where:

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

Activity status where compliance not achieved: **N/A**[105]

Advice Notes:

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

CE - R2 Conservation Activities within the Coastal Environment

Activity Status Permitted

Advice Note:

[100] Westpower Limited S547.429
[101] RMA Schedule 1, clause 16(2)
[102] KiwiRail Holdings Limited S442.077, Westpower Limited S547.429
[103] Westpower Limited S547.429
[104] Westpower Limited S547.429
[105] Grey District Council S608.654
[106] Royal Forest and Bird Protection Society of New Zealand Incorporated S560.536

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

Activity status where compliance not achieved: N/A

CE - R3 Māori Purpose Activities and Ancillary[107] Buildings in the Coastal Environment

Activity Status Permitted

Where:

1. ~~These are~~ **This is cultural harvest of cultural materials; or**

2. **These are:**

   a. Poutini Ngāi Tahu activities~~, including cultural harvest of vegetation, mahinga kai, collection of Pounamu, Aotea stone or rock~~; or[108]

   b. Māori Purpose Activities undertaken within the Māori Purpose Zone undertaken in accordance with an Iwi/Papatipu Rūnanga Management Plan that includes an assessment of, and mitigation of, impacts on the coastal environment values, including, where relevant, natural character, natural landscape and natural features.

Advice Notes:

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

Activity status where compliance not achieved: Restricted Discretionary

CE - R4 Buildings and Structures in the Coastal Environment

Activity Status Permitted

Where:

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

[107] Te Rūnanga o Ngāi Tau, Te Rūnanga of Ngāti Waewae and Te Rūnanga o Makaawhio S620.205
[108] Royal Forest and Bird Protection Society of New Zealand Incorporated S560.0576, Te Rūnanga o Ngāi Tau, Te Rūnanga of Ngāti Waewae and Te Rūnanga o Makaawhio FS41.081
[109] Director General of Conservation S602.150

a. **Buildings and structures that c**~~C~~omply with the rules for buildings and structures within the relevant zone, except that within the GRUZ - General Rural Zone, RLZ - Rural Lifestyle ~~and~~ SETZ - Settlement Zone **OSZ - Open Space Zone and the NOSZ – Natural Open Space Zone:** [110]
   i. Maximum height is 7m for new buildings;
   ii. No height limits apply where this is replacement of a lawfully established building with another building of the same height, in the same location; and
   iii. The gross ground floor area is:
      I. A maximum of 200m^2 per building for new buildings;
      II. No maximum area where this is the replacement of a lawfully established building with another building of the same ground floor area, in the same location; ~~or~~ **and**
   iv. New buildings are set back 25m from Mean High Water Springs[111] **except where these are:**
      I. New network utility buildings, where these are located within a legal road reserve; or
      II. Parks facilities or parks furniture within any OSRZ - Open Space and Recreation Zone; or[112]

b. ~~Are~~ Energy Activities or Network Utilities, including ancillary earthworks, ~~subject to provisions~~ **that are permitted activities**[113] in the Energy, Infrastructure and Transport Chapters of the Plan; or

~~c. Are natural hazard mitigation structures constructed by a Statutory Agency or their authorised contractor.~~[114]

Advice Notes:

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

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

Activity status where compliance not achieved:

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

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

Otherwise Restricted Discretionary

Restricted Discretionary Activities

[110] Royal Forest and Bird Protection Society of New Zealand Incorporated S560.0578
[111] Director General of Conservation S602.150
[112] Royal Forest and Bird Protection Society of New Zealand Incorporated S560.0578
[113] Royal Forest and Bird Protection Society of New Zealand Incorporated S560.0578
[114] Director General of Conservation S602.150
[115] Director General of Conservation S602.150
[116] Royal Forest and Bird Protection Society of New Zealand Incorporated S560.0578
[117] Royal Forest and Bird Protection Society of New Zealand Incorporated S560.0578

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

Activity Status Restricted Discretionary

Discretion is restricted to:

a. Effects on habitats of any threatened or ~~protected~~ **at risk**[118] flora or fauna species;

b. Effects on the threat status of land environments in category one or two of the Threatened Environments Classification;

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

d. Effects on the intrinsic values of ecosystems;

e. Effects on recreational values of public land;

f. Effects on Poutini Ngāi Tahu values and any Sites and Areas of Significance to Māori identified in Schedule Three;

g. Landscape and visual effects;

h. Effects on natural character and natural features;

i. Location, dimensions and appearance of any structure; ~~and~~

j. Effects on public access to the coast~~.~~; **and**

k. Effects on any archaeological sites.[119]

Activity status where compliance not achieved: N/A

CE - R14 Buildings and Structures not meeting Rule CE - R4 outside of the Outstanding Coastal Environment Area[120] and High Coastal Natural Character Overlay ~~identified in Schedule Seven~~[121]

Activity Status Restricted Discretionary

Discretion is restricted to:

a. Any requirements for landscape evaluation;

b. The extent to which the site is visible from a road or public place;

c. The effects on the natural character of the coast;

d. The effects on Poutini Ngāi Tahu values~~;~~**, any archaeological sites,**[122] **historic heritage**[123] or **on** any Site and Areas of Significance to Māori identified in Schedule Three;

e. The effects on potential or current public access to the coast;

f. Design and location of any buildings, structures or earthworks;

g. Volume and area of earthworks;

h. Area and location of any vegetation clearance;

[118] Consequential amendment from ECO Chapter Recommendation Report, Director General of Conservation S602.078
[119] Te Rūnanga o Ngāi Tau, Te Rūnanga of Ngāti Waewae and Te Rūnanga o Makaawhio S620.207
[120] RMA First Schedule, Clause 16
[121] Buller District Council S583.287
[122] Te Rūnanga o Ngāi Tau, Te Rūnanga of Ngāti Waewae and Te Rūnanga o Makaawhio S620.207
[123] Director General of Conservation S602.159

i. ~~Impacts~~ **Effects** on biodiversity values; ~~and~~

j. Effects on ecological functioning and the life supporting capacity of air, water, soil and ecosystems; [124]

k. Effects on the intrinsic values of ecosystems; [125]

l. **Measures to mitigate l~~L~~**andscape ~~measures~~ **effects;** [126]

m. The effects on natural landscapes and natural features in the coastal environment; and [127]

n. The functional or operational needs of the activity. [128]

Activity status where compliance not achieved: N/A

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

Activity Status: Restricted Discretionary

Discretion is restricted to:

a. Any requirements for landscape evaluation;

b. The extent to which the site is visible from a road or public place;

c. The effects on the natural character of the coast;

d. The effects on Poutini Ngāi Tahu values, any archaeological sites, historic heritage or on any Site and Areas of Significance to Māori identified in Schedule Three;

e. The effects on potential or current public access to the coast;

f. Area and location of any indigenous vegetation clearance; and

g. The effects on natural landscapes and natural features of the coastal environment.

Advice Notes:

1. When assessing resource consents under this rule, assessment against the relevant Coastal Environment, Ecosystems and Indigenous Biodiversity, Natural Features and Landscapes objectives and policies will be required.

2. This rule also applies to commercial forestry activities where this provision is more stringent than the NES - CF.

Activity status where compliance not achieved: N/A [129]

[124] Director General of Conservation S602.159
[125] Director General of Conservation S602.159
[126] Consequential amendment from Natural Features and Landscape Chapter Recommendation Report, Manawa Energy Limited S438.100
[127] Royal Forest and Bird Protection Society of New Zealand Incorporated S560.0650
[128] Westpower Limited S547.441
[129] Royal Forest and Bird Protection Society of New Zealand Incorporated S560.309 and S560.308

3.6. Permitted activities in the High Natural Character Overlay

Submissions and Further Submissions

399. Seven submission points and two further submissions received on the permitted activity **rules as a whole** were summarised in a Table on page 105 of the s42A Report. All submission points sought amendments. The two further submissions supported one amendment.

400. Twenty-nine submission points and two further submissions received on **Rule CE-R5** and were summarised in a Table on pages 105-108 of the s42A Report. Two submission points were in support and the remainder sought amendments. The two further submissions opposed two amendments.

401. Nineteen submission points and four further submissions were received on **Rule CE-R6** and were summarised in a Table on pages 108-110 of the s42A Report. One submission point was in support and the remainder sought amendments. Three further submissions opposed some amendments and one supported one amendment.

402. Twenty-two submission points and one further submission were received on **Rule CE-R7** and were summarised in a Table on pages 110-112 of the s42A Report. Five submission points were in support and the remainder sought amendments. The further submissions opposed one amendment.

Section 42A Report

Rules as a whole

403. Teresa Wyndham-Smith (S312.011) sought an additional rule to restrict development of tourist infrastructure within the Hartmount Place/Te Miko/Ross subdivision area, such as widening the road or sealing the surface to accommodate tourist traffic. Ms Easton supported this submission point in part, although she considered this submission should have been addressed under the Settlement Zone Chapter hearing. She noted that the operative Buller District Plan did not control vegetation clearance within the roading corridor. She highlighted the notified TTPP was more restrictive, with a limit of 500m^2 of clearance over any three year period as a permitted activity, which would apply to any road widening undertaken by a network utility operator. She noted there was no permitted activity for vegetation clearance for development of private infrastructure and considered this provided a better degree of protection and addressed some of the submitter's concerns. Ms Easton did not recommend any amendments to the Plan in relation to this submission point.

404. Six submitters[130] sought that the rules be amended to be more enabling of development. Ms Easton did not support these submissions, considering that restrictions on development were required by the WCRPS in order to avoid adverse effects on HCNC areas. She noted that the submitters had not provided any reasons for these requests, or any information on how the rules should be amended, or how this could be undertaken within the direction provided by the NZCPS and WCRPS.

Rule CE-R5

[130] John Brazil (S360.039), William McLaughlin (S567.356), Steve Croasdale (S516.076), Chris & Jan Coll (558.292), Chris J Coll Surveying Limited (S566.292), Laura Coll McLaughlin (S574.292)

405. Ms Easton acknowledged the submission from Te Mana Ora (S190.483) in support of the rule.

406. Westpower (S547.431 and S547.432) sought to include minor upgrading of energy activities and amend standard (1) to refer to energy activities and critical infrastructure. Ms Easton did not support these submissions because she considered the rule already provided for minor upgrade for network utilities (which included electricity operation and distribution) and renewable electricity generation activities. She was unclear what additional activities, that were not included within the definitions of '*network utilities'* and '*renewable electricity generation activities'*, Westpower sought to include. She noted that the WCRPS direction in relation to the coastal environment focused on supporting and enabling the National Grid and renewable electricity generation activities, rather than regionally significant infrastructure. She was unconvinced that the higher order document direction applied more widely in this circumstance.

407. Buller Conservation Group (S552.132) and Frida Inta (S553.132) sought to reduce the height limit from 7m. Ms Easton did not support this submission point and noted that a 7m height limit was a standard height applied across the more sensitive areas of the coastal environment. She noted that it provided for a single level dwelling, recognising steep topography of many parts of the coastal environment.

408. Forest and Bird (S560.294) sought to delete the rule and combine it with other rules to separate maintenance and repair from other activities. Ms Easton did not support this submission, noting the approach was to have rules focussed on location, making the Plan easier for users to navigate.

409. Ms Easton did not support submission points from Forest and Bird[131] seeking amendments including:

(a) Deleting '*operation'* from standard (1) in relation to network utilities and renewable electricity generation.

(b) Limiting minor upgrades to the National Grid only and grouping these with maintenance and repair.

(c) Including upgrade for network utilities and renewable electricity generation activities within rules for new structure (CE-R8).

410. Ms Easton noted that the WCRPS directs that significant adverse effects on HNC areas must be avoided, which differed from the direction on outstanding natural character areas.

411. Forest and Bird (S560.0583) considered clause (3) '*Within the Māori Purpose Zone, these are Māori Purpose Activities'* duplicated CE-R3 and sought that the built form standards in clause (4) also apply to clause (3). Ms Easton noted that there were two main areas of Māori Purpose Zone within the HCNC overlay, one at Bruce Bay/Mahitahi and one at Arahura. However, she noted the mapping review had recommended amending the Arahura HCNC so that it no longer applied to the Arahura Māori Purpose Zone. She noted this would result in Bruce Bay being the only MPZ land within which the rule would apply; and clarified this area was a wetland subject to the Coastal Alert Hazard Overlay, which placed significant restrictions on development. Ms Easton considered any further restrictions through CE-R5 was unnecessary as significant development was unlikely to occur in this area.

[131] S560.0579, S560.0580, S560.0581

412. Ms Easton supported a submission point from Forest and Bird (S560.0582) that sought the rule be clarified so it was clear that clause (4) did not apply to the Natural Open Space Zone.

413. Ms Easton supported in part a submission point from the Director General (602.151) that sought a 30m coastal setback apply to new buildings and structures and that they were not located within any other overlay area. She supported a 25m setback from the coast for new buildings, consistent with her recommendation on CE-R4. She noted that, in practice, this would mainly apply to non-residential buildings, as in almost all instances, these areas were subject to the Coastal Hazard Alert or Severe Overlay, where residential building was very restricted. She also supported amendments to the advice note consistent with CE-R4. She did not support the proposed amendment that these buildings were not located in any other overlay area. She considered that the other District-wide overlay provisions appropriately managed the effects of buildings in these overlay areas and duplication or increased restriction was unnecessary.

414. Twelve submissions[132] sought the rule be amended to be more enabling of development. Lynne Lever & Greg Tinney (S320.005) and Hapuka Landing Limited (S514.003) sought an increased floor area and building footprint to allow for appropriate residential use. BDC (S538.292) sought that the maximum ground floor area be increased from 100m^2 to 150m^2.

415. Ms Easton noted that the proposed rule allowed 100m^2 GFA for new buildings and 50m^2 additions to existing buildings. She noted that the HCNC areas were largely vegetated, but included locations where there was predominantly residential development and areas where there were farm buildings, network utility infrastructure, and natural hazard protection structures, as well as areas where subdivision had been approved but no development had yet occurred.

416. Ms Easton noted that Rule ECO-R2 provided for 500m^2 of indigenous vegetation clearance within the coastal environment as a permitted activity, provided these areas were not identified as an SNA, and it was for a range of specific and limited purposes, including creating access to building sites and clearance for the site development. Ms Easton considered that larger building footprints would drive clearance towards the upper end of the permitted standard, but that a 150m^2 building could be accommodated within the permitted clearance. Ms Easton also noted that CE-R5 included a maximum building height of 7m, which she considers did not allow for a two-storey building. Ms Easton supported an increase in building footprint to 150m^2 as proposed by BDC, where this was for the establishment of a new residential dwelling on a site where no other dwelling was located.

Rule CE-R6

417. Ms Easton acknowledged the submission from Te Mana Ora (S190.484) in support of the rule.

418. Ms Eason did not support submissions[133] that sought to amend the rule to be more enabling of development. She noted that the WCRPS Policy 1c and NZCPS Policy 13 direct that significant adverse effects on HCNC areas are to be avoided. No reasons are provided for these submissions, other than that they are considered too restrictive, and no information is

[132] Peter Langford (S615.095), Karamea Lime Company (S614.095), Catherine Smart-Simpson (S564.073), Geoff Volckman (S563.067), Leonie Avery (507.093), Jared Avery (S508.093), Kyle Avery (S509.093), Avery Bros (S510.093), Bradshaw Farms (S511.093), Paul Avery (S512.093), Brett Avery (S513.093), Neil Mouat (S535.043)

[133] Peter Langford (S615.096), Karamea Lime Company (S614.096), Catherine Smart-Simpson (S564.074), Geoff Volckman (S563.068), Leonie Avery (507.094), Jared Avery (S508.094), Kyle Avery (S509.094), Avery Bros (S510.094), Bradshaw Farms (S511.094), Paul Avery (S512.094), Brett Avery (S513.094), Neil Mouat (S535.044)

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

419. Six other submissions sought specific amendments as follows:

(a) WDC (S181.026) sought to replace "*there is no reduction in public access*" with "*practical public access is provided for*" in clause (3).

(b) Waka Kotahi NZTA (S450.138) sought to replace "*minimum*" with a set figure for earthworks volume/area within the rule, define "*statutory agency*" and clarify the intent of clause (4).

(c) BDC (S538.293) sought to delete the requirement that the work be undertaken by a Statutory Agency.

(d) Forest and Bird (S560.295) sought to combine CE – R9 with CE – R6 and as a consequence delete CE – R9. They also sought to delete "*reconstruction*" and include requirement that earthworks and land disturbance be located within 2m of the structure and involve no more than 100m^3 of material excavated, deposited or removed.

(e) Director General (S602.152) sought to delete "*reconstruction*"; earthworks be contained wholly within the footprint of the mitigation structure; and where compliance was not achieved, then the activity be restricted discretionary.

(f) GDC (S608.656) sought amendments to clarify the definition of statutory agency and ensure that protection of the roading network was provided for.

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

(a) Permitted activity status for maintenance and repair of all lawfully established natural hazard mitigation structures, regardless of ownership.

(b) Provide for upgrades where these are undertaken by a Statutory Agency (as defined from recommendations in previous s42A Reports). "*Upgrade*" should replace the terms "*additions*" and "*reconstruction*".

(c) Delete the reference to "*materials*" in clause (4).

(d) Provide for a maximum volume of earthworks, which she recommended 25m^3/200m of coastline in order to be consistent with the riparian margin provisions.

(e) Harmonise the wording between the Natural Hazards Chapter and CE Chapters within clauses (5) and (6), including replacing: "designated" contractors with "nominated" contractors; "*consented*" with "*lawfully established*"; and "*outline*" with *"height or length*". Ms Easton considered these would be consequential amendments from recommendations to changes to Rule NH – R2 and would also meet the RMA, Schedule 1, clause 16 minor amendment test.

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

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

422. Ms Easton did not support the submission point from WDC. She considered that as public access was a matter of national importance it was not appropriate that it could be restricted as a permitted activity. She considered this should require assessment through the resource consent process and against Policy CE-P7.

423. Ms Easton did not support the submission point from Forest and Bird that sought to combine this rule with CE-R9. She considered that upgrades of natural hazard mitigation structures should not be included within the permitted activity for Outstanding Coastal Environment Areas. However, she supported upgrades undertaken by a statutory agency being provided for as part of the permitted activity in the HCNC areas and discussed this further in relation to Rule CE-R9.

Rule CE-R7

424. Ms Easton acknowledged submissions[134] in support of the rule.

425. Twelve submitters[135] sought for the rule to be more enabling of development as they considered it is too restrictive. Lynne Lever & Greg Tinney (S320.006) sought the rule be amended to increase the list of permitted earthwork activities to provide for basic West Coast landowner needs. They were concerned that a woodshed, garage or ancillary building would not be permitted, despite CE-R5 allowing for these, as earthworks were required. Ms Easton supported these submissions in part and recommended an additional standard '*these are for the establishment of buildings Permitted by Rule CE – R5*' be added.

426. Ms Easton did not support a submission point from Greg Maitland (S571.009) that sought for the permitted earthworks to be based on a percentage of the total land area. She considered this was not effects-based and would enable significant adverse effects to occur on large sites.

427. Westpower (S547.433) sought to amend clause (b) to refer to existing network utility infrastructure; and that the clause also referred to energy activities and critical infrastructure. Ms Easton supported this submission point in part. She noted that the rule was intended to apply to existing network utility infrastructure, and she supported clarification, and considered it should also apply to renewable electricity generation activities. She considered energy activities did not need to be specifically referenced as they were included in network utility infrastructure and renewable electricity generation activities. Ms Easton was reluctant to extend the provisions to a wider range of critical/regionally significant infrastructure as she did not consider it consistent with the direction in the WCRPS, which was very focussed on electricity generation and transmission.

428. The Director General (S602.153) sought amendments to the rule that were supported in part by Ms Easton, including:

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

[135] Peter Langford (S615.097), Karamea Lime Company (S614.097), Catherine Smart-Simpson (S564.075), Geoff Volckman (S563.0173), Leonie Avery (507.095), Jared Avery (S508.095), Kyle Avery (S509.095), Avery Bros (S510.095), Bradshaw Farms (S511.095), Paul Avery (S512.095), Brett Avery (S513.095), Neil Mouat (S535.045)

(a) Restricting clauses (a) and (b) to operation, maintenance, repair or upgrade of existing facilities;

(b) Adding a new limit for cut height or fill depth to a maximum vertical height of one metre;

(c) Additional requirements placed on earthworks within 30m of the coastal marine area.

429. Ms Easton agreed the rule should only apply to operation, maintenance, repair and upgrade of existing facilities. Rather than deleting the provisions for earthworks for new network utilities, she recommended that these continue to be provided for within existing formed legal roads. She agreed new renewable electricity generation activities should be provided for within existing formed roads. She noted that the rule provisions of a maximum 250m^2/ha and 250m^3/ha for earthworks was already more restrictive than her recommendations in the Natural Features and Landscape Chapter and on that basis did not recommend further restrictions on earthworks. She noted that the advice note regarding earthworks did not point the Plan user to the Earthworks Chapter rules, which would also apply, and recommended this cross-reference was added to the advice note.

Hearing and Submitter Evidence/Statements

430. Mr Brass, for the Director General, confirmed that the s42A Report recommendations were generally consistent with the intent of the Director General's submission. He was comfortable that the amendments to CE-R5-R7 were consistent with the recommended changes to CE-R4.

431. Ms Inta noted that there was no discussion in the s42A Report to explain why Rule CE-R6(4) was deleted; and that this and an amendment to CE-R5 were both numbered '49.'

432. Mr Kennedy, for Westpower, considered that the electricity network and activities were not adequately recognised and provided for in the assessments used to define landscape values. He considered the RPS sought to enable regionally significant infrastructure (WCRPS Chapter 6 Objective 1) and required the Plan to have particular regard to constraints on the requirements of regionally significant electricity infrastructure, including within outstanding areas and SNA (RPS Chapter 9 Policy 3).

433. Mr Kennedy questioned why there was no definition of *'minor upgrading'* to differentiate it from *'upgrading'* and considered that the potential impact of the rules on renewable electricity supply could not be fully understood without clarity on what minor upgrading included and who would decide this in each case. Mr Kennedy supported the use of '*regionally significant infrastructure*' in place of the term *'critical infrastructure*'.

434. In relation to CE-R6, Mr Kennedy sought amendments to specify that the maximum volume applied to *new* earthworks or to reinstate the previous wording. He considered the recommended wording of the standard could be applied to earthworks to reinstate mitigation structures following hazard events. He also considered the restricted discretionary activity status would result in increased uncertainty for Westpower as they were not provided for as a '*statutory agency*.' He sought that either the controlled activity status be retained for regionally significant infrastructure, or that network utility operators be added to the definition of statutory agencies.

435. Mr Kennedy accepted including of the word '*existing*' in CE-R7(b), but expressed concern about the recommended changes to clause (c), which provided for new network utility infrastructure within a formed legal road. He queried whether this was intended to refer to road reserve, and whether road controlling authorities would want infrastructure located in

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

Reporting Officer's Reply Evidence

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

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

437. With respect to the activity status of CE-R5, Ms Easton noted that Forest and Bird sought a more restrictive rule due to concerns about its application to network utilities. Overall, she considered there was no scope to make the rule in its entirety a controlled activity, or to amend the rule to restrict the increase in floor area from the date of notification of the Plan.

438. In relation to infrastructure upgrading in areas of High Coastal Natural Character, Ms Easton acknowledged that, as outlined in Mr Kennedy's evidence for Westpower, the WCRPS Chapter 6 Policy 3 supported providing for regionally significant electricity transmission and distribution alongside the National Grid and renewable electricity generation activities in areas of high and outstanding natural character, where these had locational, technical or operational requirements. She noted that the Westpower network traverses some areas of High Coastal Natural Character. She also noted that as currently drafted in the s42A Report, Rule CE – R5 allowed for new network utility buildings and structures where they were associated with the maintenance, operation, minor upgrade and repair of the network utility. In response to Mr Kenney's concerns about *'minor upgrade'* not being defined, Ms Easton considered this was remedied by her recommendation in the Natural Features and Landscape Chapter s42A Report to add a definition as follows:

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

439. Ms Easton considered that, with the addition of this definition, appropriate provision was made for electricity distribution activities within Rule CE-R5.

440. In relation to CE-R6, the Panel queried whether there was scope for deleting clause (4). Ms Easton noted that the s42A Report for the Natural Hazards Chapter recommended this clause was deleted from the NH rules. She noted that she had recommended the clause was deleted for consistency with the NH Chapter, but having carefully reviewed the submissions, she did not find scope for this and therefore no longer recommended this amendment.

441. Ms Eaton reviewed the wording of CE-R6(6) and considered this clause, which required assessment to confirm the extent of effects, created ambiguity as to whether an activity may be permitted or not. However, she did not consider this clause could be deleted as an RMA

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

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

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

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

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

Hearing Panel's Evaluation

Rule CE – R5

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

Rule CE – R6

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

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

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

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

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

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

Rule CE – R7

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

<u>Hearing Panel's Recommendation</u>

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

CE - R5 Buildings and Structures ~~in the Coastal Environment~~ within the High Coastal Natural Character Overlay ~~as identified in Schedule Seven~~[136]

Activity Status Permitted
Where:

1. These buildings and structures are required for the maintenance, operation, minor upgrade and repair of network utilities or renewable electricity generation activities; or
2. Within the **<u>OSRZ -</u>**[137] Open Space and Recreation Zones, this is parks facilities or parks furniture; or
3. Within the Māori Purpose Zone, these are Māori Purpose Activities; or
4. In all other zones:
   a. **<u>Any new residential dwelling on a site where no other dwelling is located is no more than 150m² ground floor area;</u>** [138]
   b. Any **<u>other</u>**[139] new building is no more than 100m² ground floor area;
   c. Any addition increases the total building footprint by no more than 50m²;
   d. The maximum height above ground level ~~is~~[140] for any building or structure is 7m~~.~~**<u>; and</u>**
   e. **<u>New buildings are set back 25m from mean high water springs.</u>** [141]

Advice Note:

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

[136] Buller District Council S583.287
[137] Royal Forest and Bird Protection Society of New Zealand Incorporated S560.0582
[138] Buller District Council S538.292, Lynne Lever & Greg Tinney S320.005, Hapuka Landing Limited S514.003
[139] RMA Schedule 1, clause 16(2)
[140] RMA Schedule 1, clause 16(2)
[141] Director General of Conservation S602.151
[142] Director General of Conservation S602.151

Activity status where compliance not achieved: Restricted Discretionary

CE - R6 Maintenance, ~~Alteration,~~ [143] Repair and ~~Reconstruction~~[144] Upgrade[145] of Natural Hazard Mitigation Structures and associated earthworks ~~in the Coastal Environment~~ within the High Coastal Natural Character Overlay ~~identified in Schedule Seven~~[146]

Activity Status Permitted

Where:

1. The structure has been lawfully established;
2. Earthworks and land disturbance is ~~the minimum required to undertake the activity~~ **no more than 25m³ per 200m length of coastline in which the structure is located;** [147]
3. There is no reduction in public access;
4. ~~The materials used are the same as the original, or most significant material, or the closest equivalent provided that~~**O**~~o~~nly cleanfill is used where fill materials are part of the structure; [148]
5. There is no change to more than 10% to the overall dimensions, orientation**, height** or **length** ~~outline~~ of **the lawfully established** structure ~~from the consented structure,~~ and ~~an assessment is provided~~ **the structure is certified** by a suitably qualified professional confirming **that** the effects **of the activity** are no greater than the ~~consented~~ **lawfully established** structure; and[149]
6. **Any upgrade of the structure**[150] ~~The activity~~ is undertaken by a Statutory Agency or ~~their designated~~ **authorised** contractor **acting on its behalf.**[151]

Advice Note:

1. The rules in the Earthworks Chapter do not apply to Permitted Activities under Rule CE - R6.
2. Earthworks are also subject to relevant rules in the Historic Heritage, Sites and Areas of Significance to Māori, Notable Trees, and Natural Character and Margins of Waterbodies Chapters.
3. Any indigenous vegetation clearance ~~or disturbance~~[152] is subject to the relevant rules in the Ecosystems and **Indigenous**[153] Biodiversity Chapter.

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

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

Activity Status Permitted

Where:

1. These are for:

[143] Director General of Conservation S602.152, Royal Forest and Bird Protection Society of New Zealand Incorporated S560.295
[144] Director General of Conservation S602.152, Royal Forest and Bird Protection Society of New Zealand Incorporated S560.295
[145] Director General of Conservation S602.152
[146] Buller District Council S583.287
[147] NZTA Waka Kotahi S450.138
[148] NZTA Waka Kotahi S450.138
[149] RMA Schedule 1, clause 16(2)
[150] Buller District Council S583.293
[151] RMA Schedule 1, clause 16(2) Plan-wide amendment
[152] Consequential amendment to remove 'disturbance' from the ECO rules in the ECO Chapter Recommendation Report
[153] RMA Schedule 1, clause 16(2) Plan-wide amendment
[154] Director General of Conservation S602.152
[155] Buller District Council S583.287

a. **Operation, maintenance, repair and upgrade of**[156] **w~~W~~**alking/cycling tracks, roads, farm tracks or fences **lawfully established;** [157]
b. Operation, maintenance, repair, upgrade **of** ~~or installation of new~~ network utility infrastructure or renewable electricity generation **activities**[158] **lawfully established**;[159] or
c. Installation of new network utility infrastructure located within road reserve; [160]
d. Establishment of a building platform and access to a building site in an approved subdivision or where there is no existing residential building on the site;
e. Establishment of buildings permitted by Rule CE – R5; and[161]

2. Any fill, excavation or removal is not more than 250m^2/ha and 250m^3/ha.

Advice Note:

1. Any indigenous vegetation clearance ~~or disturbance~~[162] is subject to the relevant rules in the Ecosystems and **Indigenous**[163] Biodiversity Chapter.

2. Any earthworks are also subject to relevant rules in the **Earthworks,**[164] Historic Heritage, Sites and Areas of Significance to Māori, Notable Trees, and Natural Character and Margins of Waterbodies Chapters.

3. This rule also applies to ~~plantation~~ **commercial** forestry activities, where this provision is more stringent than the NES - ~~P~~**C**F.[165]

Activity status where compliance not achieved: Restricted Discretionary

3.7. Permitted Activities in the Outstanding Coastal Environment Area

Submissions and Further Submissions

453. The s42A Report summarised six general submissions on permitted activities in a table on page 121, which all sought amendments.

454. Thirty-four submissions and three further submissions received on **Rule CE-R8** were summarised in a table on pages 121-123 of the s42A Report. One further submission was in support of an amendment and two opposed an amendment.

455. Nineteen submissions and five further submissions received on **Rule CE-R9** were summarised in a table on pages 123-125 of the s42A Report. Two further submissions were in support of some amendments and three opposed some amendments.

456. Twenty-five submissions and five further submissions received on **Rule CE-R10** were summarised in a table on pages 125-128 of the s42A Report. One further submission was in support of an amendment and four opposed amendments.

156 Director General of Conservation S602.153
157 Director General of Conservation S602.153
158 RMA Schedule 1, clause 16(2)
159 Director General of Conservation S602.153
160 Director General of Conservation S602.153
161 Lynne Lever & Greg Tinney S320.006
162 Consequential amendment to remove 'disturbance' from the ECO rules in the ECO Chapter Recommendation Report
163 RMA Schedule 1, clause 16(2) Plan-wide amendment
164 Director General of Conservation S602.153
165 RMA Schedule 1, clause 16(2) Plan-wide amendment

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

Section 42A Report

458. Six submissions[166] on the permitted activities sought that they be more enabling of development. Ms Easton did not support these submission points because the Outstanding Coastal Environment Area represented the most significant landscapes and natural character areas on the West Coast. She noted that there was very little development in these areas and that section 6 of the RMA, the NZCPS and the WCRPS set a clear expectation that permitted activities in these areas would be limited to those what were not likely to result in adverse effects. She considered this was a high standard and that the rules were appropriately restrictive to give effect to the higher order statutory direction.

Rule CE-R8

459. Ms Easton acknowledged the submissions from Te Mana Ora (S190.486) and BDC (S538.295) in support of the rule.

460. Twelve submissions[167] sought the rule be more enabling of development as they considered it was too restrictive. Seven submissions[168] sought removal of the height limit or a more appropriate height limit specified at the time of subdivision. Birchfield Coal Mines (S601.059) sought that the maximum size for an addition be increased from 50m^2 to 100m^2. Ms Easton did not support these submissions, noting the Outstanding Coastal Environment Area represented the most significant landscapes and natural character areas on the West Coast. She noted that there was very little development in these areas and that s6 of the RMA, the NZCPS and the WCRPS set a clear expectation that permitted activities in these areas would be limited to those that were not likely to result in adverse effects on natural character. She considered the permitted activity standards were designed to ensure adverse effects did not occur. She noted that significant development was not anticipated in these areas and if development was proposed it needed to be carefully assessed within a resource consent framework.

461. Dean Van Mierlo (S570.007) sought to amend the rule to enable additions and alterations that were the same height as an existing building, or alternative relief by increasing the height limit to 7m. Ms Easton supported this submission in part in that she considered that additions to the same height as an existing building were likely to have less than minor effects on natural character, while recognising existing development in a practical manner.

462. Ms Easton supported a submission point from Westpower (S547.434) that sought amendments to clarify that clause (2) applied to additions and alterations above ground level because she considered this change clarified the intent of the rule.

[166] John Brazil (S360.040), William McLaughlin (S567.357), Steve Croasdale (S516.077), Chris & Jan Coll (558.293), Chris J Coll Surveying Limited (S566.293), Laura Coll McLaughlin (S574.293)

[167] Peter Langford (S615.098), Karamea Lime Company (S614.098), Catherine Smart-Simpson (S564.076), Geoff Volckman (S563.0174), Leonie Avery (S507.096), Jared Avery (S508.096), Kyle Avery (S509.096), Avery Bros (S510.096), Bradshaw Farms (S511.096), Paul Avery (S512.096), Brett Avery (S513.096), Neil Mouat (S535.046)

[168] Tim and Phaedra Robins (S579.023 and S579.024), Joel and Jennifer Watkins (S565.027), Tim Macfarlane (S482.015), Russell and Joanne Smith (S447.015), Claire & John West (S506.015), Lauren Nyhan & Anthony Phillips (S533.015), and Stewart & Catherine Nimmo (S559.015)

463. Ms Easton supported a submission point from Waka Kotahi NZTA (S450.104) that sought to amend the time period limit within which any additions and alterations must meet the 50m^2 limit and considered 5 years would be appropriate.

464. Ms Easton supported submission points from the Director General (S602.154) that sought to amend the rule heading to state the building must be legally established; and from Forest and Bird (S560.0565) that sought that the building or structure was lawfully established. She recommended an amendment to the rule title.

465. Ms Easton did not support a submission from Forest and Bird (S560.297) that sought to amend the rule to apply to the wider coastal environment because only additions and alterations were permitted in the outstanding areas and not new buildings given the outstanding values in these areas. She did not consider additional regulation of additions and alterations was warranted in other areas that did not have outstanding values.

466. Forest and Bird (560.0565) sought a specific clause providing for upgrades of lawfully established network utility infrastructure and for electricity generation activities where the limits in clause (1) and (2) were met. Ms Easton noted that she had considered this request carefully, but was not convinced that it was a necessary change because Rule CE-R10 already dealt with the erection of buildings for this purpose and the requested change would be a duplication.

467. Ms Easton did not support a submission point from Forest and Bird (S560.566) seeking a Discretionary activity status where compliance is not achieved. She considered the wide range of matters of discretion in CE-R14 can appropriately manage potential adverse effects of additions and alterations.

468. Ms Easton supported in part a submission from Forest and Bird (S560.0568) that sought earthworks be included in the same rule, with inclusion of a maximum limit of 100m^2 and 100m^3 of fill, excavation and removal. The submitter was concerned that the rule did not provide for the earthworks necessary to construct these buildings. Ms Easton considered the area/volume limit was appropriate, but recommended an amendment to CE-R11 would be more appropriate to provide for earthworks.

Rule CE-R9

469. Ms Easton acknowledged the submission from Te Mana Ora (S190.487) in support of the rule.

470. Twelve submissions[169] sought the rule be more enabling of development as they considered it was too restrictive. Ms Easton did not support these submissions, noting the Outstanding Coastal Environment Area represented the most significant landscapes and natural character areas on the West Coast. She noted that there was very little development in these areas and that s6 of the RMA, the NZCPS and the WCRPS set a clear expectation that permitted activities in these areas would be limited to those that were not likely to result in adverse effects. She considered the construction and upgrade of natural hazard mitigation structures could have significant adverse effects on natural character, landscape, biodiversity values and public access, and that these matters must be appropriately assessed through a resource consent process.

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

471. The Director General (S602.155) sought several amendments including:

(a) Removing '*reconstruction*' from the rule to ensure adverse natural character effects were assessed through a resource consent process.

(b) Changing the activity status where compliance is not achieved from controlled to discretionary so that any application under the rule could be declined where adverse effects were significant.

(c) Adding a requirement that all earthworks be contained wholly within the footprint of the mitigation structure.

472. Ms Easton supported this submission in part, noting that she considered consistency with her s42A Reports on other RMA s6 matters. On that basis, she supported removing '*reconstruction'* from the rule and the proposed amendment to clause (2), requiring earthworks to be contained within the footprint of the structure. She did not support a discretionary activity status, but considered restricted discretionary was appropriate and consistent with her recommendations on Rule CE-R6.

473. Ms Eston did not support a submission point from Forest and Bird (S560.298) that sought to amalgamate the rule with CE-R6 because she noted her recommended amendments had reduced the similarity and appropriately reflected the differences between areas of HCNC and OCNC.

474. BDC (S538.296) sought to delete the reference in clause (6) to work being undertaken by a statutory agency or designated contractor. Ms Easton supported this submission point in part, considering it was consistent with her recommendations on other chapters of the Plan that maintenance and repair of lawfully established natural hazard mitigation structures should be permitted, regardless of ownership. She considered the requirement for the activity to be undertaken by a statutory agency or their contractor was now unnecessary given she had recommended reconstruction and upgrade of these structures be excluded from this permitted activity rule.

475. GDC (S608.657) sought clarification of the definition of '*Statutory Agency'* and to ensure the road network was protected. Ms Easton supported this submission and considered the definition for 'Statutory Agency' addressed this given it includes District Councils. However, she noted she had recommended this standard was deleted.

476. Ms Easton did not support a submission from WDC (S181.027) that sought to replace '*no reduction in public access*' with *'practical public access is provided for*.' She noted that the rule was a permitted activity and there was no way to assess '*practical public access'*. She considered this change could lead to a reduction in public access to the coast, which was a matter of national importance under RMA s6 that should be assessed and managed through a resource consent process.

477. Waka Kotahi NZTA (S450.141) sought a specific figure set for earthworks volume and area within the rule, a definition for '*Statutory Agency'* and that the intent of clause (4) (which referred to materials) was clarified. Ms Easton supported this submission in part, recommending that consistency with CE-R6 was retained where appropriate, and that clause (4) was deleted. Ms Easton noted that she preferred the relief sought in the Director General's submission point that sought for earthworks to be contained within the footprint of the structure.

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

Rule CE-R10

479. Ms Easton acknowledged the submissions[170] in support of the rule as notified.

480. Twelve submissions[171] sought that the rule be amended to be more enabling of development because they considered the rule was too restrictive. BDC (S538.297) sought that the size of a building in clause (5) be increased to 150m^2 and that the rule enable residential buildings to be constructed as a permitted activity. Dean Van Mierlo (S570.009) sought to include *'residential activities'*.

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

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

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

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

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

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

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

485. The Director General (S602.156) sought the maximum size of new buildings for agricultural, pastoral or horticultural activities be reduced to 50m^2 and a maximum height of 3m. The Director (S602.164) also sought that the rule escalates to discretionary with the addition of a new rule. Ms Easton noted that she had considered this submission point carefully. She considered that the nature and location of these areas meant that agricultural activities were unlikely and that buildings were expected to be small-scale, and have a functional or operational need to locate in these areas. She supported the submission in part, considering the 50m^2 size appropriate, but recommended the 5m height limit be retained. She considered that small buildings such as pump houses could be established without adverse effects on natural character values.

486. GDC (S608.658) sought a definition of '*maintenance*' as it related to the rule. Ms Easton noted that the definition for '*maintenance'* stated: '*in relation to infrastructure and renewable electricity generation activities, any work or activity necessary to continue to the operation and/or functioning of existing infrastructure. It does not include upgrading'.* She therefore considered this matter was provided for and did not support this submission.

Rule CE-R11

487. Ms Easton acknowledged submissions[172] in support of the rule as notified.

488. Twelve submissions[173] sought the rule be amended to be more enabling of development because they considered it was too restrictive. Joel and Jennifer Watkins (S565.028) and Tim and Phaedra Robins (S579.025) sought to include access and building platforms as a permitted activity. Ms Easton did not support these submissions, noting that the Outstanding Coastal Environment Area represented the most significant landscapes and natural character areas on the West Coast. She noted that there was very little development in these areas and that s6 of the RMA, the NZCPS and the WCRPS set a clear expectation that permitted activities in these areas must be limited to those that were not likely to result in adverse effects, not just significant adverse effects. Ms Easton noted that for this reason the rule was very restrictive around earthworks and focused only on allowing earthworks associated with maintenance, operation and repair, not new activities.

489. Birchfield Coal Mines (S601.060) sought an exclusion for mineral extraction, exploration and prospecting because other rules in the Plan adequately manage these activities. Ms Easton did not support this submission because she considered other rules managing these activities were not drafted with consideration of Outstanding Coastal Environment Areas. She considered excluding these activities could result in adverse effects or significant adverse effects on these areas.

490. Westpower (S547.438) sought an amendment to clause (b) to include '*energy activities and critical infrastructure*', and that the word '*activities*' be included in relation to renewable electricity generation. Ms Eston did not support an expansion of the activities provided for by the rule for reasons previously outlined. She was also not aware of other activities that were included within the definition of critical infrastructure that were located within these,

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

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

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

491. The Director General (S602.157) sought an amendment to include the word '*existing*' in the and for an additional clause '*the earthworks are wholly contained within the footprint of the walking/cycling track, road, farm track, fence, network utility infrastructure, or renewable electricity generation infrastructure'*. Ms Easton supported the submission in part. She preferred the term '*lawfully established'* to '*existing'* for consistency with other provisions in the Plan. In relation to earthworks, she agreed that limits were required and recommended $100m^2/100m^3$/ha area and volume, based on the Forest and Bird submission points. In relation to other activities, she supported requiring earthworks to be contained within the footprint of the activity.

492. Forest and Bird (S560.300 and S560.0564) sought to delete the rule or amend it to include appropriate limits for permitted activities. Ms Easton did not support deleting the rule, but supported the requested amendments in part, as she considered limits on the earthworks to be appropriate. She considered her recommended limits on earthworks provided relief to this submission point.

Hearing and Submitter Evidence/Statements

493. Mr Brass, for the Director General, confirmed support for the s42A Report recommendations on rules CE-R8 to CE-R11.

494. Ms Inta noted that the $50m^2$ permitted activity standard for additions in CE-R8 could result in cumulative effects on outstanding natural areas.

495. Mr Kennedy, for Westpower, accepted the s42A Report recommendations on CE-R8. He was concerned the s42A Report recommendations on CE-R9 could impact regionally significant infrastructure. He considered that if the term reconstruction was removed, it should be clear how this was differentiated from maintenance, alteration or repair, given that any of these could be deemed reconstruction depending on the circumstances. He also considered that the recommended restricted discretionary activity status created uncertainty and did not provide for secure supply or enable safe, efficient and integrated regionally significant infrastructure. He considered the controlled activity status should be retained for regionally significant infrastructure.

496. Mr Kennedy generally accepted the s42A Report recommendations on CE-R10, except he requested that regionally significant infrastructure be included in clause (3). With respect to the term 'minor upgrade', he clarified that the reason for seeking a definition of this term was to clarify what constitutes a permitted activity. He requested that either this term be defined or replaced with '*upgrade*'.

497. Mr Kennedy noted that the word '*activities'* had been added to '*renewable electricity generation*' in clause (1)(a) but not in (1)(b). He also sought that reference to regionally significant infrastructure be included. He considered that the recommended amendments would place a new limit on the ability to undertake activities under clauses (a) and (b) and requested clause (1)(b) be amended to a new standalone clause as follows:

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

Reporting Officer's Evidence in Reply

498. The Panel queried whether, in light of evidence presented at the hearing, Ms Easton still supported CE-R8 allowing a 50m^2 addition every five years given the potential for cumulative effects; and whether there was still a need for a maximum size rule. Ms Easton confirmed she no longer supported the s42a Report recommendation and considered the five year provision should be removed. She supported a maximum size limit, but considered there was no scope to make this change. In response to a further Panel query, Ms Easton also confirmed that Rule CE-R8 cascades to Rule CE-R16 (Discretionary).

499. Ms Easton confirmed that the references to '*alterations*' could be deleted from rules CE-R8, CE-R9 and CE-R10, as a minor amendment.

500. In relation to CE-R9, Ms Easton did not support '*no reduction in public access'* being replaced with '*public access is maintained'*. She considered '*no reduction'* to be a higher bar and that this change could allow a reduction of public access. For this reason, she did not support the change.

501. Ms Easton considered CE-R9(5) was ambiguous as to whether or not an activity may be permitted. She did not think this clause could be deleted as a clause 16 amendment, but considered it could be reworded to refer to a certification process as follows:

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

502. Ms Easton clarified that her s42A Report recommendation on Rule CE-R10 was for a discretionary activity status and noted the restricted discretionary activity status in her Appendix 1 was incorrect.

503. Ms Easton supported adding '*Māori Purpose Activities in a Māori Purpose Zone'* to CE-R10(5), however, did not find scope to do so, as Poutini Ngāi Tahu did not submit on this rule; and other submissions that sought it be more permissive did not relate to Māori Purpose Activities or the Māori Purpose Zone.

504. The Panel requested that Ms Easton rephrase CE-R11 to make it clearer and consider the evidence of Westpower. Ms Easton recommended clause (1) and (2) be clarified and reference to regionally significant infrastructure be included.

Hearing Panel's Evaluation

Rule CE – R8

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

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

506. The Panel has corrected the reference to the '*Ecosystem and Indigenous Biodiversity Chapter*' in the advice notes of rule CE-R8 to CE-R11.

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

Rule CE – R9

508. The Panel accepts Ms Easton's reasoning and recommended amendments to Rule CE-R9, as shown in Appendix 1 of the Right of Reply, subject to minor amendment discussed below. The Panel accepts these amendments give effect to the NZCPS and WCRPS. We agree that any activities outside of these permitted activity standards should be considered as a restricted discretionary activity because an application for controlled activity cannot be declined in situations where adverse effects on natural character cannot be avoided.

509. The Panel do not recommend adding '*is contained wholly within the footprint of the mitigation structure*' to clause (2) because we do not understand how this could be done within the footprint of an existing structure that is being upgraded. We consider this should remain as notified and consider the limits in clause (5) are appropriate to address this.

510. The Panel recommends clarifying clause (4), as requested by Waka Kotahi NZTA. We recommend deleting the first part of the sentence so that the requirement is '*Only cleanfill is used where fill materials are part of the structure*' to aid interpretation. As with Rule CE-R6 above, we consider it is appropriate to not allow the use of material that may leach contaminants as a permitted activity.

511. The Panel recommends minor amendments to clause (5) to be consistent with the changes to Rule CE-R6 above to replace '*outline*' with '*height or length'* for clarity and assist with interpretation. We have also made minor changes to make the order of the wording consistent with the equivalent clause in Rule CE-R6.

512. The Panel recommends retaining clause (6) because this rule relates the outstanding coastal environment area and we consider oversight by a statutory agency is important given the rule permits increases up to 10% to the overall dimension of a lawfully established structure and these could be a significant increase if it is a large structure.

513. The Panel has undertaken a s32AA evaluation of changing the default activity status from a controlled to restricted discretionary activity. We consider this will be more effective in giving effect to the RMA, NZCPS and WCRPS, and in implementing the CE Chapter objectives and policies. A controlled activity cannot be declined and therefore may not give effect to higher order statutory direction. We consider there will be very little difference in the cost of a resource consent application. We consider the potential cost to the environment from not

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

Rule CE – R10

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

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

Rule CE – R11

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

Hearing Panel's Recommendation

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

CE - R8 Additions ~~and Alterations~~[174] to Lawfully Established Buildings and Structures in the Outstanding Coastal Environment Area

Activity Status Permitted

Where:

1. The addition ~~or alteration~~[175] increases the building footprint or footprint of the structure by no more than 50m^2;
2. The maximum height of **any addition to a**[176] building ~~and~~ **or** structure~~s above ground level~~ is 5m **above ground level or the height of the existing lawfully established building or structure**.[177]

Advice Notes:

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

[174] RMA Schedule 1, clause 16(2)
[175] RMA Schedule 1, clause 16(2)
[176] Westpower Limited S547.434
[177] Dean van Mierlo S570.008
[178] RMA Schedule 1, clause 16(2)

Activity status where compliance not achieved: ~~Restricted~~ Discretionary[179]

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

Activity Status Permitted

Where:

1. The structure has been lawfully established;
2. Earthworks and land disturbance are the minimum required to undertake the activity;
3. There is no reduction in public access;
4. ~~The materials used are the same as the original, or most significant material, or the closest equivalent provided that~~ **O~~o~~**nly cleanfill is used where fill materials are part of the structure;[181]
5. There is no change to more than 10% to the overall dimensions, orientation**, height** or **length** ~~outline~~ of **the lawfully established** structure ~~from the consented structure,~~ and ~~an assessment is provided~~ **the structure is certified** by a suitably qualified professional confirming **that** the effects **of the activity** are no greater than the ~~consented~~ **lawfully established** structure; and[182]
6. The activity is undertaken by a Statutory Agency or their ~~designated~~ **authorised** contractor **acting on its behalf**.[183]

Advice Note~~s~~:

1. ~~The rules in the Earthworks Chapter do not apply to Permitted Activities under Rule CE - R9.~~[184]

1. Earthworks are also subject to relevant rules in the Historic Heritage, Sites and Areas of Significance to Māori, Notable Trees, and Natural Character and the Margins of Waterbodies Chapters.
2. Any indigenous vegetation clearance ~~or disturbance~~[185] is subject to the relevant rules in the Ecosystems and **Indigenous**[186] Biodiversity Chapter.

Activity status where compliance not achieved: ~~Controlled~~ Restricted Discretionary[187]

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

Activity Status Permitted

Where the structure is:

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

[179] Royal Forest and Bird Protection Society of New Zealand Incorporated S560.0567
[180] Director General of Conservation S602.155
[181] NZTA Waka Kotahi S450.141
[182] RMA Schedule 1, clause 16(2)
[183] RMA Schedule 1, clause 16(2) Plan-wide amendment
[184] Director General of Conservation S602.155
[185] Consequential amendment to remove 'disturbance' from the ECO rules in the ECO Chapter Recommendation Report
[186] RMA Schedule 1, clause 16(2)
[187] Director General of Conservation S602.155
[188] Westpower Limited S547.436

3. Required for the maintenance, operation, minor upgrade and repair of network utilities or renewable electricity generation activities; or
4. For a network utility customer connections, or environmental monitoring and extreme weather event monitoring; or
5. For agricultural pastoral and horticultural activities or an accessory building; and
    i. The height of any building or structure does not exceed 5m above ground level; and
    ii. The gross floor area of any building does not exceed 100m^2.

Advice Notes:

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

Activity status where compliance not achieved: ~~Restricted~~ Discretionary[191]

CE – R11 Earthworks in the Outstanding Coastal Environment

Activity Status Permitted

1. Where **the earthworks are entirely contained within the existing footprint or modified ground disturbed by a lawfully established activity and**[192] these are for:
    a. Maintenance repair or upgrade of walking/cycling tracks, roads, farm tracks or fences; **or**[193]
    b. Operation, maintenance, repair and upgrade of **Regionally Significant Infrastructure,** [194] network utility infrastructure or renewable electricity generation **activities; and**[195]
2. **Where the earthworks are for additions to lawfully established buildings or structures provided for in Rule CE – R8 where any fill, excavation or removal of material is not more than 100m^2 per hectare and 100m^3 per hectare.** [196]

Advice Notes:

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

[189] Consequential amendment to remove 'disturbance' from the ECO rules in the ECO Chapter Recommendation Report
[190] RMA Schedule 1, clause 16(2)
[191] Director General of Conservation S602.156
[192] Director General of Conservation S602.157
[193] RMA Schedule 1, clause 16(2)
[194] Westpower Limited S547.438
[195] RMA Schedule 1, clause 16(2)
[196] Royal Forest and Bird Protection Society of New Zealand Incorporated S560.0564
[197] Consequential amendment to remove 'disturbance' from the ECO rules in the ECO Chapter Recommendation Report
[198] RMA Schedule 1, clause 16(2)
[199] RMA Schedule 1, clause 16(2)

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

Activity status where compliance not achieved: Restricted Discretionary

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

Submissions and Further Submissions

518. Thirty-three submission points and four further submissions received on **Rule CE-R12** were summarised in a table on pages 138-141 of the s42A Report. Eleven were in support and 22 sought amendments. The four further submissions opposed some amendments.

519. Twenty-four submission points and one further submission received on **Rule CE-R17** were summarised in a table on pages 141-142 of the s42A Report. Two submission points were in support and one was opposed and sought the rule be deleted. The remainder sought amendments. The further submissions opposed an amendment.

520. Thirty-one submission points and two further submissions received on **Rule CE-R19** were summarised in a table on pages 142-144 of the s42A Report. Nine were in support and 22 sought amendments. The two further submissions opposed some amendments.

Section 42A Report

Rule CE - R12

521. Ms Easton acknowledged the submissions[201] in support of the rule as notified. The Panel notes some of these submitters also sought amendments and therefore were not in support.

522. Thirteen submissions[202] sought for the rule to be amended to be more enabling of development because they considered it was too restrictive. Ms Easton did not support these submissions, noting natural hazard protection structures can have significant adverse effects on natural character values, public access and biodiversity values, such as movement or nesting of coastal bird species. She noted that because of this the controlled activity rule was proposed to only apply in specific circumstances where the protection works were to protect the roading network or critical infrastructure; or to construct the Westport coastal and flood hazard protection works (which could affect HCNC 52 Orowaiti Lagoon).

523. Waka Kotahi NZTA (S450.144) and GDC (S608.659) sought the advice note be corrected to refer to CE-12. Ms Easton did not support these submission points as she recommended the advice note was deleted. She considered all relevant Plan rules should be assessed as part of any resource consent process. However, she supported GDC in part in terms of supporting

[200] RMA Schedule 1, clause 16(2)

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

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

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

524. Forest and Bird (S560.301) sought for the rule to apply to the whole coastal environment, rather than just the HCNC overlay and Outstanding Coastal Environment Area. Ms Easton did not support this submission, noting that her recommendations were consistent with s42A Reports on other chapters that sought to manage the adverse effects of the structures commensurate with the values of their locations, recognising that some parts of the coastal environment were highly modified.

525. The Director General (S602.158) sought a restricted discretionary activity status to apply to all coastal protection works in these locations, along with additional matters of discretion. Ms Easton considered this would have the effect of combining this rule with Rule CE-17. The Director also sought the earthworks advice note be deleted. Ms Easton supported this submission in part and considered a controlled activity status was not appropriate because consent could not be declined. She also considered a restricted discretionary activity status was consistent with her recommendations in the s42A Report about how these activities were managed within the natural features and landscape chapter. Ms Easton considered it was appropriate to retain clause (2), on the basis that the discretionary activity status under CE-R19 was appropriate for natural hazard mitigation structures that were not required to protect the state highway. She supported the proposed amendment to the matter of discretion around indigenous vegetation and habitats and considered this was consistent with the direction in higher order documents. She noted natural character was already included in the matters of discretion and amenity values were addressed in matter (h). She considered historic heritage could be included in matter (f). She did not support an additional matter relating to avoiding hard protection structures as she considered this would go beyond the direction provided in the NZCPS or WCRPS on this matter.

526. Snodgrass Road submitters (S619.047) sought an additional matter of control '*Effects on the flood hazard at properties not protected by the works'*. Ms Easton supported this submission in part, acknowledging that protection structures could deflect hazards onto other land. She recommended an additional matter '*Effects on the level of hazard risk created by the structure on other properties'.*

527. Ms Easton supported a submission point from Poutini Ngāi Tahu (S620.206) that sought an additional matter of control for effects on archaeological sites.

528. Ms Easton did not support a submission point from Forest and Bird (S560.0585 and S560.0586) that sought several changes to the rule, including that it: become an escalation rule for non-compliance with rules CE-R6 and CE-R9; only relate to existing lawfully established activities; not apply to the Westport protection scheme; and include additional matters of control. Ms Easton considered these changes would substantially change the way natural hazard protection structures were managed, but considered her recommended changes provide some relief to the issues of concern to this submitter.

529. Ms Easton supported a submission point from Forest and Bird (S560.0587) that sought that Advice Notes (1) and (2) be deleted, noting that all relevant Plan rules should be assessed in any resource consent application and confirming that Advice Note (2) had been attached to this rule in error.

Rule CE - R17

530. Ms Easton acknowledged the submissions from Te Mana Ora (S190.495) and BDC (S538.304) in support of the rule as notified.

531. Sixteen submissions[203] considered the rule too restrictive and sought that it be amended to be more enabling of development. Ms Easton did not support these submissions for the same reasons given in her comments on other rules in relation to high and outstanding natural character areas.

532. The Director General (S602.162) sought to delete the rule as a consequential amendment to its submission on Rule CE-12. Ms Easton supported this submission because she supported their submission on Rule CE-R12. She noted that because of her recommendation to delete this rule, she had considered the remaining submission points in relation to CE-R12.

533. Westpower (S547.448) sought additional matters of discretion be included in the rule relating to the benefits of the activity and the technical, locational, functional or operational constraints and/or requirements of the activity. Buller Conservation Group (S552.134) and Frida Inta (S553.134) also sought an additional matter of discretion '*there is a functional need to be located in that area*'. Ms Easton did not support these submissions, noting that coastal protection works by definition have a functional need to locate in the coastal environment. She did not see '*benefits of the activity'* to be relevant in the context of the direction given in higher order documents.

534. Forest and Bird (S560.306) sought to amend the rule to apply across the coastal environment as an escalation rule from CE-R12 with substantial amendments. They sought that the rule only applied to lawfully established structures and for additional matters of discretion to be included. Ms Easton did not support this submission as she considered it would substantially change how natural hazard mitigation structures are managed. She noted she had taken care to recommend amendments that reflected the values of different parts of the coastal environment. She considered that some of her recommended amendments may provide relief to this submitter's concerns.

Rule CE-R19

535. Ms Easton identified that the rule title included an error, and should refer to CE-R12, not CE-R11. She noted GDC (S608.664) sought to correct this error and she supported this submission point.

536. Ms Easton acknowledged submissions[204] in support of the rule as notified. The Panel notes some of these submitters also sought amendments and therefore were not in support.

537. Ms Easton did not support the submission[205] that sought the rule be amended to be more enabling, noting that her comments on other similar submissions also applied here.

538. Ms Easton did not support a submission from Westpower (S547.452) that sought to amend clause (1) to refer to the values '*together*' making the site outstanding. She acknowledged this

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

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

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

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

539. Forest and Bird (S560.308 and S560.0561)) sought that the rule be linked as an escalation rule for CE-R17 and apply to all new natural hazard mitigation structures in the coastal environment as a consequence of amendments to other rules. Ms Easton did not support this for this for reasons already outlined in relation to the permitted activity rules. The submitter also sought an escalation to a prohibited activity status if there was an adverse effect on an outstanding natural feature. Ms Easton did not support this part of the submission point and considered there were circumstances where application for resource consent should be provided for, which may involve damage to some value on an outstanding natural feature.

540. GDC (S608.081) sought the limited notification clause be changed to a written approval clause. Ms Eston supported this submission, noting that limited notification clauses were no longer provided for in the RMA.

Hearing and Submitter Evidence/Statement

541. The letter from Poutini Ngāi Tahu supported the s42A Report recommendations on CE-R12, noting that, while their submission was limited to consideration of archaeological sites, the change in the activity status would provide the ability for consent to be declined if effects were inappropriate.

542. Mr Brass, for Director General, considered the s42A Report generally adopted the intent of the submissions and he confirmed he was comfortable with the overall approach with one exception. He noted a new matter of discretion relating to scheduled heritage items had been recommended and considered this matter should apply to '*heritage values'* to allow consideration of unscheduled heritage items that may be identified during a consent process, which require protection under s6(f) the RMA. He therefore requested the words '*items identified in schedule one*' was deleted from this matter of discretion. He also noted this was consistent with the matters of discretion for rules CE-R14, CE-R15, CE-RXX and CE-R18.

543. The letter from Transpower confirmed it accepted the recommendation on Rule CE-R22.

544. Mr Kennedy, for Westpower, considered that CE-R12 should provide a controlled activity status for regionally significant infrastructure as originally proposed. While he did not agree with the controlled activity status being removed, considering this could lead to hazard mitigation structures not being able to be established and associated services impacted or lost. He noted further matters of discretion should be added relating to the benefits of the work, of the effects on RSI from not undertaking the work, and the functional and operational requirements of RSI. He continued to seek that CE-R19(1) be amended to refer to '*values which <u>together</u> make it outstanding*'.

Reporting Officer Evidence in Reply

545. In Reply Evidence Ms Easton considered the matters of discretion for Rule CE-R12 could be rationalised and clauses (g) and (i) could be replaced by a single matter '*landscape and visual effects including design and location of any buildings, structures or earthworks'* consistent with the recommendation on rules CE-R14 and CE-R15.

546. In response to heritage values issue raised in Mr Brass' evidence, Ms Easton considered 'historic heritage' to be the appropriate reference, for consistency with rules CE-R14 and CE-R15. She noted this amendment should address Mr Brass' concerns. She also recommended

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

547. Ms Easton provided a s32AA analysis for the change to a restricted discretionary activity status for rule CE-R12. She noted that CE-R12 related to natural hazard mitigation structures in high natural character and outstanding environment areas. She advised that under the recommended amendments, the rule did not apply to the Westport Flood control scheme, which was now designed and did not affect high natural character or outstanding environment areas, but would apply to the coastal state highway, special purpose roads and critical infrastructure.

548. Ms Easton considered that a restricted discretionary activity status ensured the Plan gives effect to the NZCPS, which sets a clear direction that adverse effects on outstanding natural character areas should be avoided, and significant effects on other natural character areas should be avoided. She reiterated the WCRPS had a similar direction. She noted that, as a controlled activity, consent must be granted and she considered it was possible that activities undertaken under this rule could have adverse effects on these areas.

549. Ms Easton considered her recommended amendments better met the direction in s6 of the RMA and were more effective in implanting the Plan objectives, particularly Objective O1 which is: '*To preserve the natural character, landscapes, natural features, coastal processes, ecosystems and biodiversity of the coastal environment and protect these values from inappropriate subdivision, use and development while enabling people and communities to provide for their social, economic and cultural wellbeing'.* Overall, she concluded the recommended change was more effective at implementing the direction provided by the RMA, NZCPS, WCRPS and the objectives of the Plan.

550. Ms Easton's cost/benefit analysis considered that while a restricted discretionary consent could be declined, the matters of discretion were clear. She considered there would be little difference in cost in developing a resource consent application for a controlled or restricted discretionary activity, although she considered the restricted discretionary activity status may result in additional costs for applicants. She considered this may result from applicants being directed towards lower impact design options and from consent conditions. She considered the higher activity status would provide benefits to the community as it would provide confidence that that the areas of high and outstanding natural character, and outstanding landscape within the coastal environment and the aesthetic, cultural and sense of place values provided by these valued areas is more likely to be retained. She concluded that the benefits of the change outweighed the costs.

551. Ms Easton considered there was certain and sufficient information about the effect of the change, the effect of the activity statuses was known, and the matters of discretion were similar to the notified matters of control. She noted that the increase in erosion and threats to the state highway had been significant in the last few years, resulting in some degradation of natural character and landscape values, particularly in Punakaiki where rock protection work had been built to protect the state highway. She also noted substantial rock work had been installed at Bruce Bay and that both these structures had been constructed as permitted activities under the operative plans and did not provide significant landscape or natural character mitigation. She noted there had been wildlife impacts, including on penguin access to nesting areas. She considered further mitigation works would be required, given the erosive nature of the coastline, and that if the natural character and landscapes of the coast were to

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

552. Ms Easton concluded that the recommended amendment was more appropriate in achieving the purpose of the RMA than the notified version of the TTPP.

553. The Panel queried whether rules CE-R19 and CE-R20 should be non-complying. In response, Ms Easton considered there was little scope to amend CE-R19 because no submitters sought a change in the activity status of this rule. She considered relying on general submissions to be consistent with NZCPS did not provide sufficient scope for this change.

554. Ms Easton noted that Forest and Bird requested CE-R20 be a non-complying activity. She noted NZCPS Policy 15 required adverse effects on ONL in the coastal environment be avoided and that the WCRPS Chapter 9, Policy 1(b) had a similar provision. Ms Easton noted that making these rules non-complying would require a supporting policy framework. Based on the evidence received, she did not support this approach.

555. Ms Easton agreed that afforestation within high or outstanding natural areas could result in adverse effects, and that vegetation clearance would require a discretionary activity resource consent under the ECO Chapter rules. She noted that within any SNA, afforestation would be a non-complying activity if it included indigenous vegetation clearance. She considered the existing rules provided a combined framework across the two chapters that enabled afforestation to be properly assessed.

556. In relation to Rule CE-R20, she noted her s42A Report recommendation was to amend the reference to '*Plantation Forestry'* as a clause 16 minor amendment. However, since the hearing she had reflected on this further and considered it was unlikely to meet the threshold, and therefore recommended the rule remain as applying to plantation forestry. These matters are further discussed in the section specific to Rule CE-R20.

Hearing Panel's Evaluation

Rule CE – R12

557. The Panel accepts Ms Easton's reasoning and recommended amendments to Rule CE-R12, as shown in Appendix 1 of the Right of Reply, subject to the minor amendments discussed below. The Panel accepts these amendments give effect to the NZCPS and WCRPS.

558. The Panel agrees with Ms Easton's reasoning for amending the activity status from controlled to restricted discretionary to ensure the higher order statutory direction can be given effect to in relation to avoiding adverse effects on areas of outstanding and high natural character. We also agree with Ms Easton's s32AA evaluation of the change in the activity status from controlled to restricted discretionary.

559. The Panel agrees with Ms Easton that RSI activities that do not meet the permitted activity standards should be considered as a restricted discretionary activity to ensure the higher order statutory direction can be given effect to, and if necessary, consent declined when adverse effects on outstanding natural character cannot be appropriately avoided. We consider the rule appropriately provides a restricted discretionary pathway for the protection of coastal state highways, special purpose roads and RSI within outstanding natural character areas and other activities within high natural character areas.

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

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

Rule CE – R17

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

Rule CE – R19

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

Hearing Panel's Recommendation

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

CE-R12	**Natural Hazard Mitigation Structures and associated Earthworks ~~in the Coastal Environment~~ in the[206] High Coastal Natural Character Overlay Area ~~identified in Schedule Seven~~ and the Outstanding Coastal Environment Area not ~~provided for as a~~ meeting Permitted Activity standards[207]**
Activity Status ~~Controlled~~ Restricted Discretionary[208] Where: 1. **Within the Outstanding Coastal Environment Area ~~T~~these** are **only** to protect the coastal State Highway, Special Purpose Roads or other ~~Critical~~ **Regionally Significant**[209] Infrastructure; 2. ~~These are Westport flood and coastal protection works constructed by a statutory agency or its authorised contractor.~~ [210] **~~Matters of control are~~ Discretion is restricted to:** a. Effects on ~~habitats of any threatened or protected flora or fauna species;~~ **indigenous vegetation and habitats of indigenous fauna;** [211] b. Effects on the threat status of land environments in category one or two of the Threatened Environments Classification;	

[206] RMA First Schedule, Clause 16
[207] Grey District Council S608.659
[208] Director General of Conservation S602.152 and S602.158
[209] Consequential Plan-wide amendment
[210] Director General of Conservation S602.158
[211] Director General of Conservation S602.158

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

d. Effects on the intrinsic values of ecosystems;

e. Effects on recreational values of public land;

f. Effects on Poutini Ngāi Tahu values**, any archaeological sites,** [212] **historic heritage or** ~~and~~[213] any Sites and Areas of Significance to Māori identified in Schedule Three;

g. Landscape and visual effects**, including design and location of any buildings, structures or earthworks**; [214]

h. Effects on natural character and natural features;

~~i. Location, dimensions and appearance of the structure;~~ [215]

j. Effects on public access to **and along**[216] the coast~~.~~**; and**[217]

k. Effects on the level of hazard risk created by the structure on other properties. [218]

Advice Note:

~~1. The rules in the Earthworks Chapter do not apply to Controlled Activities under Rule CE - R11.~~ [219]

~~2. This rule also applies to plantation forestry activities where this provision is more stringent than the NES - PF.~~ [220]

Activity status where compliance not achieved:

~~Restricted Discretionary except~~

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

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

~~**Activity Status Restricted Discretionary**~~

~~Where:~~

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

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

~~a. Any requirements for landscape evaluation;~~

~~b. Effects on habitats of any threatened or protected species;~~

~~c. Effects on the threat status of land environments in category one or two of the Threatened Environments Classification;~~

~~d. The extent to which the site is visible from a road or public place;~~

[212] Te Rūnanga o Ngāi Tau, Te Rūnanga of Ngāti Waewae and Te Rūnanga o Makaawhio S620.206
[213] Director General of Conservation S602.158
[214] Director General of Conservation S602.158
[215] Consequential amendment Director General of Conservation S602.158
[216] Royal Forest and Bird Protection Society of New Zealand Incorporated S560.281 and S560.002, John Caygill S290.006, Riarnne Klempel S296.006
[217] RMA Schedule 1, clause 16(2)
[218] Snodgrass Road submitters S619.047
[219] Royal Forest and Bird Protection Society of New Zealand Incorporated S560.0586, Director General of Conservation S602.158
[220] Royal Forest and Bird Protection Society of New Zealand Incorporated S560.0586
[221] Director General of Conservation S602.158

~~e. Any effects on the natural character of the coast;~~

~~f. The effects on potential or current public access to the coast;~~

~~g. The effects on Poutini Ngāi Tahu values;~~

~~h. Design and location of any buildings, structures or earthworks;~~

~~i. Volume and area of earthworks;~~

~~j. Area and location of indigenous vegetation clearance; and~~

~~k. Landscape measures.~~

~~**Activity status where compliance not achieved:** Discretionary~~[222]

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

Activity Status Discretionary

Where:

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

Notification:

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

Advice Note:

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

Activity status where compliance not achieved: Non-complying

Rules relating to Buildings, Structures and Earthworks

Submissions and Further Submissions

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

[222] Director General of Conservation S602.162
[223] Grey District Council S608.659
[224] RMA Schedule 1, clause 16(2)

566. Twenty-eight submission points and two further submissions received on **Rule CE-R16** were summarised in a table on pages 150-152 of the s42A report. One submission was in support, one sought the rule be deleted and the remainder sought amendments. The two further submissions opposed two of the amendments.

567. Thirty submission points and one further submission received on **Rule CE-R18** were summarised in a table on pages 152-155 of the s42A Report. Two submissions were in support and the remainder sought amendments. The further submissions opposed an amendment.

568. Nineteen submission points and one further submission received on **Rule CE-R21** were summarised in a table on pages 155-156 of the s42A Report. Two were in support and the remainder sought amendments. The further submissions opposed an amendment.

Section 42A Report

Rule CE - R15

569. Ms Easton acknowledged the submissions from Te Mana Ora (S190.493) and BDC (S538.302) in support of the rule as notified.

570. Ms Easton did not support submissions[225] that sought to amend the rule to be more enabling of development because they considered it was too restrictive. She noted the rule allowed for buildings, structures and earthworks within areas of High Coastal Natural Character to be assessed against a number of relevant matters of discretion. She highlighted there was no escalation rule, and these activities would all be considered as a restricted discretionary activity. Given the significance of these areas in the coastal environment, she did not consider the rule was excessively restrictive and in her opinion, it provided a reasonable pathway for new use and development to be considered.

571. Ms Easton did not support a submission point from Westpower (S547.547.442) that sought a new matter of discretion '*the benefits arising from the proposed activity*.' She did not consider benefits to be a relevant matter within the context of the direction provided by higher order documents.

572. Ms Eston supported in part a submission point from Westpower (S547.443) that sought seeking a new matter of discretion *'the technical, locational, functional or operational constraints and/or requirements of the activity'*. She supported the addition of a matter relating to functional need and operational need because this was consistent with Policy CE-P5, and the approach taken around using definitions from the Planning Standards.

573. Ms Easton did not support a submission point from Forest and Bird (S560.304) that sought that rules CE-R14 and R15 be combined. She noted that CE-R15 also regulated earthworks, which were not addressed in CE-R14 or within the coastal environment rules outside of the Outstanding Coastal Environment Area and High Natural Character Overlay. She noted that Forest and Bird had sought wider regulation of earthworks in other submission points, that she had also not recommended accepting.

[225] Peter Langford (S615.104), Karamea Lime Company (S614.104), Catherine Smart-Simpson (S564.082), Geoff Volckman (S563.071), Leonie Avery (507.102), Jared Avery (S508.102), Kyle Avery (S509.102), Avery Bros (S510.102), Bradshaw Farms (S511.102), Paul Avery (S512.102), Brett Avery (S513.102), Steve Croasdale (S516.080) Chris J Coll Surveying Limited (S566.297-298), William McLaughlin (S567.360-361), Chris and Jan Coll (S558.297-298)

574. The Director General (S602.160) sought amendments and additions to the matters of discretion which Ms Easton supported in part, consistent with other amendments she recommended in relation to other restricted discretionary activity rules. She also noted that the advice note in relation to Plantation Forestry Activities had been incorrectly applied to this rule and recommended its deletion as an amendment under RMA Schedule 1, clause 16.

575. GDC (S608.662) sought reference to the activity status where the rule was not met. Ms Easton did not support this because she noted there was no escalation rule and the notified rule stated that the activity status where compliance is not achieved was *'N/A'*.

Rule CE - R16

576. Ms Easton acknowledged the submissions from Te Mana Ora (S190.494) and BDC (S538.303) in support of the rule as notified.

577. Fourteen submissions[226] sought the rule be amended to be more enabling of development because they considered the rule was too restrictive. Russell and Joanne Smith (S477.017 and S477.018), Tim Macfarlane (S482.017 and S482.018), Claire & John West (S506.017 and S506.018), Lauren Nyhan and Anthony Phillips (S533.017 and S553.018), Stewart & Catherine Nimmo (S559.017 and S559.018), Joel and Jennifer Watkins (S565.029) and Tim and Phaedra Robins (S579.026) sought the matters of discretion be removed where existing subdivisions were in place, except those relating to landscape and amenity values.

578. Ms Easton did not support these submission points. She noted that the Outstanding Coastal Environment Area represented the most significant coastal natural landscapes and areas of coastal natural character on the West Coast and had the highest level of protection associated with them. She highlighted there was very little development within these areas and considered that the direction in s6 of the RMA, Policies 13 and 15 of the NZCPS and Policy 1(b) of Chapter 9 of the WCRPS set a clear expectation that the permitted activities in these areas would be limited to those that were not likely to lead to adverse effects – not just significant adverse effects. For these reasons, she considered the rule was careful to ensure any activities provided for did not result in degradation of outstanding landscape, biodiversity or natural character values.

579. Westpower (S547.444) sought additional activities be provided for within the rule, including a network utility, energy activity, critical infrastructure or electricity generation activity; and two additional matters of discretion. Ms Easton did not support this submission point. She considered the direction in the WCRPS around outstanding areas provided for National Grid (Chapter 9, Policy 2) and renewable electricity generation only (Chapter 9, Policy 4), not the wider activities sought in the submission point.

580. Buller Conservation Group (S552.133), Frida Inta (S553.133) and Forest and Bird (S560.305) sought the rule be amended to a discretionary activity by combining it with CE-R21. The Director General (S602.161) sought to delete the rule entirely. Ms Easton supported these submissions in that she considered these activities should be a discretionary activity. She noted that the equivalent rule in the Natural Features and Landscape Chapter was a restricted discretionary activity, but noted the direction in the NZCPS and WCRPS was stronger than that for wider ONFL. She agreed with the submitters that a discretionary activity status was more

[226] Catherine Smart-Simpson (S564.083), Geoff Volckman (S563.072), Leonie Avery (507.103), Jared Avery (S508.103), Kyle Avery (S509.103), Avery Bros (S510.103), Bradshaw Farms (S511.103), Paul Avery (S512.103), Brett Avery (S513.103), Steve Croasdale (S516.081) Chris J Coll Surveying Limited (S566.299), William McLaughlin (S567.362), Chris and Jan Coll (S558.299), Neil Mouat (S534.053)

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

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

Rule CE - R18

582. Ms Easton acknowledged the submissions from Te Mana Ora (S190.496) and BDC (S538.305) in support of the rule as notified.

583. Ms Easton did not support submissions[227] that sought to amend the rule to be more enabling of development, as they consider it too restrictive. This included submission points from Joel and Jennifer Watkins (S565.030) and Tim and Phaedra Robins (579.027) that sought that all matters of discretion were removed where existing subdivisions were in place, except those relating to landscape and amenity values. Ms Easton noted the Outstanding Coastal Environment Area represented the most significant coastal natural landscapes and areas of coastal natural character on the West Coast and considered they had the highest level of protection associated with them. She noted that there was very little development within these areas, and considered that the direction in s6 of the RMA, Policies 13 and 15 of the NZCPS and Chapter 9, Policy 1(b) of the WCRPS set a clear expectation that the permitted activities in these areas would be limited to those that were not likely to lead to adverse effects – not just significant adverse effects. For this reason, she considered this rule was very careful to ensure any activities provided for do not result in the degradation of these outstanding landscape, biodiversity or natural character values.

584. Westpower (S547.499) sought the rule apply to the installation of energy activity infrastructure and critical infrastructure, and two additional matters of discretion be added relating to '*the benefits arising from the proposed activity'* and the '*technical, locational, functional or operational constraints and/or requirements of the activity*.' Ms Easton did not support these submission points. She considered that expanding the range of activities the rule applied to did not meet the clear direction in the WCRPS around what activities were appropriate in outstanding areas. She noted that her reasons for not recommending a matter of discretion relating to benefits was the same as given in relation to similar submissions. She also noted that Chapter 9, Policy 2(2) of the WCRPS only recognised consideration of technical and operational constraints in relation to the National Grid within outstanding natural features and landscapes.

585. Forest and Bird (S560.307) sought the rule be combined to cover both earthworks and buildings and structures. Ms Easton did not support this submission, noting the framework of managing earthworks and buildings and structures was similar across the NFL Chapter and CE Chapter; and that managing these activities under separate rules was a common approach in other recent district plans.

586. The Director General (S602.163) sought several changes to the matters of discretion, which Ms Easton supported in part, consistent with other recommendations on similar points. The

[227] Catherine Smart-Simpson (S564.085), Geoff Volckman (S563.074), Leonie Avery (507.105), Jared Avery (S508.105), Kyle Avery (S509.105), Avery Bros (S510.105), Bradshaw Farms (S511.105), Paul Avery (S512.105), Brett Avery (S513.105), Steve Croasdale (S516.083) Chris J Coll Surveying Limited (S566.301), William McLaughlin (S567.364), Chris and Jan Coll (S558.301), Neil Mouat (S534.055)

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

587. Ms Easton supported a submission from GDC (S608.663) that sought that the title for the rule be reworded to be consistent with other plan rules.

588. Forest and Bird (S560.0570) sought the rule be amended so that clause (1)(iv) only applied to sites with no existing buildings at the date the plan was notified. Ms Easton did not support this submission point as the rules were not in effect when the plan was notified, and subdivision to create additional lots may have occurred, including through 'bonus lot' provisions under the ECO Chapter rules. She considered it was appropriate for the rule to provide a consenting pathway for lawfully established allotments to have a residential dwelling constructed on them, and considered that a restricted discretionary activity status was appropriate for this activity.

589. Forest and Bird (S560.0571) sought to delete clause (2), which Ms Easton supported for the same reasons she supported the Director General's submission seeking the same relief.

590. Forest and Bird (S560.0572) also sought additional matters of discretion *'The location of the activity on the site'*; and '*Whether the site includes significant natural area on applying the WCRPS Appendix 1 criteria and effects on the values in that area(s)'*. Ms Easton did not support this submission point, considering that these matters were sufficiently addressed within the existing matters of discretion (g), (d) and (e) in a way that was consistent with the language of the NZCPS and WCRPS.

Rule CE - R21

591. Ms Easton noted that consequential amendments were needed to Rule CE-R21 as a result of the recommended amendments to Rule CE-R16, so that Rule CE-R21 was not a duplication of CE-R16. She considered that because Rule CE-R16 addressed buildings and structures, Rule CE-R21 should be for earthworks only, as the escalation rule for CE-R18. She considered the rule should not apply within the HNC overlay, as the rule cascade for that overlay ends at Rule CE-R15. She noted the submissions on the rule were considered in this context.

592. Ms Easton acknowledged the submissions from Te Mana Ora (S190.499) and BDC (S538.308) in support of the rule as notified.

593. Ms Easton did not support submissions[228] that sought the rule be amended to be more enabling of development because they considered it was too restrictive. She noted the Outstanding Coastal Environment Area represented the most significant coastal natural landscapes and areas of coastal natural character on the West Coast and considered they had the highest level of protection associated with them. She noted there was very little development within these areas, and considered that the direction in s6 of the RMA, Policies 13 and 15 of the NZCPS and Chapter 9, Policy 1(b) of the WCRPS sets a clear expectation that

[228] John Brazil (S360.043), Catherine Smart-Simpson (S564.087), Geoff Volckman (S563.076), Leonie Avery (507.107), Jared Avery (S508.107), Kyle Avery (S509.107), Avery Bros (S510.107), Bradshaw Farms (S511.107), Avery Brother (S609.087), Paul Avery (S512.107), Brett Avery (S513.107), Steve Croasdale (S516.0850, Neil Mouat (S534.055), Geoff Volckman (S563.076), Peter Langford (S615.108)

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

594. Ms Easton did not support a submission from Westpower (S547.453) that sought to amend clause (1) to refer to the values '*which together'* making the site outstanding. She acknowledged this phrase was used in the policy context, but considered that it would reduce the clarity of the rule and therefore was not appropriate for a performance standard.

595. Forest and Bird (S560.310) sought the rule be amended to non-complying. Ms Easton did not support this submission point because she considered it would have the effect of making most earthworks within the Outstanding Coastal Environment Area non-complying. She considered there could be earthworks that were consistent with the objectives and policies of the plan outside of what was provided for within CE-R15 and that a non-complying activity status for these activities would be inappropriate.

Hearing and Submitter Evidence/Statements

596. Mr Brass, for the Director General, noted that the s42A Report recommendations on these rules largely adopted the intent of the submission. He noted he was broadly supportive of the recommendations, but considered there was a gap in the matters of discretion in terms of biodiversity values. He noted that Rule CE-R12 included four matters of discretion (a)-(d) relating to biodiversity values, but rule CE-R15 and CE-R18 only included two of these matters. He did not see why buildings, structures and earthworks would not affect ecological functioning, life supporting capacity or intrinsic values of ecosystems, nor could he see why the range of effects from natural hazard mitigation structures would be materially different from the effects of other structures and earthworks. He therefore considered CE-R12 matters (c) and (d) should be included in rules CE-R15 and CE-R18 to improve certainty and consistency and give effect to s31(1)(b)(iii) of the RMA and Chapter 7 of the WCRPS.

597. Mr Kennedy, for Westpower, agreed with the s42A Report recommendations on Rule CE-R15, except that he sought an additional matter of discretion '*the benefits arising from the activity'.* He noted that Method 2 of Chapter 6 – RSI of the WCRPS seeks that district plan rules recognise the benefits of RSI. He also noted that functional and operational need was proposed to be included in the matters of discretion and agreed with that outcome.

598. In relation to CE-R16, Mr Kennedy was unclear on the applicable activity status and cross referencing of rules. He noted that rules CE-R8 and CE-R18 were shown as moving to restricted discretionary activity status where compliance was not achieved, and he queried whether upgrading was proposed to be a non-complying activity. He was concerned that the upgrading /minor upgrading issue remained unresolved and the impact of the approach on the community. He considered a restricted activity consent category appropriate for regionally significant infrastructure and was concerned that elements of RSI could be a non-complying activity under proposed Rule 22A, particularly given the provisions of the RPS in relation to such activities. He did not consider this was appropriate outcome. He sought clause (3)(i) be amended to reference regionally significant infrastructure. In the event that a restricted discretionary category was reinstated, he considered the additional matters of discretion sought in the Westpower submission were appropriate.

599. Mr Kennedy continued to seek amendments to CE-R18 as follows:

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

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

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

Reporting Officer Evidence in Reply

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

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

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

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

Hearing Panel's Evaluation

Rule CE – R15

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

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

Rule CE – R16

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

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

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

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

Rule CE – R18

610. The Panel accepts Ms Easton's reasoning and recommended amendments to Rule CE-R18, as shown in Appendix 1 of the Right of Rely. The Panel accepts these amendments give effect to the NZCPS and WCRPS.

611. The Panel agrees with Mr Brass that the matters of discretion (c) and (d) from CE-R12 should be included in Rule CE-15 and CE-R18, in line with our recommendation on CE-R14, to ensure these effects can be addressed and for consistency. We accept this is within the scope of the Director General's submission point.

Rule CE – R21

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

New Rule CE – R22A

613. The Panel accepts Ms Easton's reasoning and recommendation to add new Rule CE-R22A, as shown in Appendix 1 of the s42A Report.

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

Hearing Panel's Recommendation

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

CE - R15 Buildings, Structures and Earthworks within the High Coastal Natural Character Overlay not meeting Permitted Activity Standards
Activity Status Restricted Discretionary **Discretion is restricted to:** a. Any requirements for landscape evaluation; b. The extent to which the site is visible from a road or public place; c. The effects on the natural character of the coast;

d. The effects on landscape and natural features of the coast;

e. The effects on potential or existing public access to **and along**[229] the coast;

f. Design and location of any buildings, structure or earthworks;

g. Volume and area of earthworks;

~~**h.**~~ Effects on ~~habitats of any threatened or protected flora or fauna species;~~ **indigenous vegetation and habitats of indigenous fauna;** [230]

i. Effects on ecological functioning and the life supporting capacity of air, water, soil and ecosystems; [231]

j. Effects on the intrinsic values of ecosystems; [232]

k. Effects on the threat status of land environments in category one or two of the Threatened Environments Classification;

l. Effects on recreational values of public land;

m. Effects on Poutini Ngāi Tahu values, **any archaeological sites,**[233] **historic heritage**[234] and any Sites and Areas of Significance to Māori identified in Schedule Three;

n. Landscape and visual effects; ~~and~~[235]

o. Location, dimensions and appearance of any structure~~.~~**; and**[236]

p. The functional need or operational need of the activity. [237]

Advice Note:

1. This rule also applies to ~~plantation~~ **commercial** forestry activities where this provision is more stringent than the NES - ~~P~~**CF**. [238]

Activity status where compliance not achieved: N/A

CE - R16 Additions to ~~Existing~~ lawfully established[239] **Buildings and New Buildings and Structures and associated Earthworks within the Outstanding Coastal Environment Area not meeting Permitted Activity Standards**

Activity Status ~~Restricted~~[240] **Discretionary**

Where:

1. This is an addition to a~~n existing~~ **lawfully established**[241] building or a building accessory to a~~n existing~~ **lawfully established**[242] building; or

[229] Royal Forest and Bird Protection Society of New Zealand Incorporated S560.281 and S560.002, John Caygill S290.006, Riarnne Klempel S296.006
[230] Director General of Conservation S602.160
[231] Director General of Conservation S602.160
[232] Director General of Conservation S602.160
[233] Te Rūnanga o Ngāi Tau, Te Rūnanga of Ngāti Waewae and Te Rūnanga o Makaawhio S620.150
[234] Director General of Conservation S602.160
[235] RMA Schedule 1, clause 16(2)
[236] RMA Schedule 1, clause 16(2)
[237] Westpower Limited S547.443
[238] RMA Schedule 1, clause 16(2)
[239] Consequential amendment to Rule CE-8
[240] Director General of Conservation S602.161, Royal Forest and Bird Protection Society of New Zealand Incorporated S560.305, Frida Inta S553.133 and Buller Conservation Group S552.133
[241] Consequential amendment from recommendations to Rule CE-8, Director General of Conservation S602.154
[242] Consequential amendment from recommendations to Rule CE-8, Director General of Conservation S602.154

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

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

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

Activity status where compliance not achieved: ~~Discretionary~~ **Non-complying**[244]

CE-R18 Earthworks within the Outstanding Coastal Environment Area not ~~provided for as a Permitted Activity~~ meeting Permitted activity standards[245]

Activity Status Restricted Discretionary

Where:

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

~~b. Earthworks are the minimum required to undertake the activity.~~ [246]

Discretion is restricted to:

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

[243] Director General of Conservation S602.161
[244] Director General of Conservation S602.161
[245] Grey District Council S608.663
[246] Director General of Conservation S602.163, Royal Forest and Bird Protection Society of New Zealand Incorporated S560.0571

c. Any effects on the values that make the site Outstanding;

d. Effects on ~~habitats of any threatened or protected species~~ **indigenous vegetation and habitats of indigenous fauna**; [247]

e. **Effects on ecological functioning and the life supporting capacity of air, water, soil and ecosystems;** [248]

f. **Effects on the intrinsic values of ecosystems;** [249]

g. Effects on the threat status of land environments in category one or two of the Threatened Environments Classification;

h. The effects on Poutini Ngāi Tahu values**, any archaeological sites,** [250] **historic heritage** [251] and any Sites and Areas of Significance to Māori identified in Schedule Three;

i. Design**,** ~~and~~ location **and area** [252] of any earthworks;

~~h. Volume and area of earthworks;~~

j. Area and location of vegetation clearance;

k. Landscape measures to reduce the visual effects on the values of the Outstanding Natural Landscape or Feature; ~~and~~ [253]

l. Where relevant, matters included within Policy NFL - P6~~.~~**;**

m. **The effects on the natural character of the coastal environment; and** [254]

n. **The effects on natural features and natural landscapes.** [255]

Advice Note:

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

Activity status where compliance not achieved: Discretionary

CE-R21 ~~Buildings, Structures and~~ [257] **Earthworks in the ~~High Natural Character Overlay or the~~** [258] **Outstanding Coastal Environment not meeting Restricted Discretionary Rules**

Activity Status Discretionary

Where:

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

Advice Note:

[247] Director General of Conservation S602.163
[248] Director General of Conservation S602.163
[249] Director General of Conservation S602.163
[250] Te Rūnanga o Ngāi Tau, Te Rūnanga of Ngāti Waewae and Te Rūnanga o Makaawhio S620.207
[251] Director General of Conservation S602.163
[252] Director General of Conservation S602.163
[253] RMA Schedule 1, clause 16(2)
[254] Director General of Conservation S602.163
[255] Director General of Conservation S602.163
[256] RMA Schedule 1, clause 16(2)
[257] Director General of Conservation S602.161, Royal Forest and Bird Protection Society of New Zealand Incorporated S560.305, Frida Inta S553.133 and Buller Conservation Group S552.133
[258] Consequential amendment to recommendation on Rule CE-R16, Director General of Conservation S602.161, Royal Forest and Bird Protection Society of New Zealand Incorporated S560.305, Frida Inta S553.133 and Buller Conservation Group S552.133

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

Activity status where compliance not achieved: Non-complying

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

Activity Status Non – complying

Activity status where compliance not achieved: N/A[261]

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

Submissions and Further Submissions

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

Section 42A Report

617. The s42A Report clarified that this rule applied to plantation forestry, and that since the Plan was notified the former NES-PF had been amended to the NES-CF. The wording of the NES has been updated and the definition of commercial forestry has changed. As a consequence of the amendments, Councils now have full discretion to apply more stringent rules relating to afforestation.

618. The NES-CF regulates commercial forestry, defined as '*exotic continuous cover forestry or plantation forestry*'. The definition of '*plantation forestry*' is not limited to exotic forestry, meaning indigenous forestry undertaken under the Forests Act, or future indigenous plantations are included. Ms Easton recommended all references to the NES-PF be amended to NES-CF, although she was unsure whether there is scope for this change, or whether it could be undertaken as a clause 16 amendment. She noted that her s42A Report comments were made in the context of the NES-CF.

619. Ms Easton acknowledged the submissions from Te Mana Ora (S190.498) and BDC (S538.307) in support of the rule as notified.

620. Forest and Bird (S560.0574) sought the rule be amended to include areas of HCNC with a non-complying activity status. Ms Easton supported the submission in part, noting that the amended NES-CF allowed for the rule to be applied to the HCNC areas. However, she did not consider it was appropriate for all afforestation to be non-complying. She was mindful that existing indigenous forestry activities are being undertaken in Outstanding Coastal

[259] RMA Schedule 1, clause 16(2)
[260] RMA Schedule 1, clause 16(2)
[261] Consequential amendment to recommendation on Rule CE-R16, Director General of Conservation S602.161, Royal Forest and Bird Protection Society of New Zealand Incorporated S560.305, Frida Inta S553.133 and Buller Conservation Group S552.133

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

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

Hearing and Submitter Evidence/Statements

622. Submitters reiterated their positions at the hearing.

Reporting Officer Evidence in Reply

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

Hearing Panel's Evaluation

Rule CE – R20

624. The Panel accepts Ms Easton's reasoning and recommended amendments to Rule CE-R20, as shown in Appendix 1 of the Right of Reply. The Panel accepts these amendments give effect to the NZCPS and WCRPS.

625. The Panel agrees that changing replacing '*plantation*' with '*commercial*' in the context of this rule is more than a change in reference to the NES-CF in the advice notes of the rule and should not be undertaken as an RMA Schedule 1, clause 16 minor amendment. This change should be considered as part of a future plan change to give effect to the NES-CF.

Hearing Panel's Recommendation

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

CE - R20 Afforestation with Plantation Forestry in the High Coastal Natural Character Overlay, the[262] Outstanding Coastal Environment Area or any Significant Natural Area identified in Schedule Four in the Coastal Environment

Activity Status Discretionary

Advice Note:

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

Activity status where compliance not achieved: N/A

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

Submissions and Further Submissions

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

Section 42A Report

628. Ms Easton acknowledged the submissions from Te Mana Ora (S190.500) and BDC (S538.309) in support of the rule as notified

629. Buller Conservation Group (S552.136) and Frida Inta (S553.136) sought the rule be deleted because destroying such features would destroy important values. Ms Easton did not support these submissions and noted that the submitters seemed to be seeking a more stringent prohibited activity rule, as deleting it would weaken protections for these areas.

630. Transpower (S299.071) sought the rule be amended to clarify the term '*destroy*' and application of the rule. Ms Easton did not support this submission and considered the term '*destroy*' was clear in terms of its common meaning. She considered the scale, nature of degree of destruction would vary on a case by case basis. She noted that the only ONFL within the coastal environment were Punakaiki Pancake Rocks and Gillespies Breach huttonite, both of which were within National Parks. She did not consider further definition of '*destroy*' necessary for implementation of this rule.

631. Ms Easton did not support a submission from Westpower (S547.454) that sought to amend the rule to refer to '*the values which **together** make it outstanding…'* for the reasons previously given.

[262] Buller District Council S583.287
[263] RMA Schedule 1, clause 16(2)
[264] Royal Forest and Bird Protection Society of New Zealand Incorporated S560.0574

632. Forest and Bird (S560.311) sought a prohibited activity status. Ms Easton did not support this submission. While she considered an application under the rule was unlikely, she could imagine a circumstance (e.g. a natural disaster), where an application could be made to destroy some aspect of a site's values that had been impacted by the disaster. In particular, she could envisage an event where retrospective consent was required for emergency works undertaken after a natural disaster.

633. GDC (S608.082) sought the limited notification clause be amended to a written approval clause. Ms Easton supported this submission, noting limited notification clauses were no longer provided for under the RMA.

Hearing and Submitter Evidence/Statements

634. The letter from Transpower accepted the s42A Report recommendation and supported the retention of the rule, noting the limited areas of land within which it would apply.

635. Mr Kennedy, for Westpower, continued to seek that CE-R22 be amended to add the word '*together*'

Reporting Officer Evidence in Reply

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

Hearing Panel's Evaluation

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

Hearing Panel's Recommendation

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

CE - R22 Activities in the Coastal Environment that would destroy any Outstanding Natural Feature identified in Schedule Six or the values which make it Outstanding
Activity Status Non-complying **Notification:** **When making notification decisions in relation to a**~~A~~pplications to destroy any Outstanding Natural Feature or the Values which make it Outstanding **the Council** will **consult with** ~~always be Limited Notified to~~ the Geosciences Society of New Zealand ~~and may be publicly notified~~. [265] **Advice Note**:

[265] Grey District Council S608.659

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

Activity status where compliance not achieved: N/A

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

Submissions and Further Submissions

639. Twenty submissions received on **Rule SUB-R16** were summarised in a table on pages 166-168 of the s42A Report. Two were in support and the remainder sought amendments.

640. Fifteen submissions and two further submissions received on **Rule SUB-R17** were summarised in a table on page 168 of the s42A Report. Thirteen were in support and two sought amendments. The two further submissions were in support of amendments.

641. Nine submissions received on **Rule SUB-R24** were summarised in a table on pages 168-169 of the s42A Report. One was in support, two sought amendments and five sought the rule be deleted. One submission point did not state a position.

Section 42A Report

Rule SUB - R16

642. Ms Easton acknowledged the submissions from Te Mana Ora (S190.431) and BDC (S538.269) in support of the rule as notified.

643. Eighteen submission points[266] sought to delete clause (1), which requires the subdivision to be outside the Outstanding Natural Character Area overlay; and/or that the rule not escalate to non-complying. Ms Easton did not support these submissions given the direction of the NZCPS and WCRPS. She noted that when subdivision occurred it created the near-inevitable likelihood of a dwelling being constructed and other development occurring over time. She considered that restricting subdivision in the most significant areas of outstanding coastal natural character avoided this development cycle, giving effect to the NZCPS and WCRPS direction.

Rule SUB - R17

644. Ms Easton acknowledged the submissions[267] supporting the rule as notified.

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

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

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

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

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

SUB - R24

647. Ms Easton acknowledged the submission from Te Mana Ora (S190.439) in support of the rule as notified.

648. Margaret Montgomery (S446.063) sought the rule be reviewed in light of the permitted baseline, as she was concerned the areas could be built on, but not subdivided. Ms Easton did not support this submission, considering the building rules were exceedingly restrictive and there were no permitted new buildings. She considered no permitted baseline applied.

649. Seven submission points[268] sought to delete the rule or make it a discretionary activity. Ms Easton did not support these submissions. She noted that when subdivision occurred it created the near-inevitable likelihood of a dwelling being constructed and other development occurring over time, with adverse effects inevitably arising. She considered that restricting subdivision in the most significant areas of outstanding coastal natural character meant that this development cycle would be avoided, giving effect to the NZCPS and WCRPS direction.

Hearing and Submitter Evidence/Statements

650. No evidence was presented on these rules.

Reporting Officer Evidence in Reply

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

Hearing Panel's Evaluation

652. The Panel accepts Ms Easton's recommendation to make no changes to rules SUB-R16 and SUB-R24 in response to the submissions.

653. The Panel accepts the reasoning and recommended amendments to Rule SUB-R17, as shown in Appendix 1 of the s42A Report. The Panel accepts these amendments give effect to the NZCPS and WCRPS. We have also recommended amendment to the notification clauses to be consistent with other similar amendments to limited notification clauses Plan-wide because as notified this was ultra vires.

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

Hearing Panel's Recommendation

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

SUB - R16 Subdivision of Land within the Coastal Environment subject to an Outstanding Natural Landscape, Outstanding Natural Feature or High Coastal Natural Character Overlay
Activity Status Discretionary Where: No new allotments are proposed within Outstanding Coastal Natural Character areas as identified in Schedule Eight. **Activity status where compliance not achieved:** Non-complying
SUB - R17 Subdivision of Land within the Coastal Environment to create allotments where there is a Historic Heritage site or area identified in Schedule One or a Site and Areas of Significance to Māori identified in Schedule Three <u>not provided for in Rule SUB – R5</u>[269] **Activity Status Discretionary** Notification: 1. ~~Applications to subdivide a lot with a Site or Area of Significance to Māori will always be limited notified to the relevant rūnanga.~~ **<u>When making notification decisions in relation to this rule, the Council will consult with Poutini Ngāi Tahu</u>**.[270] 2. ~~Applications to subdivide a lot with a historical heritage feature will always be limited notified to~~ Heritage New Zealand Pouhere Taonga ~~and may be publicly notified~~. **<u>When making notification decisions in relation to this rule, the Council will consult with Heritage New Zealand - Pouhere Taonga.</u>**[271] Activity status where compliance not achieved: N/A
SUB - R24 Subdivision within the Outstanding Coastal Natural Character Overlay
Activity Status Non-complying **Activity status where compliance not achieved: N/A**

3.12. Planning Maps and Schedules - Natural character overlays

<u>Submissions and Further Submissions</u>

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

[269] Te Tai Poutini Plan Committee S171.018
[270] Margaret Montgomery S446.058
[271] RMA Schedule 1, clause 16(2)

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

657. Ninety-three submission points were received on the schedules. Four sought amendments and the remainder were in support.

Section 42A Report

High Coastal Natural Character Overlay

658. Ms Easton acknowledged the submissions in support of the HCNC overlay.

659. GDC (S608.843) sought the overlay be reviewed and reassessed for accuracy. Ms Easton supported this submission, noting that since the Plan was notified this exercise had been undertaken by Mr Stephen Brown in September 2022 and subsequently reviewed by Ms Bridget Gilbert. She noted Ms Gilbert's evidence stated that in her opinion the mapping methodology was credible, but that both mapping sets presented difficulties in terms of technical accuracy. Ms Gilbert made several recommendations for further refinement of the mapping, and Ms Easton supported making these changes.

660. BDC (S538.311) sought careful consideration of individual submissions regarding land use implications of any coastal overlay, and the accuracy of High and Outstanding Coastal Natural Character overlay boundaries. They also sought that the High and Outstanding Natural Coastal Character overlays show the identifier number of the scheduled site that they related to. Ms Easton supported this submission, noting that the submissions had been carefully considered and a review of accuracy of the overlay boundaries had been undertaken. She also supported showing an identifier number for each component of the overlays.

661. A joint submission point from Chorus NZ Ltd, Spark NZ Trading Ltd and Vodafone NZ Ltd (S663.057) sought that identified areas of High Natural Character did not cover existing urban development. Ms Easton supported this submission point in part. She noted that Greymouth was the only part of the West Coast that met the definition of "*urban*" as used in the NPS Urban Development. The submitter also noted Ashmore Avenue in Cobden was affected by the overlay. Ms Easton noted this area was Outstanding Coastal Natural Character, not High Coastal Natural Character. She considered this to be a mapping error and noted Ms Gilbert had recommended the overlay was removed from the General Residential Zone at Ashmore Avenue. She noted the High Natural Character overlay did not cover any part of the developed Greymouth urban area, Hokitika or Westport. However, she confirmed the overlay did cover some locations around these centres, and parts of smaller settlements.

662. Submissions on individual Natural Character Areas (**NCA**) are addressed below.

NCA 41 Pakiroa Beach

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

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

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

NCA 57 Karamea

665. Ruth Henschel and Richard Henschel (S285.003) sought that the HCNC be removed from 4456B Karamea Highway. Emilie Schmitthaeusler and Sander De Vries (S58.001) sought that the HCNC be removed from 4456A Karamea Highway. Ms Easton noted that Ms Gilbert had reviewed this NCA and recommended some modification to the boundary to follow the terrestrial coastal landform edges, and to exclude rural living properties as shown in the aerial photography. Ms Easton supported these submissions on that basis.

666. Ms Easton supported in part submissions from John Helen & Brett Hadland (S318.001), Delwyn Broadbent (S319.001 and S319.002), Lynne Lever & Greg Tinney (S320.001 and S320.007), Tony Schroder and Emi Schroder (S369.001 and S369.005) and Greg Maitland (571.008), which sought that the HCNC overlay be removed from the Chesterfield Terraces. She noted that Ms Gilbert had reviewed the overlay and supported the updated Stephen Brown mapping in this area. She noted this had slightly reduced the extent of the area (but did not remove it) to exclude modified areas where built development was evident.

NCA 11 Okuru and Turnball river mouths

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

NCA 43 Pahautane

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

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

Other NCA submissions

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

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

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

Outstanding Natural Character Overlay

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

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

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

NCA 10 Hannah's Clearing

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

NCA 38 Rapahoe

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

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

NCA 42 Punakaiki

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

NCA 32 Awatuna

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

NCA 54 Granity

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

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

682. Karen and Dana Vincent (S591.003) sought that Barrytown beach be included within the area of HCNC. Ms Easton did not support this submission, noting that neither the 2013 nor 2022 Stephen Brown landscape study identified this area as being an area of HCNC. She also noted that Ms Gilbert did not consider this area was an HCNC area.

683. Fernando Tarango (S342.003) and Laurence Rueter (S381.002) sought that "The Pyramid" feature at Karamea was included in the overlay. Ms Easton did not support these submission points, noting that Ms Gilbert's review considered the updated Stephen Brown mapping was correct; and that the exclusion was correct given the level of earthworks and built modification in this location.

NCA Schedules

684. Ms Easton noted that Grey District Council (various submission points) supported each NCA within the schedules; and that David Moore (various submission points) supported the majority of NCA areas scheduled.

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

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

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

Hearing and Submitter Evidence/Statements

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

688. Mr Brass, for the Director General, supported the s42A Report recommendations in relation to mapping corrections requested in the submission.

689. Mr van Mierlo continued to oppose the HCNC overlay on Lot 2 DP 307444, Blk V Brighton SD. He noted that the western part of the property was covered in gorse and wilding pines and he could see no evidential basis for including it in the overlay. He considered this was a mapping error and noted that it was unclear exactly where the proposed overlay boundary lay. He requested the boundary be aligned with the southern boundary of Lot 2 and the northern boundary of Lot 7 DP 37444.

690. Ms Lever and Mr Tinney on behalf of themselves, John, Helen and Brett Hadland, and Tony and Emi Schroder, spoke at the hearing. They continued to seek removal of the NCA 33 overlay from the mid Chesterfield Terraces. They expressed concern at the process, mapping identification and inconsistencies of the overlays and the impacts on private land; and considered the overlays intrusive and a form of 'backdoor SNA'. They considered the mapping to be incorrect and noted that landowners had not been involved in the identification process.

691. Ms Lever and Mr Tinney noted Mr Brown's mapping included the mid to northern terraces in the overlays, which were areas with obvious modification. They considered Mr Brown's review was unfair as it gave relief to one section of the community, but not the other. They noted that a further review of Mr Brown's work highlighted technical mapping problems and a lack of field work. They highlighted Mr Brown had expressly recommended that the Council review his maps to ensure the HNC area terminated on the crest of fore-slopes, and considered this had not happened because the boundary extended well inland of the terrace edge on their property. The submitters considered Ms Gilbert's recommendation had done the opposite to Mr Brown's recommendation, but acknowledged it was difficult to interpret the minor changes made due to the scale and resolution of the mapping.

692. Ms Ruth and Mr Richard Henschel's tabled statement continued to seek removal of the HCNC overlay from their property at 4456B Karamea Highway. The submitters acknowledged that Ms Easton supported their submission in the s42A Report and provided photographs of the property along with a summary of land uses within it.

693. Mr Philp McKinnel presented a statement of evidence at the hearing for Birchfield Coal Mines Limited (BCML), which continued to seek that the HCNC overlay NCA 38 was removed from the Rapahoe coal yard and the KiwiRail designated land. He noted the coal yard was an active handling and distribution site with little natural character, let alone high or outstanding coastal natural character, and provided several photographs of the site. He questioned why the recommended boundaries shown in the s42A Report (pg. 192) had increased the extent of the NCA in the southern part.

694. The tabled statement for WCRC provide further information to clarify the areas where removal of the NCA was sought, including maps as Appendix 1. These areas included:

(a) Karamea River by the township, where the overlay extended over areas of stopbanks and rock protection structures that were regionally significant infrastructure, part of the river consented for gravel extraction, and land adjoining the river and containing farmland, a camping ground and residential areas.

(b) Graphite Creek at Kongahu, where the overlay extended over an area where slip debris was placed and where willow trees were occasionally cleared from the creek margins, the main road and bridge and an unsealed access road.

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

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

Reporting Officer Evidence in Reply

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

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

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

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

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

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

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

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

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

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

Hearing Panel's Evaluation

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

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

Hearing Panel's Recommendation

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

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

- Areas of General Residential Zone at Ashmore Ave Cobden in NCA 37;
- 4456A and 4456B Karamea Highway in NCA 57;
- Small scale residential properties and farmland at NCA 11 Okuru; and
- 6A Stafford Loop Road in NCA 32.

The following locations are removed from the OCNC maps:

- Rural lifestyle properties in NCA 10 at Hannah's Clearing;
- The Rapahoe Coal Yard and KiwiRail designated land at Rapahoe NCA 38;
- Properties at North Beach Road Cobden where rural living development is evident, and realigning the boundary to mature contiguous bush in NCA 37;
- The HCNC maps are updated as per the recommendations in the report of Bridget Gilbert in Appendix 3, and as further amended in her evidence to support the s42A Right of Reply, where these do not increase the area of private land affected by the HCNC;
- The OCNC maps are updated as per the recommendations in the report of Bridget Gilbert in Appendix 3 and as further amended in her evidence to support the s42A Right of Reply, where these do not increase the area of private land affected by the OCNC;
- The Coastal Environment maps are updated as per the recommendations in the report of Bridget Gilbert in Appendix 3, and as further amended in her evidence to support the s42A Right of Reply;
- That NCA 41 is deleted from Schedule Seven; and
- The description of NCA 10 within Schedule Eight is relocated to Schedule Seven and amended as follows:

  NCA10 Hannah's Clearing

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

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

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

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

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

High Coastal Natural Character		
Unique Identifier	**Site Identifier**	**Description**

~~NCA6~~	~~Neil's Beach Settlement~~	• ~~High natural character. Isolated and modest bach community enclosed and integrated amongst mature coastal forest and flanked by the mouth of the Arawhata River.~~ • ~~Natural qualities are clearly evident in the landform, mature vegetation cover and their relationship with both Okahu/Jackson Bay and Te Tai oRēhua/ the Tasman Sea contributing to a very endemic landscape.~~ • ~~Backed by mature forest covered foothills including Burmeister Tops with views of Jackson Head and the Alps across Okahu/Jackson Bay.~~ • ~~Although apparent the bach community and airstrip do not disrupt the cohesion of natural elements which remain the dominant feature of this unit~~
NCA8	Wai**a**toto~~/Waiatoto River Mouth~~	~~Outstanding~~ **High** natural character. Isolated and modest bach community enclosed and integrated amongst mature coastal forest and flanked by the mouth of the Waiatoto River. a. Highly dynamic and dramatic interaction / relationship between the river mouth and the open waters of Te Tai-o-Rēhua/ the Tasman Sea. b. Backed by extensive mature forest which extends towards the Selborne and Haast Ranges. c. A scattering of baches and pasture occupy the shoreline near Haast - Jackson Bay Road although they do not disrupt the overall cohesion of natural elements which remain the dominant feature of this unit. d. The dramatic exposure of the opens waters of Te Tai-o-Rēhua/ the Tasman Sea enhances the sense of remoteness and wildness. The tidal rhythm of the sea also provides a counterpoint for the river**'**s natural variations of flow, clarity and flood cycles
NCA10	Hannah's clearing	~~Outstanding~~ **High** natural character. A broad sweeping ocean beach backed by patches of low lying mature coastal forest, eroded dune lands, and pasture. • Highly dynamic and dramatic interaction / relationship between the beach and dune field and the open waters of Te Tai-o-Rēhua/ the Tasman Sea. • Backed by extensive mature forest which extends towards the Selborne and Browning Ranges.

		• The presence of pasture, Haast - Jackson Bay Road, and powerlines do not disrupt the overall cohesion of natural elements which remain the dominant feature of this unit. • The dramatic exposure of the open waters of Te Tai-o-Rēhua/ the Tasman Sea enhances the sense of remoteness and wildness.
NCA13	Haast Beach **and coastal hinterland**	High natural character. A broad sweeping ocean beach backed by patches of low lying mature coastal forest, eroded dune lands, and pasture. • Highly dynamic and dramatic interaction / relationship between the beach and dune field and the open waters of Te Tai-o-Rēhua/ the Tasman Sea. • Backed by extensive mature forest which extends towards the Browning and Mark Ranges. • The presence of pasture, Haast - Jackson Bay Road, and powerlines do not disrupt the overall cohesion of natural elements which remain the dominant feature of this unit. • The dramatic exposure of the open waters of Te Tai-o-Rēhua/ the Tasman Sea enhances the sense of remoteness and wildness.
~~NCA15~~	~~Awarua/Haast River mouth (western shoreline)~~	~~High natural character.~~ ~~Braided river mouth surrounded by low lying mature coastal forest, eroded dune lands, and wetlands along its eastern shoreline while its western margins are dominated by pasture.~~ • ~~Highly dynamic and dramatic interaction / relationship between the beach and dune field and the open waters of Te Tai-o-Rēhua/ the Tasman Sea.~~ • ~~Backed by extensive mature forest which extends towards Mosquito Hill.~~ ~~The presence of pasture along the western shoreline and Haast - Jackson Bay Road bridge does not detract from the highly expressive natural processes and elements which are the dominant feature of the unit.~~
NCA31	Totara River mouth **and coastline to Ruatapu**	Broad sweeping exposed beach flanked by extensive dune fields and enclosed lagoons and islands, the mouth of the Totara River and is surrounded by a mixture of

		low lying mature coastal forest interspersed with patches of pasture. • Highly dynamic and dramatic interaction / relationship between the Totara River mouth, sandbars bars and the open waters of the Tasman Sea. • Exposed dune landforms and windswept vegetation impart a strong sense of naturalness and wildness. • Enclosed river and lagoon systems are expressive of the formative and ongoing coastal processes. The presence of pasture and farming activities near the shoreline does not overly detract from the highly expressive natural processes and elements which are the dominant feature of the unit.
~~NCA36~~	~~Peter Ridge Foothills~~	~~Exposed coastal escarpment and terrace covered in windswept coastal forest and scrub.~~ ~~• Coastal landforms with indigenous vegetation reinforcing topography and exposure to coastal processes.~~ ~~• Natural qualities are clearly evident in the landform, vegetation cover and their relationship with the Tasman Sea contributing to a very endemic landscape.~~
NCA 38	Rapahoe – ~~Greigs~~ coastline	Exposed coastal escarpment and terrace covered in windswept coastal forest and scrub. • Coastal landforms with indigenous vegetation reinforcing topography and exposure to coastal processes. • Natural qualities are clearly evident in the landform, vegetation cover and their relationship with the Tasman Sea contributing to a very endemic landscape. • Pockets of ba~~t~~ch development, pasture, and protection works are apparent
~~NCA 41~~	~~Pakiroa Beach~~	~~Broad sweeping sandy / stony beach backed by an extensive dunefield, coastal scrub and forest – at the northern end of Pakiroa Beach.~~ ~~• Natural qualities are clearly evident in the dune landform, windswept vegetation cover and their relationship with the Tasman Seacontribute to the feeling of naturalness.~~ ~~• Intact sequence of vegetation from dune fields through to coastalforest.~~

		~~• Presence of pasture and farming modification behind the coastalforest does not overly detract from the highly expressive andnatural processes that are the dominant element of the unit~~
NCA43	~~Perpendicular Point - Woodpecker Bay~~ **Te Miko**	An extensive assemblage of craggy headlands and points, rock shoals and outcrops interspersed with sweeping sandy / stony beaches, ~~dunefields~~, **steep coastal cliffs,** vegetated in coastal scrub and forest. • High aesthetic values are associated with the inter-relationship between the series of craggy points and outcrops and the open waters of the Tasman Sea. • Natural qualities are clearly evident in the amalgam of landforms, wind swept vegetation cover and their relationship with the Tasman Sea contributing to a very endemic landscape. • Dramatic wave action, evident coastal erosion, and seasonal changes to atmospheric conditions are highly expressive and natural processes. • The prominence of number of houses / ba~~t~~ches and SH6 along the coastline affects the perceived intactness and cohesion of the coastal environment, however they do not overly detract from the highly expressive and natural processes that dominate the landscape. • Backed by a steep escarpment covered in mature coastal forest.
NCA46	~~Doctor Bay to Little Beach~~ **Deep Creek to Parsons Hill**	**An assemblage of coastal and river embayments enclosed by a series of low knolls and headland including Doctor Bay, Constant Bay, Joyce Bay, and** ~~Nile River Bay~~ **Little Beach**. • **This landscape is highly expressive of the interplay between the embayments and the Tasman Sea. The tidal rhythm of the sea also provides a counterpoint for the river's natural variations of flow, clarity and flood cycles.** • **Diverse coastal forest comprising mature beech and rimu as well as windswept coastal scrub and flax across the more exposed headland landforms. The vegetation patterns also reinforce the enclosing landforms.** • **Very intimate and discrete landscape that is strongly focused towards the Nile River.** • **The weathered landforms, vegetation patterns and the prominence of the embayments and Nile River provide a very strong sense of naturalness despite the presence of nearby dwellings and infrastructure.**

NCA47	Okari Lagoon **and coastline**	Extensive saltwater lagoon enclosed by a vast exposed beach and dunefield. • This landscape is highly expressive of the interplay between the Lagoon, Okari River and the Tasman Sea. The tidal rhythm of the sea also provides a counterpoint for the river's natural variations of flow, clarity and flood cycles. • Dune enclosed lagoon is expressive of the coastal environment's formative processes. • Intact vegetation sequences from dunefields to coastal forest create a strong sense of naturalness. The prominence of pasture and farming activities along the western shore of the Lagoon does not overly detract from the highly expressive and natural processes that dominate the landscape.
NCA52	Orowaiti Lagoon **and coastline**	Extensive saltwater lagoon enclosed by a vast exposed beach and dunefield and fed by the Orowaiti River. • This landscape is highly expressive of the interplay between the enclosed Lagoon, Orowaiti River and the Tasman Sea. The tidal rhythm of the sea also provides a counterpoint for the river's natural variations of flow, clarity and flood cycles. • Dune landform enclosing the lagoon is expressive of the coastal environment's formative processes. • Regenerating vegetation covers much of the dunefield. While the prominence of adjoining pasture, farming activities, and development along the shoreline of the Lagoon affect the perceived intactness and cohesion of the coastal environment, they do not overly detract from the highly expressive and natural processes that dominate the landscape.
~~NCA60~~	~~Kohaihai Coast~~	~~Section of remote exposed sandy beaches and dunefields flanked by a strip of pasture (including the DoC campsite) and coastal ranges covered in coastal forest.~~ • ~~Natural qualities are clearly evident in the amalgam of dune landforms, wind swept vegetation cover and their relationship with the Tasman Sea contributing to a very endemic landscape.~~ • ~~Backed by forest covered ranges that extend into Kahurangi National Park.~~

		~~• The remoteness and wildness of the area is counted by the presence of the DoC campsite and dirt access road.~~ ~~• This landscape is highly expressive of the interplay between the active and mobile dunfields, steep sandy beach and the Tasman Sea.~~
Outstanding Natural Character Area		
Unique identifier	**Site identifier**	**Description**
NCA2	Halfway Bluff **and coastal hinterland**	Outstanding natural character. Extremely remote series of coastal bluffs and escarpments, rising to over 100m in parts, which enclose the head of the Cascade and Hope Rivers**.** **Includes the wetland and watercourse dominated coastal hinterland** • Striking interface with Te Tai-o-Rēhua/ theTasman Sea – sheer cliffs and scarps plunge dramatically to the sea with the eroded dunelands and coastal terraces providing an impressive sense of the landscapes formative processes. • Continuous pristine mature coastal and lowland forest cover impart a very strong sense of naturalness, together with the dramatic terrain. This area is entirely devoid of development.
NCA5	Neil's Beach	Outstanding natural character. Highly exposed coastal escarpment fronted by a sandy beach and dune field and rocky outcrops. **Includes the bush clad hill slopes backdropping the bay** • Natural qualities are clearly evident in the coastal landforms, beach, outcrops, with indigenous vegetation reinforcing topography, exposure and dynamic coastal processes. • Dramatic engagement with Te Tai-o-Rēhua/ the Tasman Sea. Backed by forest covered foothills including Burmeister Tops with views of Jackson Head and the Alps across Okahu/ Jackson Bay. • Coastal vegetation along the seaward edge of Haast - Jackson Bay Road. Amalgam of raw landforms, natural vegetation patterns and isolated beachfronts impart a strong sense of wildness and remoteness.
NCA7	Arawhata River mouth **and**	Outstanding natural character.

	coastline to Waiatoto	Remote and isolated sequence of exposed beaches, low lying mature coastal forest, eroded dune lands and wetlands, and the braided river mouth of the Arawhata River. • Continuous pristine mature coastal and lowland forest cover. • This landscape is highly expressive of the interplay between the Arawhata River mouth and Te Tai-o-Rēhua/ the Tasman Sea . The tidal rhythm of the sea also provides a counterpoint for the rivers natural variations of flow, clarity and flood cycles. • Inland dune dammed waterbodies are expressive of the coastal environment's formative processes. • Backed by forest covered foothills of Mt Mclean and the Haast Range beyond. • Limited presence of any development. Unmodified vegetation sequences from dunefields to mature coastal forest create a strong sense of naturalness.
~~NCA8~~	~~Waitoto/Waiatoto River Mouth~~	~~Outstanding natural character.~~ ~~Isolated and modest bach community enclosed and integrated amongst mature coastal forest and flanked by the mouth of the Waiatoto River.~~ ~~• Highly dynamic and dramatic interaction / relationship between the river mouth and the open waters of Te Tai-o-Rēhua/ the Tasman Sea.~~ ~~• Backed by extensive mature forest which extends towards the Selborne and Haast Ranges.~~ ~~• A scattering of baches and pasture occupy the shoreline near Haast - Jackson Bay Road although they do not disrupt the overall cohesion of natural elements which remain the dominant feature of this unit.~~ ~~• The dramatic exposure of the opens waters of Te Tai-o-Rēhua/ the Tasman Sea enhances the sense of remoteness and wildness.~~ ~~The tidal rhythm of the sea also provides a counterpoint for the rivers natural variations of flow, clarity and flood cycles.~~
NCA9	Wai**a**toto/Waiatoto Lagoon and wetland **and coastal hinterland to Okuru**	Outstanding natural character. Remote and isolated sequence of exposed beaches, low lying mature coastal forest, eroded dune lands and wetlands. • This landscape is highly expressive of the interplay between the Waiatoto River mouth and Lagoon and

		Te Tai-o-Rēhua/ the Tasman Sea. The tidal rhythm of the sea also provides a counterpoint for the river's natural variations of flow, clarity and flood cycles. • Dramatic engagement with Te Tai-o-Rēhua/ the Tasman Sea enhances the sense of remoteness and wildness. • Unmodified vegetation sequences from dunefields to continuous pristine mature coastal and lowland forest cover. Dune dammed lagoon is expressive of the coastal environment's formative processes.
~~NCA10~~	~~Hannah's Clearing~~	~~Outstanding natural character.~~ ~~A broad sweeping ocean beach backed by patches of low lying mature coastal forest, eroded dune lands, and pasture.~~ ~~• Highly dynamic and dramatic interaction / relationship between the beach and dune field and the open waters of Te Tai-o-Rēhua/ the Tasman Sea.~~ ~~• Backed by extensive mature forest which extends towards the Selborne and Browning Ranges.~~ ~~• The presence of pasture, Haast - Jackson Bay Road, and powerlines do not disrupt the overall cohesion of natural elements which remain the dominant feature of this unit.~~ ~~The dramatic exposure of the open waters of Te Tai-o-Rēhua/ the Tasman Sea enhances the sense of remoteness and wildness.~~
NCA14	Awarua/Haast River mouth ~~(eastern shoreline)~~ **and coastline to the Waita River**	Outstanding natural character. Exposed braided river mouth surrounded by low lying mature coastal forest, eroded dune lands and wetlands. • This landscape is highly expressive of the interplay between the Haast River mouth and Te Tai-o-Rēhua/ the Tasman Sea. The tidal rhythm of the sea also provides a counterpoint for the river's natural variations of flow, clarity and flood cycles. • Continuous pristine mature coastal and lowland forest cover. • Inland dune dammed waterbodies are expressive of the coastal environment's formative processes. Backed by forest covered foothills of Mt Mclean and the Haast Range beyond.
NCA16	~~Waitaha/~~Waita River -	Outstanding natural character. Remote and isolated sequence of exposed beaches, low lying mature coastal forest, eroded dune lands and dune dammed wetlands.

	~~Tauparikaka/Ship Creek~~ **Cole Creek**	• Continuous pristine mature coastal and lowland forest cover. • Dramatic engagement with Te Tai-o-Rēhua/the Tasman Sea enhances the sense of remoteness and wildness. • Inland dune dammed waterbodies are expressive of the coastal environment's formative processes. • Unmodified vegetation sequences from dune fields to mature coastal forest create a strong sense of naturalness. • Backed by extensive mature coastal forest which leads up to the Mataketake Range. The presence of walking tracks, carpark, and shelter at Tauparikaka/Ship Creek, as well as SH6 does not detract from the highly expressive natural processes and elements that are the dominant feature of the unit.
NCA20	**Māori beach to** Makaawhio Point	Outstanding natural character. Remote sequence of exposed coastal slopes, points, rocky shoals, outcrops, islets, bluffs, broad beaches, dune lands, lagoons, and wetlands. • Varied amalgam of raw and exposed landforms, windswept vegetation and isolated beach fronts impart a strong sense of wildness and remoteness. • Striking interface with Te Tai-o-Rēhua/the Tasman Sea. Sheer cliffs and scarps at Jacobs Bluff plunge dramatically into the sea. • Dramatic stand of mature wind swept rimu forest flanks Sandy Beach and imparts a strong sense of naturalness – rare sight of climatic species at the coastal edge. • This area is virtually devoid of development or modification although it adjoins areas of pasture in the Makaawhio River valley. Highly dynamic and dramatic interaction / relationship between the braided river mouth of the Makaawhio River and the open waters of Te Tai-o-Rēhua/the Tasman Sea.
NCA22	Manakaiaua/Hunt Beach to Karangarua and Te Wehenga/Cook River mouths **and Otorokua Point**	Outstanding natural character. Remote and isolated sequence of exposed beaches, coastal bluffs and escarpments, low lying mature coastal forest, braided river mouths, dune fields, and wetlands. • Continuous pristine mature coastal and lowland forest cover. • Highly dynamic and dramatic interaction / relationship between the extensive braided river

		systems of the Karangarua and Wehenga/Cook Rivers, associated sand bar and the open waters of the Tasman Sea. • Unmodified vegetation sequences from dunefields to mature coastal forest impart a strong sense of naturalness. Striking interface with Te Tai-o-Rēhua/the Tasman Sea. Sheer cliffs and scarps including Cook Bluff plunge dramatically into the sea.
NCA39	**Rapahoe** Nine Mile Bluff to Seventeen Mile Bluff	Sequence of coastal bluffs and escarpments interspersed by rocky shoals and sandy bays. • Varied amalgam of raw and exposed landforms, strong elevated relief, windswept vegetation which impart a strong sense of naturalness. • Mature wind swept coastal forest across the escarpment enhances the sense of naturalness and wildness. • Striking interface with the Tasman Sea. Sheer cliffs and scarps at numerous points along the coast which plunge dramatically into the sea. The presence of SH6 coastal road does not detract from the highly expressive natural processes and elements which are the dominant feature of the unit.
NCA44	Woodpecker **Irimahuwheri** Bay foothills to **Deep Creek** ~~Needle Point~~	Sequence of coastal bluffs and escarpments vegetated in mature coastal forest that **extend along the coastline at Irimahuwheri Bay, Meybille Bay and Hatters Bay** wrap around the back of ~~Woodpecker Bay~~ **Pahautane and Kaipataki Point** and continue along the coast to **Deep Creek** ~~Needle point~~. An assemblage of craggy headlands and points, rock shoals and outcrops characterise the latter part of this coastline. • Interplay of exposed headlands, craggy buffs, vegetated escarpments accentuate the dynamic and expressive coastal processes that have and continue to shape the coastal environment. • Striking interface with the Tasman Sea. Sheer cliffs and scarps including Needle Point plunge dramatically into the sea. Continuous mature windswept coastal forest across the escarpment enhances the sense of naturalness and wildness.
~~NCA46~~	~~Doctor Bay to Little Beach~~	~~An assemblage of coastal and river embayments enclosed by a series of low knolls and headland including Doctor Bay, Constant Bay, Joyce Bay, and Nile River Bay.~~

		~~• This landscape is highly expressive of the interplay between the embayment's and the Tasman Sea. The tidal rhythm of the sea also provides a counterpoint for the rivers natural variations of flow, clarity and flood cycles.~~ ~~• Diverse coastal forest comprising mature beech and rimu as well as wind swept coastal scrub and flax across the more exposed headland landforms. The vegetation patterns also reinforce the enclosing landforms.~~ ~~• Very intimate and discrete landscape that is strongly focused towards the Nile River.~~ ~~The weathered landforms, vegetation patterns and the prominence of the embayment's and Nile River provide a very strong sense of naturalness despite the presence of nearby dwellings and infrastructure.~~
NCA55	**Mōkihinui River mouth**	**Extensive saltwater lagoon enclosed by a vast exposed beach and dunefield and fed by the Mōkihinu River.** • **This landscape is highly expressive of the interplay between the ~~Orowaiti~~ Mōkihinui River mouth and the Tasman Sea. The tidal rhythm of the sea also provides a counterpoint for the river's natural variations of flow, clarity and flood cycles.** • **Dune landform enclosing the lagoon is expressive of the coastal processes.** • **Regenerating to mature coastal forest covers much of the escarpment along the northern side of the river.** • **While the prominence of adjoining pasture, farming activities, and development along the shoreline of the river affect the perceived intactness and cohesion of the coastal environment, they do not overly detract from the highly expressive and natural processes of the river that dominate the local landscape.** **Backed by coastal foothills covered in mature forest with views towards the Radiant and Glasgow Range's beyond.**
NCA56	**Mōkihinui River/** Gentle Annie Point to Little Wanganui Head	• Remote sequence of exposed coastal ranges, cliffs and headlands with a series of rocky shoals, outcrops, islets, bluffs, and broad beaches, as well as eroded dune lands and wetlands. • Varied amalgam of raw and exposed landforms, natural vegetation patterns and isolated beachfronts and bays impart a strong sense of wildness and remoteness. • Strong elevated relief. • Striking interface with the Tasman Sea — sheer cliffs and scarps plunge dramatically to the sea with the eroded

		dunelands and coastal terraces providing an impressive sense of the landscapes formative processes. • Extensive native lowland forest with windswept and stunted shrublands onexposed faces. • Dramatic engagement with the Tasman Sea. • Backed by the Karamea Bluff Ecological Area

3.13. Planning Maps and Schedules - Coastal Environment Overlay

Submissions and Further Submissions

707. Sixty-three submission points sought review of the Coastal Environment Overlay, and 16 further submissions were received in relation to some of these submissions. These were summarised in a table on pages 196-200 of the s42A Report. Ms Easton summarised the outcomes sought in paragraph 540 of the s42A Report.

Section 42A Report

708. Ms Easton noted that Ms Gilbert had reviewed the Coastal Environment overlay, as discussed in her evidence, and considered the methodology underpinning the overlay boundary was sound. She was of the view that the updated Stephen Brown mapping was generally preferred over the notified mapping. The s42A Report listed the following areas where Ms Gilbert considered there were exceptions to this:

- Refinement of the mapping along the coastline between Seaview and Donoghues, where minor refinement was needed in the vicinity of Adair Road, Lake Tarleton and Sandstone Creek.
- Refinement of the mapping along the coastline between Donoghues and Abut Head, where minor refinement was needed in the vicinity of the Wanganui River.
- Refinement of the mapping along the coastline between Abut Head and Makaawhio Point, where minor refinement was needed in the vicinity of the Waiho River and Docherty Creek.
- Refinement of the mapping along the coastline between Makaawhio Point and Arnott Point, where reconsideration and expansion of the Coastal Environment was needed in the vicinity of the Tawharekiri Lakes, the swamplands to the north and south of the Okura River, the swamp dominated hinterland of Hannah's Clearing and the swamp land in the vicinity of Mt Mclean.
- The southern end of the coastline between Jackson Head and Awarua Point.

709. Ms Easton noted that the updated mapping increased the extent of the overlay considerably in some locations, but that this was the relief sought by several submitters[272] that requested a review of the boundaries to implement NZCPS Policy 1 and the WCRPS. Ms Easton considered this outcome was preferrable to the approach sought by Forest and Bird (560.032), which requested the boundary be amended to 2km landward of the coastal marine area. She

[272] West Coast Penguin Trust (S275.007), John Caygill (S290.001), Suzanne Hills (S443.032 and S443.033), Clare Backes (S44.012), Inger Perkins (S462.023), Katherine Gilbert (s473.014), Forest and Bird (S560.031), Brian Anderson (S576.008) and Director General of Conservation (S602.138).

also preferred this to the relief sought by Misato Nomura (S151.001), which requested reversion to a blanket 150 from MHWS from the Buller District Plan.

710. Ms Easton considered that replacing the notified overlay with that of the updated Stephen Brown mapping, subject to Ms Gilbert's recommended amendments, gives effect to NZCPS Policy 1. On that basis she supported the submission points from West Coast Penguin Trust, John Caygill, Suzanne Hills, Clare Backes, Inger Perkins, Katherine Gilbert, Forest and Bird, Brian Anderson and Department of Conservation.

711. Ms Easton noted that a number of submissions sought that the extent of the coastal environment be reduced. She highlighted the extent of the overlay was driven by the requirements of NZCPS Policy 1, and noted that submitters seeking reductions did not reference the NZCPS or the actual physical extent of the coastal environment, but were concerned about restrictions on landowners. Ms Easton did not support these submissions, noting that the TTPP was required to give effect to the NZCPS and WCRPS.

712. Grey District Council (S608.079), Buller District Council (S538.310) and Westpower (S547.414) sought that the Coastal Environment be removed from the urban parts of the West Coast. This was initially supported by Ms Easton but following the first day of the hearing she amended her recommendation to reject these submissions based on the direction of the NZCPS. Ms Easton clarified that while the CE rules did not apply in these areas, the proposed plan framework enabled an assessment of the relevant objectives and policies where a resource consent was triggered. Ms Easton considered this was appropriate and consistent with the intent of the NZCPS. She also noted that this approach was used in other recently prepared district plans.

713. Several submitters sought amendments to the overlay in relation to specific locations. Ms Easton summarised her recommendations in a table, as shown below:

Submission	**Location/Issue**	**Recommendation**
Misato Nomura (S151.010)	Kawatiri Place/Eastons Road, Westport	Accept in part – remove Coastal Environment from urban area of Westport including Eastons Road
Joanne and Ken Dixon (S213.005)	Snodgrass Road, Westport	Accept in part – remove Coastal Environment from urban area of Westport including Snodgrass Road
Jane Neale (S262.001)	Okārito	Accept in part – updated mapping includes the lagoon waters
John Helen & Brett Hadland (S318.002)	1298 Kumara Junction Highway – Chesterfield Terrace, Awatuna	Reject. Area is HCNC. Retain coastal environment.
Tony Schroder (S343.003), Emi Schroder (S369.002)	Chesterfield Terrace, Awatuna	Reject at this time. Area is HCNC but the submitter is invited to provide more detailed information as regards the

		alignment they consider appropriate in this location
John Brazil (S360.026)	Utopia Road, Westport	Accept in part - remove Coastal Environment from urban area of Westport including Snodgrass Road, retain Coastal Environment at Utopia Road
Jane Whyte and Jeff Page (S467.005, S467.034)	11 Owen St,Punakaiki	Reject. Retain coastal environment at Punakaiki
Kyle Avery (S509.062) (and other similar submissions from other submitters)	60 Orowaiti Road,Westport	Accept in part - remove Coastal Environment from urban area of Westport including Orowaiti Road
Forest and Bird (S560.031) (and other similar submissions from other submitters)	Entire West Coast	Accept in part – adopt updated mapping to ensure that locations not included in the coastal environment in the notified Plan are included. Do not map urban areas of Westport, Hokitika and Greymouth in the coastal environment.
Catherine Smart - Simpson (S564.062) (and other similar submissions from other submitters)	Entire West Coast	Accept in part – adopt updated mapping to include the recommended amendments (additions and reductions) in the extent of the coastal environment. Do not map urban areas of Westport, Hokitika and Greymouth in the coastal environment.
William McLaughlin (S567.342) (and other similar submissions from other submitters)	Entire West Coast	Accept in part – adopt updated mapping to include the recommended amendments (additions and reductions) in the extent of the coastal environment. Do not map urban areas of Westport, Hokitika and Greymouth in the coastal environment.

Hearing and Submitter Evidence/Statements

714. Ms Lever and Mr Tinney spoke on behalf of themselves, John, Helen and Brett Hadland and Tony, and Emi Schroder, as outlined above. They accepted that the front/face of the middle Chesterfield Terrace had a degree of coastal environment connection, but considered that public amenity value stops at the terrace edge. The submitters noted that it was difficult to access good mapping to define the terrace edge, so had drawn a line on the WDC aerial image to indicate its approximate location. They considered that, as notified, the overlay would result in the landowners being forced to undertake expensive resource consent applications and ecological assessments. They sought that the CE overlay was corrected.

715. Mr Kennedy, for Westpower, considered the s42A Report recommendations on the CE overlay did not appropriately identify or provide for existing Westpower activities or infrastructure. He noted that the proposed amendments to the mapping captured infrastructure that was previously located outside the overlay and was concerned about the regulatory impact of such a change, including on electricity supply throughout the West Coast. He considered the issues discussed in relation to CE-P3 were also relevant here.

716. Mr Kennedy supported removing the urban area from the coastal environment overlay. He considered that some isolated areas of the overlay inland of Greymouth that would provide for the town's expansion should also be removed from the overlay. He also noted that other infrastructure, long standing activities and roads could be managed in terms of the underlying zone provisions.

Reporting Officer Evidence in Reply

717. Ms Easton confirmed that in relation to zoning offshore islands, the Director General and the Ministry for the Environment had advised that all land above mean high water springs and within the 12-mile limit of the West Coast must be zoned.

Hearing Panel's Evaluation

718. The Panel considers the process used to identify the Coastal Environment was appropriate and consistent with the direction of the NZCPS. We agree with Ms Easton's revised recommendation to not remove urban areas from the coastal environment because this would not be consistent with Policy 1 of the NZCPS.

719. The Panel notes that Ms Easton and Ms Gilbert acknowledged that the boundary had primarily been defined based on the landscape and natural character assessments undertaken by Mr Brown. Ms Easton acknowledged the other elements (coastal processes, risk from natural hazards, habitats of indigenous coastal species (including migratory birds) and cultural and historic heritage) of relevance in recognising the extent of the Coastal Environment. We note that NZCPS Policy 1 specifically recognises that physical resources and built facilities, including infrastructure, may have modified the coastal environment.

720. The Panel has carefully considered the submissions and accept Ms Easton' recommendations, acknowledging that most of the region is arguably within the coastal environment, by recognising the areas that are most closely connected to and inter-related with the coastal marine area. We accept this is a pragmatic and realistic approach, while still being consistent with the direction of the NZCPS. Overall, we consider there is no valid justification to reduce the extent of the coastal environment while still giving effect to the NZCPS. The Panel accepts the exceptions to this based on the evidence of Ms Gilbert in areas such as Chesterfield Terrace in response to submitters.

721. The Panel considers the concerns raised by Mr Kennedy on behalf of Westpower should not be addressed through amending the Coastal Environment, but instead through the CE rules, which is addressed above. We consider existing infrastructure is appropriately recognised and provided for, but acknowledge that there will be situations where a resource consent will need to be applied for, and that this is also appropriate under the higher order statutory direction.

Hearing Panel's Recommendation

722. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends the changes to the **Coastal Environment Overlay** as follows:

Coastal Environment overlay
The coastal environment maps are updated as per the recommendations in the report of Bridget Gilbert in Appendix 3 to the s42A Report.



Dean Chrystal

Hearings Panel – Chair



Anton Becker

Hearings Panel Member



Sharon McGarry

Hearings Panel Member



Maria Bartlett

Hearings Panel Member



Paul Rogers

Hearings Panel Member

Date: 19 September 2025

APPENDIX ONE – RECOMMENDATIONS

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

Coastal Environment Chapter

Overview

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

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

Approach to managing the coastal environment

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

(ONLs) within the Coastal Environment are also identified and mapped as overlays in the Plan. The NZCPS also requires protection of areas of significant indigenous biodiversity and the avoidance of significant adverse effects on all indigenous biodiversity values in the coastal environment. Provisions for indigenous vegetation and biodiversity management within the coastal environment are located in the Ecosystems and Biodiversity Chapter. Within this coastal environment close collaboration with other bodies and agencies with functions relevant to the coastal environment is required.

Natural Character, Landscape and Natural Features

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

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

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

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

Coastal Natural Hazards

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

Plantation/Commercial Forestry

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

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

Other relevant Te Tai o Poutini Plan provisions

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

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

Coastal Environment Objectives	
CE - O1	To preserve natural character**, and protect natural features and** landscapes ~~and biodiversity of~~ **in** the coastal environment **from inappropriate subdivision, use and development, and protect areas of significant indigenous biodiversity**.~~while enabling people and communities to provide for their social, economic and cultural wellbeing in a manner appropriate for the coastal environment~~.
CE – O2	**To enable people and communities to provide for their social, economic and cultural wellbeing and their health and safety, through appropriate subdivision, use and development.**
CE - O~~2~~3	The relationship of Poutini Ngāi Tahu with their cultural values, traditions, interests and ancestral lands in the coastal environment is recognised and provided for and Poutini Ngāi Tahu are able to exercise tino rangatiratanga and kaitiakitanga.
CE – O~~3~~4	To provide for activities which have a functional need **or operational need** to locate in the coastal environment**, including regionally significant infrastructure and mineral extraction activities,** ~~in such a way~~**while ensuring** that ~~the impacts~~ **adverse effects, including cumulative adverse effects,** on natural character, landscape, natural features, **coastal processes,** access, **ecosystems** and biodiversity values are ~~minimised~~ **avoided, remedied or mitigated**.

CE - P1	Identify and map a Coastal Environment overlay that recognises and provides for the extent of the coastal environment and different areas, elements or characteristics within it, including: a. Areas where coastal processes, influences or qualities are significant **including coastal lakes, lagoons, tidal estuaries, saltmarshes and coastal wetlands and their margins;**

b. Elements and features that contribute to the natural character, landscape, visual qualities or amenity values;

c. Areas along the coast and river mouths where coastal erosion and coastal inundation is likely, and within the wider coastal environment where there is a potential hazard risk ~~should accelerated sea level rise occur~~;

d. Historic heritage and Poutini Ngāi Tahu ~~cultural areas or features~~ **values**;

e. Islands;

f. Inter-related coastal marine and terrestrial systems, including the intertidal zone;

~~e.~~**g.** Areas of significant coastal vegetation and habitat of indigenous coastal flora and fauna species**, including migratory birds**; and

~~f.~~**h.** The built environment and infrastructure which have modified the coastal environment.

CE - P2 Preserve the natural character~~,~~ **and protect indigenous biodiversity and** natural features and landscape**s by avoiding significant adverse effects, and avoiding, remedying and mitigating other adverse effects on areas outside of Outstanding Coastal Environment areas, including within areas of high coastal natural character.** ~~qualities and values of areas within the coastal environment that have~~:

~~a. Significant indigenous biodiversity including Significant Natural Areas as described in Schedule Four~~

~~b. Outstanding natural landscapes as described in Schedule Five;~~

~~c. Outstanding natural features as described in Schedule Six;~~

~~d. High coastal natural character as described in Schedule Seven; and~~

~~e. Outstanding coastal natural character as described in Schedule Eight.~~

CE - P3 Only allow new subdivision, use and development within areas of outstanding ~~and high~~ coastal natural character, outstanding coastal natural landscapes and outstanding coastal natural features where:

a. The elements, patterns, processes and qualities that contribute to the outstanding or high natural character or landscape are maintained;

b. ~~Significant adverse effects on natural character, natural landscapes and natural features, and~~

c. A~~a~~dverse effects on areas of significant indigenous biodiversity~~, areas of outstanding natural character~~ and **O**~~o~~utstanding **Coastal Environment areas** ~~natural landscapes and features~~ are avoided;

~~c.~~**d.** The development is of a size, scale and nature that is appropriate to the environment;

~~d.~~**e.** It is for**:** ~~a~~

i. Poutini Ngāi Tahu **activities; or**

ii. Māori Purpose Activities within the Māori Purpose Zone; or

iii. Cultural **harvest** ~~purpose~~; or

~~e.~~ **f.** It is National Grid infrastructure that has a functional ~~and~~ **or** operational need to locate in these areas.

c. It has a minor or transitory effect.

CE - P4 Provide for primary production activities within **areas of** ~~the~~ outstanding and high natural character, outstanding natural landscapes and outstanding natural features within the coastal environment where:

a. These are existing lawfully established activities **and associated lawfully established buildings and structures; and** ~~or~~

b. The use ~~does not degrade~~ **protects** the elements, patterns or processes that contribute to the outstanding or high **natural character** values**; and**

c. Adverse effects on outstanding natural character, outstanding natural landscapes and outstanding natural features are avoided.

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

a. Are existing lawfully established **buildings or** structures; or

~~b. Are of a size, scale and nature that is appropriate to the area; or~~

c. Are in the parts of the coastal environment that have been historically modified by built development**, infrastructure** and primary production activities; or

d. Have a functional **need** or operational need to locate within the coastal environment**; or**

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

f. Are of a size, scale and nature that is appropriate to the area; and

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

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

CE – P7

~~a. Where located in unmodified areas, any adverse impact on natural character can be mitigated;~~

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

~~vi.~~ **a.** Provide for lawfully established land uses and activities to continue;

	~~vii.~~ **b.** ~~Allow~~**Provide** for other uses with a functional need **or operational need** to locate in the coastal environment; ~~viii.~~ **c.** Allow for Poutini Ngāi Tahu **Activities and Māori Purpose Activities** ~~cultural uses~~; ~~ix.~~ **d.** Avoid encroachment into unmodified areas of the coastal environment; and ~~x.~~ **e.** Ensure subdivision**, use** and development is of a scale and design where adverse effects on the elements, patterns and processes that contribute to natural character are ~~minimised~~ **avoided, remedied or mitigated**.
~~**CE – P7**~~ **PA – P2**	Reduction in public access to the coastal environment can be considered when coastal hazard mitigation works are required to protect communities from a significant natural hazard threat **or for health and safety reasons**. When assessing proposals for ~~natural hazard structures~~ **a reduction in public access, measures to minimise** effects on public access ~~should~~ **will** be considered ~~and ways to minimise them found,~~ including: a. Provision of alternate certain and enduring access; and b. Provision of public amenity or opportunity for environmental benefit **including** along ~~the~~ **any natural hazard mitigation structure**, provided that the physical integrity and function of the structure is maintained.
CE - P8	Enable the maintenance, repair**,** ~~and~~ operation **and minor upgrade** of the National Grid. Where new development and upgrades of the National Grid are required, seek to avoid and otherwise remedy or mitigate adverse effects on Overlay Chapter areas.

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

Activity Status Permitted

Where:

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

Activity status where compliance not achieved: **N/A**

Advice Notes:

1. Any indigenous vegetation clearance associated with maintenance and repair is subject to the provisions in the Ecosystems and Indigenous Biodiversity Chapter.

2. Works shall not undermine or have an adverse effect on any hazard mitigation/protection measure that exists within the coastal environment.
3. Where activities occur within Scheduled areas included within other Overlay Chapter Areas, then the relevant Overlay Chapter Rules also apply.

4. Refer to relevant rules for the High Coastal Natural Character Area and Outstanding Coastal Environment.

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

CE - R2 Conservation Activities within the Coastal Environment

Activity Status Permitted

Advice Note:

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

Activity status where compliance not achieved: N/A

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

Activity Status Permitted

Where:

1. ~~These are~~ **This is cultural harvest of cultural materials; or**

2. These are:

a. Poutini Ngāi Tahu activities~~, including cultural harvest of vegetation, mahinga kai, collection of Pounamu, Aotea stone or rock~~; or

b. Māori Purpose Activities undertaken within the Māori Purpose Zone undertaken in accordance with an Iwi/Papatipu Rūnanga Management Plan that includes an assessment of, and mitigation of, impacts on the coastal environment values, including, where relevant, natural character, natural landscape and natural features.

Advice Notes:

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

Activity status where compliance not achieved: Restricted Discretionary

CE - R4 Buildings and Structures in the Coastal Environment

Activity Status Permitted

Where:

1. These are not located within:

a. ~~An~~**The** Outstanding **Coastal Environment area; or** ~~Natural Landscape identified in Schedule Five~~;

~~b. An Outstanding Natural Feature identified in Schedule Six;~~

~~c.~~ **b** An area of High Coastal Natural Character identified in Schedule Seven**;** and ~~subject to Rule CE - R5;~~

~~d. An area of Outstanding Coastal Natural Character identified in Schedule Eight;~~ ~~and~~

2. These **are**:
   a. **Buildings and structures that c**~~C~~omply with the rules for buildings and structures within the relevant zone, except that within the GRUZ - General Rural Zone, RLZ - Rural Lifestyle ~~and~~ SETZ - Settlement Zone **OSZ - Open Space Zone and the NOSZ – Natural Open Space Zone:**
      i. Maximum height is 7m for new buildings;
      ii. No height limits apply where this is replacement of a lawfully established building with another building of the same height, in the same location; and
      iii. The gross ground floor area is:
         I. A maximum of 200m^2 per building for new buildings;
         II. No maximum area where this is the replacement of a lawfully established building with another building of the same ground floor area, in the same location; ~~or~~ **and**
      iv. New buildings are set back 25m from Mean High Water Springs except where these are:
         I. New network utility buildings, where these are located within a legal road reserve; or
         II. Parks facilities or parks furniture within any OSRZ - Open Space and Recreation Zone; or
         III. ~~Are~~ Energy Activities or Network Utilities, including ancillary earthworks, ~~subject to provisions~~ **that are permitted activities** in the Energy, Infrastructure and Transport Chapters of the Plan; or

~~b. Are natural hazard mitigation structures constructed by a Statutory Agency or their authorised contractor.~~

Advice Notes**:**

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

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

Activity status where compliance not achieved:

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

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

Otherwise Restricted Discretionary

CE - R5 Buildings and Structures ~~in the Coastal Environment~~ within the High Coastal Natural Character Overlay ~~as identified in Schedule Seven~~
Activity Status Permitted

Where:

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

Advice Note:

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

Activity status where compliance not achieved: Restricted Discretionary

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

Activity Status Permitted

Where:

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

Advice Note:

1. The rules in the Earthworks Chapter do not apply to Permitted Activities under Rule CE - R6.

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

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

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

Activity Status Permitted

Where:

1. These are for:
   a. **Operation, maintenance, repair and upgrade of w**~~W~~alking/cycling tracks, roads, farm tracks or fences **lawfully established;**
   b. Operation, maintenance, repair, upgrade **of** ~~or installation of new~~ network utility infrastructure or renewable electricity generation **activities lawfully established**; or
   c. Installation of new network utility infrastructure located within road reserve;
   d. Establishment of a building platform and access to a building site in an approved subdivision or where there is no existing residential building on the site;
   e. Establishment of buildings permitted by Rule CE – R5; and
2. Any fill, excavation or removal is not more than 250m^2/ha and 250m^3/ha.

Advice Note:

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

Activity status where compliance not achieved: Restricted Discretionary

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

Activity Status Permitted

Where:

1. The addition ~~or alteration~~ increases the building footprint or footprint of the structure by no more than 50m^2;
2. The maximum height of **any addition to a** building ~~and~~ **or** structure~~s above ground level~~ is 5m **above ground level or the height of the existing lawfully established building or structure**.

Advice Note~~s~~:

1. Any indigenous vegetation clearance or disturbance is subject to the relevant rules in the Ecosystems and **Indigenous** Biodiversity Chapter.

2. Any earthworks are also subject to relevant rules in the Historic Heritage, Sites and Areas of Significance to Māori, Notable Trees, and Natural Character and the Margins of Waterbodies Chapters.

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

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

Activity Status Permitted

Where:

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

Advice Notes:

1. ~~The rules in the Earthworks Chapter do not apply to Permitted Activities under Rule CE - R9.~~

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

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

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

Activity Status Permitted

Where the structure is:

1. A fence; or
2. Associated with stock water reticulation including tanks, pipes and water troughs; or
3. Required for the maintenance, operation, minor upgrade and repair of network utilities or renewable electricity generation activities; or
4. For a network utility customer connections, or environmental monitoring and extreme weather event monitoring; or
5. For agricultural pastoral and horticultural activities or an accessory building; and

i. The height of any building or structure does not exceed 5m above ground level; and

ii. The gross floor area of any building does not exceed 100m^2.

Advice Note<u>s</u>:

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

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

CE – R11 Earthworks in the Outstanding Coastal Environment

Activity Status Permitted

1. Where **<u>the earthworks are entirely contained within the existing footprint or modified ground</u> <u>disturbed by a lawfully established activity and</u>** these are for:
    a. Maintenance repair or upgrade of walking/cycling tracks, roads, farm tracks or fences; **<u>or</u>**
    b. Operation, maintenance, repair and upgrade of **<u>Regionally Significant Infrastructure,</u>** network utility infrastructure or renewable electricity generation **<u>activities; and</u>**
2. **<u>Where the earthworks are for additions to lawfully established buildings or structures provided for in Rule CE – R8 where any fill, excavation or removal of material is not more than 100m^2 per hectare and 100m^3 per hectare.</u>**

Advice Note<u>s</u>:

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

Activity status where compliance not achieved: Restricted Discretionary

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

Activity Status ~~Controlled~~ <u>Restricted Discretionary</u>

Where:

1. **<u>Within the Outstanding Coastal Environment Area</u> ~~T~~<u>these</u>** are **<u>only</u>** to protect the coastal State Highway, Special Purpose Roads or other ~~Critical~~ **<u>Regionally Significant</u>** Infrastructure;

~~2. These are Westport flood and coastal protection works constructed by a statutory agency or its authorised contractor.~~

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

a. Effects on ~~habitats of any threatened or protected flora or fauna species;~~ **indigenous vegetation and habitats of indigenous fauna;**

b. Effects on the threat status of land environments in category one or two of the Threatened Environments Classification;

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

d. Effects on the intrinsic values of ecosystems;

e. Effects on recreational values of public land;

f. Effects on Poutini Ngāi Tahu values**, any archaeological sites, historic heritage or**~~and~~ any Sites and Areas of Significance to Māori identified in Schedule Three;

g. Landscape and visual effects**, including design and location of any buildings, structures or earthworks**;

h. Effects on natural character and natural features;

~~i. Location, dimensions and appearance of the structure;~~

j. Effects on public access to **and along** the coast~~.~~**; and**

k. Effects on the level of hazard risk created by the structure on other properties.

Advice Note:

~~1. The rules in the Earthworks Chapter do not apply to Controlled Activities under Rule CE - R11.~~

~~2. This rule also applies to plantation forestry activities where this provision is more stringent than the NES - PF.~~

Activity status where compliance not achieved:

~~Restricted Discretionary except~~

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

Restricted Discretionary Activities

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

Activity Status Restricted Discretionary

Discretion is restricted to:

a. Effects on habitats of any threatened or ~~protected~~ **at risk** flora or fauna species;

b. Effects on the threat status of land environments in category one or two of the Threatened Environments Classification;

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

d. Effects on the intrinsic values of ecosystems;

e. Effects on recreational values of public land;

f. Effects on Poutini Ngāi Tahu values and any Sites and Areas of Significance to Māori identified in Schedule Three;

g. Landscape and visual effects;

h. Effects on natural character and natural features;

i. Location, dimensions and appearance of any structure; ~~and~~

j. Effects on public access to the coast~~.~~; **and**

k. Effects on any archaeological sites.

Activity status where compliance not achieved: N/A

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

Activity Status Restricted Discretionary

Discretion is restricted to:

a. Any requirements for landscape evaluation;

b. The extent to which the site is visible from a road or public place;

c. The effects on the natural character of the coast;

d. The effects on Poutini Ngāi Tahu values~~;~~ **, any archaeological sites, historic heritage** or **on** any Site and Areas of Significance to Māori identified in Schedule Three;

e. The effects on potential or current public access to the coast;

f. Design and location of any buildings, structures or earthworks;

g. Volume and area of earthworks;

h. Area and location of any vegetation clearance;

i. ~~Impacts~~ **Effects** on biodiversity values; ~~and~~

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

k. Effects on the intrinsic values of ecosystems;

l. **Measures to mitigate l~~L~~**andscape ~~measures~~ **effects;**

m. The effects on natural landscapes and natural features in the coastal environment; and

n. The functional or operational needs of the activity.

Activity status where compliance not achieved: N/A

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

Activity Status: Restricted Discretionary

Discretion is restricted to:

a. Any requirements for landscape evaluation;

b. The extent to which the site is visible from a road or public place;

c. The effects on the natural character of the coast;

d. The effects on Poutini Ngāi Tahu values, any archaeological sites, historic heritage or on any Site and Areas of Significance to Māori identified in Schedule Three;

e. The effects on potential or current public access to the coast;

f. Area and location of any indigenous vegetation clearance; and

g. The effects on natural landscapes and natural features of the coastal environment.

Advice Notes:

1. When assessing resource consents under this rule, assessment against the relevant Coastal Environment, Ecosystems and Indigenous Biodiversity, Natural Features and Landscapes objectives and policies will be required.

2. This rule also applies to commercial forestry activities where this provision is more stringent than the NES - CF.

Activity status where compliance not achieved: N/A

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

Activity Status Restricted Discretionary

Discretion is restricted to:

a. Any requirements for landscape evaluation;

b. The extent to which the site is visible from a road or public place;

c. The effects on the natural character of the coast;

d. The effects on landscape and natural features of the coast;

e. The effects on potential or existing public access to **and along** the coast;

f. Design and location of any buildings, structure or earthworks;

g. Volume and area of earthworks;

~~h.~~ Effects on ~~habitats of any threatened or protected flora or fauna species;~~ **indigenous vegetation and habitats of indigenous fauna;**

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

j. Effects on the intrinsic values of ecosystems;

k. Effects on the threat status of land environments in category one or two of the Threatened Environments Classification;

l. Effects on recreational values of public land;

m. Effects on Poutini Ngāi Tahu values, **any archaeological sites, historic heritage** and any Sites and Areas of Significance to Māori identified in Schedule Three;

n. Landscape and visual effects; ~~and~~

o. Location, dimensions and appearance of any structure~~.~~**; and**

p. The functional need or operational need of the activity.

Advice Note:

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

Activity status where compliance not achieved: N/A

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

Activity Status ~~Restricted~~ Discretionary

Where:

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

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

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

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

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

~~**Activity Status Restricted Discretionary**~~

~~Where:~~

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

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

~~a. Any requirements for landscape evaluation;~~

~~b. Effects on habitats of any threatened or protected species;~~

~~c. Effects on the threat status of land environments in category one or two of the Threatened Environments Classification;~~

~~d. The extent to which the site is visible from a road or public place;~~

~~e. Any effects on the natural character of the coast;~~

~~f. The effects on potential or current public access to the coast;~~

~~g. The effects on Poutini Ngāi Tahu values;~~

~~h. Design and location of any buildings, structures or earthworks;~~

~~i. Volume and area of earthworks;~~

~~j. Area and location of indigenous vegetation clearance; and~~

~~k. Landscape measures.~~

~~**Activity status where compliance not achieved:** Discretionary~~

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

Activity Status Restricted Discretionary

Where:

~~a.~~ These are for:

a. Walking/cycling tracks;

b. Roads, farm tracks or fences;

c. Installation of network utility infrastructure or renewable electricity generation activities; or

d. For establishment of a building platform and access to a building site in an approved subdivision or where there is no existing residential building on the site; ~~and~~

~~b. Earthworks are the minimum required to undertake the activity.~~

Discretion is restricted to:

a. Any requirements for landscape evaluation;

b. The extent to which the site is visible from a road or public place;

c. Any effects on the values that make the site Outstanding;

d. Effects on ~~habitats of any threatened or protected species~~ **indigenous vegetation and habitats of indigenous fauna**;

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

f. **Effects on the intrinsic values of ecosystems;**

g. Effects on the threat status of land environments in category one or two of the Threatened Environments Classification;

h. The effects on Poutini Ngāi Tahu values**, any archaeological sites, historic heritage** and any Sites and Areas of Significance to Māori identified in Schedule Three;

i. Design**,** ~~and~~ location **and area** of any earthworks;

~~h. Volume and area of earthworks;~~

j. Area and location of vegetation clearance;

k. Landscape measures to reduce the visual effects on the values of the Outstanding Natural Landscape or Feature; ~~and~~

l. Where relevant, matters included within Policy NFL - P6~~.~~**;**

m. **The effects on the natural character of the coastal environment; and**

n. **The effects on natural features and natural landscapes.**

Advice Note:

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

Activity status where compliance not achieved: Discretionary

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

Activity Status Discretionary

Where:

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

Notification:

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

Advice Note:

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

Activity status where compliance not achieved: Non-complying

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

Activity Status Discretionary

Advice Note:

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

Activity status where compliance not achieved: N/A

CE-R21 ~~Buildings, Structures and~~ Earthworks in the ~~High Natural Character Overlay or the~~ Outstanding Coastal Environment not meeting Restricted Discretionary Rules
Activity Status Discretionary Where: 1. These will not destroy any Outstanding Natural Feature identified in Schedule Six or the values which make it Outstanding. **Advice Note**: 1. When assessing resource consents under this rule, assessment against the relevant Coastal Environment, Ecosystems and Indigenous Biodiversity, Natural Features and Landscapes **objectives and** policies will be required. 2. This rule also applies to ~~plantation~~ **commercial** forestry activities where this provision is more stringent than the NES - P**C**F. **Activity status where compliance not achieved:** Non-complying
CE - R22 Activities in the Coastal Environment that would destroy any Outstanding Natural Feature identified in Schedule Six or the values which make it Outstanding
Activity Status Non-complying **Notification:** **When making notification decisions in relation to a**~~A~~pplications to destroy any Outstanding Natural Feature or the Values which make it Outstanding **the Council** will **consult with** ~~always be Limited Notified to~~ the Geosciences Society of New Zealand ~~and may be publicly notified~~. **Advice Note**: 1. When assessing resource consents for activities under this rule, assessment against both the Coastal Environment, and Natural Features and Landscapes **objectives and** policies will be required. 2. This rule also applies to ~~plantation~~ **commercial** forestry activities where this provision is more stringent than the NES - ~~P~~**C**F. **Activity status where compliance not achieved:** N/A
CE – R22A Buildings and Structures in the Outstanding Coastal Environment Area not meeting Permitted or Restricted Discretionary Activity Rules
Activity Status Non – complying **Activity status where compliance not achieved: N/A**

Subdivision Chapter

SUB - R16 Subdivision of Land within the Coastal Environment subject to an Outstanding Natural Landscape, Outstanding Natural Feature or High Coastal Natural Character Overlay
Activity Status Discretionary Where: No new allotments are proposed within Outstanding Coastal Natural Character areas as identified in Schedule Eight. **Activity status where compliance not achieved:** Non-complying

SUB - R17 Subdivision of Land within the Coastal Environment to create allotments where there is a Historic Heritage site or area identified in Schedule One or a Site and Areas of Significance to Māori identified in Schedule Three <u>not provided for in Rule SUB – R5</u>
Activity Status Discretionary Notification: 1. ~~Applications to subdivide a lot with a Site or Area of Significance to Māori will always be limited notified to the relevant rūnanga.~~ **<u>When making notification decisions in relation to this rule, the Council will consult with Poutini Ngāi Tahu</u>**. 2. ~~Applications to subdivide a lot with a historical heritage feature will always be limited notified to~~ Heritage New Zealand Pouhere Taonga ~~and may be publicly notified~~. **<u>When making notification decisions in relation to this rule, the Council will consult with Heritage New Zealand - Pouhere Taonga.</u>** Activity status where compliance not achieved: N/A
SUB - R24 Subdivision within the Outstanding Coastal Natural Character Overlay
Activity Status Non-complying **Activity status where compliance not achieved: N/A**

Schedules
That the following statement is added as an introductory statement to Schedule Seven: **<u>This schedule describes the areas identified as meeting the criteria for High Coastal Natural Character. These areas are mapped on the Planning Maps, which show the extent of the areas described in the schedule and to which the rules apply.</u>** That the following statement is added as an introductory statement to Schedule Eight: **<u>This schedule describes the areas identified as meeting the criteria for Outstanding Coastal Natural Character. These areas are mapped on the Planning Maps, which show the extent of the areas described in the schedule and to which the rules apply.</u>**

Schedule 7: High Coastal Natural Character		
Unique Identifier	**Site Identifier**	**Description**
~~NCA6~~	~~Neil's Beach Settlement~~	• ~~High natural character. Isolated and modest bach community enclosed and integrated amongst mature coastal forest and flanked by the mouth of the Arawhata River.~~ • ~~Natural qualities are clearly evident in the landform, mature vegetation cover and their relationship with both Okahu/Jackson Bay and Te Tai-oRēhua/ the Tasman Sea contributing to a very endemic landscape.~~ • ~~Backed by mature forest covered foothills including Burmeister Tops with views of Jackson Head and the Alps across Okahu/Jackson Bay.~~ • ~~Although apparent the bach community and airstrip do not disrupt the cohesion of natural~~

		~~elements which remain the dominant feature of this unit~~
NCA8	Wai**a**toto~~/Waiatoto River Mouth~~	~~Outstanding~~ **High** natural character. Isolated and modest bach community enclosed and integrated amongst mature coastal forest and flanked by the mouth of the Waiatoto River. a. Highly dynamic and dramatic interaction / relationship between the river mouth and the open waters of Te Tai-o-Rēhua/ the Tasman Sea. b. Backed by extensive mature forest which extends towards the Selborne and Haast Ranges. c. A scattering of baches and pasture occupy the shoreline near Haast - Jackson Bay Road although they do not disrupt the overall cohesion of natural elements which remain the dominant feature of this unit. d. The dramatic exposure of the opens waters of Te Tai-o-Rēhua/ the Tasman Sea enhances the sense of remoteness and wildness. The tidal rhythm of the sea also provides a counterpoint for the river**'**s natural variations of flow, clarity and flood cycles
NCA10	Hannah's clearing	~~Outstanding~~ **High** natural character. A broad sweeping ocean beach backed by patches of low lying mature coastal forest, eroded dune lands, and pasture. • Highly dynamic and dramatic interaction / relationship between the beach and dune field and the open waters of Te Tai-o-Rēhua/ the Tasman Sea. • Backed by extensive mature forest which extends towards the Selborne and Browning Ranges. • The presence of pasture, Haast - Jackson Bay Road, and powerlines do not disrupt the overall cohesion of natural elements which remain the dominant feature of this unit. • The dramatic exposure of the open waters of Te Tai-o-Rēhua/ the Tasman Sea enhances the sense of remoteness and wildness. ***The area of outstanding natural character wraps around the settlement of Hannah's Clearing, with the settlement itself not included within the area.***
NCA13	Haast Beach **and coastal hinterland**	High natural character.

		A broad sweeping ocean beach backed by patches of low lying mature coastal forest, eroded dune lands, and pasture. • Highly dynamic and dramatic interaction / relationship between the beach and dune field and the open waters of Te Tai-o-Rēhua/ the Tasman Sea. • Backed by extensive mature forest which extends towards the Browning and Mark Ranges. • The presence of pasture, Haast - Jackson Bay Road, and powerlines do not disrupt the overall cohesion of natural elements which remain the dominant feature of this unit. • The dramatic exposure of the open waters of Te Tai-o-Rēhua/ the Tasman Sea enhances the sense of remoteness and wildness.
~~NCA15~~	~~Awarua/Haast River mouth (western shoreline)~~	~~High natural character.~~ ~~Braided river mouth surrounded by low lying mature coastal forest, eroded dune lands, and wetlands along its eastern shoreline while its western margins are dominated by pasture.~~ • ~~Highly dynamic and dramatic interaction / relationship between the beach and dune field and the open waters of Te Tai-o-Rēhua/ the Tasman Sea.~~ • ~~Backed by extensive mature forest which extends towards Mosquito Hill.~~ ~~The presence of pasture along the western shoreline and Haast - Jackson Bay Road bridge does not detract from the highly expressive natural processes and elements which are the dominant feature of the unit.~~
NCA31	Totara River mouth **and coastline to Ruatapu**	Broad sweeping exposed beach flanked by extensive dune fields and enclosed lagoons and islands, the mouth of the Totara River and is surrounded by a mixture of low lying mature coastal forest interspersed with patches of pasture. • Highly dynamic and dramatic interaction / relationship between the Totara River mouth, sandbars bars and the open waters of the Tasman Sea. • Exposed dune landforms and windswept vegetation impart a strong sense of naturalness and wildness.

		• Enclosed river and lagoon systems are expressive of the formative and ongoing coastal processes. The presence of pasture and farming activities near the shoreline does not overly detract from the highly expressive natural processes and elements which are the dominant feature of the unit.
~~NCA36~~	~~Peter Ridge Foothills~~	~~Exposed coastal escarpment and terrace covered in windswept coastal forest and scrub.~~ ~~• Coastal landforms with indigenous vegetation reinforcing topography and exposure to coastal processes.~~ ~~• Natural qualities are clearly evident in the landform, vegetation cover and their relationship with the Tasman Sea contributing to a very endemic landscape.~~
NCA 38	Rapahoe – ~~Greigs~~ coastline	Exposed coastal escarpment and terrace covered in windswept coastal forest and scrub. • Coastal landforms with indigenous vegetation reinforcing topography and exposure to coastal processes. • Natural qualities are clearly evident in the landform, vegetation cover and their relationship with the Tasman Sea contributing to a very endemic landscape. • Pockets of bat~~c~~h development, pasture, and protection works are apparent
~~NCA 41~~	~~Pakiroa Beach~~	~~Broad sweeping sandy / stony beach backed by an extensive dunefield, coastal scrub and forest – at the northern end of Pakiroa Beach.~~ ~~• Natural qualities are clearly evident in the dune landform, windswept vegetation cover and their relationship with the Tasman Seacontribute to the feeling of naturalness.~~ ~~• Intact sequence of vegetation from dune fields through to coastalforest.~~ ~~• Presence of pasture and farming modification behind the coastalforest does not overly detract from the highly expressive andnatural processes that are the dominant element of the unit~~

NCA43	~~Perpendicular Point - Woodpecker Bay~~ **Te Miko**	An extensive assemblage of craggy headlands and points, rock shoals and outcrops interspersed with sweeping sandy / stony beaches, ~~dunefields~~, **steep coastal cliffs,** vegetated in coastal scrub and forest. • High aesthetic values are associated with the inter-relationship between the series of craggy points and outcrops and the open waters of the Tasman Sea. • Natural qualities are clearly evident in the amalgam of landforms, wind swept vegetation cover and their relationship with the Tasman Sea contributing to a very endemic landscape. • Dramatic wave action, evident coastal erosion, and seasonal changes to atmospheric conditions are highly expressive and natural processes. • The prominence of number of houses / ba~~t~~ches and SH6 along the coastline affects the perceived intactness and cohesion of the coastal environment, however they do not overly detract from the highly expressive and natural processes that dominate the landscape. • Backed by a steep escarpment covered in mature coastal forest.
NCA46	~~Doctor Bay to Little Beach~~ **Deep Creek to Parsons Hill**	**An assemblage of coastal and river embayments enclosed by a series of low knolls and headland including Doctor Bay, Constant Bay, Joyce Bay, and** ~~Nile River Bay~~ **Little Beach**. • **This landscape is highly expressive of the interplay between the embayments and the Tasman Sea. The tidal rhythm of the sea also provides a counterpoint for the river's natural variations of flow, clarity and flood cycles.** • **Diverse coastal forest comprising mature beech and rimu as well as windswept coastal scrub and flax across the more exposed headland landforms. The vegetation patterns also reinforce the enclosing landforms.** • **Very intimate and discrete landscape that is strongly focused towards the Nile River.** • **The weathered landforms, vegetation patterns and the prominence of the embayments and Nile River provide a very strong sense of naturalness despite the presence of nearby dwellings and infrastructure.**

NCA47	Okari Lagoon **and coastline**	Extensive saltwater lagoon enclosed by a vast exposed beach and dunefield. • This landscape is highly expressive of the interplay between the Lagoon, Okari River and the Tasman Sea. The tidal rhythm of the sea also provides a counterpoint for the river's natural variations of flow, clarity and flood cycles. • Dune enclosed lagoon is expressive of the coastal environment's formative processes. • Intact vegetation sequences from dunefields to coastal forest create a strong sense of naturalness. The prominence of pasture and farming activities along the western shore of the Lagoon does not overly detract from the highly expressive and natural processes that dominate the landscape.
NCA52	Orowaiti Lagoon **and coastline**	Extensive saltwater lagoon enclosed by a vast exposed beach and dunefield and fed by the Orowaiti River. • This landscape is highly expressive of the interplay between the enclosed Lagoon, Orowaiti River and the Tasman Sea. The tidal rhythm of the sea also provides a counterpoint for the river's natural variations of flow, clarity and flood cycles. • Dune landform enclosing the lagoon is expressive of the coastal environment's formative processes. • Regenerating vegetation covers much of the dunefield. While the prominence of adjoining pasture, farming activities, and development along the shoreline of the Lagoon affect the perceived intactness and cohesion of the coastal environment, they do not overly detract from the highly expressive and natural processes that dominate the landscape.
~~NCA60~~	~~Kohaihai Coast~~	~~Section of remote exposed sandy beaches and dunefields flanked by a strip of pasture (including the DoC campsite) and coastal ranges covered in coastal forest.~~ • ~~Natural qualities are clearly evident in the amalgam of dune landforms, wind swept vegetation cover and their relationship with the Tasman Sea contributing to a very endemic landscape.~~ • ~~Backed by forest covered ranges that extend into Kahurangi National Park.~~

		~~• The remoteness and wildness of the area is counted by the presence of the DoC campsite and dirt access road.~~ ~~• This landscape is highly expressive of the interplay between the active and mobile dunfields, steep sandy beach and the Tasman Sea.~~
Schedule Eight - Outstanding Natural Character Area		
Unique identifier	**Site identifier**	**Description**
NCA2	Halfway Bluff **and coastal hinterland**	Outstanding natural character. Extremely remote series of coastal bluffs and escarpments, rising to over 100m in parts, which enclose the head of the Cascade and Hope Rivers**.** **Includes the wetland and watercourse dominated coastal hinterland** • Striking interface with Te Tai-o-Rēhua/ theTasman Sea – sheer cliffs and scarps plunge dramatically to the sea with the eroded dunelands and coastal terraces providing an impressive sense of the landscapes formative processes. • Continuous pristine mature coastal and lowland forest cover impart a very strong sense of naturalness, together with the dramatic terrain. This area is entirely devoid of development.
NCA5	Neil's Beach	Outstanding natural character. Highly exposed coastal escarpment fronted by a sandy beach and dune field and rocky outcrops. **Includes the bush clad hill slopes backdropping the bay** • Natural qualities are clearly evident in the coastal landforms, beach, outcrops, with indigenous vegetation reinforcing topography, exposure and dynamic coastal processes. • Dramatic engagement with Te Tai-o-Rēhua/ the Tasman Sea. Backed by forest covered foothills including Burmeister Tops with views of Jackson Head and the Alps across Okahu/ Jackson Bay. • Coastal vegetation along the seaward edge of Haast - Jackson Bay Road. Amalgam of raw landforms, natural vegetation patterns and isolated beachfronts impart a strong sense of wildness and remoteness.
NCA7	Arawhata River mouth **and**	Outstanding natural character. Remote and isolated sequence of exposed beaches, low lying mature coastal forest, eroded dune lands and

	coastline to Waiatoto	wetlands, and the braided river mouth of the Arawhata River. • Continuous pristine mature coastal and lowland forest cover. • This landscape is highly expressive of the interplay between the Arawhata River mouth and Te Tai-o-Rēhua/ the Tasman Sea . The tidal rhythm of the sea also provides a counterpoint for the rivers natural variations of flow, clarity and flood cycles. • Inland dune dammed waterbodies are expressive of the coastal environment's formative processes. • Backed by forest covered foothills of Mt Mclean and the Haast Range beyond. • Limited presence of any development. Unmodified vegetation sequences from dunefields to mature coastal forest create a strong sense of naturalness.
~~NCA8~~	~~Waitoto/Waiatoto River Mouth~~	~~Outstanding natural character.~~ ~~Isolated and modest bach community enclosed and integrated amongst mature coastal forest and flanked by the mouth of the Waiatoto River.~~ • ~~Highly dynamic and dramatic interaction / relationship between the river mouth and the open waters of Te Tai-o-Rēhua/ the Tasman Sea.~~ • ~~Backed by extensive mature forest which extends towards the Selborne and Haast Ranges.~~ • ~~A scattering of baches and pasture occupy the shoreline near Haast - Jackson Bay Road although they do not disrupt the overall cohesion of natural elements which remain the dominant feature of this unit.~~ • ~~The dramatic exposure of the opens waters of Te Tai-o-Rēhua/ the Tasman Sea enhances the sense of remoteness and wildness.~~ ~~The tidal rhythm of the sea also provides a counterpoint for the rivers natural variations of flow, clarity and flood cycles.~~
NCA9	Wai**a**toto/Waiatoto Lagoon and wetland **and coastal hinterland to Okuru**	Outstanding natural character. Remote and isolated sequence of exposed beaches, low lying mature coastal forest, eroded dune lands and wetlands. • This landscape is highly expressive of the interplay between the Waiatoto River mouth and Lagoon and Te Tai-o-Rēhua/ the Tasman Sea. The tidal rhythm of

		the sea also provides a counterpoint for the river's natural variations of flow, clarity and flood cycles. • Dramatic engagement with Te Tai-o-Rēhua/ the Tasman Sea enhances the sense of remoteness and wildness. • Unmodified vegetation sequences from dunefields to continuous pristine mature coastal and lowland forest cover. Dune dammed lagoon is expressive of the coastal environment's formative processes.
~~NCA10~~	~~Hannah's Clearing~~	~~Outstanding natural character.~~ ~~A broad sweeping ocean beach backed by patches of low lying mature coastal forest, eroded dune lands, and pasture.~~ • ~~Highly dynamic and dramatic interaction / relationship between the beach and dune field and the open waters of Te Tai-o-Rēhua/ the Tasman Sea.~~ • ~~Backed by extensive mature forest which extends towards the Selborne and Browning Ranges.~~ • ~~The presence of pasture, Haast - Jackson Bay Road, and powerlines do not disrupt the overall cohesion of natural elements which remain the dominant feature of this unit.~~ ~~The dramatic exposure of the open waters of Te Tai-o-Rēhua/ the Tasman Sea enhances the sense of remoteness and wildness.~~
NCA14	Awarua/Haast River mouth ~~(eastern shoreline)~~ **and coastline to the Waita River**	Outstanding natural character. Exposed braided river mouth surrounded by low lying mature coastal forest, eroded dune lands and wetlands. • This landscape is highly expressive of the interplay between the Haast River mouth and Te Tai-o-Rēhua/ the Tasman Sea. The tidal rhythm of the sea also provides a counterpoint for the river's natural variations of flow, clarity and flood cycles. • Continuous pristine mature coastal and lowland forest cover. • Inland dune dammed waterbodies are expressive of the coastal environment's formative processes. Backed by forest covered foothills of Mt Mclean and the Haast Range beyond.
NCA16	~~Waitaha/~~Waita River - ~~Tauparikaka/Ship Creek~~ **Cole Creek**	Outstanding natural character.

		Remote and isolated sequence of exposed beaches, low lying mature coastal forest, eroded dune lands and dune dammed wetlands. • Continuous pristine mature coastal and lowland forest cover. • Dramatic engagement with Te Tai-o-Rēhua/the Tasman Sea enhances the sense of remoteness and wildness. • Inland dune dammed waterbodies are expressive of the coastal environment's formative processes. • Unmodified vegetation sequences from dune fields to mature coastal forest create a strong sense of naturalness. • Backed by extensive mature coastal forest which leads up to the Mataketake Range. The presence of walking tracks, carpark, and shelter at Tauparikaka/Ship Creek, as well as SH6 does not detract from the highly expressive natural processes and elements that are the dominant feature of the unit.
NCA20	**Māori beach to** Makaawhio Point	Outstanding natural character. Remote sequence of exposed coastal slopes, points, rocky shoals, outcrops, islets, bluffs, broad beaches, dune lands, lagoons, and wetlands. • Varied amalgam of raw and exposed landforms, windswept vegetation and isolated beach fronts impart a strong sense of wildness and remoteness. • Striking interface with Te Tai-o-Rēhua/the Tasman Sea. Sheer cliffs and scarps at Jacobs Bluff plunge dramatically into the sea. • Dramatic stand of mature wind swept rimu forest flanks Sandy Beach and imparts a strong sense of naturalness – rare sight of climatic species at the coastal edge. • This area is virtually devoid of development or modification although it adjoins areas of pasture in the Makaawhio River valley. Highly dynamic and dramatic interaction / relationship between the braided river mouth of the Makaawhio River and the open waters of Te Tai-o-Rēhua/the Tasman Sea.
NCA22	Manakaiaua/Hunt Beach to Karangarua and Te Wehenga/Cook	Outstanding natural character. Remote and isolated sequence of exposed beaches, coastal bluffs and escarpments, low lying mature coastal forest, braided river mouths, dune fields, and wetlands.

	River mouths **and Otorokua Point**	• Continuous pristine mature coastal and lowland forest cover. • Highly dynamic and dramatic interaction / relationship between the extensive braided river systems of the Karangarua and Wehenga/Cook Rivers, associated sand bar and the open waters of the Tasman Sea. • Unmodified vegetation sequences from dunefields to mature coastal forest impart a strong sense of naturalness. Striking interface with Te Tai-o-Rēhua/the Tasman Sea. Sheer cliffs and scarps including Cook Bluff plunge dramatically into the sea.
NCA39	**Rapahoe** Nine Mile Bluff to Seventeen Mile Bluff	Sequence of coastal bluffs and escarpments interspersed by rocky shoals and sandy bays. • Varied amalgam of raw and exposed landforms, strong elevated relief, windswept vegetation which impart a strong sense of naturalness. • Mature wind swept coastal forest across the escarpment enhances the sense of naturalness and wildness. • Striking interface with the Tasman Sea. Sheer cliffs and scarps at numerous points along the coast which plunge dramatically into the sea. The presence of SH6 coastal road does not detract from the highly expressive natural processes and elements which are the dominant feature of the unit.
NCA44	Woodpecker **Irimahuwheri** Bay foothills to **Deep Creek** ~~Needle Point~~	Sequence of coastal bluffs and escarpments vegetated in mature coastal forest that **extend along the coastline at Irimahuwheri Bay, Meybille Bay and Hatters Bay** wrap around the back of ~~Woodpecker Bay~~ **Pahautane and Kaipataki Point** and continue along the coast to **Deep Creek** ~~Needle point~~. An assemblage of craggy headlands and points, rock shoals and outcrops characterise the latter part of this coastline. • Interplay of exposed headlands, craggy buffs, vegetated escarpments accentuate the dynamic and expressive coastal processes that have and continue to shape the coastal environment. • Striking interface with the Tasman Sea. Sheer cliffs and scarps including Needle Point plunge dramatically into the sea. Continuous mature windswept coastal forest across the escarpment enhances the sense of naturalness and wildness.

~~NCA46~~	~~Doctor Bay to Little Beach~~	~~An assemblage of coastal and river embayments enclosed by a series of low knolls and headland including Doctor Bay, Constant Bay, Joyce Bay, and Nile River Bay.~~ • ~~This landscape is highly expressive of the interplay between the embayment's and the Tasman Sea. The tidal rhythm of the sea also provides a counterpoint for the rivers natural variations of flow, clarity and flood cycles.~~ • ~~Diverse coastal forest comprising mature beech and rimu as well as wind swept coastal scrub and flax across the more exposed headland landforms. The vegetation patterns also reinforce the enclosing landforms.~~ • ~~Very intimate and discrete landscape that is strongly focused towards the Nile River.~~ ~~The weathered landforms, vegetation patterns and the prominence of the embayment's and Nile River provide a very strong sense of naturalness despite the presence of nearby dwellings and infrastructure.~~
NCA55	**Mōkihinui River mouth**	**Extensive saltwater lagoon enclosed by a vast exposed beach and dunefield and fed by the Mōkihinu River.** • **This landscape is highly expressive of the interplay between the ~~Orowaiti~~ Mōkihinui River mouth and the Tasman Sea. The tidal rhythm of the sea also provides a counterpoint for the river's natural variations of flow, clarity and flood cycles.** • **Dune landform enclosing the lagoon is expressive of the coastal processes.** • **Regenerating to mature coastal forest covers much of the escarpment along the northern side of the river.** • **While the prominence of adjoining pasture, farming activities, and development along the shoreline of the river affect the perceived intactness and cohesion of the coastal environment, they do not overly detract from the highly expressive and natural processes of the river that dominate the local landscape.** **Backed by coastal foothills covered in mature forest with views towards the Radiant and Glasgow Range's beyond.**
NCA56	**Mōkihinui River/** Gentle Annie Point to Little Wanganui Head	• Remote sequence of exposed coastal ranges, cliffs and headlands with a series of rocky shoals, outcrops, islets, bluffs, and broad beaches, as well as eroded dune lands and wetlands.

		• Varied amalgam of raw and exposed landforms, natural vegetation patterns and isolated beachfronts and bays impart a strong sense of wildness and remoteness. • Strong elevated relief. • Striking interface with the Tasman Sea — sheer cliffs and scarps plunge dramatically to the sea with the eroded dunelands and coastal terraces providing an impressive sense of the landscapes formative processes. • Extensive native lowland forest with windswept and stunted shrublands onexposed faces. • Dramatic engagement with the Tasman Sea. • Backed by the Karamea Bluff Ecological Area

Planning Maps

Outstanding Coastal Natural Character and High Coastal Natural Character
• The offshore islands are shown on the planning maps and are zoned Open Space Zone and included within the Coastal Environment. • The Open Bay Islands (NCA 12) are shown on the maps as Outstanding Coastal Natural Character, as shown on the map in Appendix 1 of the s42A Right of Reply. The following locations are removed from the HCNC maps: • Areas of General Residential Zone at Ashmore Ave Cobden in NCA 37; • 4456A and 4456B Karamea Highway in NCA 57; • Small scale residential properties and farmland at NCA 11 Okuru; and • 6A Stafford Loop Road in NCA 32. The following locations are removed from the OCNC maps: • Rural lifestyle properties in NCA 10 at Hannah's Clearing; • The Rapahoe Coal Yard and KiwiRail designated land at Rapahoe NCA 38; • Properties at North Beach Road Cobden where rural living development is evident, and realigning the boundary to mature contiguous bush in NCA 37; The HCNC maps are updated as per the recommendations in the report of Bridget Gilbert in Appendix 3, and as further amended in her evidence to support the s42A Right of Reply, where these do not increase the area of private land affected by the HCNC; The OCNC maps are updated as per the recommendations in the report of Bridget Gilbert in Appendix 3 and as further amended in her evidence to support the s42A Right of Reply, where these do not increase the area of private land affected by the OCNC.

Coastal Environment overlay
The coastal environment maps are updated as per the recommendations in the report of Bridget Gilbert in Appendix 3 to the s42A Report.

TAI POUTINI PLAN COMMITTEE

Hearing of Submissions on the Proposed Te Tai O Poutini Plan

Recommendation Report of Hearing Panel

Recommendation Report: General District Wide Matters - Ngā Kaupapa ā-Rohe Whānui

Earthworks - Ngā Rama, Light - Te Huke Whenua and Temporary Activities - Ngā Mahi Taupua

Hearing Date: 14 November 2023

HEARING PANEL

Sharon McGarry (Chair)

Paul Rogers

Maria Bartlett

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APPENDICES

Appendix 1 – Recommendations

PART A – INTRODUCTORY MATTERS

1. PRELIMINARY MATTERS

1.1. Introduction

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

2. This Recommendation Report relates to three chapters – Earthworks - Ngā Rama (**EW**), Light - Te Huke Whenua (**LIGHT**) and Temporary Activities - Ngā Mahi Taupua (**TEMP**) in the General District Wide Matters - Ngā Kaupapa ā-Rohe Whānui section of the pTTPP; and contains the Hearing Panel's evaluations and recommendations to the TTPP Committee on the submissions and further submissions received on these sections of Part 2 of the Plan.

3. The Section 32 Report[1] provided an evaluation of the options for the management of General District Wide Matters through the Plan, including key resource management issues, the regulatory and policy direction, the evidence base (research, consultation, information and analysis undertaken) and evaluation of the options.

4. The Section 42A Officer's Report[2] ('s42A Report'), authored by Ms Briar Belgrave, a planner with Barker & Associates acting as the Reporting Officer, was circulated prior to the hearing. The s42A Report provided an analysis of submissions and further submissions received; and made recommendations on changes to the notified plan provisions. The s42A Report included a statement of evidence by Mr Paul Wilson, a Lighting Designer with Xyst Limited, relating to submissions received on the LIGHT provisions.

5. The s42A Report assessed 106 submissions and nine further submissions received relating to each relevant chapter (EW, LIGHT and TEMP) of the General District Wide Matters section. It provided summaries of all the submissions and further submissions received and the relief sought; an analysis of the proposed changes to provisions; and recommendations on changes to the plan provisions (see Appendix 1 of s42A Report) and the accept/accept in part/reject recommendations for individual submission and further submission points (see Appendix 2 of the s42A Report).

6. An Addendum to the s42A Report (and an updated Appendix 1 and Appendix 2) were tabled at the hearing responding to submitter evidence circulated prior to the hearing. These documents indicated any changes to the Reporting Officer's recommendations in the s42A Report.

7. The s42A Report assessed 380 submission points and 43 further submission points relating to the EW chapter; 184 submission points and 31 further submission points relating to the LIGHT chapter; and 84 submission points and 11 further submission points relating to the TEMP chapter.

[1] Te Tai o Poutini Plan – Section 32 Evaluation Report Seven General District Wide Matters - Ngā Kaupapa ā-Rohe Whānui: Noise – Ngā Oro, Light - Te Huke Whenua, Signs – Ngā Tohu, Earthworks - Ngā Rama, and Temporary Activities - Ngā Mahi Taupua
[2] General District Wide Matters: Light - Te Huke Whenua, Earthworks - Ngā Rama and Temporary Activities - Ngā Mahi Taupua'

8. The matters raised by submitters were grouped in the s42A Report in relation to each of the following key issues for each of the three chapters:

   - General/Whole Chapter;
   - Overview;
   - Objectives;
   - Policies; and
   - Rules.

9. This Recommendation Report follows the same structure of the s42A Report for each chapter and provides a summary of the issues raised in submissions and further submissions, the s42A Report analysis and recommendations, submitter evidence and the Reporting Officer's reply evidence, before providing our evaluation and recommendation.

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

11. This Recommendation Report contains the reasons for the Panel's recommendations. These comprise either adoption of the reasoning and recommendations of the original section 42A Reports, Addendum or the Reporting Officer's reply evidence (Councils' Right of Reply post hearing adjournment), or a specific reasoning by the Panel.

12. Where the Panel recommends the TTPP provisions should remain as notified, it is because:

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

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

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

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

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

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

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

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

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

15. If there are circumstances where the Panel consider that alternative relief is more appropriate than that requested in submissions and further submission to give effect to the RMA, NZCPS, national policy statements and/or RPS, but are still within the scope of the relief sought, the relevant recommendation clearly sets out the nature of the change and the reason for the change. This is recorded in this Recommendation Report.

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

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

1.2. Terminology in this Report

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

BCZ	Buller Coalfield Zone
Councils	Buller District Council, Grey District Council, and Westland District Council
DOC	Department of Conservation
ECO	Ecosystems and Biodiversity
EIT	Energy, Infrastructure and Transport
EW	Earthworks – Te Huke Whenua
FENZ	Fire and Emergency New Zealand
Forest & Bird	Royal Forest & Bird Protection Society of NZ

Hort NZ	Horticulture New Zealand
KiwiRail	KiwiRail Holdings Limited
LIGHT	Light – Ngā Rama
MINZ	Mineral Extraction Zone
NOSZ	Natural Open Space Zone
NPSET	National Policy Statement on Electricity Transmission 2008
NPSFM	National Policy Statement for Freshwater Management 2020
NZCPS	New Zealand Coastal Policy Statement
NZDF	New Zealand Defence Force
NZTA Waka Kotahi	NZ Transport Agency Waka Kotahi
pTTPP	Proposed Te Tai Poutini Plan
Poutini Ngāi Tahu	Te Rūnanga o Ngāi Tahu, Te Runanga o Ngāti Waewae, Te Rūnanga o Makaawhio
RLWP	West Coast Regional Land and Water Plan
RMA or the Act	Resource Management Act 1991
RPS	West Coast Regional Policy Statement
RLZ	Rural Lifestyle Zone
SASM	Sites and Areas of Significance to Māori
Transpower	Transpower New Zealand Limited
TEMP	Temporary Activities

1.3. Hearing Arrangements

19. The hearing was held at the RSA Hokitika, 22 Sewell Street, Hokitika on 14 November 2023, commencing at 9.00am and adjourning at 6.00pm. Two submitters appeared by internet connection.

20. The Panel received a further addendum of evidence (dated 20 November 2023) following the hearing adjournment from Mr Kennedy on behalf of Westpower Limited responding to matters raised in questions at the hearing.

21. We also received further information via email from Ms Nyhan after the hearing adjournment in response to questions during the hearing.

1.4. Appearances

22. The following submitters appeared at the hearing:

Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio and Te Rūnanga o Ngāi Tahu ('Poutini Ngāi Tahu') - Ms Philippa Lynch, General Manager for Poutini Environmental

Westland District Council – Okārito Dark Skies - Ms Paula Sheridan and Ms Tash Goodman

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

Nikau Deer Farm Limited - Mr George and Mrs Carol Coates

Ms Inger Perkins for herself and on behalf of the **West Coast Penguin Trust**

Ms Lauren Nyhan for herself and Mr Anthony Phillips, Mr Russel and Mrs Joanne Smith, Mr John and Mrs Claire West, Mr Joel and Mrs Jennifer Watkins, and Mr Tim and Mrs Phaedra Robins

Birchfield Coal Mines Limited, Papahaua Resource Limited, Rocky Mining Limited, TiGa Minerals and Metals Limited, and WMS Group (HQ) Limited and WMS Land Company Limited - Ms Katherine McKenzie, Planner with Tai Poutini Resources

Bathurst Resource Limited and BT Mining Limited - Mr Joshua Leckie, Legal Counsel

Westpower Limited
- Mr Roger Griffiths, General Manager – Generation and Technology for Westpower
- Ms Sylvie Saskova, Technical Administrator, for Westpower
- Mr Martin Kennedy, Planner

Mr Martin Kennedy on behalf of himself and Mrs Lisa Kennedy

Horticulture New Zealand - Ms Emily Leveson, Environmental Policy Advisor, for Horticulture New Zealand (by internet connection)

1.5. Overview of submitter evidence and statements received

23. Legal submissions were received from Mr Joshua Leckie for Bathurst Resource Limited and BT Mining Limited ('Bathurst') (dated 31 October 2023).

24. The following evidence and/or statements were received:

(a) Ms Philipa Lynch, General Manager for Poutini Ngāi Tahu (dated 17 October 2023);

(b) Ms Emily Leveson, Planner for Horticulture New Zealand (dated 19 October 2023);

(c) Mr Jordon Shortland-Witehira, Engineer for Transpower New Zealand Limited (date 16 October 2023);

(d) Ms Pauline Whitney, Planner for Transpower New Zealand Limited (date 16 October 2023);

(e) Ms Stephanie Styles, Planner for Manawa Energy Limited (date 10 October 2023);

(f) Mr Martin Kennedy, planner for Westpower Limited (dated 16 October 2023) and an addendum to his evidence (dated 20 November 2023);

(g) Ms Katherine McKenzie, Planner on behalf of Birchfield Coal Mines Limited, Papahaua Resource Limited, Rocky Mining Limited, TiGa Minerals and Metals Limited, and WMS Group (HQ) Limited and WMS Land Company Limited (dated 16 October 2023); and

(h) Ms Amy Young, Planner on behalf of the Director General of Conservation (dated 16 October 2023).

25. Following the receipt of the s42A Report and the Addendum to the s42A Report:

(a) Transpower advised[3] the substance of relief sought in evidence had been accepted by the Reporting Officer. Transpower also provided an Addendum to the evidence from Ms Whitney, which was tabled at the hearing.

(b) The New Zealand Defence Force (**NZDF**) advised[4] it would not be attending the hearing and outlined areas of support and recommendations not supported in the s42A Report.

(c) BP Oil New Zealand, Mobil Oil New Zealand and Z Energy Limited ('the Fuel Companies') advised in a hearing statement[5] that there was general agreement with majority of the recommendations. It noted the relief sought to Advice Note 2 of EW-R1 and EW-R2 had not been addressed in the s42A Report.

(d) Fire and Emergency New Zealand (**FENZ**) advised[6] it would not be attending the hearing. FENZ confirmed the concerns raised would be addressed if temporary emergency service training activities were included in the definition of 'Temporary Activities'.

1.6. Right of Reply

26. Ms Belgrave provided Part 1 of the written Right of Reply (dated 29 November 2023) that included an updated Appendix 1 showing tracked changes to the notified provisions (Attachment 1), a response to matters raised in the hearing from Mr Wilson (Attachment 2), a legal memorandum from Wynn Williams (dated 23 November 2023, Attachment 3) and rules for mineral extraction activities in each zone (Attachment 4).

27. Ms Belgrave provided Part 2 of the written Right of Reply (dated 29 August 2024) which responded to questions raised in the hearing relating to ecological matters. It included an updated Appendix 1 showing further tracked changes to the notified provisions (Attachment

[3] Letter from Rebecca Eng, Technical Lead – Policy, Transpower New Zealand Limited dated 14 November 2023.
[4] Letter from Rebecca Davies, Principal Statutory Planner, Defence Estate and Infrastructure dated 13 November 2023.
[5] Letter from Phil Brown, Senior Planner, 4Sight Consulting Ltd dated 7 November 2023.
[6] Letter from Lydia Shirley, Planner, BECA dated 6 November 2023.

1), a Report by Wildlands[7] on the effects of lighting and temporary activities on indigenous species (Attachment 2A), an Addendum Report by Wildlands[8] (Attachment 2B) and a response to the Wildlands Report by Mr Wilson (Attachment 3).

1.7. Procedural Steps and Issues

28. No procedural matters were raised at the hearing.

1.8. Site Visits

29. The Panel undertook site visits throughout the pTTPP process to inform the hearing.

PART B - STATUTORY REQUIREMENTS AND DOCUMENTS

30. General District Wide Matters is one section of seven sections located in Part 2 – District-Wide Matters – Te Wāhanga 2 – Ngā Kaupapa ā-Rohe Whānui. The section has objectives, policies and rules for general matters which apply across the districts. Earthworks, Light and Temporary Activities are three chapters of seven chapters within the General District Wide section of the Plan.

31. The Section 32 Report outlined the relevant statutory considerations applicable to Earthworks, Light and Temporary Activities; and the relationships between the sections of the RMA and higher order documents.

32. The section 42A Report highlighted the relevant matters from section 6, 7 and 8 of the RMA, the NZCPS, NPS-IB, NPS-HPL, NESETA, NESCS, NESTF, iwi management plans and the RPS.

33. RMA Schedule 1, clause 10 states that it is not necessary to provide decisions on individual submissions. Recommendations of the Panel are made within the scope of requested relief, either individual submissions or groups of submissions making similar requests, as specified in reasons for recommendation. References to relevant submissions are made in the footers.

34. The National Planning Standards mandatory directions 7.30, 7.32 and 7.37 require provisions relating to Earthworks, Light and Temporary Activities be located in the chapters within the General District Wide Matters section of the Plan. Mandatory direction 7.31 requires cross-referencing within the Earthworks Chapter to any provisions associated with mining, quarries and extraction in zone chapters. We are satisfied the Plan structure is consistent with this national direction.

[7] '*Assessment of Lighting Effects on Threatened and Endangered West Coast Species*' Contract Report No. 7158 by Wildlands dated April 2024

[8] '*Assessment of Lighting Effects on Threatened and Endangered West Coast Species - Addendum*' by Wildlands dated August 2024

PART C – SUBMISSIONS, EVIDENCE, EVALUATION AND RECCOMENDATIONS

2. EARTHWORKS

2.1. EW General/Whole Chapter

Submissions and Further Submissions

35. Twenty submissions points and three further submission points relating to general matters or the whole EW chapter were summarised in a Table on pages 17-18 of the s42A Report. The Panel has considered the relevant submissions and further submissions received and adopts the summaries in the s42A Report.

36. In addition to these specific submission and further submission points, the Panel considers the implications of making Plan wide changes for consistency to replace the use of '*critical infrastructure*' with '*regionally significant infrastructure*' within the context of the EW Chapter.

Section 42A Report

37. Ms Belgrave did not support removing references to Overlay Chapters. She considered cross referencing could provide clarity to plan users and noted there was no guidance on this in the National Planning Standards. She did not support amendments to the definition of 'earthworks' to exclude mineral extraction activities given the definition used is from the National Planning Standards.

38. Ms Belgrave supported amending '*critical infrastructure'* to '*regionally significant infrastructure*' (**RSI**) on the basis the new term is consistent with the West Coast Regional Policy statement (**RPS**). She acknowledged this matter related to other topic hearings and that any decision in terms of the General District Wide Matters provisions would need to align with the decisions made on other topics.

39. Ms Belgrave did not support Transpower's request to provide all relevant earthwork rules in the EW Chapter given the Plan had been structured so all the overlay provisions are located in their respective District-Wide chapters and the generic district wide matters are contained within the General District-Wide Matters section. She supported using cross referencing for clarity.

40. Ms Belgrave supported minor amendments to the Overview to address submissions and improve clarity. These are set out below in the EW Overview section.

Hearing and Submitter Evidence/Statements

41. Mr Leckie's legal submissions for Bathurst highlighted the need to ensure the EW chapter provisions do not unintentionally undermine the objectives and policies in the Mineral Extraction Zone (**MINZ**) and the Buller Coalfield Zone (**BCZ**). He requested further amendments to explicitly make it clear which rules take precedence to avoid conflict and interpretation issues.

42. Ms McKenzie for Birchfield Coal Mines Limited *et al*.[9] highlighted the intent of RPS Objective 4.1 and Policy 4.1 were to enable resource use and development, while managing adverse effects. She noted the Earthwork provisions had been drafted to not capture mineral extraction and associated activities. She sought additional amendments to the Overview to make it clear the Earthwork provisions do not apply to mineral extraction.

43. Ms Whitney's evidence for Transpower confirmed it no longer sought the relocation of all earthwork provisions to the EW chapter based on the National Grid specific Rule EW-R7.

44. Mr Kennedy, for Westpower, noted the s42A Report had recommended accepting further submission (FS222.0312) regarding submission S560.314, however, it appeared the recommendation would reject the further submission in part. He clarified the intent of the further submission was to ensure the outcome did not extend regulatory controls beyond the intent of the Plan.

45. Mr and Mrs Coates for themselves and Nikau Deer Farm Limited considered the s32 Report evaluation was poor in terms of section 6 RMA matters. They requested removal of all section 6 matters and overlays from the Plan because this made it more restrictive to do earthworks and prune vegetation. They considered this was an erosion of their private property rights and the rules were impractical.

Reporting Officer Reply Evidence

46. Ms Belgrave agreed the additional amendments sought in planning evidence provided by Ms McKenzie improved clarity.

47. Ms Belgrave considered the use the term '*minimise*' as compared to using the RMA language '*avoid, remedy and mitigate*'. Overall, she considered use of '*avoid, remedy and mitigate*' in the policies and rules would provide increased flexibility and scope to ensure that appropriate action is considered and carried out when managing effects. However, in the context of the Overview, she considered replacing '*minimise*' with '*avoid remedy and mitigate*' would cause unnecessary complexity.

48. Ms Belgrave did not support use of '*effects management hierarchy*' (as requested by Ms Inta) given this would enable adverse effects to be offset and compensated and this is not appropriate with this context.

49. Ms Belgrave supported amending '*critical infrastructure*' to '*regionally significant infrastructure*' on the basis the new term is consistent with the West Coast Regional Policy statement (**RPS**). She acknowledged this matter related to other topic hearings and that any decision in terms of the General District Wide Matters provisions would need to align with the recommendations made on other topics.

Hearing Panel's Evaluation

[9] Birchfield Coal Mines Limited, Papahaua Resource Limited, Rocky Mining Limited, TiGa Minerals and Metals Limited, and WMS Group (HQ) Limited and WMS Land Company Limited

50. The Panel agree with Ms Belgrave that it is not appropriate to remove references to overlays or to remove all references to Sites and Areas of Significance to Māori (**SASM**) in the Earthworks chapter.

51. The Panel has considered the concerns raised by Mr and Mrs Coates regarding their loss of property rights and additional restrictions imposed by use of the Overlays to protect RMA section 6 matters of national importance. The Panel finds the identification and protection of areas of significant environmental value through use of the Overlays is appropriate to give effect to Part 2 of the RMA. The Panel are satisfied the EW provisions sufficiently enable the continuation of current land use activities, without unnecessary restrictions.

52. The Panel considers the section 32 evaluation provides sufficient analysis of existing regulation under the three operative district plans as compared to the proposed TTPP provisions to enable assessment of the scope of change. We have also considered the regulatory effect of the Regional Land and Water Plan with a view to being consistent and compatible with, while not to duplicating, regional rules.

53. The Panel considers use of the National Planning Standard definition for 'earthworks' is appropriate and recognise this includes mineral extraction. The Panel agrees with Ms Belgrave that it is not appropriate to amend the definition to exclude mineral extraction.

54. The Panel accepts Ms Belgrave's recommendation to make further minor amendments to the Overview to make it clear the earthwork provisions do not apply to mineral extraction activities that are specifically provided for in the BCZ and MINZ zones.

55. The Panel notes while Bathurst was not included in the summary of submission points allocated to the EW Chapter in General Matters or the Overview section, we accept it did make general submission points to ensure consistency across the wider plan provisions to not restrict anticipated activities in the MINZ and BCZ.

56. The Panel notes Forest and Bird's concern that the mapped overlay chapters relied on in the permitted activity rules do not include all areas of significant indigenous biodiversity, high natural character and margins of waterbodies; and therefore, these environmental values which require protection would not be considered relevant if not identified in the overlay chapters.

57. Ms Belgrave considered Forest & Bird's concerns would be addressed by improving the clarity of the Overview wording. However, the Panel considers this is a valid concern given the rule wording relies on the identification of significant environmental values in overlays. This is considered further by the Panel in relation to the EW rules in the section below, and in other relevant Recommendation Reports.

58. The Panel is satisfied the recommended changes do not extend the regulatory controls beyond what was intended in the proposed Plan, which addresses the further submission point highlighted by Mr Kennedy for Westpower.

59. The Panel accepts the Plan wide recommendation to replace '*critical infrastructure*' with *'regionally significant infrastructure'* and this is considered on a case by case basis where it is used in the provisions below.

Hearing Panel's Recommendation

60. No changes to the provisions are required in relation to issues raised in submissions and further submission made on general matters or the whole EW Chapter.

61. The Panel's recommended changes to the EW Overview wording are set out in the below section.

2.2. EW Overview

Submissions and Further Submissions

62. Twelve submissions points and one further submission point relating to the Overview were summarised in a Table on pages 21-22 of the s42A Report. The Panel adopts these summaries and has considered the relevant submissions and further submissions.

63. All submission points sought amendments to include additional wording in the Overview, except one submission which supported the wording be retained as notified.

Section 42A Report

64. Ms Belgrave made recommendations on the individual submission and further submission points in Appendix 1 of the s42A Report. She supported minor amendments to the Overview wording to improve clarity and make it clear that the rules that apply to mineral extraction activities are located in the zone chapters of the Plan. She recommended the following amendments in paragraph 76 of the s42A Report:

> ***Overview***
>
> *Earthworks are usually an essential prerequisite for development. Earthworks are the physical works that modify land so that it can be used for living, business, and recreation purposes, farming and forestry and the construction and maintenance of infrastructure. The scope and scale of earthworks range from large bulk earthworks, which can alter the landform and its topography, to small and discrete areas of works most often associated with minor development.*
>
> *Earthworks can adversely affect amenity values (visual, dust nuisance, noise and traffic,* ***natural environment values (such as indigenous biodiversity, habitat, environmental quality and landscape)*** *and result in changes to natural landforms. Earthworks can cause changes to the appearance and character of the neighbourhoods they are located in and can impact on people's experience of their environment.*
>
> ***Other relevant Te Tai o Poutini Plan provisions***
> *In addition to the provisions in this chapter, earthworks ~~and land disturbance~~ are also subject to additional provisions in some zone chapters and a number of Part 2: District-Wide Matters chapters, including:*
>
> - ***District Wide Chapters – Energy, Infrastructure, and Natural Hazards Chapters have provisions relating to earthworks***
> - ***Overlay Chapters*** *- the Overlay Chapters have* ***earthworks*** *provisions in relation to Historic Heritage; Notable Trees; Sites and Areas of Significance to Māori; Ecosystems and Indigenous Biodiversity; Natural Features and Landscapes; Natural Character and Margins of Waterbodies; Natural Hazards; and the Coastal Environment. ~~Where earthworks are located within an overlay area (as identified in the planning maps) then the relevant overlay chapter provisions apply.~~*

- ***Earthworks Associated with Mineral Extraction*** *- the* ***rules that apply to mineral extraction activities are located in the*** *Zone Chapters* ~~*have provisions in relation to mineral extraction and its ancillary activities including earthworks*~~*.*

65. Ms Belgrave also recommended similar changes to Rules EW-R1 and EW-R2 and an Advice Note to EW-R6, which are addressed below in the EW Rules section.

66. In response to our questions regarding Heritage New Zealand Pouhere Taonga (S140.042), Ms Belgrave agreed the additional sentence requested provided further clarity to plan users.

Hearing and Submitter Evidence/Statements

67. Ms McKenzie supported the recommended amendments in the s42A Report but sought the following additional amendments to the Overview:

- ***Earthworks Associated with Mineral Extraction*** *– the Zone* ***and Overlay*** *Chapters have provisions* ~~*in relation to*~~ ***which manage*** *mineral extraction and its ancillary activities****. The Earthworks rules within this section do not apply to mineral extraction, mineral prospecting or mineral exploration****.* ~~*Including earthworks.*~~

68. Mr Leckie was supportive of the recommended amendments in the s42A Report but considered these amendments did not go far enough to clarify which plan provisions take precedence. He supported the wording proposed by Ms McKenzie.

69. Mr Kennedy, for Westpower, noted that submission point S547.456 was accepted in the s42A Report but that the recommendation changed the outcome sought in the submission. He clarified the intent was to ensure it was clear that there were earthworks provisions for activities in the vicinity of energy activities and infrastructure in the energy activities chapter. He remained of the view the wording sought by Westpower should be included in the amendment accepted by the s42A Reporting Officer.

70. Mr Kennedy also noted that the s42A Report did not include a recommendation on submission point S547.458, which sought to include a reference in the Overview section to the Strategic Objectives and Policies section.

Reporting Officer Reply Evidence

71. In the Addendum s42A Report, Ms Belgrave agreed with the additional amendments suggested by Ms McKenzie.

72. In response to questions, Ms Belgrave considered the recommended wording addressed the concerns of Mr Kennedy and made it clear that earthworks associated with energy activities are addressed in the Energy, Infrastructure and Transport (**EIT**) Chapter.

Hearing Panel's Evaluation

73. The Panel accepts that Ms Belgrave's recommended amendments to the Overview provide important clarifications for plan users.

74. The Panel is satisfied the recommended wording clarifies that the EIT Chapter addressed earthworks associated with energy activities and rejects submission point S547.456. The Panel also considers the Plan is clear that the Strategic Objectives and Policies are to be

considered alongside the other relevant zone or overlay objectives and policies when assessing resource consents. The Panel rejects submission point S547.458.

75. The Panel accepts the additional sentence requested by Heritage New Zealand Pouhere Taonga (S140.042) which provides clarity that the Plan does not include identification of all archaeological sites.

76. The Panel also agrees with Ms McKenzie that some further wording is required to direct plan users to the zone provisions that apply to earthworks associated with mining, quarrying and gravel extraction. While terminology in the Planning Standards mandatory direction 7.31 describes these activities as '*mining, quarrying and gravel extraction'*, the Panel adopt the description '*mineral extraction, mineral prospecting or mineral exploration'* as proposed by Ms McKenzie, which is terminology derived from the Crown Minerals Act 1991 and considered acceptable for the purposes of the Plan.

Hearing Panel's Recommendation

77. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends that the relevant submissions identified in the footnotes below are accepted or accepted in part, and recommends the following changes to the **Earthworks – Te Huke Whenua Overview**:

Earthworks can adversely affect amenity values (visual, dust nuisance, noise and traffic), **natural environment values (such as indigenous biodiversity, habitat, environmental quality and landscape)**[10] and result in changes to natural landforms. Earthworks can cause changes to the appearance and character of the neighbourhoods they are located in and can impact on people's experience of their environment.

Other relevant Te Tai o Poutini Plan provisions
In addition to the provisions in this chapter, earthworks ~~and land disturbance~~[11] are also subject to additional provisions in some zone chapters and a number of Part 2: District-Wide Matters chapters, including:

- **District Wide Chapters – Energy, Infrastructure, and Natural Hazards Chapters have provisions relating to earthworks.**[12]
- **Overlay Chapters** - the Overlay Chapters have **earthworks**[13] provisions in relation to Historic Heritage; Notable Trees; Sites and Areas of Significance to Māori; Ecosystems and Indigenous Biodiversity; Natural Features and Landscapes; Natural Character and Margins of Waterbodies; Natural Hazards; and the Coastal Environment. ~~Where earthworks are located within an overlay area (as identified in the planning maps) then the relevant overlay chapter provisions apply.~~ [14]
- **Earthworks Associated with Mineral Extraction** - the Zone **and Overlay** Chapters have provisions **which manage** mineral extraction and its ancillary activities. ~~including earthworks~~. **The earthwork rules within this chapter do not apply to mineral extraction, mineral prospecting or mineral exploration.**[15]

[10] Director General of Conservation S602.162
[11] Clause 16(2) of First Schedule of RMA.
[12] Westpower Limited S547.456
[13] Clause 16(2) of First Schedule of RMA
[14] Papahaua Resource Limited S500.032 and Rocky Mining Limited S474.048
[15] Papahaua Resource Limited S500.032, Rocky Mining Limited S474.048 Birchfield Coal Mines Limited S601.005, William McLaughlin S567.005, BRM Developments Limited S603.005, Birchfield Ross Mining Limited S604.005, TiGa Minerals and Metals Limited S493.006, Phoenix Minerals Limited S606.005, New Zealand Carbon & Coal Limited S472.004 and Whyte Gold Limited S607.005

Other relevant regulations
A number of other regulatory and non-regulatory methods also manage the effects of earthworks. For instance, certain earthworks carried out as part of building work are subject to the New Zealand Building Code and may require a building consent under the Building Act 2004 **and earthworks in the vicinity of electrical infrastructures are regulated under the New Zealand Code of Practice for Electrical Safe Distances (NZCEP 34:2001)**.[16]

Earthworks ~~and land disturbance~~[17] affecting archaeological sites may also require authorisation under the Heritage New Zealand Pouhere Taonga Act 2014. The Heritage New Zealand Pouhere Taonga Act 2014 makes it unlawful for any person to modify or destroy, or cause to be modified or destroyed, the whole or any part of an archaeological site without the prior authority of Heritage New Zealand. **This is regardless of whether the site is scheduled in Tai o Poutini Plan or not, and is in addition to any resource consent obtained.**[18] If you wish to do any work that may affect an archaeological site you must obtain an authority from Heritage New Zealand before you begin.

Earthworks may need additional resource consents from the West Coast Regional Council under the Regional Land and Water or Coastal Plans for the West Coast/Te Tai o Poutini, or under the National Environmental Standard for Freshwater 2020 including earthworks that may result in silt or sediment contamination of water or those which will affect wetlands.

Where earthworks associated with the removal of contaminated land and soil are undertaken, the provisions of the National Environmental Standard (NES) for Assessing and Managing Contaminants in Soil for Human Health will also apply.

The National Environmental Standard for **Commercial** ~~Plantation~~ Forestry ~~2017~~**Amendment Regulations 2023**[19] regulates earthworks for plantation forestry and these rules do not apply to those works.

2.3. Earthworks Objective

Submissions and Further Submissions

78. Thirty-three submissions points and four further submission point relating to EW-O1 were summarised in a Table on pages 24-26 of the s42A Report. The Panel adopts these summaries and has considered the relevant submissions and further submissions.

79. Most submissions supported the retention of the objective as notified. Two opposed the objective and requested it be split into two objectives for protective and exploitative purposes. Four submissions sought amendments to wording.

Section 42A Report

[16] Westpower Limited S547.457
[17] Clause 16(2) of First Schedule of RMA.
[18] Heritage New Zealand Pouhere Taonga S140.042
[19] First Schedule Clause 16(2) amendment to reflect the enactment of the Resource Management (National Environmental Standard for Commercial Forestry) Regulations 2023, which replaces the NES-PF.

80. Ms Belgrave supported the addition of '*remedied*' but considered deletion of the word '*surrounding*' altered the intent of the objective.

81. Ms Belgrave highlighted the RMA definition of '*environment*' and noted this included '*natural and physical resources*'.

82. Ms Belgrave did not support splitting the enabling and protecting parts of the objective into two objectives.

Hearing and Submitter Evidence/Statements

83. Ms Young for the Director General of Conservation reiterated the need to delete the word 'surrounding' from EW-O1 to ensure the management of adverse effects on the environment includes effects on the environment at the works site itself. She considered this was necessary given the policies that follow on from the objective.

84. Mr Kennedy, for Westpower supported the addition of '*remedied*'.

85. Ms Inta for herself and Buller Conservation Group sought to replace '*avoided and mitigated*' with reference to '*follow the adverse effects hierarchy'*. However, in response to questions, she agreed that offsetting and compensation was not appropriate in all cases.

Reporting Officer Reply Evidence

86. Having considered the evidence of Ms Young and the policies under EW-O1, Ms Belgrave agreed that deleting '*surrounding*' from EW-O1 was appropriate as it would achieve improved consistency with the EW policies. She noted the policies intended to manage adverse effects at a site as well as the surrounding area.

87. In considering Ms McKenzie's requested changes to EW-P1 (addressed below), Ms Belgrave considered a consequential amendment to EW-O1 was required to align the provisions to enable earthworks generally and manage all adverse effects, not just significant effects.

88. In response to our questions, Ms Belgrave also supported deleting '*that their*' as a minor correction to improve the language used. This was shown in the updated Appendix 1 of Part 2 of the Right of Reply.

Hearing Panel's Evaluation

89. The Panel accepts the reasoning set out in the s42A Report and agree that the definition of RMA '*environment'* is broad and includes natural and physical resources. The Panel agrees the changes recommended are appropriate and are consistent with the wording of the RMA.

90. The Panel agree the word '*surrounding*' is unclear and should be deleted, as requested by the Director General of Conservation and recommended in Appendix 1 of Part 2 of the Right of Reply.

Hearing Panel's Recommendation

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

accepted or accepted in part, and recommend the following changes to the **Earthworks Objectives**:

EW – O1	To provide for earthworks to facilitate subdivision, use and development of the West Coast/Te Tai o Poutini's land resource, while ensuring ~~that their~~[20] adverse effects on the ~~surrounding~~[21] environment are avoided, **remedied**[22] or mitigated.

2.4. Earthworks Policies

Submissions and Further Submissions

92. Twenty-nine submissions points and one further submission point relating to **EW-P1** were summarised in a Table on pages 27-28 of the s42A Report. Nineteen submissions supported retention of the policy as notified. Eleven submissions requested wording amendments.

93. Twenty-three submissions points and one further submission point relating to **EW-P2** were summarised in a Table on pages 29-30 of the s42A Report. Fifteen submissions supported the policy be retained as notified. Seven submissions sought wording amendments.

94. Twenty-one submissions points relating to **EW-P3** were summarised in a Table on page 31 of the s42A Report. All the submissions supported the policy as notified, except for two submissions that sought the same correction to wording.

95. Twenty-three submissions points and one further submission point relating to **EW-P4** were summarised in a Table on pages 32-33 of the s42A Report. Twenty submissions supported retention of the policy as notified. Three submissions sought wording amendments.

96. The Panel has considered the relevant submissions and further submissions and adopts the summaries in the s42A Report.

Section 42A Report

97. In relation to EW-P1, Ms Belgrave did not support the requested deletion of '*temporary and small scale*' because she considered it sought to enable earthworks that would have only limited adverse effects on the environment.

98. Ms Belgrave supported replacing the term '*utilities*' with '*infrastructure*' in response to Westpower Limited's request to add '*including energy activities and critical infrastructure'*. She noted '*utilities*' was not defined in the pTTPP or RMA, but that '*infrastructure*' was defined and includes electricity infrastructure.

99. Ms Belgrave did not support the request to change the order of EW-P1 and EW-P2 given there was no hierarchy, and all policies must be considered.

100. Ms Belgrave considered replacing '*significant*' with '*no more than minor*' was not necessary and was more appropriate within the policy framework.

[20] Clause 16(2) of First Schedule of RMA
[21] Director General of Conservation S602.168
[22] Silver Fern Farm S441.026, Westpower Limited S547.459 and Director General of Conservation S602.168

101. In her Addendum, Ms Belgrave considered the use the term '*minimise*' instead of '*avoid, remedy or mitigate*' in the context of EW policies. She recommended EW-P2 be amended to replace '*minimise*' with '*avoid remedy and mitigate'*. However, we note this was not reflected in updated Appendix 1 of the Addendum to the s42A Report.

102. In relation to EW-P2, Ms Belgrave agreed with the request to delete '*water quality*' to avoid duplication with Regional Council functions.

Hearing and Submitter Evidence/Statements

103. Ms McKenize sought amendments to EW-P1 to ensure that all forms of earthworks are enabled, not just temporary and small scale earthworks, to be consistent with the EW-O1 to enable earthworks generally and with the RPS. She considered the policy only provided 'narrow scope' and did not enable a range of earthworks, as envisioned by EW-O1.

104. Mr Kennedy, for Westpower, highlighted the importance of ensuring energy activities are included in the reference to '*infrastructure'* in EW-P1; and supported replacing '*minimise*' with '*avoid, remedy and mitigate'* in EW-P2 to be consistent with EW-O1.

105. At the hearing, Mr Kennedy questioned whether there was scope for deleting '*significan*t' from EW-P1 and considered this changed the scope of the policy. However, he noted he supported deletion of '*temporary and small scale'* from EW-P1.

106. Ms Inta, on behalf of herself and the Buller Conservation Group, highlighted the requirement to avoid adverse effects on significant biodiversity. She supported replacing '*avoid, remedy and mitigate'* with '*the effects hierarchy'*. However, in response to questions, she preferred '*avoid, remedy and mitigate*' to use of '*minimise*', which she considered was meaningless.

Reporting Officer Reply Evidence

107. Having heard the evidence and undertaking further analysis, Ms Belgrave agreed that deleting '*temporary and small scale'* from policy EW-P1 was appropriate to enable earthworks more generally and to be consistent with EW-O1. She considered the deletion of '*significant*' was appropriate to require the management of all adverse effects.

108. Revised Appendix 1 of Part 2 of the Right of Reply recommended the following amendments to the EW policies:

> ***EW – P1*** *Enable ~~temporary and small scale~~ earthworks for the subdivision, use and development of land, the provision of **infrastructure**~~utilities~~, and hazard mitigation, while managing those with the potential to create ~~significant~~ adverse effects.*
>
> ***EW – P2*** *Manage the effects of earthworks to ~~minimise~~ **avoid, remedy and mitigate** impacts on landscape character, amenity, natural features, ~~water quality~~, biodiversity, cultural and heritage sites and the quality of the environment.*
>
> ***EW – P3*** *Require the use of accidental discovery protocols to mitigate the potential risk ~~to~~ **of** earthworks to archaeological sites and sites of significance to Māori and archaeological sites that are not scheduled in the Plan.*

109. No changes to EW-P4 were shown in the updated Appendix 1 of Part 2 of the Right of Reply.

Hearing Panel's Evaluation

110. The Panel agrees with Ms Belgrave to delete '*temporary and small scale'* from EW-P1 to enable earthworks more generally and to be consistent with EW-O1.

111. The Panel also agree with Ms Belgrave that '*significant*' should be deleted from EW-P1 because the intent of the policy wording is to enable earthworks with minor adverse effects, as permitted activities. The Panel also agree with Forest and Bird that this should be replaced with '*more than minor'* to enable activities that have only minor or less than minor adverse effects on the environment. Without adding '*more than minor'*, it would be all '*adverse effects*' without qualification.

112. In response to Mr Kennedy's view at the hearing regarding the scope to delete '*significant*', the Panel considers Forest & Bird's submission (S560.316) specifically requests this and its replacement with '*no more than minor'*.

113. The Panel considers replacement of '*utilities*' with '*infrastructure*' is appropriate and that this addresses the concerns raised by Westpower Limited regarding the inclusion of energy activities and critical infrastructure.

114. The Panel accepts there is no hierarchy in the policies and that all relevant policies must be considered. For this reason, there is no need to re-order the policies.

115. The Panel agrees with Ms Belgrave that EW-P2 should be amended to replace '*minimise*' with '*avoid remedy or mitigate'* given there are circumstances where adverse effects must be avoided to protect significant environmental values and to give effect to Part 2 of the Act. Similarly, it does not recognise the national direction to '*avoid, remedy or mitigate'* significant effects on other environmental values.

116. The Panel notes the submission from Forest & Bird seeks to ensure adverse effects on biodiversity are managed in accordance with the ECO Chapter and the NFL Chapter, and not to a 'lesser standard'. We agree this consistency across the chapters is critical to give effect to section 6, 7 and 8 matters. The Forest & Bird submission gives the Panel scope to insert words '*natural', 'values'* and '*indigenous*' to make the wording consistent with the ECO and NFL Chapters.

117. The Panel also consider the wording would be clearer and consistent with the statutory requirements if '*impacts*' is replaced with '*adverse effects'*. The Panel is satisfied this more precise language does not change the intent of the policy and clarifies that only <u>adverse</u> impacts must be managed and not all impacts.

118. The Panel notes the language used in EW-P2 is not consistent with the language used in the RMA and the higher order documents by using *'landscape character'*. The Panel considers this should be corrected to '*landscape, <u>natural</u> character'* to align with Part 2 of the RMA. The Panel is satisfied this does not change the intent of EW-P2.

119. The Panel notes that EW-P4 uses '*critical infrastructure'* but that this was not addressed by Ms Belgrave. In the context of its use in EW-P4, we consider this should be amended to '*regionally significant infrastructure'* as a consequential amendment to ensure consistency across the wider plan provisions.

Hearing Panel's Recommendation

120. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends that the relevant submissions identified in the footnotes below are accepted or accepted in part, and recommends the following changes to the **Earthworks Policies**:

EW - P1	Enable ~~temporary and small scale~~[23] earthworks for the subdivision, use and development of land, the provision of **infrastructure** ~~utilities~~[24], and hazard mitigation, while managing those with the potential to create ~~significant~~ **more than minor**[25] adverse effects.
EW – P2	Manage the **adverse**[26] effects of earthworks ~~to minimise impacts~~[27] on **natural**[28] landscape **values, natural**[29] character, amenity **values**,[30] natural features, ~~water quality~~,[31] **indigenous**[32] biodiversity, cultural and heritage ~~sites~~ **items and areas**[33], and the quality of the environment **to avoid, remedy or mitigate adverse effects, as appropriate**.[34]
EW – P3	Require the use of accidental discovery protocols to mitigate the potential risk ~~to~~ **of**[35] earthworks to archaeological sites and sites of significance to Māori and archaeological sites that are not scheduled in the Plan.
EW – P4	Protect ~~critical infrastructure~~ **regionally significant infrastructure**[36] and natural hazard defences from the adverse effects of earthworks.

2.5. Earthworks Rules

Submissions and Further Submissions

121. Thirty-nine submissions points and four further submission points relating to **EW-R1** were summarised in a Table on pages 37-40 of the s42A Report. Ten submissions supported the rule as notified. Twenty submissions sought changes to the rule, standards and advice note wording.

122. Forty-one submissions points and nine further submission points relating to **EW-R2** were summarised in a Table on pages 42-45 of the s42A Report. Five submissions supported the rule as notified. Most submissions sought amendments to provide more clarity and to be more enabling of development. Two submission sought deletion of the rule.

[23] Birchfield Coal Mines Limited S601.062, BRM Developments Limited S603.040, Birchfield Ross Mining Limited S604.055 Papahaua Resource Limited, Rocky Mining Limited, TiGa Minerals and Metals Limited S493.076, WMS Group (HQ) Limited and WMS Land Company Limited S599.081, Phoenix Minerals Limited S606.041 and Whyte Gold Limited S607.039
[24] Westpower Limited S547.460
[25] Royal Forest and Bird Protection Society of New Zealand Incorporated S560.316
[26] Royal Forest and Bird Protection Society of New Zealand Incorporated S560.588
[27] Royal Forest and Bird Protection Society of New Zealand Incorporated S560.317
[28] Royal Forest and Bird Protection Society of New Zealand Incorporated S560.588
[29] Royal Forest and Bird Protection Society of New Zealand Incorporated S560.588
[30] Royal Forest and Bird Protection Society of New Zealand Incorporated S560.588
[31] Westpower Limited S547.461
[32] Royal Forest and Bird Protection Society of New Zealand Incorporated S560.588
[33] Consequential amendment arising from recommendations on the Historic Heritage Chapter
[34] Royal Forest and Bird Protection Society of New Zealand Incorporated S560.317
[35] Silver Fern Farms S441.027 and Director General of Conservation S602.169
[36] Consequential amendment under Clause 16(2) of First Schedule of RMA

123. Thirty-nine submissions points and four further submission points relating to **EW-R3** were summarised in a Table on pages 49-51 of the s42A Report. Seven submissions supported the rule as notified. Most submissions sought amendments to provide more clarity and to be more enabling of development.

124. Eighteen submissions points and three further submission points relating to **EW-R4** were summarised in a Table on pages 53-54 of the s42A Report. Four submissions supported the rule as notified. Majority of submissions sought wording amendments.

125. Six submissions points and one further submission point relating to **EW-R5** were summarised in a Table on pages 54-55 of the s42A Report. Three submissions supported the rule as notified. Three sought wording changes.

126. Twenty-four submissions points relating to **EW-R6** were summarised in a Table on pages 55-56 of the s42A Report. Fifteen submissions supported the rule as notified. Eight submissions sought deletion of the rule.

127. Twenty-five submissions points and seven further submission points relating to **EW-R7** were summarised in a Table on pages 57-59 of the s42A Report. Sixteen submissions supported the rule as notified. The remaining submissions sought wording amendments.

128. Twenty-eight submissions points and five further submission points relating to **EW-R8** were summarised in a Table on pages 62-64 of the s42A Report. Fourteen submissions supported the rule as notified. Nine submissions sought wording amendments.

129. Twenty-eight submissions points and five further submission points relating to **EW-R8** were summarised in a Table on pages 62-64 of the s42A Report. Fourteen submissions supported the rule as notified. Nine submissions sought wording amendments.

130. The Panel adopts these summaries and has considered the relevant submissions and further submissions.

Section 42A Report

131. In relation to **EW-R1**, Ms Belgrave did not support providing an exemption for piles, or the removal or reduction of the 1.5 m cut height without further justification. She did not support an additional advice note stating that the rule did not apply to mineral activities given other amendments addressed this. She noted the pTTPP definition for 'clean fill' did not include vegetative matter and therefore she did not support any exemption for vegetative matter, as requested.

132. Ms Belgrave supported additional clauses (d) and (e) sought by Westpower in EW-R1 but not the deletion of clauses (3) and (4) given these did not duplicate the West Coast Regional Land and Water Plan (RLWP) and gave effect to the NPS-FM.

133. Ms Belgrave did not support the request to add a standard to EW-R1 to ensure that any vegetation clearance complied with the rules in the Ecosystems and Indigenous Biodiversity Chapter given the cross referencing in the EW Overview.

134. Ms Belgrave supported a number of amendments requested by the Fuel Companies to improve clarity but did not support inclusion of an exemption for maintenance, removal or replacement of underground petroleum storage tanks. She noted the Resource

Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 (**NESCS**) applies to such activities and provides for excavation of up to 30m^3 of each as a permitted activity.

135. In relation to **EW-R2**, Ms Belgrave did not support deleting the rule or its replacement with the operative rule from the Grey District Plan. She also did not support removal of the requirement in EW-R2(2)(g) for hazard mitigation structures to be constructed by a statutory agency or authorised contractors.

136. Transpower's original submission sought to amend EW-R2 and EW-R7 to exclude earthworks within the National Grid Yard and to provide a standalone rule for earthworks and vertical holes. Ms Belgrave recommended deleting notified EW-R7 and inserting new permitted activity rule EW-RX based on the new rule wording proposed by Transpower but with a restricted discretionary activity status where compliance is not achieved rather than the non-complying default status proposed by Transpower.

137. However, in her Addendum to the s42A Report in response to Ms Whitney's planning evidence for Transpower, Ms Belgrave agreed that a change from a restricted discretionary to non-complying activity status, where compliance is not achieved, was appropriate for new rule EW-RX. She considered this would be consistent with the direction of EW-P4 to 'protect' critical infrastructure. She also agreed with Ms Whitney's requested amendments to EW-RX to improve consistency and to widen the scope of exemptions include '*vertical holes'* and the repair and resealing of '*footpaths and driveways'*.

138. In her Addendum, Ms Belgrave agreed with Ms Styles' request to reinstate '*earthworks*' to the rules and remove her recommended change to '*land disturbance*' given new EW-RX now addressed cultivation. She noted this also result in a consequential change to the Overview by removing reference to '*land disturbance'*.

139. Further minor amendments were recommended in her Addendum Report to reflect her revised recommendation and were recorded in updated Appendix 1 as follows:

> ***EW-RX Earthworks and vertical holes within the National Grid Yard***
>
> ***Activity Status: Permitted***
>
> *Where:*
>
> *1. Earthworks and vertical holes do not:*
>
> *a. Exceed 300mm in depth within 6m of the outer visible edge of a National Grid support structure;*
>
> *b. Exceed 3m in depth between 6m and 12m of the outer visible edge of a National Grid support structure;*
>
> *c. Result in a reduction of the ground to conductor clearance distances as required in Table 4 of the New Zealand Electrical Code of Practice for Electrical Safe Distances 34:2001;*
>
> *d. Compromise the stability of any National Grid support structures; and e. Result in the loss of vehicular access to a National Grid support structure.*
>
> *e. Result in the loss of vehicular access to a National Grid support structure.*
>
> *2. Earthworks and vertical holes for the following activities are exempt from compliance with EW-RX.1(a)* ***<u>to (d)</u>*** ***~~and (b)~~****:*

a. Earthworks or vertical holes, excluding mining and quarrying, that are undertaken by a network utility operator as defined by the Resource Management Act 1991;

b. Agricultural or domestic cultivation;

*c. The repair, sealing or resealing of a vehicle access**, ~~or~~** farm track **footpath or driveway**;*

d. Vertical holes not exceeding 500mm in diameter that are more than 1.5m from the outer edge of a National Grid pole or stay wire, or are a post hole for a farm fence or horticulture structure more than 6m from the visible outer edge of a National Grid tower foundation; and

*e. ~~Any other earthwork or land disturbance activities~~**Earthworks and vertical holes** subject to a dispensation from Transpower under New Zealand NZECP 34:2001.*

*Activity status: ~~Restricted Discretionary~~ **Non-complying***

Notification

1. An application under this rule is precluded from being publicly notified in accordance with section 95A of the RMA. When deciding whether any person is affected in relation to this rule for the purposes of section 95E of the RMA, the Council will give specific consideration to any adverse effects on Transpower New Zealand Limited.

140. In relation to **EW-R3**, Ms Belgrave did not support the changes sought by Manawa given the pTTPP definition of '*Energy Activity'* includes renewable energy generation and '*regionally significant infrastructure*' was included in EW-R2(2)(d). She considered a limit of 500m^2 was appropriate given it did not include cultivation and in recognition of the stated role of the RLZ. She did not support inclusion of the earthworks associated with a lawfully established activity given these may have adverse effects that need to be managed.

141. Ms Belgrave recommended an additional clause RW-R3(2)(ii), as sought by Forest and Bird (S560.320), to include limits in the NOSZ and considered this was consistent with EW-R4. She noted this was opposed in further submissions by Westpower on the basis it would impose additional regulation on energy activities. However, she considered the potential for adverse effects from earthworks in the NOSZ should be managed through an appropriate limit and noted the limit proposed by the submitter was consistent with EW-R4.

142. In relation to **EW-R4**, Ms Belgrave did not support any increases to the maximum volumes and considered the limit of 250m^2 per site was appropriate for Residential, Neighbourhood Centre and Settlement Zones and their minimum lot size. She recommended EW-R4 be retained as notified.

143. Similarly, in relation to **EW-R5**, Ms Belgrave did not support any increases to the maximum volumes or reference to '*Infrastructure Activity*'. She recommended EW-R5 be retained as notified.

144. In relation to **EW-R6**, Ms Belgrave noted the BCZ and MINZ rules do not include provisions for earthworks and therefore rejected submissions to delete the rule. She recommended the rule be retained as notified.

145. As noted above, Ms Belgrave recommended **EW-R7** be deleted and replaced with EW-RX for earthworks within the National Grid Yard.

146. In relation to **EW-R8**, Ms Belgrave recommended changes to clause (a) and (b) in response to Manawa and the Buller Conservation Group. She did not support the relief sought by Westpower regarding including '*energy activities and infrastructure'* in clause (g), or Forest

and Bird's request to include a new clause for vegetation clearance. She did not support inclusion of '*Poutini Ngāi Tahu values*' in clause (e) without further evidence providing clarity on what this would require.

147. In her Addendum, Ms Belgrave acknowledged Ms Styles' evidence regarding removing any duplication in clauses (a) and (h) of Rule EW-R8 and the error regarding this relief sought in the Summary of Submissions Requested. She recommended *'visu*al' be deleted from clause (a) to refer to '*amenity*' broadly.

Hearing and Submitter Evidence/Statements

148. Poutini Ngāi Tahu sought inclusion of a matter of discretion for consideration of '*Poutini Ngāi Tahu values*' for the restricted discretionary and controlled activity rules in the EW chapter. Ms Lynch's evidence highlighted the distinctive cultural context, the way Poutini Ngāi Tahu think about and respond to resource management issues in their takiwā. She noted this cultural context reflected the holistic nature of how Poutini Ngāi Tahu considered resource management and why individual values cannot be considered in isolation of each other in their world view given their interconnectedness.

149. Ms Lynch considered inclusion of '*Poutini Ngāi Tahu values*' as a matter of discretion gives effect to sections 6(e), 7(a) and 8 of the RMA and the relevant objectives and policies of the RPS. She noted that not including this would mean that Poutini Ngāi Tahu values could not be taken into account when making decisions on restricted discretionary activities.

150. Mr Leckie for Bathurst requested the following advice note be added to EW-R1(2) to clarify that if a Mineral Extraction Plan has been prepared, EW-R1(2) would not apply to mining activities:

> *Clause 2 does not apply to mining activities in the BCZ, MINZ, General Rural Zones or Open Space Zone where a Mineral Extraction Plan is prepared in accordance with Appendix Seven.*

151. Mr Leckie considered the recommended amendments in the s42A Report partially addressed Bathurst's concerns (i.e. by inserting '*importing*' fill) but that cross referencing without explicitly excluding earthworks for mineral extraction activities would not avoid ambiguity,

152. Ms McKenize for Birchfield Coal Mines Limited *et al*. sought amendments to rules EW-R1, EW-R2, EW-R4 and EW-R8 to include wording specifically excluding mineral extraction, exploration and prospecting.

153. In her Addendum, Ms Whitney confirmed Transpower's support for the recommended amendments to the rules EW-R2, EW-R7 and provision of new Rule EW-RX. However, she requested EW-RX(2) be amended from '(a) to (d)' to '(a) to (e)'

154. Ms Styles, for Manawa, requested amendments to EW-R3 to remove overlaps with EW-R2. She noted the summary of Manawa's submission on EW-R8 did not cover the entire submission point and the changes sought.

155. Ms Leveson, for Horticulture New Zealand ('Hort NZ'), sought amendments to EW-RX(2)(b) to replace '*agricultural or domestic cultivation'* with '*ancillary earthworks'* to include horticulture activities. She also sought to change the reference to '*Transpower New Zealand*' to the consideration of adverse effects on the National Grid.

156. Mr Kennedy, for Westpower, requested an increase in the permitted depth or height of earthworks to 2m in RW-R1 to enable earth bunds for landscaping and screening in relation to energy activities, which is consistent with the permitted height for a fence or wall. He noted that 2m was consistent with other permitted activities. He supported replacing '*minimise*' with '*avoid, remedy and mitigate'* in EW-R8.

157. Mr Kennedy sought to replace *'Network Utility Operation*' with '*Infrastructure Activity'* in rules EW-R3, EW-R4 and EW-R5 to be consistent with sections in the EIT Chapters of the Plan. He emphasised the importance of consistency and connections of the provisions with other chapters of the Plan.

158. The Fuel Companies tabled hearing statement sought clarification from the Reporting Officer whether the general earthworks provisions would apply in addition to the NESCS. It stated the earthworks rules would duplicate and add stricter controls. It noted the following amendment sought to Advice Note 2 of EW-R1 and EW-R2 had not been addressed in the s42A Report:

> 2. *Earthworks undertaken in areas of contaminated land are subject to the Rules in the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health* ***and not to this rule****.*

159. In its original submission, the Fuel Companies sought the replacement of '*avoid*' in EW-R1(3) with '*minimise*', which was rejected in the s42A Report. The Fuel Companies responded to this seeking '*avoid where practicable, otherwise minimise'*.

160. The Fuel Companies also sought a definition for '*land disturbance'* that was consistent with the National Planning Standards definition to assist in providing a permitted pathway for temporary land disturbance activities that do not change the contour of the land.

161. Ms Nyhan sought simplification of EW-R1 to remove duplication with the requirements of the Greymouth Earthworks Control Area under the RLWP to establish or extend a residential dwelling and maintain access roads on land subdivided for that intention, such as at Port Elizabeth Heights. She also sought clarification whether EW-R1 would be required to be complied with where the contiguous land parcels were owned by the same people. She considered the 500m^2 limit for land clearance in EW-R2 was unduly prohibitive and considered it should be increase to 1,000m^2 or 10% of the total useable land. She noted another option would be to exempt subdivision in the Rural Lifestyle Zone (**RLZ**), which existed before notification of the TTPP.

162. Mr Kennedy, on behalf of himself, requested the addition of '*land drainage'* to EW-RX(2)(b).

163. Ms Inta, for herself and the Buller Conservation Group, highlighted use of the term '*site*' in the rules and the need to define this and to be more specific as to what was intended and questioned whether *'site'* meant a land title parcel. She highlighted the use of the term '*site*' in EW-R3 and EW-R4 and requested the words '*or 10% whichever is the greater*' be added to both rules. She noted that in terms of EW-R3(2)(i) that 500m^2 could be a large proportion of a small site.

Reporting Officer Reply Evidence

164. Ms Belgrave agreed with Mr Leckie and Ms McKenzie that further amendments could be made to clarify the provisions did not apply to mineral extraction, exploration and

prospecting. She recommended the addition of an additional clause to EW-R1, EW-R2, EW-R3 and EW-R4.

165. Ms Belgrave recommended including a maximum threshold for earthworks within the Natural Open Space Zone (**NOSZ**) and an amended new rule EW-RX to manage earthworks in the National Grid Yard. She highlighted the outstanding issues related to the appropriate permitted quantity and depth of earthworks and replacement of '*critical infrastructure*' with '*regionally significant infrastructure'*.

166. The legal opinion from Wynn Williams[37] considered whether including the proposed amended wording was lawful in the context of the legal requirements for permitted activity rules. It concluded such a requirement would provide discretion to the Rūnanga to determine whether the activity is permitted, thereby reserving discretion to a third party.

167. Wynn Williams considered it could be possible to devise a rule that meets the requirements of a permitted activity rule by including a '*certification element*' but that this would be novel and relatively untested, with some risk of challenge.

168. Having heard the evidence of Ms Lynch and considered the legal submissions for Poutini Ngāi Tahu[38], Ms Belgrave retained concerns that the wording sought would increase the complexity and cost of resource consents for restricted discretionary and controlled activities. She considered the additional costs would not be commensurate to the potential effects of activities relating to earthworks, light or temporary activities where no other resource consents are required due to the inherent scale and nature of these activities and potential environmental effects.

169. Ms Belgrave noted the inclusion of '*Poutini Ngāi Tahu values*' was relatively broad and as a matter of control or discretion would reduce certainty to plan users otherwise afforded by a controlled or restricted discretionary activity status. She did not consider the inclusion of '*significant adverse effects'* as suggested in Poutini Ngāi Tahu's legal submissions would limit its application given input from Poutini Ngāi Tahu would be needed to determine the scale of adverse effect for all consent applications.

170. In response to our questions regarding the potential to reference particular Māori values, Ms Belgrave was supportive of the inclusion of '*mahinga kai species'* under matters of control which refer to indigenous flora and fauna in EW-R8(h). She had reservations about including '*taonga*' and '*mauri*' given a lack of accurate assessment on these values from Poutini Ngāi Tahu.

171. In response to Hort NZ, Ms Belgrave noted the wording used in new EW-RX(2)(b) was relocated from notified wording in rule EW-R2(2)(i)(B). She noted Hort NZ had supported the provision for cultivation in the National Grid Yard under EW-R2(2)(i) and had sought this be retained. On this basis, she considered Ms Leveson's request to amend the wording was out of scope of the original submission. However, she did not support the wording replacement sought as it would enable larger scale and frequency earthworks at could potentially affect the functioning and safety of the National Grid. She also did not support removing reference

[37] Memorandum from Ms Lucy de Latour, Wynn Williams dated 23 November 2023 (Attachment 4, s42A Author Right of Reply Part 1 dated 29 November 2023).

[38] Legal Submissions on behalf of Te Rūnanga O Ngāti Waewae, Te Rūnanga O Makaawhio and Te Rūnanga O Ngāi Tahu (Submitter 620 and Further Submission FS41) 13 November 2023 by Sarah Scott and Katherine Viskovic

to '*Transpower New Zealand Limited*' in the Notification part of EW-RX given the relevant s95E consideration was the ability of Transpower to operate and maintain the National Grid.

172. In response to Manawa, Ms Belgrave considered both EW-R2 and EW-R3 were necessary given EW-R3 contains additional standards for earthworks within more sensitive environments. She reconsidered the addition of '*on surrounding land use'* to EW-R8(b) and recommended this was not included given it needed to include the site itself.

173. Ms Belgrave clarified the National Planning Standards definition for *'earthworks'* and '*land disturbance'* and concluded based on this that land disturbance was a subset of earthworks. She recommended using earthworks in the instances where '*earthworks and land disturbance*' was used in the Plan.

174. Ms Belgrave clarified EW-R1 would be applicable at contiguous boundaries under the same ownership and was necessary to manage land stability effects at site boundaries given the steep topography. She considered the 1.5m depth or height limit was an appropriate threshold to require an assessment of land stability effects as a restricted discretionary activity under EW-R8. She noted the RLWP was to manage the discharge of contaminants in sediment laden water associated with earth work activities, whereas the pTTPP manages land stability effects more generally and visual amenity.

175. Similarly, Ms Belgrave did not support increasing the 1.5m depth or height limit to 2m to allow for earth bunds given the potential for additional adverse effects from their bulk and width compared to a fence or wall.

176. Ms Belgrave agreed with the amendments to EW-R1(3) sought by the Fuel Companies to delete '*put in place*' and to add '*designed, installed and maintained for the duration of earthworks*' but did not support inserting *'avoid <u>where practicable, otherwise minimise</u>'*. She considered use of '*designed, installed and maintained <u>until earthworks are completed</u>'* was clearer.

177. In response to Westpower, Ms Belgrave reviewed the relevant rule for earthworks under the operative Grey District Plan. She considered the exclusions under Rule 16.7 4A, 17.7 4A and 18.7 4A were similar to those proposed under EW-RX.

178. Ms Belgrave considered the wording change sought by Westpower to EW-R3 should be considered within the wider context of the Plan and should be consistent. She recommended using *'regionally significant infrastructure'* if this was adopted throughout the Plan and considered this would include '*infrastructure activity'* as requested.

179. Ms Belgrave did not support replacing *'minimise'* with '*avoid, remedy and mitigate'* in EW-R8(d) given it refers to '*management or mitigation measures'*.

<u>Hearing Panel's Evaluation</u>

180. The Panel generally agree with Ms Belgrave's analysis of submissions and recommended changes to the rules.

181. The Panel agree with Ms Belgrave that '*land disturbance*' is a subset of '*earthworks*' given the National Planning Standards definitions and there is no need to reference both given the rule framework provides a permitted activity pathway for earthworks, including where the land contour is not changed.

182. The Panel accept the recommended addition of clause EW-R1(1)(f) but have replaced '*critical infrastructure*' with '*regionally significant infrastructure'* for consistency with the wider Plan provisions. A similar change was requested by Manawa to EW-R2(2)(d) and was accepted by Ms Belgrave but was not included in the Appendix 1 of Part 2 of the Right of Reply. The Panel considers the replacements are appropriate for Plan-wide consistency.

183. The Panel agrees that Ms Belgrave's recommendation to replace '*Network Utility Operation*' with '*Regionally Significant Infrastructure'* in EW-R3, EW-R4 and EW-R6 is also appropriate and consistent with the wider Plan provisions; and meets the concerns raised by Westpower to use *'infrastructure activity'*.

184. The Panel considers minor amendments to the wording of EW-R2 are appropriate to remove '*These are'* from sub clauses (a) to (e) as notified to remove repetition with clause (2) '*These earthworks are*'. This is a minor reword from Ms Belgrave's Appendix 1 of Part 1 of the Right of Reply.

185. The Panel accepts Ms Belgrave's recommendation to not remove the requirement in EW-R2(2)(g) for hazard mitigation structures to be constructed by a statutory agency or authorised contractors. The Panel agrees that this provides for appropriate design and engineering, and oversight to ensure hazard risks are not exacerbated elsewhere. The Panel considers the meaning of '*statutory agency or their authorised contractors'* is sufficiently clear in this context but recommend *'statutory agency or authorised contractor acting on its behalf'* clarifies the statutory agency is in control and is used elsewhere in the Plan.

186. The Panel agrees with Ms Belgrave that there is insufficient information on the potential nature and scale of environmental effects from maintenance, removal or replacement of underground petroleum storage tanks to provide for an exemption. The Panel notes the NESCS standards have limited overlap with the permitted activity standards in EW-R1 and EW-R2.

187. The Panel considers the amendment sought by the Fuel Companies to EW-R1(3) would introduce uncertainty and is inappropriate given sediment runoff discharges to stormwater systems and waterbodies should be avoided during earthworks.

188. The Panel agrees with Ms Belgrave that the EW rules do not duplicate the RLWP requirements and are appropriately focussed on land stability issues. The Panel considers a threshold of 500m^2 per site in any 12-month period within the RLZ (under EW-R3) is sufficiently enabling to establish and maintain building platforms and access roads. The Panel also agree that the construction of 2m high earth bunds may have greater adverse effects than a fence and are not the option to achieve screening without an assessment of environmental effects.

189. The Panel accepts Ms Belgrave's recommended new clause EW-R3(2)(ii) but consider this should be included as new clause with a consequential amendment to include reference to the new standard where compliance is not achieved.

190. The Panel generally accepts Ms Belgrave's recommended wording of new EW-RX in her reply evidence. However, we note Ms Whitney requested EW-RX(2) be amended from *'(a) to (d)*' to *'(a) to (e)*' and that this was not reflected in Appendix 1 of the reply evidence. We recommend this change below. The Panel does not agree with Mr Kennedy's request to add '*land drainage*' to EW-RX(2)(b) given the intent is to enable cultivation.

191. The Panel agree with Ms Belgrave that the request by Ms Leveson for the Hort NZ to replace *'agriculture'* with '*ancillary rural earthworks'* is out of scope given it supported retention of the wording of EW-R2 in its original submission. However, given that part of EW-R2 has been relocated into new rule EW-RX, we have considered the submitter's view on the appropriate wording of the new rule. The Panel finds replacing '*agriculture*' with '*ancillary rural earthworks'* would increase uncertainty and the scope beyond cultivation, which is defined in the National Planning Standards. However, the Panel agree with Ms Leveson that it would be appropriate to replace '*Transpower New Zealand*' with '*the operator of the National Grid*' to avoid the need for a plan change process if there was a name change to Transpower or change in operator. The Panel notes this language is consistent with Policy 11 of the NPSET.

192. The Panel is satisfied EW-RX gives effect to the NPSET by managing activities within the National Grid Yard to avoid reverse sensitivity effects on the electricity transmission network and ensure it is not compromised (NPSET Policy 10). The notification clause gives effect to Policy 11 by requiring consultation with the network operator; and the default non-complying activity status is appropriate to avoid more than minor adverse effects on the electricity transmission network.

193. The Panel has considered the addition of '*Poutini Ngāi Tahu values'* as a matter of discretion for the remaining discretionary activity rule EW-R8. The Panel notes that clause (h) includes '*cultural and heritage sites'* and agrees with Ms Belgrave that adding '*including mahinga kai species*' is appropriate. The Panel notes this matter is considered further in other recommendations including the EIT Chapter and the s32AA provided there by Ms Pull on behalf Poutini Ngāi Tahu is accepted.

194. Buller Conservation Group and Frida Inta sought '*per site or 10% whichever is the greater'* be added to EW- R3. The submitters also sought the addition of '*or lower'* to EW-R8(e), which was not specifically considered in the s42A Report. The Panel accepts the addition of '*or lower'* is appropriate as any change in the water table should be assessed. Given the 500m^2 limit only applies to the Rural Lifestyle Zone, the Panel considers restricting earthworks to 10% of a site is probably unnecessary given the minimum lot size is 1 ha. The Panel is satisfied that the term '*site*' is clearly defined in the Plan.

195. The Panel notes Forest and Bird sought replacement of the reference to '*overlay*' in Rules EW-R3 and EW-R4 based on concerns that significant environmental values have not been identified in overlays. Westpower opposed this in further submissions and noted this issue had not been analysed in the s42A Report. The Panel note this issue was considered in the ECO Chapter hearing and is satisfied this issue has been adequately addressed.

196. The Panel notes that EW-R4(4)(a) allows up to 250m^2 of land disturbance in any 12-month period and clause (c) up to a maximum change in the existing ground level of 1m (c)). However, the maximum amount of material to be transported offsite is 200m^3 in any 12-month period (clause (b)). The Panel considers this is an error and that EW-R4 should allow a maximum of 2**5**0m^3 in clause (b) taking into account the limits in clauses (a) and (c). The Panel notes this also applies to EW-R3(2)(ii) and the same correction is recommended.

197. The Panel agrees with Mr Kennedy, for Westpower, that replacing '*minimise*' with '*avoid, remedy and mitigate*' in EW-R8(d) is appropriate given it refers to '*the effectiveness of proposed management or mitigation measures'* and the RMA section 17 duty to avoid, remedy or mitigate adverse effects.

198. The Panel notes the evidence of Ms Styles that Manawa also requested deletion of '*landscape, amenity'* in EW-R8(h) to remove duplication with clause (a), which was not addressed in the s42A Report. However, Ms Belgrave addressed this in the Addendum and again in Part 1 of her Right of Reply.

199. The Panel accepts with Ms Belgrave recommendations in Appendix 1 of Part 1 of the Right of Reply, with the minor amendments outlined above, with the exception that the Panel does not agree that EW-R6 is required in the BCZ or MINZ given the suite of rules recommended for those zones. In particular, the Panel does not agree with Ms Belgrave that the rules in those zones do not manage earthworks, as they have a central purpose of managing large scale earthworks associated with mineral extraction activities. We also recommend adding new non-complying activity Rule EW-R9 for earthworks and vertical holes within the National Grid Yard not complying with the new permitted activity Rule EW-7, as a consequential amendment.

Hearing Panel's Recommendation

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

Earthworks Rules

Note: There may be a number of Plan provisions that apply to an activity, building, structure and site. In some cases, consent may be required under rules in this Chapter as well as rules in other Chapters in the Plan. In those cases, unless otherwise specifically stated in a rule, consent is required under each of those identified rules. Details of the steps Plan users should take to determine the status of an activity are provided in General Approach.

Permitted Activities

EW - R1 Earthworks General Standards

All Permitted activities must comply with the following relevant standards:

1. Earthworks must not exceed a maximum depth or height above ground level of 1.5m measured vertically within 1.5m of a boundary except where these are undertaken by a network utility operator for the purpose of:

a. Pole foundations;

b. Backfilled trenches; ~~or~~

c. Installation of services by trenchless methods such as directional drilling;

d. **Installation of underground equipment as part of the electricity supply or distribution network;**[39]

e. **Achieving safe separation between conductors and the ground; or**[40]

[39] Westpower Limited S547.466
[40] Westpower Limited S547.467

f. **Stockpiles required for network utility or regionally significant infrastructure maintenance, operation, repair, upgrade, or installation of new network utilities.**[41]

2. All **imported**[42] fill must consist of cleanfill material;

3. Erosion and sediment control measures must be ~~put in place~~ **designed, installed and maintained until earthworks are completed**[43] to avoid sediment run-off from earthworks activities entering a Council reticulated network or into waterbodies.

4. No diversion of stormwater and overland flow shall occur beyond the site boundary and water must not be diverted to adjacent properties or the road;

5. Any earthworks within the vicinity of overhead electric lines must comply with the New Zealand Electrical Code of Practice for Electrical Safety Distances (NZECP 34:2001);

6. No earthworks are to be undertaken on or within 10m of any public natural hazard mitigation structure unless ~~under~~[44] the written approval has been obtained from the relevant local government agency; ~~and~~[45]

7. In the event of discovery of any sensitive or archaeological material that the Accidental Discovery Protocol outlined in Appendix Four must be followed**; and**[46]

8. **Rule EW-R1 does not apply to earthworks associated with mineral extraction, mineral exploration, or mineral prospecting.**[47]

Advice Notes:

1. Earthworks are also regulated by the West Coast Regional Land and Water Plan and the NES - Freshwater 2020 administered by the West Coast Regional Council.
2. Earthworks undertaken in areas of contaminated land are subject to the Rules in the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health.

Activity Status where compliance not achieved: Restricted Discretionary

EW - R2 Earthworks – All Zones

Activity Status Permitted

Where:

1. All standards in Rule EW - R1 are complied with; and

2. These earthworks are:

a. Associated with the construction of an approved building platform and access; or

[41] Grey District Council S608.667
[42] Fuel Companies S613.010
[43] Fuel Companies S613.010
[44] Clause 16(2) of First Schedule of RMA
[45] Clause 16(2) of First Schedule of RMA
[46] Clause 16(2) of First Schedule of RMA
[47] Birchfield Ross Mining Limited S604.005, William McLaughlin SS567.005, TiGa Minerals and Metals Limited S493.006, Birchfield Coal Mines Limited S601.005, BRM Developments Limited S603.005, Whyte Gold Limited S607.005, New Zealand Coal & Carbon Limited S472.004, Straterra S536.039 and Phoenix Minerals Limited S606.005

b. ~~These are earthworks a~~**A**ssociated[48] with an approved subdivision consent; or

c. ~~These are earthworks~~ ~~**a**~~**Associated**[49] with an approved well or bore; or

d. ~~These are e~~Earthworks, ~~including stockpiles Are r~~**R**equired for **repair, maintenance, operation, upgrading and establishment of a** network utility or ~~critical~~ **regionally significant** infrastructure, ~~maintenance, operation, repair, upgrade, or installation of new network utilities including public roads~~ [50] **and may include stockpiles**;[51] or

e. ~~These are e~~**E**arthworks[52] associated with installation of swimming pools; or

f. ~~The earthworks are f~~**F**or[53] interments in a cemetery or urupā;

g. ~~The earthworks are f~~**F**or[54] natural hazard mitigation structures constructed by a statutory agency or ~~their~~ authorised contractor **acting on its behalf**;[55] or

h. ~~The earthworks are t~~**T**est[56] pits for geotechnical or contaminated land assessment where the land is reinstated within 48 hours.~~; or~~

~~i. They are earthworks within the National Grid Yard where:~~

~~i. Any earthworks must not exceed a depth or fill from original ground level of 300mm, except for:~~

~~A. Earthworks for a network utility or as part of a renewable electricity generation activity; and~~

~~B. Earthworks undertaken as part of agricultural or domestic cultivation, or repair, sealing or resealing of a road, footpath, driveway or farm track.~~ [57]

3. **Rule EW-R2 does not apply to earthworks associated with mineral extraction, mineral exploration, or mineral prospecting.** [58]

Advice Notes:

1. Rules in relation to earthworks in overlay areas can be found in the Overlay Chapters of this Plan.
2. Earthworks undertaken in areas of contaminated land are subject to the Rules in the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health.

Activity Status where compliance not achieved: Restricted Discretionary

Refer Overlay Chapters for Earthworks Rules in relation to these overlay areas.

[48] Director General of Conservation S602.170
[49] Director General of Conservation S602.170
[50] Manawa Energy Limited S438.121
[51] Westpower Limited FS222.0106
[52] Director General of Conservation S602.170
[53] Director General of Conservation S602.170
[54] Director General of Conservation S602.170
[55] Clause 16(2) of First Schedule of RMA
[56] Director General of Conservation S602.170
[57] Transpower New Zealand Limited S299.059
[58] Birchfield Ross Mining Limited S604.005, William McLaughlin SS567.005, TiGa Minerals and Metals Limited S493.006, Birchfield Coal Mines Limited S601.005, BRM Developments Limited S603.005, Whyte Gold Limited S607.005, New Zealand Coal & Carbon Limited S472.004, Straterra S536.039 and Phoenix Minerals Limited S606.005

EW – R3	**Earthworks in the GRUZ - General Rural Zone, RLZ - Rural Lifestyle Zone, any INZ - Industrial Zone, FUZ - Future Urban Zone, AIRPZ - Airport Zone, any OSRZ - Open Space and Recreation Zone and the MPZ - Māori Purpose Zone**

Activity Status Permitted

Where:

1. All standards in Rule EW - R1 are complied with; and
2. These are ancillary earthworks for:

i. A Permitted Activity, except that in the Rural Lifestyle Zone a maximum of 500m^2 per site of land is disturbed in any 12 month period; or

ii. An Energy Activity, **Regionally Significant Infrastructure** ~~Network Utility Operation~~[59] or Transport Activity;

3. Where the earthworks are undertaken within an Overlay Chapter area these earthworks meet the Permitted Activity standards for the relevant Overlay **C**~~c~~hapter;
4. **In the Natural Open Space Zone, a maximum of 250m^2 per site of land is disturbed in any 12 month period and a maximum of 250m^3 of material is transported off site in any 12 month period, and there is a maximum 1m change of existing ground level; and** [60]
5. **Rule EW-R3 does not apply to earthworks associated with mineral extraction, mineral exploration, or mineral prospecting.** [61]

Activity Status where compliance not achieved: Restricted Discretionary where standard 1**,** ~~and~~ 2 **and 4**[62] are not complied with.

Refer to relevant Overlay Chapter where standard 3 is not complied with.

EW – R4	**Earthworks in any RESZ - Residential Zone, the NCZ - Neighbourhood Centre Zone or SETZ - Settlement Zone**

Activity Status Permitted

Where:

1. All standards in Rule EW - R1 are complied with; and
2. Where ~~the~~[63] earthworks are undertaken within an Overlay Chapter area these earthworks meet the Permitted Activity standards for the relevant Overlay area; **and**[64]

[59] Westpower Limited S547.470
[60] Royal Forest and Bird Protection Society of New Zealand Incorporated S560.320
[61] Birchfield Ross Mining Limited S604.005, William McLaughlin SS567.005, TiGa Minerals and Metals Limited S493.006, Birchfield Coal Mines Limited S601.005, BRM Developments Limited S603.005, Whyte Gold Limited S607.005, New Zealand Coal & Carbon Limited S472.004, Straterra S536.039 and Phoenix Minerals Limited S606.005
[62] Consequential amendment Royal Forest and Bird Protection Society of New Zealand Incorporated S560.320
[63] Clause 16(2) of First Schedule of RMA
[64] Clause 16(2) of First Schedule of RMA

3. These are ancillary earthworks for an Energy Activity, **Regionally Significant Infrastructure** ~~Network Utility Operation~~[65] or Transport Activity; and

4. Where earthworks are undertaken for any other activity:

a. A maximum of 250m^2 per site of land is disturbed in any 12 month period;

b. A maximum of **250**[66]~~200~~m^3 of material is transported off site in any 12 month period; and

c. There is a maximum 1m change of existing ground level.

5. **Rule EW-R4 does not apply to earthworks associated with mineral extraction, mineral exploration, or mineral prospecting.** [67]

Advice Note:

Rules in relation to earthworks in overlay areas can be found in the Overlay Chapters.

Activity Status where compliance not achieved: Restricted Discretionary

Refer to relevant Overlay Chapter where standard 2 is not complied with.

EW - R5	**Earthworks in any COMZ - Commercial and Mixed Use Zone, SVZ - Scenic Visitor Zone, HOSPZ - Hospital Zone or STADZ - Stadium Zone**

Activity Status Permitted

Where:

1. All standards in Rule EW - R1 are complied with; and

2. Where ~~the~~[68] earthworks are undertaken within a**n**[69] Overlay Chapter area these meet the Permitted Activity standards for the relevant overlay area; and

3. These are ancillary earthworks for an Energy Activity, **Regionally Significant Infrastructure** ~~Network Utility Operation~~[70] or Transport Activity; and

4. Where earthworks are undertaken for any other activity a maximum of 1000m^2 per site or land is disturbed in any 12 month period.

Advice Note:

Rules in relation to earthworks in overlay areas can be found in the Overlay Chapters.

Activity Status where compliance not achieved: Restricted Discretionary

Refer to relevant Overlay Chapter where standard 2 is not complied with.

~~**EW – R6**~~	~~**Earthworks in the BCZ - Buller Coalfield Zone and MINZ - Mineral Extraction Zone**~~

[65] Westpower Limited S547.471
[66] Clause 16(2) of First Schedule of RMA correction given 1m depth change and 250m^2 limits.
[67] Birchfield Ross Mining Limited S604.005, William McLaughlin SS567.005, TiGa Minerals and Metals Limited S493.006, Birchfield Coal Mines Limited S601.005, BRM Developments Limited S603.005, Whyte Gold Limited S607.005, New Zealand Coal & Carbon Limited S472.004, Straterra S536.039 and Phoenix Minerals Limited S606.005
[68] Clause 16(2) of First Schedule of RMA
[69] Clause 16(2) of First Schedule of RMA
[70] Westpower Limited S547.472

~~**Activity Status Permitted**~~

~~Where:~~

~~1. All standards in Rule EW - R1 are complied with; and~~

~~2. Where the earthworks are undertaken within a Overlay Chapter area these need to meet the Permitted Activity standards for the relevant overlay area.~~

~~**Advice Note:**~~

~~1. Rules in relation to mineral extraction and ancillary activities can be found in the relevant zone rules.~~

~~2. Rules in relation to earthworks in overlay areas can be found in the Overlay Chapters.~~

~~**Activity Status where compliance not achieved:** Controlled Activity under the relevant zone rule – Rule BCZ – R5 or MINZ – R6~~

~~Refer to relevant Overlay Chapter where standard 2 is not complied with.~~[71]

EW – R7 Earthworks and vertical holes within the National Grid Yard[72]

Activity Status Permitted

Where:

1. All standards in Rule EW - R1 are complied with; and

2. Earthworks and vertical holes do not:

a. Exceed 300mm in depth within 6m of the outer visible edge of a National Grid support structure;

b. Exceed 3m in depth between 6m and 12m of the outer visible edge of a National Grid support structure;

c. Result in a reduction of the ground to conductor clearance distances as required in Table 4 of the New Zealand Electrical Code of Practice for Electrical Safe Distances 34:2001;

d. Compromise the stability of any National Grid support structures; and

e. Result in the loss of vehicular access to a National Grid support structure.

3. Earthworks and vertical holes for the following activities are exempt from compliance with EW-R7(1)(a) to (e):

a. Earthworks or vertical holes, excluding mining and quarrying, that are undertaken by a network utility operator as defined by the Resource Management Act 1991;

b. Agricultural or domestic cultivation;

[71] WMS Group (HQ) Limited and WMS Land Co. Limited S599.085, TiGa Minerals and Metals Limited S493.080, Birchfield Coal Mines Limited S601.066, BRM Developments Limited S603.044, Birchfield Ross Mining Limited S604.059, Phoenix Minerals Limited S606.045, Whyte Gold Limited S607.043, Royal Forest & Bird Protection Society of New Zealand Inc S560.324
[72] Transpower New Zealand Limited S299.059

c. The repair, sealing or resealing of a vehicle access, farm track, footpath, or driveway;

d. Vertical holes not exceeding 500mm in diameter that are more than 1.5m from the outer edge of a National Grid pole or stay wire, or are a post hole for a farm fence or horticulture structure more than 6m from the visible outer edge of a National Grid tower foundation; and

e. Earthworks and vertical holes subject to a dispensation from Transpower under New Zealand NZECP 34:2001.

Activity status where compliance not achieved: Non-complying

Restricted Discretionary Activities

~~**EW – R7 Earthworks within the National Grid Yard Not Meeting Rule EW – R2**~~

~~**Activity Status Restricted Discretionary**~~

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

~~a. Effects on the operation, maintenance, upgrading and development of the National Grid;~~

~~b. The risk to the structural integrity of the National Grid support structure (s);~~

~~c. Any impact on the ability to access the National Grid; d. Management of stormwater and overland flow;~~

~~e. Any adverse effects on landscape, amenity, natural features, water quality, cultural and heritage sites, biodiversity and habitat of indigenous flora and fauna, and the quality of the environment;~~

~~f. The risk of electrical hazards affecting public or individual safety and the risk of property damage; and~~

~~g. The outcome of any consultation with the owner and operator of the National Grid.~~

~~**Activity status where compliance not achieved:** N/A~~[73]

EW – R8 Earthworks in any Zone not meeting Permitted Activity standards

Activity Status Restricted Discretionary

Discretion is restricted to:

a. The impact **of earthworks**[74] on ~~visual~~[75] amenity, ~~landscape character~~[76], outlook and privacy;

b. Potential dust nuisance, sedimentation, land instability, contamination and erosion effects.

c. Effects that result from the stockpiling in terms of ~~visual~~[77] amenity, landscape context and character, views, outlook, overlooking and privacy;

[73] Transpower New Zealand Limited S299.059
[74] Manawa Energy Limited S438.123
[75] Manawa Energy Limited S438.123
[76] Manawa Energy Limited S438.123
[77] Consequential amendment to Manawa Energy Limited S438.123

d. The effectiveness of proposed management or mitigation measures to ~~minimise~~ **avoid, remedy or mitigate**[78] any ~~potential~~[79] adverse effects beyond the property boundary of the activity;

e. Any changes to the patterns of surface drainage or subsoil drains that could result in a higher risk of drainage problems, inundation run-off, flooding, or raise **or lower**[80] the water table;

f. The impact of earthworks on ~~critical~~ **regionally significant**[81] infrastructure;

g. The impact on the road network, of heavy vehicle and other vehicular traffic generated as a result of earthworks;

h. Any adverse effects on landscape **and natural character,**[82] ~~amenity,~~[83] natural features, ~~water quality~~,[84] cultural and heritage ~~sites~~ **items and areas and archaeological sites**[85], biodiversity and habitat of indigenous flora and fauna, **including mahinga kai species,**[86] and the quality of the environment;

i. The impact on stormwater infrastructure and any overland flow paths; and

j. The impact on any natural hazards infrastructure and the effectiveness of its operation.

Activity status where compliance not achieved: N/A

Advice Note:

Rules in relation to earthworks in overlay areas can be found in the Overlay Chapters.

Non-complying Activities	
EW – R9	**Earthworks and vertical holes within the National Grid Yard not meeting Permitted Activity standards**[87]
Activity Status Non-complying	

3. LIGHT

3.1. General/Whole Chapter

Submissions and Further Submissions

201. Ten submissions points and five further submission point relating to general matters were summarised in a Table on pages 67-68 of the s42A Report. One submission point sought to retain the provisions as notified, one supported in part and eight submission points sought amendments to the wording of the provisions.

[78] Westpower Limited S547.477
[79] Buller Conservation Group S552.142 and Frida Inta S553.142
[80] Buller Conservation Group S552.142 Frida Inta S553.142
[81] Manawa Energy Limited S438.123
[82] Buller Conservation Group S552.142 Frida Inta S553.142
[83] Manawa Energy Limited S438.123
[84] Consequential amendment to Westpower Limited S547.461
[85] Consequential amendment arising from recommendations on the Historic Heritage Chapter
[86] Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio and Te Rūnanga o Ngāi Tahu S620.210
[87] Consequential amendment Transpower New Zealand Limited S299.059

202. The Panel adopts these summaries and has considered the relevant submissions and further submissions.

Section 42A Report

203. Ms Belgrave noted three submitters sought greater protection for indigenous biodiversity and the West Coast dark skies; and to align the rules with the requirements of the International Dark Skies for Punakaiki/Barrytown Flats and Okārito.

204. Ms Belgrave did not support inclusion of a definition for 'artificial outdoor lighting' given the plain and common-sense meaning.

205. Mr Wilson's expert evidence outlined the background to Dark Sky International and designation of Dark Skay Sanctuaries and Dark Sky Parks under the programme, including preparation of a Light Management Plan. He noted the policies and rules of the pTTPP would set the benchmark for a community wishing to apply for international recognition of a Dark Sky place. He outlined the requirements for 'Dark Sky friendly' light fixtures and considered the Plan provisions supported the development of a Dark Sky place.

206. In her Addendum, Ms Belgrave relied on the technical evidence of Mr Wilson to conclude the proposed light provisions generally aligned with best practice guidelines for the management of lighting and maximum Lux levels. However, she recommended simplification of the light provisions, while recognising the anticipated character and amenity values of each zone, and the functional and operational requirements of activities. She noted this included removing duplication and alignment with standard AS/NZS 4282 Control of the Obtrusive Effects of Outdoor Lighting to improve assessment and enforceability of the permitted activity standards. She did not support inclusion of '*locational*' or '*technical*' considerations given these matters were inherently included in the definition of '*functional and operational needs*'.

207. Ms Belgrave highlighted the outstanding issues related to inclusion of provisions that are consistent with the requirements of the Dark Skies Park Designation for locations at Punakaiki, Barrytown Flats and Okārito; and the appropriateness of proposed Lux levels for various zones.

Hearing and Submitter Evidence/Statements

208. Ms Perkins for the West Coast Penguin Trust highlighted adverse effects on the Westland Petrel/tāiko from artificial light source during their breeding and fledging season (November to March). She requested that information be sought from the Department of Conservation regarding records of 'downed' birds so '*sensitive areas*' can be identified. She was aware that these primarily occurred along the coast between Punakaiki and Hokitika but also included Westport.

209. Ms Inta, for herself and the Buller Conservation Group, highlighted the RMA section 6 requirement to avoid adverse effects on significant habitats of indigenous biodiversity and '*threatened and at risk species*'[88] such as the Westland Petrel/tāiko.

210. Ms Paula Sheridan and Ms Tash Goodman presented a written statement on behalf of Westland District Council – Okārito Dark Skies highlighting Okārito's unique character and

[88] New Zealand Classification System

unspoilt night sky qualities. They sought alignment of the Plan requirements with the Dark Sky International Community Program Guidelines. The highlighted the uniqueness of the small coastal settlement with very little existing light pollution and the communities desire for it to remain a dark sky community.

Reporting Officer Reply Evidence

211. Ms Belgrave's Part 1 Right of Reply confirmed that further technical advice relating to ecological matters was being sought in relation to the protection of significant biodiversity values.

212. Ms Belgrave's Part 2 Right of Reply responded to questions raised in the hearing in relation to the potential effects of lighting on threatened and at risk indigenous species and consideration of further amendments to provisions based on the advice of ecology experts. Her assessment considered the following key themes:

    1) Approach to light management across the district;

    2) Appropriate lighting controls and restrictions within light sensitive areas; and

    3) Appropriate lighting controls and restrictions within other areas.

213. Ms Belgrave's recommendations are addressed below in relation to the specific provisions.

Hearing Panel's Evaluation

214. The Panel agrees with Ms Belgrave that it is not necessary to provide a definition for '*artificial lighting'*.

215. The Panel considers the concerns raised regarding the protection of ecological values and the dark sky in relation to the provisions below.

Hearing Panel's Recommendation

216. No changes to the provisions are required in relation to issues raised in submissions and further submissions made on general matters or the whole LIGHT Chapter.

3.2. Light Overview

Submissions and Further Submissions

217. Two submissions points relating to the Overview were summarised in a Table on page 69 of the s42A Report. One submission sought to retain the Overview as notified and one submission sought wording changes.

Section 42A Report

218. The s42A Report recommended minor amendments sought by the submitter, including changing the wording to '*reduction or loss'* and deleting '*potentially*' as sought. Ms Belgrave did not support adding '*neighbourhoods*' but instead recommended adding '*immediate environment*'.

Hearing and Submitter Evidence/Statements

219. Ms Inta, for herself the Buller Conservation Group, highlighted she had sought to include '*neighbourhoods*' in the Overview, but that the Reporting Officer had recommended including '*immediate area'*. She considered this was worse than nothing. However, in response to questions, she agreed '*receiving environment'* would meet her concerns.

220. Mr Kennedy, for Westpower did not support adding '*immediate environment'* because he considered this increased ambiguity. However, in response to questions, he supported adding '*receiving environment'* instead.

Reporting Officer Reply Evidence

221. Ms Belgrave supported replacing *'immediate area'* with '*receiving environment'* in the Overview to provide greater clarity and reduce uncertainty.

Hearing Panel's Evaluation

222. The Panel considers adding '*receiving environment'* increases clarity and meets the concerns raised by Ms Inta. The Panel accepts the changes to the wording of the Overview recommended in Appendix 1 of Part 2 of the Right of Reply.

Hearing Panel's Recommendation

223. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends that the relevant submissions identified in the footnotes below are accepted or accepted in part, and recommend the following changes to the **LIGHT Overview**:

Overview

Artificial outdoor lighting enables work, recreation, and entertainment activities to occur beyond normal daylight hours. It also enables night-time activities to be conducted safely and provides for site security. However, if outdoor lighting is poorly designed, controlled, located or orientated, it may adversely affect the amenity of **the receiving environment,**[89] neighbouring properties and light sensitive areas; result in a **reduction or loss** ~~loss or reduction~~[90] of views of the night sky; and ~~potentially~~[91] disturb wildlife. It may also affect human health and/or safety.

The provisions for artificial outdoor lighting provide for adequate lighting to support activities and site security, while minimising potential adverse effects.

3.3. Light Objectives

Submissions and Further Submissions

224. Twenty submission points and two further submission points relating to the **LIGHT -O1** were summarised in a Table on pages 70-71 of the s42A Report. Sixteen submission points sought to retain the objective as notified, four submission points sought amendments, and two further submissions opposed the amendments sought.

[89] Buller Conservation Group S552.144
[90] Buller Conservation Group S552.144
[91] Buller Conservation Group S552.144

225. Seventeen submission points and two further submission points relating to the **LIGHT -O2** were summarised in a Table on pages 72-73 of the s42A Report. Four submission points sought to retain the objective as notified and thirteen submission points sought amendments.

226. The Panel adopts these summaries and has considered the relevant submissions and further submissions.

Section 42A Report

227. In relation to LIGHT-O1, the s42A Report supported changing '*rural productive activities'* to '*rural production activities'* as sought by Federated Farmers. However, in response to questions, Ms Belgrave agreed '*primary production activities'* could be better given this was used elsewhere in the Plan and it is defined in the National Planning Standards.

228. The S42A Report also supported including *'energy activities'* as requested by Westpower, but did not support including reference to maintaining amenity values given this was addressed in LIGHT-O2.

229. In relation to LIGHT-O2, the s42A Report recommended LIGHT-O2 be amended to improve clarity and poor drafting by separating the various matters addressed into clauses. She agreed with some submitters that '*protectio*n' of the night sky without qualification or limits was unachievable and unenforceable. However, she supported recognising the values and qualities of the night sky to improve the effectiveness and efficiency of the objective and to improve alignment with LIGHT-P3.

230. The s42A Report did not support submissions to '*protect*' amenity values given RMA section7(c) required the maintenance and enhancement of amenity values. Ms Belgrave agreed it was appropriate to protect all indigenous species from light effects and not just '*nocturnal*' species. She did not support adding '*avoid, remedy and mitigate'* because it did not afford sufficient policy direction.

231. In her Addendum, Ms Belgrave responded to the evidence of Mr Kennedy for Westpower and Ms McKenzie for Birchfield *et al.* regarding the requirement to '*protect*' all indigenous fauna. She considered '*maintain*' would be consistent with Objective 1 of the NPS-IB.

232. In response to questions, Ms Belgrave reconsidered the use of '*maintain*' in LIGHT-O2 and whether this gives effect to the required protection of RMA section 6(a), (b) and (c) matters of national importance. She agreed that including these matters in LIGHT-O2 and amending the wording to '*protect*' would better give effect to section 6 matters. However, she considered there was limited scope to include the protection of the natural character of the coastal environment to give effect to section 6(a) and Policies 1 and 13 of the NZCPS given the submissions on LIGHT-O2.

233. Ms Belgrave supported amendments to LIGHT-O2 to recognise the '*protect*' directive of section 6(c) in relation to significant habitats of indigenous fauna and to '*maintain*' all other habitats, ecosystems and species; and consequential amendments to LIGHT-P3 to align the provisions.

Hearing and Submitter Evidence/Statements

234. Ms McKenize for Birchfield Coal Mines Limited *et al*. sought amendments to LIGHT-O2 to avoid unnecessary constraints on operational lighting. She considered the word '*protect*' was problematic without qualification and only related to adverse effects on significant biodiversity to be consistent with the NPS-IB. She recommended the following wording:

> ***LIGHT - O2*** *Artificial outdoor lighting is located, designed and operated to ~~maintain~~ ensure that adverse effects on the character and amenity values within zones, ~~so that it does not adversely affect~~ the health and safety of people, the safe operation of the transport network, ~~protects~~ views of the night sky, the habitats and ecosystems of nocturnal native fauna and the species themselves are avoided, remedied or mitigated.*

235. Ms Perkins, for herself and the West Coast Penguin Trust, highlighted the adverse effects of outdoor lights on Westland Petrel/tāiko and how birds can become 'downed or grounded' when dazed by lights when fledging. She sought incorporation of information held by DOC on where this occurs to assist in identify sensitive areas and minimising the risks to Westland Petrel/tāiko. She supported clause (d) in LIGHT-O2 to '*protect the habitats and ecosystems of indigenous fauna and the species themselves'* but accepted use of '*maintain*', as recommended in the Addendum to the s42A Report, if it was defined as used in section 1.7 of the NPS-IB (i.e. no net loss).

236. Mr Kennedy, for Westpower, did not support the use of '*protect*' in LIGHT-O2 in relation to all indigenous vegetation and fauna, and highlighted this was not required by the RMA or the RPS.

237. Ms Inta, for herself and the Buller Conservation Group, sought to deleted '*rural production activities*' given this would be included in '*night-time work'*; and the deletion of sport given this was included in '*recreation activities'* in LIGHT -O1. However, she acknowledged she had not sought these additional changes in the submissions.

Reporting Officer Reply Evidence

238. Ms Belgrave confirmed her verbal recommendation at the hearing to replace '*rural production activities*' with '*primary production*' for consistency throughout the Plan. She considered the wording of LIGHT-O1 and LIGHT-P1 with the wording of the rules in relation to '*functional and operational requirements'* and concluded these were well integrated but considered '*functional and operational needs'* would be preferable for consistency with the wider Plan.

239. Ms Belgrave highlighted that natural features and landscapes were now recommended to be managed under LIGHT-R3, in response to the Director General of Conservation (S602.177), and that a consequential alignment of LIGHT-O2 was appropriate.

240. Ms Belgrave noted the purpose of LIGHT-O2 was to manage the effects of lighting to give effect to RMA Part 2 and sections 6(a), (b) and (c) matters of national importance. She recommended amendments to achieve this.

241. In Appendix 1 of Part 2 the Right of Reply, Ms Belgrave recommended the following changes to LIGHT-O2:

> *Artificial outdoor lighting is located, designed and operated to:*
>
> ***a.*** ***~~m~~M****aintain the character and amenity values within zones,*

b. the natural character of the coastal environment and outstanding natural features and landscapes,

c. ~~*so that it does n*~~***N****ot adversely affect the health and safety of people,* ***and*** *the safe operation of the transport network,*

d*. Protect*~~*s*~~ ***and maintain the qualities*** ~~*views*~~ *of the* ***dark*** *night sky* ***in light sensitive areas****,*

e*.* ***Protect significant habitats of indigenous fauna and the species themselves and maintain*** *the habitats* ~~*and ecosystems*~~ *of* ~~*nocturnal*~~ ***other indigenous***~~*native*~~ *fauna and the species themselves.*

Hearing Panel's Evaluation

242. The Panel accepts the recommended changes to LIGHT-O1 shown in Appendix 1 of Part 2 of the Right of Reply and consider these address submitter concerns and provide clarity. The Panel consider the further changes sought by Ms Inta are outside of the scope of the submissions made.

243. The Panel considers the wording of LIGHT-O2, as notified, is poorly worded and does not give effect to section 6(a), (b) and (c) of the RMA, the objectives and policies of the NZCPS, or the provisions of the RPS that give effect to these matters of national importance.

244. The submissions points relating to general matters and the whole chapter seek greater protection of the West Coast's dark skies and indigenous biodiversity. The Panel considers this can be achieved by ensuring the wording of LIGHT-O2 is consistent with section 6 of the RMA and the relevant provisions of the NZCPS, which require the protection of the natural character of the coastal environment, outstanding natural features and landscapes, and significant habitats of indigenous fauna from inappropriate subdivision, use and development.

245. The Panel considers the submissions requesting further protection of the dark skies recorded in relation to the whole LIGHT chapter provide wide scope to make amendments to LIGHT-O2 (and other provisions) to protect the natural character of the coastal environment.

246. Policy 13 of the NZCPS requires the preservation of natural character in the coastal environment and to protect it from inappropriate subdivision, and development by:

(a) avoiding adverse effects of activities on areas within the coastal environment with high outstanding natural character; and

(b) avoiding significant adverse effects and avoiding, remedying and mitigating other adverse effects of activities on natural character in all other areas of the coastal environment.

247. The Panel notes that NZCPS Policy 13 specifically refers to 'the darkness of the night sky' as a matter relevant to the preservation of natural character in the coastal environment.

248. RPS Coastal Environment Objective 1 aligns with this language using '*protect*' for indigenous biodiversity and natural features and landscapes within the coastal environment; and *'preserve'* for natural character. The RPS policies anticipate the identification of significant and outstanding values to give effect to NZCPS Policies 11, 13 and 15; the avoidance of

adverse effects on significant and outstanding values; and the avoidance of significant effects and avoidance, remediation or mitigation of other effects on indigenous biodiversity, natural character, natural features and natural landscapes.

249. The Panel considers LIGHT-O2, as recommended in the Right of Reply, while much improved, not consistent with the clear direction of the NZCPS and RPS in relation to the requirements to protect biodiversity within the coastal environment.

250. The submissions by Ms Inta and the Buller Conservation Group seek to include the protection of '*landscapes*' in LIGHT-O2. The Panel agree and consider it is appropriate to include '*outstanding natural features and landscapes'* to be consistent with RMA section 6(b) and Policy 15 of the NZCPS.

251. The Panel notes the Director General of Conservation sought the protection of '*native indigenous vegetation and habitats of indigenous fauna and the species themselves'* generally. This requested amendment is broad and, if applied without qualification, would be more restrictive than the higher order instruments. The Panel finds the wording sought is not sufficiently refined to recognise the statutory framework of the NZCPS and NPS-IB and the different statutory requirements for management of indigenous biodiversity both inside and outside the coastal environment; and the requirements to protect significant indigenous biodiversity values from adverse effects and 'other' indigenous biodiversity values from significant adverse effects. These are important distinctions that must be reflected to give effect to the national direction.

252. The NPS-IB only applies to indigenous biodiversity in the terrestrial environment of New Zealand[92]. Whereas, the NZCPS and NPS-IB both apply in the terrestrial part of the coastal environment and if there is a conflict between the provisions, the NZCPS prevails[93]. The Panel finds that a more nuanced approach is therefore required to reflect the statutory direction applying to indigenous biodiversity within the coastal environment, as well as to terrestrial biodiversity areas outside the coastal environment.

253. The Panel acknowledges the pTTPP was not drafted to give effect to the NPS-IB but considers the relief sought must be considered in light of its direction and must be consistent with its requirements. This includes use of '*indigenous biodiversity*' where appropriate and managing significant adverse effects by applying the effects management hierarchy to achieve no net loss of indigenous biodiversity outside the coastal environment.

254. In terms of protecting indigenous biodiversity values, the NZCPS and NPS-IB require not only the protection of significant habitats of indigenous biodiversity and threatened and at risk indigenous species, but also the protection of all other habitats of indigenous biodiversity and indigenous species from significant adverse effects. This is not sufficiently addressed in the policy framework.

255. The RPS directs that within the coastal environment (Chapter 9), indigenous biodiversity must be protected (Objective 1(a)) by - avoiding adverse effects on significant values (Policy 1(b)); and avoiding significant adverse effects on indigenous biodiversity (Policy 1(c)). Outside of the coastal environment, (Chapter 7), significant indigenous biodiversity must be protected (Objective 2); and indigenous biodiversity must be maintained (Objective 3).

[92] NPS-IB 2023 Clause 1.3
[93] NPS-IB 2023 Clause 1.4

256. The Panel considers the recommended changes in the Reporting Officer's Right of Reply go towards addressing the protection of significant indigenous biodiversity values (NZCPS Policy 11(a)) but require further amendment to require the protection of all indigenous biodiversity within the coastal environment from significant adverse effects (NZCPS 11(b)). The Panel has included clauses (f) and (g) to achieve this within the coastal environment.

257. The Panel considers amendments are required to LIGHT-O2(e) to clarify the clause applies to areas '*outside the coastal environment'* to reflect the requirements of the NPS-IB and RPS. This requires the protection of significant indigenous biodiversity by applying the effects management hierarchy; and the maintenance of terrestrial indigenous biodiversity values generally.

258. The Panel notes that a verb at the beginning of LIGHT-O2(b) is missing and consider the appropriate word is 'protect' to give effect to RMA section 6(a) and (b), Policies 13 and 15 of the NZCPS and Objective 1 of chapter 7A of the RPS.

259. The Panel finds it is appropriate to replace '*views*' with '*qualities*' of the night sky in LIGHT-O2 given it is not just people's views that need to be protected. The Panel considers adding '*dark*' night sky is appropriate but consider it is clearer to add '*<u>natural darkness of the</u> night sky'* given the lunar cycle. This is also consistent with wording used in relation to natural character in Policy 13 of the NZCPS.

260. The Panel notes the recommended changes to LIGHT-O2 and the separation of the various matters into separate clause results in a poorly worded (c) '*Not adversely affect the health and safety of people, the safe operation of the transport network*'. The Panel considers this clause should be reworded (as a consequential amendment) to '*Provide for the health and safety of people, and the safe operation of the transport network*'.

261. The Panel considers the need to identify '*light sensitive areas*' in relation to the LIGHT rules below. The Panel is satisfied that the rule structure takes into account the sensitivity of the different zones.

262. Overall, the Panel also accepts the recommended changes to LIGHT-O2 shown in Appendix 1 of the Part 2 of the Right of Reply, with further amendments to give effect to the NZCPS, NPS-IB and RPS.

263. The Panel accepts Ms Belgrave's s32AA evaluation for the recommended changes to LIGHT-O2.

264. The Panel has undertaken a s32AA evaluation of the further amendments and consider the amendments to LIGHT-O2 will be more efficient and effective in managing the effects of lighting on indigenous species and their habitats, while recognising the differences of the statutory framework within the coastal environment and outside of the coastal environment, and for significant indigenous values and other indigenous values that are not significant.

<u>Hearing Panel's Recommendation</u>

265. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends that the relevant submissions identified in the footnotes below are accepted or accepted in part, and recommends the following changes to the **LIGHT Objectives**:

LIGHT - O1 Artificial outdoor lighting enables night-time work, **primary production** ~~rural productive~~[94] activities, recreation activities, sport, entertainment activities, transportation, **energy activities**[95] and public health and safety.

LIGHT - O2 Artificial outdoor lighting is located, designed and operated to**:**

a. ~~m~~**M**aintain the character and amenity values within zones**;**

b. **Protect the natural character of the coastal environment[96] and outstanding natural features and landscapes;** [97]

c. ~~so that it does not adversely affect~~ **Provide for** the health and safety of people**, and** the safe operation of the transport network**;**[98]

d. **P**~~p~~rotect~~s~~ **and maintain the qualities** ~~views~~ of the **natural darkness of the** night sky;

e. **Outside the coastal environment, protect significant habitats of indigenous biodiversity and the species themselves by applying the effects management hierarchy**[99] **and maintain** the habitats ~~and ecosystems~~ of ~~nocturnal native~~ ~~fauna~~ **biodiversity** and the species themselves;

f. Protect significant indigenous biodiversity within the coastal environment by avoiding adverse effects on Threatened or At Risk indigenous species and their habitats;[100] **and**

g. Protect indigenous biodiversity within the coastal environment by avoiding significant adverse effects on indigenous species and their habitats. [101]

3.4. Light Policies

Submissions and Further Submissions

266. Twenty-eight submission points and four further submission points relating to **LIGHT-P1** were summarised in a Table on pages 75-76 of the s42A Report. Eleven submissions sought the provision be retained as notified and 17 submissions sought amendments.

267. Fifteen submission points and one further submission point relating to **LIGHT-P2** were summarised in a Table on pages 77-78 of the s42A Report. Two submissions sought the provision be retained as notified and 13 submissions sought amendments.

268. Fifteen submission points and six further submission points relating to **LIGHT-P3** were summarised in a Table on pages 78-80 of the s42A Report. One submission sought retention of the policy as notified and 14 submissions sought amendments.

[94] Federated Farmers of New Zealand S524.096
[95] Westpower Limited S547.480
[96] West Coast Penguin Trust S275.016
[97] Buller Conservation Group S552.146 and Frida Inta S553.146
[98] Consequential amendment to new rule structure
[99] Forest and Bird S560.327, Buller Conservation Group S552.146, Frida Inta S553.146, Director General of Conservation S602.174
[100] Director General of Conservation S602.174
[101] Director General of Conservation S602.174

269. Two submission points sought a new policy to manage the effects of reflectivity and glare from paved areas.

270. The Panel adopts these summaries and has considered the relevant submissions and further submissions.

Section 42A Report

271. In relation to **LIGHT-P1**, the s42A Report did not consider there was repetition and did not support adding '*avoids, remedies or mitigates adverse effects'* instead of '*minimise*', *'maintain'* and '*protect*' used clauses (b), (d) and (e). It did support replacing '*protects*' with '*minimises adverse effects'* in clause (e) and adding a new clause (f) '*protects ecosystems'*. It considered clauses (a) and (c) provided for rural production activities and therefore did not support an additional clause to address this, as requested by Hort NZ. It did not support adding '*avoids adverse effects on indigenous biodiversity'* given this was inconsistent with RMA section 6(c).

272. In relation to **LIGHT-P2**, the s42A Report did not support deleting clause (a) given the effects of temporary activities would be limited under the rules in the TEMP chapter and the amendment sought would be too restrictive. It considered the wording sufficiently provided for rural production activities or commercial and industrial activities. It recommended the policy be retained as notified.

273. In relation to **LIGHT-P3**, the s42A Report considered it was appropriate to recognise the functional or operational need of specific activities that occur within an appropriate zone. However, it did not support amendments to exempt the Industrial Zone based on the expert advice of Mr Wilson and the need to address adverse effects through the consent process. It did not support including reference to people's enjoyment, amenity values, light blindness or rural production activities. It did not support amendments that reached beyond the requirements of section 6(c) or to remove *'including'* to limit assessment to areas of outstanding coastal natural character.

274. Mr Wilson's technical report considered uncontrolled lighting within an industrial zone or in relation to rural production activities could have significant impacts on the quality of the night sky within the wider region. He highlighted the potential significant cumulative effects of light pollution over a very wide area from poorly designed or controlled installations.

275. Mr Wilson did not support exemptions for industrial and primary production activities and noted LIGHT-P3 seeks to minimise the impact of light on the environment. However, he supported amendments to LIGHT-P3 to recognise the nature of these activities. He noted other districts use the preparation of Light Management Plans for specific industrial sites.

276. Mr Wilson considered LIGHT-P3 had sufficient direction to minimise adverse effects, including reflectivity. He noted laser light control in relation to airports was best controlled by a bylaw or a code of conduct for operators.

277. In her Addendum, Ms Belgrave responded to the evidence of Mr Kennedy for Westpower and Ms McKenzie for Birchfield *et al.* regarding LIGHT P1 and LIGHT-P2. She agreed further amendments could be made to improve clarity and to separate out the enabling approach under LIGHT-P1 and the management approach under LIGHT-P3. She supported including recognising *'functional and operational requirements'* in LIGHT-P1 but did not consider the

inclusion of '*technical or location requirements'* was necessary. She noted that functional and operational requirements should also be included in LIGHT-R5 for consistency.

278. In her Addendum, Ms Belgrave questioned whether Poutini Ngāi Tahu had requested the inclusion if *'Poutini Ngāi Tahu values'* in submissions in relation to LIGHT-P3.

279. In response to questions at the hearing regarding giving effect to RMA section 6(c), Ms Belgrave agreed that some amendment to LIGHT-P1 was required but that this could be achieved by shifting clauses (d), (e) and new (f) to LIGHT-P3. She noted LIGHT-P1 was to provide for the use of outdoor lighting, whereas LIGHT-P3 was to control the effects of outdoor lighting.

Hearing and Submitter Evidence/Statements

280. Ms Lynch sought inclusion of a matter of discretion for consideration of '*Poutini Ngāi Tahu values'* for LIGHT-P3. She noted none of the policies included reference to '*Poutini Ngāi Tahu values'* as a matter of discretion. She acknowledged Poutini Ngāi Tahu had not made a specific submission to LIGHT-P3 but that this amendment was consistent with the NTCSA and the Mana Whakahono ā Rohe. She sought inclusion of an additional matter to LIGHT-P3 to *'minimise adverse effects on Poutini Ngāi Tahu values'*.

281. Ms McKenize for Birchfield Coal Mines Limited *et al*. did not agree with the recommended amendments in the s42A Report to LIGHT-P1, for the same reasons outlined in relation to LIGHT-O2. She recommended the following wording:

> ***LIGHT-P1*** *Provide for the use of artificial outdoor lighting that:*
>
> *a. Allows people and communities to enjoy and use sites and facilities during night time hours and contributes to the security and safety of private and public spaces;*
>
> *b. Maintains the character and amenity values of the zone and surrounding area;*
>
> *c. Supports the social, cultural, and economic wellbeing or health and safety of people and communities, including road safety;*
>
> *d. Minimises sky glow and light spill; and*
>
> *e. ~~Protects~~ Minimises adverse effects on the health and well-being of people and ecosystems; and*
>
> *f. Recognises the technical, locational, functional or operational requirements of activities.*

282. Ms McKenzie also requested the addition of '*while recognising the functional and operational needs of the area of activity*' to LIGHT-P3(c).

283. Ms Young, for the Director General of Conservation, noted support for the recommended amendments to LIGHT-P3 in the s42A Report. She noted that section 6(c) of the RMZ requires the protection of significant habitats for indigenous fauna.

284. Ms Inta, for herself and the Buller Conservation Group, sought a new clause to LIGHT-P3 to 'avoid light blindness' from poorly directed lights and noted it did not address pavement reflectivity. She supported removing reference to '*ecosystems*' in LIGHT-P1 and LIGHT-P2 if

this was replaced with indigenous biodiversity. Ms Inta also sought a new policy to avoid light blindness effect on the Westland Petrel/tāiko.

285. Ms Perkins highlighted there were many ways to avoid light spill that need not be onerous, including design techniques and light fittings or through the timing of lighting. She considered the Plan needed to clearly enable management of outdoor lighting on a case-by-case basis in areas where tāiko are known to have been present. She noted DOC could provide relevant spatial data to identify a sensitive zone with higher lighting standards closer to colonies and a high standard for the area between Westport and Hokitika.

286. Ms Leveson for Hort NZ sought amendments to LIGHT-P1 to enable nighttime harvesting, loading of produce and other normal horticulture activities. She noted the importance of considering the health and safety of staff, impacts on neighbours and security. She sought inclusion of '*rural production activities'* as a new clause (g) or as part of clause (c) because she considered it was unclear whether '*people and communities'* included rural businesses.

287. Mr Kennedy, for Westpower, did not support use of '*protect'* in LIGHT-P1 in relation to all indigenous vegetation and fauna, and highlighted this was not required by the RMA or the RPS. He highlighted the need to ensure consistency in the wording to avoid interpretation issues

Reporting Officer Reply Evidence

288. Ms Belgrave confirmed her recommended changes in the Addendum to the s42A Report to shift clauses (d), (e) and (f) to LIGHT-P3. She also recommended adding a new clause 'functional and operational *need*' rather than 'requirements' to achieve consistency with the National Planning Standards and national policy statements.

289. Ms Belgrave made the following recommendations for **LIGHT-P1** in Appendix 1 of Part 2 of the Right of Reply:

> *Provide for the use of artificial outdoor lighting that:*
>
> *a. Allows people and communities to enjoy and use sites and facilities during night time hours and contributes to the security and safety of private and public spaces;*
>
> *b. Maintains the character and amenity values of the zone ~~and surrounding area~~;*
>
> *c. Supports the social, cultural, and economic wellbeing or health and safety of people and communities, including road safety;* ***and***
>
> *d. ~~Minimises sky glow and light spill; and~~*
>
> *~~e. Minimises the adverse effects on the health and well-being of people; and~~*
>
> *~~f. Protects ecosystems; and~~*
>
> ***e. Recognises the functional or operational need of activities****.*

290. Ms Belgrave also considered whether the use the term '*minimise*' should continue to be used instead of '*avoid, remedy and mitigate'* in the LIGHT policy context. She recommended LIGHT-P3(c), (d) and (e) be amended to replace '*minimise*' with *'avoid remedy and mitigate'*.

291. Ms Belgrave expressed reservations with the proposed wording sought by Ms Lynch given the uncertainty as to what Poutini Ngāi Tahu values are when considering activities under the rules. She also questioned scope in terms of proposed amendments to LIGHT-P3.

292. Ms Belgrave made the following recommendations for **LIGHT-P3** in Appendix 1 of Part 2 of the Right of Reply:

> *Control the intensity, location and direction of any artificial outdoor lighting to:*
>
> *a. Ensure that any artificial outdoor lighting avoids conflict with existing light sensitive areas and uses;*
>
> *b. Internalise light spill within the site where the outdoor lighting is located;*
>
> *c. ~~Minimises~~ **Avoid, remedy or mitigate** adverse effects on views of the night sky and intrinsically dark landscapes including in areas of outstanding coastal natural character~~, while recognising the functional or operational needs of the area or activity~~;*
>
> *d. ~~Minimises~~ **Avoid** adverse effects on the significant habitats of ~~light sensitive native~~ **indigenous** fauna and the species themselves **and avoid, remedy or mitigate adverse effects on the habitats of other indigenous vegetation and fauna and the species themselves**; ~~and~~*
>
> *e. ~~Minimises~~ **Avoid, remedy or mitigate** adverse effects on the health and safety of people and communities in the surrounding area; **and***
>
> *f. ~~Maintains ecosystems.~~*

Hearing Panel's Evaluation

293. The Panel considers the purpose of LIGHT-P1 is to provide for the use of artificial outdoor lighting where appropriate. While it is agreed that LIGHT-P3 manages the use of outdoor light, it does not provide guidance as to where it may be inappropriate to provide for outdoor lighting, such as where adverse effects on natural character and significant habitats of indigenous species and threatened and at risk species within the coastal environment cannot be avoided, as required to give effect to RMA section 6 matters and the NZCPS.

294. The Panel disagrees with Ms Belgrave that LIGHT-P1 clauses (d), (e) and (f) relate solely to the control or management of effects, as these clauses provide important guidance to decision makers on determining circumstances where use and development would be inappropriate.

295. LIGHT-P1(d) is intended to minimise adverse effects from glow and light spill on the natural darkness of the night sky. However, as currently worded, it relates to all land and does not recognise the statutory requirement to protect the natural character of the coastal environment from inappropriate subdivision, use and development. It does, however, go some way to recognising the need to minimise adverse light effects in areas outside the coastal environment.

296. The Panel recommends amendments to the wording of LIGHT-P1(d) to give effect to Part 2 of the RMA and NZCPS Policy 13 and to achieve consistency with LIGHT-O2(d). The Panel considers this is within the scope of the submission by the West Coast Penguin Trust seeking greater protection of the West Coast dark skies throughout the provisions generally.

297. The Panel agrees with Ms Belgrave's recommendation to delete LIGHT-P1(e) given health and safety is addressed in clause (c) and ecosystems are now addressed in the recommended amendments.

298. The Panel considers the '*recognition of the functional and operations needs of activities*' relates to the management and control of light under LIGHT-P3. We note this was originally included under LIGHT-P3(c), in the notified provision, in relation to adverse effects on the dark sky. The Panel recommends this is included as a separate new clause both LIGHT-P1 and LIGHT-P3 and is deleted from the end of LIGHT-P3(c).

299. The Panel notes the submission points by Westpower to include a new clause in LIGHT-P1 and LIGHT-P3 to '*recognise technical, location, functional and operation constraints or requirements of activities'.* The Panel considers this is unnecessary given functional and operational needs includes matters relating to technical and location requirements.

300. As discussed above in relation to LIGHT-O2, the Panel recommends amendments to LIGHT-P1(f) to give effect to Part 2 of the RMA and the NPS-IB direction regarding the protection of significant habitats of indigenous biodiversity and threatened and at risk species, outside the coastal environment; and the maintenance of indigenous biodiversity by managing significant adverse effects with application of the effects management hierarchy, outside of the coastal environment. The Panel considers these amendments are consistent LIGHT-O2(e) and give effect to the statutory direction.

301. As discussed above in relation to LIGHT-O2, the Panel agrees that further amendments are required to protect indigenous biodiversity within the coastal environment and give effect to the NZCPS and RPS. The Panel recommends the addition of two new clauses to LIGHT-P1 to give effect to the NZCPS Policy 11, within the coastal environment. The Panel finds this meets the concerns raised regarding the need for further protection of indigenous biodiversity without requiring the avoidance of adverse effects on all indigenous biodiversity.

302. The Panel agree with Ms Belgrave that a separate new clause to '*enable rural production activities'*, as sought by Hort NZ and Federated Farmers, is unnecessary given LIGHT-P1(a) covers *'people and communities*'. Similarly, the Panel considers specific reference is unnecessary for LIGHT-P2 and LIGHT-P3.

303. The Panel notes the s42A Report at paragraph 203 states it did not support Silver Fern Farms Limited's request to delete '*surrounding areas'* from LIGHT-P1(b) but that this deletion was recommended and was included in Appendix 1. The Panel agrees it is appropriate to delete '*surrounding areas'* as requested by Silver Fern Farms Ltd.

304. In relation to LIGHT-P3, the Panel agrees with Ms Belgrave that '*minimise*' should be replaced with '*avoid, remedy and mitigate'* in clauses (c), (d) and (e) to give effect to Part 2 of the RMA and the RPS. However, the Panel considers further amendments are also warranted to clause (c) to provide clarity that natural character within the coastal environment must be maintained to give effect to RMA section 6(a) and NZCPS Policy 13. The Panel considers this is within the scope of submissions seeking further protection in the provisions of the West Coast's dark skies.

305. The Panel consider the amendment sought by Ms Lynch for Poutini Ngāi Tahu to include an additional clause in LIGHT-P3 to '*minimise adverse effects on Poutini Ngāi Tahu values'* is

outside of the scope of their submission given this submission point related to rules and not policies and objectives.

306. The Panel notes the submission points requesting deletion of '*including*' from LIGHT-P3(c) to limit this to areas of '*outstanding natural coastal character*'. However, as outlined above this is not consistent with the statutory framework which requires the protection of natural character within the coastal environment.

307. The Panel accepts Ms Belgrave's recommendations to amend LIGHT-P3(d) to give effect to the statutory framework but consider the second part of the clause should include reference to '*significant*' adverse effects rather than adverse effects generally, to be consistent with direction of the NZCPS, NPS-IB and RPS.

308. The Panel partly agrees with the submission points of Ms Inta and the Buller Conservation Group that LIGHT-P3(e) should include '*amenity values'*, which is consistent with the wording of the LIGHT objectives. However, we consider adding '*enjoyment'* is unnecessary with the addition of '*amenity values'*; and the requested new clause '*minimises light blindness caused by badly directed lights*' is sufficiently addressed under LIGHT-P3(f) and new clauses (g) and (h).

309. In relation to Silver Fern Farms Limited's request to exempt industrial zones from LIGHT-P3(c), the Panel agree with Ms Belgrave that this is not appropriate based on the evidence of Mr Wilson. This is addressed further in relation to providing for increased Lux limits in the Industrial Zone in the rules below.

310. The Panel notes Silver Fern Farms Limited also requested that '*intrinsically dark landscapes'* be mapped in the Plan. The Panel considers this is unnecessary given most areas outside of the main settlement areas are naturally dark.

311. The Panel agrees with Ms Belgrave that a new policy is not required to manage the adverse effects from new paved areas given the evidence of Mr Wilson and his view LIGHT-P3 is sufficient.

312. The Panel accepts Ms Belgrave's s32AA evaluation for the recommended changes to LIGHT-P1 and LIGHT-P3.

313. The Panel has also undertaken a s32AA evaluation of the further amendments and consider the amendments to LIGHT-P2 and LIGHT-P3 will be more efficient and effective in managing the effects of lighting on indigenous species and their habitats, while recognising the differences of the statutory framework within the coastal environment and outside of the coastal environment, and for significant indigenous values and other indigenous values that are not significant.

Hearing Panel's Recommendation

314. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends that the relevant submissions identified in the footnotes below are accepted or accepted in part, and recommends **LIGHT-P2** is retained as notified and the following changes made to **LIGHT-P1** and **LIGHT-P3**:

LIGHT – P1

Provide for the use of artificial outdoor lighting that:

a. Allows people and communities to enjoy and use sites and facilities during night time hours and contributes to the security and safety of private and public spaces;

b. Maintains the character and amenity values of the zone ~~and surrounding area~~[102];

c. Supports the social, cultural, and economic wellbeing or health and safety of people and communities, including road safety;

d. ~~Minimises sky glow and light spill~~ **Maintains the natural darkness of the night sky within the coastal environment and minimises adverse effects on the darkness of the night sky in other areas**; ~~and~~ [103]

~~e. Protects the health and well-being of people and ecosystems;~~[104]

e. Outside the coastal environment, avoids adverse effects on significant habitats of indigenous biodiversity and Threatened or At Risk species by applying the effects management hierarchy and maintains the habitats of other indigenous biodiversity and the species themselves; [105]

f. **Recognises the functional need or operational need of activities.**[106]

g. Within the coastal environment, avoids adverse effects on significant indigenous biodiversity and Threatened or At Risk indigenous species and their habitats; and[107]

h. Within the coastal environment, avoids significant adverse effects on indigenous biodiversity and their habitats.[108]

LIGHT – P3

Control the intensity, location and direction of any artificial outdoor lighting to:

a. Ensure that any artificial outdoor lighting avoids conflict with existing light sensitive areas and uses;

b. Internalise light spill within the site where the outdoor lighting is located;

c. ~~Minimises~~**Avoid, remedy or mitigate**[109] adverse effects on **the natural darkness of** the ~~views of the~~ night sky~~,and intrinsically dark landscapes including in areas of outstanding coastal~~ **and maintain** natural character **within the coastal environment;**[110]

[102] Silver Fern Farms Limited S441.030
[103] West Coast Penguin Trust S275.016
[104] Consequential amendment
[105] Forest and Bird S560.327 and Director General of Conservation S602.174
[106] Westpower Limited S547.482
[107] Director General of Conservation S602.174
[108] Director General of Conservation S602.174
[109] Westpower Limited S547.510
[110] West Coast Penguin Trust S275.016 and Suzanne Hills S443.034

d. ~~Minimises~~ **Avoid, remedy or mitigate**[111] adverse effects on the significant habitats of ~~light sensitive native~~ **indigenous biodiversity**~~fauna~~ and the species themselves **and significant adverse effects on the habitats of other indigenous biodiversity and the species themselves**;[112]

e. ~~Minimises~~ **Avoid, remedy or mitigate**[113] adverse effects on **amenity values, and**[114] the health and safety of people and communities in the ~~surrounding area~~ **receiving environment; and** [115]

f. Recognise the functional need or operational needs of activities. [116]

3.5. Light Rules

Submissions and Further Submissions

315. Thirty-four submissions points and eight further submission points relating to the **general matters** were summarised in a Table on pages 83-86 of the s42A Report. One submission point sought the rules be retained as notified and thirty-three submission points sought amendments.

316. Nine submissions points and two further submission points relating to the **LIGHT-R1** were summarised in a Table on pages 87-88 of the s42A Report. Two submission points sought amendments to the wording and seven sought deletion of the rule.

317. Ten submissions points relating to the **LIGHT-R2** were summarised in a Table on page 89 of the s42A Report. Two submission points sought the rule be retained as notified and eight submission points sought amendments to the wording of the rule.

318. Six submissions points relating to the **LIGHT-R3** were summarised in a Table on pages 90-91 of the s42A Report. Two submission points sought the rule be retained as notified and four submission points sought amendments.

319. Fifteen submissions points and one further submission point relating to the **LIGHT-R4** were summarised in a Table on pages 91-92 of the s42A Report. Two submission points sought amendments to the wording and limits.

320. Ten submissions points relating to the **LIGHT-R5** were summarised in a Table on page 93 of the s42A Report. Seven submission points sought the rule be retained as notified and three submission points sought amendments to the wording of the rule.

321. Eight submissions points relating to the **LIGHT-R6** were summarised in a Table on page 94 of the s42A Report. Two submission points sought the rule be retained as notified and six submission points sought amendments to be more enabling of existing users.

322. The Panel adopts these summaries and has considered the relevant submissions and further submissions.

[111] Westpower Limited S547.510
[112] Forest and Bird S560.327
[113] Westpower Limited S547.510
[114] Buller Conservation Group S552.148 and Frida Inta S553.148
[115] Silver Fern Farms Limited S441.030
[116] Westpower Limited S547.510

Section 42A Report

323. The s42A Report recommended minor amendments in response to submission points on **general matters** relating to the rules to remove duplication and to achieve consistency with AS/NZS 4282. Based on the evidence of Mr Wilson, it did not support managing laser light use within the Hokitika aircraft flight path or street lighting.

324. In relation to **LIGHT-R1**, the s42A Report relied on the expert advice of Mr Wilson regarding the need to direct lights away from adjoining and adjacent overlay areas, methods to measure light and appropriate Lux limits. It recommended amendments to improve clarity by including advice notes as general standards, as was common in other district plans. In response to questions, Ms Belgrave agreed that adding '*to minimise light spill*' to LIGHT-R1(3)[117] was appropriate to address the Director General's concerns about light spill.

325. Mr Wilson considered the Director General's submission relating to directing lights away from any adjoining or adjacent overlay areas in LIGHT-R1. He considered there was potential for significant adverse effects if light less than 25 Lux were directed towards adjacent or adjoining sites, particularly in terms of the Natural Character overlays. He noted LED lighting is a very intense light source with the potential for significant light pollution and disability glare when aimed horizontally.

326. In response to the submission from Silver Fern Farms (S441.033), Mr Wilson noted that lights should be directed towards the site and that the relevant zone standards would provide sufficient control within the zone. To address this, he suggested amendments to LIGHT-R1(2) and (3). He highlighted the light rules provided for an increase in the limit in the Port Zone to 10 Lux between 10pm and 7am and that consideration of applying this to the Industrial Zone would give getter flexibility to 24-hour operations in these zones.

327. In response to submissions regarding where and what aspect of light is measured, Mr Wilson noted the rules were not consistent with AS/NZS 4282 Control of the Obtrusive Effects of Outdoor Lighting, which provides a comprehensive method for assessment. He recommended amendments to the rules to achieve consistency with best practice.

328. Mr Wilson undertook an analysis of the limits in the pTTPP compared to the existing district plan limits (see his Table 1 on pages 11-12) and concluded the permitted level of light spill onto adjacent properties between 7am and 10pm would increase '*significantly*' in all zones other than NOSZ, SETZ – PREC 2 - Settlement Zone – Coastal Settlement Precinct and in all zones where the site falls within the Outstanding Coastal Natural Character Overlay. The permitted level of light spill onto adjacent properties between 10pm and 7am would increase in the Grey District Township zone and decrease in all other zones. On this basis, he concluded the 7am to 10pm limits proposed were high compared to other areas in New Zealand; and the 10pm to 7am limits '*average and appropriate*' given the intrinsically dark environment on the West Coast.

329. In relation to mining operations in the mineral extraction zones and the rural zones, Mr Wilson recommended amendments to increase the distance at which light spill is measured to make it easier to comply with the rules. He considered the proposed Lux limits were appropriate and could be achieved through good design.

[117] As shown in the Appendix 1 of the Right of Reply.

330. In response to Hort NZ, Mr Wilson did not support any increase to the Lux limit in LIGHT – R4(b) to 5 Lux but noted the rules would not apply to vehicle mounted lights and fixed lights can be located, aimed and controlled to prevent light spill.

331. Mr Wilson considered the amendments sought to LIGHT-R3 by the Buller Conservation Group and Ms Inta to protect biota from the effects of artificial light and he agreed the light spectrum can make a difference depending on the sensitivity of the biota. He noted Dark Sky International recommended limiting short wavelength light (blue-violet) in sensitive areas and a limit for warm light of 3,000K, but that the rule did not prevent use of warmer temperatures such as 2,200K if desired. He highlighted NZS/AS 4282 recommends using techniques such as dimming or switching of light during breeding hatching season. He noted LED technology had matured, and the availability of warmer light had improved but that lighting <2,200K may be difficult to source. On this basis, he did not support changing the limit from 3,000K to 2,200K.

332. In the Addendum to the s42A Report, Ms Belgrave noted that the basis for the assessment of light spill is set out in AS/NZS 4282. On this basis, she agreed with Ms McKenize for Birchfield Coal Mines Limited *et al*. that amendments to LIGHT-R1 were appropriate to reflect this guidance.

333. In her Addendum, Ms Belgrave retained reservations in relation to Poutini Ngāi Tahu's request to include 'Poutini Ngāi Tahu values' as a matter of discretion for restricted discretionary and controlled activity rules.

Hearing and Submitter Evidence/Statements

334. Ms Young, for the Director General, noted support for the recommended amendments to rules LIGHT-R1, LIGHT-R2, LIGHT-R3 and LIGHT-R4 in the s42A Report.

335. Ms Inta for herself and the Buller Conservation Group sought a new clause to LIGHT-R1 to minimise the light reflectivity of pavement. She considered the existing operations up at Stockton Mine should be required to minimise pollution of the night sky. She noted other district plans have the same light standards for all zones and that problems sourcing appropriate lights is not a barrier in other districts where use of warmer lights is required in sensitive areas. She considered sensitive areas were around Punakaiki, the Conservation Estate and the coastal environment.

336. Ms Perkins supported Mr Wilson's recommendation that all exterior lighting be directed towards the area to be illuminated. She requested the Panel seek further advice from an expert regarding light colours and levels to protect adverse effects on breeding and fledging Westland petrel/tāiko.

337. Ms Perkins sought the input of further expert advice on the proposed light spill curfew times in the rules to protect Westland petrel/tāiko fledglings and to meet Policy 11 of the NZCPS. In particular, she considered it was necessary to extend the curfew hours to 8am from May to August to protect adult Westland petrel/tāiko; and to begin the curfew at 8pm for November and 8.30pm for December and January to protect fledglings.

338. Ms McKenize for Birchfield Coal Mines Limited *et al*. sought amendments to LIGHT-R1 to delete the requirement for conformance calculations to be undertaken by a suitably qualified professional.

339. Ms Leveson sought to amend LIGHT-R4(b) to increase the 10.00pm-7.00pm limit from 2 Lux to 5 Lux to take into account the need for light for health and safety. She highlighted Policy 4 of the NPS-HPL to prioritise and support the use of highly productive land; and Policy 9 to manage reverse sensitivity to not constrain land-based primary production on highly productive land.

340. Mr Kennedy, for Westpower, sought inclusion of a new clause 'The technical, locational, functional or operational constraints and/or requirement of the activity' in LIGHT-R5.

341. Poutini Ngāi Tahu sought inclusion of a matter of discretion for consideration of Poutini Ngāi Tahu values for the restricted discretionary and controlled activity rules in the Plan in general and not specifically in relation to the LIGHT Chapter. In relation to this submission point, Ms Lynch's evidence sought inclusion of a matter of discretion for consideration of '*Poutini Ngāi Tahu values*' for rule LIGHT-R5.

Reporting Officer Reply Evidence

342. Included with the Reporting Officer's Part 1 of the Right of Reply was a further statement of evidence from Mr Wilson addressing the control of lighting from mining activities, dark sky protection in Okārito, the management of reflectivity and glare, use of light management plans in light sensitive areas and consistency with standard AS/NZS 4282.

343. Mr Wilson highlighted difficulties with LIGHT-R4 (as proposed) given it sets illuminance levels for the General Rural Zone (GRUZ), Special Purpose Mineral Extraction zones (MINZ and BCZ) and General Residential Zone (GRZ), which are likely to occur in very different receiving environments with different ambient light conditions. He noted that mining activities were most likely to occur in relatively dark and low brightness areas (Environmental Zones A1 and A2 in Table 3.2 of AS/NZS 4282:2023) but that the proposed limits of 10 Lux during non-curfew and 2 Lux during curfew would normally be associated with medium to high brightness areas in residential areas (Environmental Zones A3 and A4 in Table 3.2 of AS/NZS 4282:2023). He considered mining activities in the GRUZ and Special Purpose mineral extraction zones would be sufficiently controlled if the illuminance limits were reduced to be consistent with Table 3.2 of AS/NZS 4282:2023 with a maximum of 5 Lux during non-curfew and 1 Lux during curfew in low brightness areas (Environmental Zone A2 in Table 3.2 of AS/NZS 4282:2023); and a maximum of 2 Lux during non-curfew and 0.1 Lux during curfew in relatively dark areas (Environmental Zone A1 in Table 3.2 of AS/NZS 4282:2023).

344. Mr Wilson noted LIGHT-R4 did not include any control on upward light but that AS/NZS 4282 recommended a maximum light ratio of zero (i.e. no upward light spill) in intrinsically dark areas (Environmental Zone A1 in Table 3.2 of AS/NZS 4282:2023) and 0.01 (1%) in low brightness areas (Environmental Zone A2 in Table 3.2 of AS/NZS 4282:2023).

345. Mr Wilson considered it would be best practice to consider upward light spill controls for mining activities noting that under AS/NZS 4282 these limits should not apply to vehicle lights, including working lights mounted on moving vehicles and plant, which are exempt.

346. Mr Wilson considered the management of light in light sensitive areas needed to be better aligned with the recommendations of AS/NZS 4282.

347. Mr Wilson concluded the Lux levels in LIGHT-R4 were appropriate for general residential but that the limits in LIGHT-R2 of 25 Lux during non-curfew and 10 Lux during curfew hours were

too high if applied to residential areas. He noted the GRUZ would typically occur in relatively dark or low brightness areas (Environmental Zones A1 and A2 in Table 3.2 of AS/NZS 4282:2023) and that the limits in LIGHT-R3 would be more appropriate (i.e. a maximum of 2 Lux during non-curfew and 0.1 Lux during curfew).

348. In relation to protection of the Okārito dark sky, Mr Wilson considered LIGHT-R3 would provide sufficient protection, if it also included controls on upward light spill and colour temperature. He recommended consideration of including a standard for lights emitting greater than 500 lumens to be controlled by motion-activated switches limiting their duration to less than five minutes between 10am and 7am to align with AS/NZS 4282 and the dark sky guidelines.

349. Mr Wilson did not recommend the inclusion of rules to limit light intensity (glare) or reflectivity and noted these factors would be considered in good light design. He recommended LIGHT-R2, LIGHT-R3 and LIGHT-R4 should be amended to only measure illuminance in the vertical plane to be consistent with AS/NZ S4282.

350. Mr Wilson recommended use of a Light Management Plans method to introduce a greater level of professional input to mitigate the effects of light within specific light sensitive areas to control and optimise the use of artificial lighting, while meeting operational requirements. He noted this could support any application made under LIGHT-R5 and LIGHT-R6.

351. Based on the recommendation of Mr Wilson, Ms Belgrave agreed that it would best practice to align the Lux limits in the rules with AS/NZS 4282 to achieve the outcomes sought in the LIGHT objectives, subject to scope. She accepted all of Mr Wilson's recommendations, except for the management of upward light spill from mining activities given no other activities were required to manage upward light spills and it was common for district plans to manage Lux levels.

352. In her Part 1 Right of Reply, Ms Belgrave recommended the following changes to her recommendations to the LIGHT rules from Appendix 1 of the Addendum to the s42A Report:

Rule	Recommended Amendment
LIGHT-R1	No change
LIGHT-R2	No change
LIGHT-RX1	Insert new rule to manage lighting within the Residential Zones Settlement Zone Precincts 2 and 4, Open Space Zone, and Sport and Active Recreation Zone with the following Lux levels: • Non-curfew: 10 Lux • Curfew: 2 Lux
LIGHT-RX2	Insert new rule to manage lighting within the General Rural and Special Purpose Mineral Extraction Zones: • Non-curfew: 5 Lux

	• Curfew: 1 Lux
LIGHT-RX3	Insert new rule to manage lighting within all other zones and the Outstanding Coastal Natural Character Overlay, Outstanding Natural Landscapes Overlay, and Outstanding Natural Features Overlay in accordance with the requirements of LIGHT-R3 as notified.
LIGHT-R3	Delete rule
LIGHT-R4	Delete rule
LIGHT-R5	No change
LIGHT-R6	No change

353. Ms Belgrave highlighted further amendments maybe necessary following technical advice on ecological matters.

354. Ms Belgrave supported the inclusion of Significant Natural Areas to LIGHT-R3 to manage lighting effects on the habitats of indigenous fauna.

355. Ms Belgrave supported a correction to LIGHT-R3 to refer to Precinct 3 of the Settlement Zone to ensure the protection of existing dark sky qualities in Okārito, including the recommendations of Mr Wilson for additional standards applying to the Okārito settlement to achieve accreditation through Dark Sky International.

356. Again, to achieve consistency with the National Planning Standards and national policy statements, Ms Belgrave recommended amending LIGHT-R5 to include functional and operational '*need*'. She also supported amendments to LIGHT-R5 to broaden the matters of discretion to include consideration of any light management plan prepared.

357. Having heard the evidence of Ms Lynch and considering the legal submissions for Poutini Ngāi Tahu[118], Ms Belgrave retained concerns that the wording sought would increase the complexity and cost of resource consents for restricted discretionary and controlled activities. She considered the additional costs would not be commensurate to the potential effects of activities relating to earthworks, light or temporary activities where no other resource consents are required due to the inherent scale and nature of these activities and potential environmental effects.

358. Ms Belgrave noted the same concerns with the inclusion of '*Poutini Ngāi Tahu values*' as a matter of discretion in relation to the LIGHT rules and that input from Poutini Ngāi Tahu would be needed to determine the scale of adverse effect for all consent applications.

[118] Legal Submissions on behalf of Te Rūnanga O Ngāti Waewae, Te Rūnanga O Makaawhio and Te Rūnanga O Ngāi Tahu (Submitter 620 and Further Submission FS41) 13 November 2023 by Sarah Scott and Katherine Viskovic

359. In response to the Panel's questions, Ms Belgrave was supportive of the inclusion of '*mahinga kai species and taonga'* under matters of control which refer to indigenous flora and fauna.

360. The legal opinion by Wynn Williams considered incorporation of standard AS/NZS 4282 Control of the Obtrusive Effects of Outdoor Lighting into the LIGHT-R1. It noted the National Planning Standards anticipate the cross referencing of material within a plan but that where it has legal effect as part of a rule it should be included by reference. Wynn Williams noted that where it is included in a rule by reference to the standard, future versions of the standard are not automatically referred to and a plan change under clause 31 of the RMA would be required to update the version referenced in the Plan.

361. Based on the legal advice, Ms Belgrave recommended including AS/NZ 4282 by reference in LIGHT-R1 as a standard for the management and measurement of light.

362. The Wildlands Report (Appendix 2A of Part 2 of the Right of Reply) concluded the proposed non-curfew (7.00 am to 10.00 pm) and curfew (10.00 pm to 7.00 am) hours were appropriate for the various artificial outdoor locations. However, it noted that the vertical light levels during curfew were too high (e.g. LIGHT – R2 states 5 or 10 Lux, and LIGHT – RX1 2 Lux) as listed in Appendix 1 (Recommended Provisions). It considered the curfew Lux level should not exceed 5 or 2 Lux (LIGHT – R2; Port and Industrial Zone; and Town Centre, Mixed Use, Commercial, Hospital, Stadium and Airport, respectively) and 1 Lux (LIGHT – RX1). This is because vertical light levels affect birds flying at night and can attract birds to an area.

363. The Wildlands Report considered all lights should be shielded above, and the edge of the shield should be below the whole of the light source, preventing any upward illumination and reducing horizontal light spread, regardless of location. It noted this would greatly reduce any attraction of birds flying at night. Similarly, it noted that LIGHT – R4 did not include any control on upwards light but that LIGHT – RX3 did - where all lights must 'be fully shielded and mounted in a horizontal position and have a colour corrected temperature of no greater than 3000 kelvin (**K**) (warm light) and a maximum of 1 Lux. It highlighted this is very important as *Procellariforme* fledglings (e.g. petrels, terns, albatross, prions, and shearwater) can be drawn back to land as they fly out to sea, leading to crash landings (e.g. in cities, on boats and gas and oil fields).

364. The Wildlands Report noted that light sources can affect *Procellariforme* fledglings up to 15 kilometres away (Light Pollution Guidelines 2020); and it is important to keep lighting at a minimum during fledging of Westland petrel/tāiko around early November to mid-January when they are susceptible to crash landing. It notes that once on the ground, these birds cannot take flight and will die from starvation, injury or mammalian predation.

365. In relation to Mr Wilson's review, the Wildlands Report agrees that the mining activities would most likely occur in areas A1 (Dark – Relatively uninhibited rural and coastal areas) and A2 (Low District Brightness – sparsely inhabited rural and semi-rural areas). However, it noted an error where the maximum of 5 Lux curfew and 1 Lux non-curfew (A2) and 2 Lux curfew and 0.1 Lux non-curfew (A1) have been written in the incorrect order (para 7, Appendix 2 of Part 1 of the Right of Reply). It agreed with Mr Wilson's recommended lighting levels if corrected to 1 Lux curfew (A2) and 0.1 Lux curfew (A1).

366. The Wildlands Report highlighted that Appendix 1 (Part 1 of the Right of Reply) for rules LIGHT – R2, LIGHT – RX1, and LIGHT – RX2 did not discuss the proposed colour corrected

temperature of the outdoor lighting. It noted that seabirds have eyes which are well adapted to see colour and can see different regions of the colour spectrum, and this can lead to attraction and crash landings. It noted this is especially prevalent when outdoor lighting uses cool lighting (3500-5000K) which is highly attractive to seabirds as it contains blue light and UV light. For this reason, it recommended that all lights should be of a low colour temperature (no greater than 3000K warm white) and as low intensity as practical (Light Pollution Guidelines 2020).

367. The Wildlands Report also agrees with Mr Wilson and Ms Belgrave stating that '*a Light Management Plan would provide specific operations requirements which can address using very warm light sources in areas where light is required for safety; and no light during the breeding season in areas which coincide with breeding areas and flight paths or migration routes'*. It also agreed with the recommendations of Mr Wilson and Ms Belgrave regarding the lighting requirements for Ōkarito (LIGHT – R3(2)(a) and LIGHT – R3(2)(b)) which have been revised in rule LIGHT – RX3.

368. Ms Wilson's further report (Appendix 3 of Part 2 of the Right of Reply) responded to the Wildlands Report and any further changes to the recommended provisions. His report addressed the following:

1) Measurement of light under AS/NZ S4282 (LIGHT-R1);

2) Agreement with Wildlands that all lights should be shielded to prevent vertical light;

3) Disagreement with Wildlands that the maximum Lux level measured as received at a neighbouring boundary needs to be reduced given a lower Lux level will not necessarily prevent high levels of vertical illumination within the site.

4) Curfew and non-curfew light levels in other district plans.

5) Difficulties for Ports and Industrial areas meeting the vertical illuminance levels recommended in the Wildlands Report.

6) Use of Light Management Plans as a tool to minimise adverse effects of light spill on areas adjoining Port and Industrial areas, while recognising the operational requirements.

7) The practical effect of either 1 Lux or 0.1 Lux is that if lighting is designed and installed considering the effects of lighting, and aimed inward towards the site then the vertical limits at the boundary can be readily achieved

369. The Wildlands Addendum Report (Appendix 2B of Part 2 of the Right of Reply) reviewed the further report by Mr Wilson (Appendix 3 of Part 2 of the Right of Reply). It acknowledged that reducing the illuminance levels, as recommended by Wildlands, would be difficult in certain areas, and therefore considered alternative recommendations.

370. In relation to LIGHT-R2, the Wildlands Addendum Report, acknowledged that in the Port and Industrial areas, for human health and safety requirements, lighting limits could be increased to 4,500–5,000K, with low light intensity, long wavelength (e.g. over 560 nanometres), and downward-facing lights as close to the ground as possible. It noted the importance of illuminating only the intended object or area as practicable and including motion sensor

lighting where appropriate. On this basis, it stated Lux levels could be increased to 10 Lux (curfew) to provide for human and safety requirements.

371. For other areas around the Town Centre, Mixed Use, Commercial, Airport, Hospital, and Stadium, Wildlands still recommended that 3000K is used and no greater than 3,500K within 15km of all coastal areas. In areas further inland than 15km, it recommended an increase of no greater than 4,500K. It agreed that Lux levels could be increased in accordance with human and safety requirements to 5 Lux (curfew). It highlighted that light intensity may be more important than colour for seabirds; and that very bright light will attract seabirds regardless of colour. It considered it is important to keep light intensity to a minimum and to ensure light intensity is appropriate for the activity and the minimum number of lights are used.

372. In relation to LIGHT-RX1 and RX2, the Wildlands Addendum Report also recommended that 3000K is used and no greater than 3,500K within 15km of all coastal areas; and for areas further inland than 15km, no greater than 4,500K. However, because Westland petrel/tāiko only breed on the West Coast and are highly susceptible to being attracted to lighting, it recommended a 15km wide buffer should be applied to either side of their flight path from the breeding colony to the ocean; where lighting should be no greater than 3,000K to prevent crash landing, especially as fledglings leave their colony around early November to mid-January.

373. In areas of Special Purpose Mineral Extraction or Mining Zone, Wildlands recommended that lighting could be increased to no greater than 4,000K for human and safety requirements, if within 15km of the coast and not within the Westland petrel/tāiko flight path. However, it noted that if it was within 15km of the coast and within the petrel flight path, no works should be carried out during curfew unless lighting can be reduced to no greater than 3,000K. For areas over 15km inland from the coast and not within the petrel flight path, it considered lighting could be increased to 4,500–5,000K for operational safety requirements.

374. In her Part 2 Right of Reply, Ms Belgrave relied on the Wildlands Report and Addendum Report, and the further review of Mr Wilson in relation to ecology maters and made the following further recommended amendments:

    1) Retain the rule structure, which applies different lighting controls to different zones and overlays;

    2) Amend LIGHT-RX3 to:

        i. Require lighting in all areas and overlays managed under LIGHT-RX3 to be fully shielded and mounted in a horizontal position;

        ii. Require lighting in all areas and overlays managed under LIGHT-RX3 to be no greater than 3000K; and

        iii. Include areas within 15km of the coastal environment to the rule header;

    3) Amend LIGHT-R5 to include an additional matter of discretion in relation to the consideration of a Light Management Plan (LMP).

375. Mr Belgrave confirmed that no further amendments to the objectives and policies of the Light chapter were required to protect significant habitats of indigenous fauna and the

species themselves; and to maintain the habitats of other indigenous fauna and the species themselves.

376. Ms Belgrave supported the rule structure of a targeted approach to lighting control in sensitive environments and standardised light control across all areas, as well as consideration of operational requirements for Port and Industrial areas.

377. Ms Belgrave highlighted the recommendations in the Wildlands Addendum Report and considered the following were relevant to the consideration of light controls within sensitive areas:

    1) All lights should be fully shielded and mounted horizontally, preventing upward illumination and reducing horizontal light spread.

    2) Use LEDs with as low a colour-correlated temperature as practicable, preferably as low as 3,000K (warm light), but no greater than 5,000K.

    3) Coastal areas within 15km of the ocean should use preferably as low as 3,000K (warm light), but no greater than 3,500K.

    4) A buffer of 15km should be established on either side of the tāiko/Westland petrel flight path from breeding colony to the ocean. The lighting should be no greater than 3,000K, especially between November to late January.

    5) All lights must have as little or no short wavelength (380-500 nanometres) violet or blue light as possible.

378. Ms Belgrave noted Wildlands had not recommended amendments to the maximum allowable Lux levels under any of the LIGHT rules. She also noted that streetlights are managed outside the pTTPP.

379. In relation to light sensitive areas, Ms Belgrave noted the need to determine whether LIGHT-RX3 appropriately identifies all light sensitive areas and applies appropriate controls for light sensitive areas.

380. Ms Belgrave provided a s32AA evaluation for three options of controls for light sensitive areas in Table 1 of Part 2 of the Right of Reply. She supported Option 3 because it was more efficient than Option 1 (LIGHT-RX3 as recommended in Part 1 of the Right of Reply) and the controls are easily measurable and achievable for plan users, and Option 3 is more effective than Option 1 in managing potential light effects on indigenous, threatened and endangered species. She acknowledged Option 3 was less effective than Option 2 but considered Option 2 was less efficient because the spatial extent of the Westland petrel/tāiko is not currently defined in the Plan and there would be additional costs and complexities to plan users in determining compliance with wavelength requirements.

381. Similarly, in relation to appropriate light control and restrictions in other areas (not sensitive areas), Ms Belgrave noted it was necessary to determine whether LIGHT-R2, LIGHT-RX1, and LIGHT-RX2 apply to appropriate areas and include appropriate lighting controls within these areas. She highlighted the LIGHT-RX3 would apply to relevant overlays, irrespective of the underlying zoning.

382. Ms Belgrave highlighted the recommendations in the Wildlands Addendum Report and noted the following were relevant to the consideration of light controls in other areas managed under LIGHT-R2, LIGHT-RX1 and LIGHT-RX2:

    1) All lights should be fully shielded and mounted horizontally, preventing upward illumination and reducing horizontal light spread.

    2) Use LEDs with as low a colour-correlated temperature as practicable, preferably as low as 3,000K (warm light), but no greater than 5,000K.

    3) Use LEDs with as low a colour-correlated temperature as practicable, preferably as low as 3,000K (warm light), but no greater than 5,000K in Light-R2 areas needing to meet specific health and safety requirements (e.g. port and industrial). If up to 5,000K is used, control of light spread and intensity is imperative.

    4) Areas further inland than 15km should be around 3,000K. However, if source at larger commercial scale is challenging, the lighting should be as low as practical, but not greater than 4,500K.

    5) In areas of mineral and mining activity, for coastal areas (<15km) and not within the tāiko/Westland petrel flight path, lighting can be up to 4,000K.

    6) If mineral and mining activity is within the petrel flight path, works should only occur during curfew hours if the lighting can be reduced to 3,000K.

    7) All lights must have as little or no short wavelength (380-500 nanometres) violet or blue light as possible.

383. Ms Belgrave acknowledged the assessment of Mr Wilson regarding control of vertical illumination and light spill. She noted his examples of acceptable lighting solutions (Mr Wilson's Attachment 3) and highlighted requirements to shielding and mounting in a horizontal position would extent to small scale lighting, such as garden lights and bollards.

384. Ms Belgrave noted LIGHT-R1(5) requires all lighting to be directed towards the area within the site that is intended to be illuminated. She considered this will contribute to minimising the potential effects of light spill. On balance, she concluded LIGHT-R1(5) was appropriate to manage potential effects of vertical light spill on indigenous, threatened, and endangered species in areas that are not identified as being sensitive to lighting.

385. Overall, Ms Belgrave did not support the inclusion of additional rules to address any of the above considerations due to additional costs to landowners and potential restrictions on operational requirements. However, she highlighted the recommended inclusion of an additional matter of discretion to LIGHT-R5 to consideration of any Light Management Plan. She considered the scale of these amendments did not necessitate a section 32AA evaluation.

Hearing Panel's Evaluation

386. The Panel agrees with Ms Belgrave that there is no need to define '*artificial outdoor lighting'* given its plain and common meaning.

387. The Panel notes the numerous submission points seeking adequate protection of the West Coast's dark skies, the natural character of the coast environment, outstanding natural landscapes, indigenous biodiversity, including significant habitats of indigenous fauna and indigenous species, such as the Westland petrel/tāiko. As discussed above in relation to the LIGHT objectives and policies, the Panel finds amendments to the rules are required to give effect to section 6(c), the NPS-IB and the RPS.

388. The Panel also notes the submission points seeking amendments to reduce the complexity of the rules and to be more enabling of development.

389. The Panel consider the submission points provide wide scope to amend the light rules to protect significant environmental values while providing for and enabling appropriate use and development. The Panel also note wide scope to make the rules less complex and to ensure limits are measurable and achievable.

390. The Panel accepts the evidence of Mr Wilson in relation to appropriate light levels during curfew and non-curfew hours and that some of those proposed were too high in some zones/areas to protect the environment and in comparison to other districts.

391. The Panel consider Ms Belgrave's recommended changes to the rules in relation to light levels are consistent with the expert advice of Mr Wilson and the requirements of AS/NZ 4282. The Panel find the recommended rules appropriately distinguish between zones/areas that are considered to be '*light sensitive'* and those where higher light levels are acceptable and provide for health and safety, and operational needs.

392. The Panel agrees with the Director General of Conservation that it is appropriate to direct light to avoid adverse effects on significant values and to minimise light spill outside of the area required to be illuminated. The Panel is satisfied the recommended changes are consistent with the expert evidence of Mr Wilson in this regard.

393. The Panel has been greatly assisted by the further information provided on the potential effects of lighting on significant ecological values and the further expert advice of Mr Wilson. The Panel acknowledges the evidence provided by Wildlands supports the need for the consideration of further light controls and restrictions to protect significant habitats of threatened and at risk species, particularly in the coastal environment. The Panel accepts there is a need to identify these areas in relation the species identified by Wildlands.

394. The Panel considers the Plan provisions will not give effect to RMA section 6(c), NZCPS Policy 11, RPS Chapter 9 Objective 1(a) and Policy 1, and RPS Chapter 7 Objectives 1 and 2, and Policies 1-6 until SNA are identified for the Buller and Westland districts. The Councils also need to undertake a region wide assessment to identify significant habitats of threatened and at risk fauna species, including those identified in the Wildlands Report. This would include identifying the breeding area and flight path of the Westland petrel/tāiko.

395. Overall, the Panel accepts Ms Belgrave's analysis of the options available to address known adverse effects of lighting on indigenous species and the need to balance these with existing activities and operational needs. The Panel views the recommended amendments to be an interim step until SNA and significant habitats of threatened and at risk species can be identified. The Panel accepts Ms Belgrave's section 32AA evaluation that recommended provisions (Option 3) represent the most efficient and effective method to protect significant ecological values until SNA and significant habitats of fauna can be identified region wide.

396. The Panel considers adding areas within 15km of the coast to LIGHT-RX3 (recommended to be renumbered as LIGHT-R4A in the recommendation box below) is an appropriately precautionary approach for areas not provided for in LIGHT-RX1 (recommended to be renumbered as LIGHT-R3 in the recommendation box below) and LIGHT-RX2 (recommended to be renumbered as LIGHT-R4 in the recommendation box below). This includes specific protection for Okārito and areas within the Outstanding Coastal Natural Character Overlay. The Panel accepts Ms Belgrave's recommended wording for LIGHT-RX3 (new LIGHT-4A) with the addition of the specific Plan overlay schedules and replacing '*coastal environment*' with '*coastal marine area'* to provide greater certainty. The Panel notes that 15km inland from the '*coastal environment*' (as defined in the Plan) could be a significant distance inland and that 15km from the coast (i.e. coastal marine area) reflects the expert evidence.

397. The Panel note that Ms Belgrave's recommended amendments to TEMP-R1 also address concerns raised by submitters in relation to protecting Westland petrel/tāiko from temporary lighting.

398. The Panel considers the recommended wording for new Rule LIGHT-R3 can be simplified by referring to '*all RESZ – Residential Zones, all SETZ – Settlement Zones except SETZ – PREC3 – Coastal Settlement Precinct, NCZ – Neighbourhood Centre Zone, OSZ – Open Space Zone, and SARZ – Sport and Recreation Zone'*.

399. The Panel consider the recommended changes to the rules appropriately recognise and provide for lighting in special purpose zone MINZ – Mineral Extraction Zone, but note that the BCZ – Buller Coal Zone has not been included in new Rule LIGHT-R4. Accordingly, we have added the BCZ to new Rule LIGHT-R4. This accords with recommendations in the Mineral Extraction Recommendation Report that the District-wide provisions apply in the BCZ, with the exception of Earthworks, and accords with recommended BCZ-P4.

400. We also note that the GRUZ – General Rural Zone, the RLZ – Rural Lifestyle Zone, and the MPZ – Māori Purpose Zone have not been included in a rule. We consider these zones should also be added to new Rule LIGHT-R4.

401. The Panel agrees with Mr Wilson that the proposed light limits in the Port and Industrial Zone are sufficiently responsive to operational needs up until 10pm but also required the reduction of light from 10pm and 7am to reduce impacts on adjacent residents and the receiving environment.

402. The Panel accepts that use of a Light Management Plan in Port and Industrial areas is consistent with the approach taken in other districts to manage adverse effects of light while providing for health and safety and operational requirements.

403. In relation to Poutini Ngāi Tahu's request to include the consideration of Poutini Ngāi Tahu values for the restricted discretionary and controlled activity rules in the LIGHT chapter, the Panel notes that Ms Belgrave was supportive of the inclusion of '*mahinga kai species'* under matters of control which refer to indigenous flora and fauna. The Panel agrees with Ms Belgrave's view that reference to '*Poutini Ngāi Tahu values' 'taonga species'* and '*mauri*' is unclear and too broad; and would increase the complexity and costs of resource consent. The Panel accepts Ms Belgrave's recommendation to include '*including mahinga kai species*' at the end of LIGHT – R5(g) '*Effects on indigenous biodiversity*' as a matter of discretion.

404. Overall, the Panel finds the recommended changes in Appendix 1 of Part 2 of the Right of Reply are appropriate, subject to the minor changes outlined above.

405. The Panel accepts Ms Belgrave's s32AA evaluation for the recommended changes to LIGHT rules.

Hearing Panel's Recommendation

406. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends that the relevant submissions identified in the footnotes below are accepted or accepted in part, and recommends the following changes to the **LIGHT Rules**:

Light Rules

Note: There may be a number of Plan provisions that apply to an activity, building, structure and site. In some cases, consent may be required under rules in this Chapter as well as rules in other Chapters in the Plan. In those cases, unless otherwise specifically stated in a rule, consent is required under each of those identified rules. Details of the steps Plan users should take to determine the status of an activity are provided in General Approach.

Permitted Activities

LIGHT - R1 All Zones: General Permitted Activity Standards

All activities must comply with the following relevant standards: ~~Where Activity Status is Permitted~~ ~~All artificial outdoor lighting must:~~

~~1. Be directed so that light is emitted away from any adjoining and adjacent properties;~~

~~2. Be directed so that light is emitted away from any state highway or arterial or principal roads, or any oncoming traffic; and~~

~~3. Where an activity is located on a site which adjoins or is separated by a road from a different zone, the activity on the site must meet the relevant zone standards for light for the adjoining zone at the zone boundary.~~

~~Advice Notes:~~

1. Lighting limits must be measured and assessed in accordance with AS/NZS 4282 Control of the Obtrusive Effects of Outdoor Lighting.

~~2. Where conformance with the limits set out in the Rules in this chapter is to be determined by calculation, the calculation must be undertaken by a person who is professionally qualified and competent in the discipline of illuminating engineering.~~

2. For measurement of light levels in NOSZ - Natural Open Space Zone, SETZ - PREC 3 - Settlement Zone - Coastal Settlement Precinct, and in All Zones where the site falls within the Outstanding Coastal Natural Character Overlay, the calculation plane shall be taken at the property boundary. [119]

[119] Director General of Conservation S602.176

~~3. Any calculation for the purposes of these Rules must be based on a maintenance factor of 1.0 (i.e. no depreciation shall be taken into account for reduction in light levels over time).~~ [120]

3. **All exterior lighting shall be directed towards the area within the site that is intended to be illuminated**. [121]

Activity status where compliance not achieved: **Restricted Discretionary**

LIGHT - R2	**Artificial Outdoor Lighting in the TCZ - Town Centre, MUZ - Mixed Use, COMZ - Commercial, PORTZ - Port, HOSZ - Hospital, STADZ - Stadium, AIRPZ- Airport and all INZ - Industrial Zones**

Activity Status Permitted

Where:

1. Outdoor artificial lighting must not exceed the following vertical ~~or horizontal~~[122] light levels:

a. 7.00am – 10.00pm: 25 Lux;

b. 10.00pm – 7.00am: 10 Lux in the PORTZ - Port Zone **and all INZ - Industrial Zones**;[123]

c. 10.00pm - 7am: 5 Lux in the TCZ - Town Centre, MUZ - Mixed Use, COMZ - Commercial, HOSZ - Hospital, STADZ - Stadium, AIRPZ - Airport ~~and all INZ - Industrial~~ Zones[124].

~~d. The above standards a-c shall be measured 2m inside the boundary of any adjoining site or the closest window in the adjoining property, whichever is the closest to the light source.~~ [125]

Activity status where compliance not achieved: Restricted Discretionary

~~**LIGHT – R3**~~	~~**Artificial Outdoor Lighting in the NOSZ - Natural Open Space Zone, SETZ - PREC 3 2 - Settlement Zone - Coastal Settlement Precinct, and in All Zones where the site falls within the Outstanding Coastal Natural Character Overlay**~~**

~~**Activity Status Permitted**~~

~~Where:~~

~~1. Artificial outdoor lighting must not exceed the following vertical or horizontal light levels:~~

~~a. 7.00am – 10.00pm: 2 Lux; and~~

~~b. 10.00pm – 7.00am: 1 Lux; where~~

[120] BRM Developments Limited S603.049, Birchfield Ross Mining Limited S604.064, TiGa Minerals and Metals Limited S493.085, WMS Group (HQ) Limited and WMS Land Company Limited S599.090, Phoenix Minerals Limited S606.050 and Whyte Gold Limited S607.048
[121] Director General of Conservation S602.176
[122] Silver Fern Farms Limited S441.032
[123] Silver Fern Farms Limited S441.032
[124] Silver Fern Farms Limited S441.032
[125] Silver Fern Farms Limited S441.032

~~c. This is measured at the boundary of the site.~~

~~2. Where the artificial outdoor lighting is located within the Outstanding Coastal Natural Character Overlay it must:~~

~~a. Be fully shielded and mounted in a horizontal position or use a controlled optic;~~

~~b. Have a colour corrected temperature of no greater than 3000K (warm white); and~~

~~c. Be installed in a manner that precludes operation between 10pm and 7am the following day.~~

~~**Activity status where compliance not achieved:** Restricted Discretionary except Discretionary where this is within the Outstanding Coastal Natural Character Overlay~~[126]

~~**LIGHT – R4**~~	~~**Artificial Outdoor Lighting in locations not provided for in Rule LIGHT – R2 or LIGHT – R3**~~

~~**Activity Status Permitted**~~

~~Where:~~

~~1. Outdoor artificial lighting must not exceed the following vertical or horizontal light levels:~~

~~a. 7.00am – 10.00pm: 10 Lux; and~~

~~b. 10.00pm – 7.00am: 2 Lux;~~

~~c. The above standards a-b shall be measured 2m inside the boundary of any adjoining site or the closest window in the adjoining property, whichever is the closest to the light source.~~

~~**Activity status where compliance not achieved**: Restricted Discretionary~~[127]

LIGHT – R3	**Artificial Outdoor Lighting in all RESZ - Residential Zones, all SETZ – Settlement Zone except the SETZ – PREC 3 – Coastal Settlement Precinct, NCZ – Neighbourhood Centre Zone, OSZ – Open Space Zone, and SARZ - Sport and Recreation Zone**

Activity Status Permitted

Where:

1. Outdoor artificial lighting must not exceed the following vertical light levels:

a. 7.00am – 10.00pm: 10 Lux; and

b. 10.00pm – 7.00am: 2 Lux.

[126] Consequential amendment to Director General of Conservation S602.177, West Coast Penguin Trust S275.016 and S275.009, Westland District Council FS79.4, Suzanne Hills S442.034, Forest & Bird S560.327

[127] Consequential amendment to Director General of Conservation S602.177, West Coast Penguin Trust S275.016 and S275.009, Westland District Council FS79.4, Suzanne Hills S442.034, Forest & Bird S560.327

Activity status where compliance not achieved: Restricted Discretionary[128]

LIGHT – R4	**Artificial Outdoor Lighting in the GRUZ – General Rural Zone, RLZ – Rural Lifestyle Zone, FUZ – Future Urban Zone, MPZ - Māori Purpose Zone, BCZ – Buller Coalfield Zone and MINZ – Mineral Extraction Zone**

Activity Status Permitted

Where:

1. Outdoor artificial lighting must not exceed the following vertical light levels:

a. 7.00am – 10.00pm: 5 Lux; and

b. 10.00pm – 7.00am: 1 Lux.

Activity status where compliance not achieved: Restricted Discretionary[129]

LIGHT – R4A	**Artificial Outdoor Lighting in the NOSZ – Natural Open Space Zone, SETZ – PREC 3 - Coastal Settlement Precinct and in locations within:**

- **Outstanding Coastal Natural Character Overlay (Schedule Eight);**
- **Outstanding Natural Landscapes Overlay (Schedule Five);**
- **Outstanding Natural Features Overlay (Schedule Six); or**
- **A distance of 15 kilometres landward of the coastal marine area.**

Activity Status Permitted

Where:

1. Artificial outdoor lighting must not exceed the following vertical light levels:

a. 7.00am – 10.00pm: 2 Lux; and

b. 10.00pm – 7.00am: 1 Lux; where

c. This is measured at the boundary of the site.

2. Artificial outdoor light must:

a. Be fully shielded and mounted in a horizontal position; and

b. Have a colour corrected temperature of no greater than 3000K (warm white).

3. Where the artificial outdoor lighting is located within the SETZ - PREC 3 - Settlement Zone - Coastal Settlement Precinct of Ōkarito it must be installed in a manner that precludes

[128] Consequential amendment to Director General of Conservation S602.177, West Coast Penguin Trust S275.016 and S275.009, Westland District Council FS79.4, Suzanne Hills S442.034, Forest & Bird S560.327
[129] Rocky Mining Limited S474.049 and Papahaua Resource Limited S500.033

operation of lights greater than 500 lumens for durations greater than five minutes between 10pm and 7am the following day.

4. Where the artificial outdoor lighting is located within the Outstanding Coastal Natural Character Overlay it must be installed in a manner that precludes operation between 10pm and 7am the following day.

Activity status where compliance not achieved: Restricted Discretionary[130]

LIGHT – R5	**Artificial Outdoor Lighting in any zone not meeting Permitted Activity Standards outside of the Outstanding Coastal Natural Character Overlay**

Activity Status Restricted Discretionary

Discretion is restricted to:

a. The number, placement, design, height, colour, orientation and screening of light fittings and light support structures;

b. The amount of light spill and sky glow and associated effects on views to the night sky;

c. Effects on ~~visual~~ amenity;[131]

d. Effects on the safety of the transport network;

e. Effects on established uses and their operation;

f. Effects on coastal natural character;

g. Effects on ~~native wildlife; and~~ **indigenous biodiversity**[132]**, including mahinga kai species;**[133] ~~and~~

h. Any positive effects generated from the use of artificial lighting**;**~~.~~

i. **The functional or operational need of the activity; and**[134]

j. Other measures as identified in any Light Management Plan.[135]

Activity status where compliance not achieved: N/A

Discretionary Activities

LIGHT – R6	**Artificial Outdoor Lighting within the Outstanding Coastal Natural Character Overlay and not meeting the Permitted Activity Standards.**

Activity Status Discretionary

[130] Director General of Conservation S602.177, West Coast Penguin Trust S275.016 and S275.009, Westland District Council FS79.4, Suzanne Hills S442.034, Forest & Bird S560.327
[131] Manawa Energy Limited S438.123 consequential amendment for consistency
[132] Forest & Bird S560.327, Director General of Conservation S602.174 consequential amendment.
[133] Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio and Te Rūnanga o Ngāi Tahu S620.210
[134] Westpower S547.484
[135] Consequential amendment

Activity status where compliance not achieved: N/A

4. TEMPORARY ACTIVITIES

4.1. General/Whole Chapter

Submissions and Further Submissions

407. Twelve submission points and one further submission point relating to general matters were summarised in a Table on pages 95-96 of the s42A Report. Twelve submissions requested wording amendments and four further submissions opposed these changes.

408. The Panel adopts these summaries and has considered the relevant submissions and further submissions.

Section 42A Report

409. Ms Belgrave did not support the removal of all references to SASM in the chapter, or changes to the definitions of '*freedom camping'* or '*temporary activities'*. She clarified the provisions for freedom camping only related to the land adjacent to the State Highway network because this land is not subject to the Freedom Camping Bylaws of the three District Councils. She considered camping was sufficiently managed as a temporary event under TEMP-P3.

410. In her Addendum, Ms Belgrave agreed with Ms Lynch that the occupation and use of Crown land by Ngāi Tahu at Nohoanga sites (identified in Appendix Six of the pTTPP) would not meet the definition of a '*camping ground'*. She considered excluding Nohoanga sites from the definition of '*freedom camping'* would address this concern. Appendix 1 of the Addendum included this new clause (d) to address this.

Hearing and Submitter Evidence/Statements

411. The tabled statement from Fire and Emergency New Zealand (FENZ) sought an amendment to the definition of '*Temporary Activities'* to exclude temporary emergency services training activities.

412. Ms Lynch sought explicit exclusion of Nohoanga sites from the definition of '*Freedom Camping'* to give effect to Part 2 of the RMA and the objectives and policies of the RPS. She supported the use of advice notes to ensure it is clear to all plan users that they are required to refer to all District Wide rules as well as the relevant zone provisions.

413. Mr Kennedy, for Westpower, reiterated the request to amend clause (e) of the definition of '*Temporary Activities'* to ensure interpretation of 'structures' includes buildings, as follows:

> *e.* ***buildings and*** *structures for construction and demolition projects; and*

Reporting Officer Reply Evidence

414. Ms Belgrave referred to her reasoning in the s42A Report that it was not necessary to add '*buildings and structures'* to clause (e) of the definition for *'Temporary Activities'* given the reference to *'ancillary buildings and structures'* in the first part of the definition. She also noted clause (e) is specific to construction and demolition structures such as scaffolding.

415. Ms Belgrave's Part 2 Right of Reply stated that no further amendments to the Temporary Activities chapter were necessary in relation to the further information on ecological matters, except for recommended changes to the rules, which is addressed below.

Hearing Panel's Evaluation

416. The Panel accepts the Freedom Camping Bylaws manage freedom camping except in areas adjacent to the State Highway.

417. The Panel agrees with Ms Belgrave it is not appropriate to remove references to SASM in this chapter given the need to manage activities that are temporary in nature in these areas.

418. The Panel agrees with Ms Belgrave that the RMA definition of '*Temporary Activities*' does not need to be amended given the definition refers to '*activities and ancillary buildings and structures*'.

419. The Panel agrees with Ms Belgrave's recommendation to amend the pTTPP definition of '*Freedom Camping'* to exclude seasonal occupation by Poutini Ngāi Tahu whānui on Nohoanga sites identified in Appendix Six of the Plan.

420. The Panel considers the submission points from Ms Inta and the Buller Conservation Group that were included in general matters summary table in relation to the TEMP rules below.

Hearing Panel's Recommendation

421. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends that the relevant submissions identified in the footnotes below are accepted or accepted in part, and recommends the following changes to the definition of '*Freedom Camping'*:

FREEDOM CAMPING

has the same meaning as in Section 5 of the Freedom Camping Act (as set out below)
means to camp (other than at a camping ground) within 200 m of a motor vehicle accessible area or the mean low-water springs line of any sea or harbour, or on or within 200 m of a formed road or a Great Walks Track, using 1 or more of the following:

a. a tent or other temporary structure:
b. a caravan; or
c. a car, campervan, house truck, or other motor vehicle.

It does not include the following activities:

a. temporary and short-term parking of a motor vehicle;
b. recreational activities commonly known as day-trip excursions; ~~or~~
c. resting or sleeping at the roadside in a caravan or motor vehicle to avoid driver fatigue; **or**
d. **use of Nohoanga entitlement sites identified in Appendix Six by Ngāi Tahu whānui**.[136]

[136] Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio and Te Rūnanga o Ngāi Tahu S620.030

4.2. Temporary Activities Overview

Submissions and Further Submissions

422. One submission relating to the Overview supported retention of the wording as notified.

Section 42A Report

423. The s42A Report recommended the Overview be retained as notified. However, in response to Westpower's general request for further clarification that the chapter rules do not apply to energy and infrastructure activities, Appendix 1 of the Addendum to the s42A Report included and additional sentence to the fourth bullet point as a consequential amendment.

Hearing Panel's Evaluation

424. The Panel accepts recommendation amendment to include an additional sentence on the fourth bullet point, as shown in Appendix 1 of the Addendum to the s42A Report, as a consequential amendment.

Hearing Panel's Recommendation

425. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends that the relevant submissions identified in the footnotes below are accepted or accepted in part, and recommends the following changes to the **TEMP Overview**:

Overview

Temporary events and uses such as, concerts, parades, festivals, fairs, meetings, sporting and special events and exhibitions occur on a regular basis throughout the West Coast and contribute to the community. Alongside these events temporary buildings and structures are often associated with larger construction works. The temporary nature of such activities generally minimises the adverse effects the event may have on the surrounding environment. Consequently, many events and activities of short duration are tolerated by parts of the community, while other members enjoy what the event has to offer.

To ensure that the number, scale and intensity of temporary activities does not increase to a level beyond which the effects are more than of a temporary duration and have minimal effects, the following objectives, policies and rules intend to manage the effects of temporary activities and their operations.

In addition to community focused events, temporary military training and emergency management services training exercises are also provided for within the Plan with a set of clear parameters to ensure any adverse effects are minimised and temporary in duration.

Temporary camping adjacent to the State Highway is also a matter which is regulated in these provisions. This is because land in that location is not subject to the Freedom Camping Bylaws of the three District Councils.

Other relevant Te Tai o Poutini Plan provisions
In addition to the provisions in this chapter, temporary activities are also subject to additional provisions in some zone chapters and a number of Part 2: District-Wide Matters chapters, including:

- **Sites and Areas of Significance to Māori -** There are specific rules in relation to temporary events in the Sites and Areas of Significance to Māori Chapter.
- **Earthworks -** the Earthworks Chapter sets out the requirements in relation to earthworks, including for temporary activities.
- **Noise -** the Noise Chapter sets out the requirements into relation to noise.
- **Energy, Infrastructure and Transport -** provisions in relation to temporary network utilities and temporary energy activities are included within the Energy and Infrastructure Chapters of the Plan. **The rules within this chapter do not apply to energy and infrastructure activities.** [137]
- **Overlay Chapters** - the Overlay Chapters have provisions in relation to Historic Heritage; Notable Trees; Sites and Areas of Significance to Māori; Ecosystems and Indigenous Biodiversity; Natural Features and Landscapes; Natural Character and Margins of Waterbodies; Natural Hazards; and the Coastal Environment. Where temporary activities are located within an overlay area (as identified in the planning maps) then the relevant overlay chapter provisions apply.

4.3. Temporary Activities Objectives

Submissions and Further Submissions

426. Six submission points relating to TEMP-O1 were summarised in a Table on page 97 of the s42A Report. Five submissions sought to retain the provision as notified and one sought additional wording be included.

Section 42A Report

427. The s42A Report accepted the additional wording '*while minimising adverse effects*' sought by Waka Kotahi NZTA. Ms Belgrave considered the amendments to TEMP-O1 recognised it is appropriate to manage the potential adverse effects of temporary activities and give effect to Part 2 of the RMA.

Hearing and Submitter Evidence/Statements

428. No further evidence was provided at the hearing in relation to TEMP-O1.

Reporting Officer Reply Evidence

429. In response to questions, Ms Belgrave also considered the use of '*minimise*' instead of '*avoid, remedy and mitigate*' used in the RMA in the context of the TEMP policies, but this was not specifically considered in the context of the TEMP-O1 in Part 1 of her Right of Reply. She recommended TEMP-P2 be amended to replace '*minimise*' with '*avoid remedy and mitigate'*.

[137] Clause 16(2) of First Schedule of RMA

430. In Part 2 of her Right of Reply, Ms Belgrave confirmed that no further amendments to objectives were necessary and remain as recommended in Appendix 1 of Part 1 of the Right of Reply.

Hearing Panel's Evaluation

431. The Panel consider the amendment sought by Waka Kotahi NZTA to require adverse effects to be minimised is appropriate to give effect to Part 2 of the RMA. The Panel agrees and accepts Ms Belgrave's recommendation.

Hearing Panel's Recommendation

432. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends that the relevant submissions identified in the footnotes below are accepted or accepted in part, and recommends the following changes to the **TEMP Objectives**:

TEMP – O1	To provide for temporary activities where they contribute to social, economic and cultural wellbeing of the West Coast **while minimising adverse effects**.[138]

4.4. Temporary Activities Policies

Submissions and Further Submissions

433. Four submission points sought policy **TEMP-P1** be retained as notified.

434. Four submission points sought policy **TEMP-P2** be retained as notified.

435. Four submission points sought policy **TEMP-P3** be retained as notified. One submission from Waka Kotahi NZTA sought additional words regarding transport safety.

436. Two submissions supported the retention of **TEMP-P4** as notified, one submission was recorded as opposed in part and one sought amendment to the wording.

Section 42A Report

437. The s42A Report recommended **TEMP-P1** and **TEMP-P2** be retained as notified.

438. In relation to **TEMP-P3**, Ms Belgrave recommended adding the words '*or transport safety*' at the end of the policy, as requested by Waka Kotahi NZTA

439. In relation to **TEMP-P4**, Ms Belgrave agreed with Waka Kotahi NZTA that the wording was unclear and recommended amending the wording from *'in*' to '*adjacent to*' to provide clarity that it only applies to the land adjacent to the state highway network not otherwise managed under the relevant Freedom Camping Bylaw.

Hearing and Submitter Evidence/Statements

440. No further evidence from submitters was provided.

[138] Waka Kotahi NZ Transport Agency S450.185

Reporting Officer Reply Evidence

441. In response to questions regarding the wording of TEMP-P4, Ms Belgrave recommended the following wording in Appendix 1 of Part 1 of her Right of Reply:

> ***TEMP–P4*** *Ensure that freedom camping activities undertaken ~~in~~* ***immediately adjoining*** *the State Highway road corridor are managed in a manner consistent with freedom camping in other parts of the relevant district.*

442. In Part 2 of her Right of Reply, Ms Belgrave confirmed that no further amendments to TEMP policies were necessary and remain as recommended in Appendix 1 of Part 1 of the Right of Reply.

Hearing Panel's Evaluation

443. The Panel accepts the recommendation to retain TEMP-P1 as notified.

444. The Panel accepts the recommendation to include '*or transport safety*' in TEMP-P3.

445. The Panel notes that the BDC submission points in relation to TEMP-P1, TEMP-P2 and TEMP-P3 recorded as 'oppose in part', however the under TEMP-P4 BDC notes it supports the objectives and policies for Temporary Activities with the exception of Policy 4 because it considers it is the role of Waka Kotahi NZTA to manage freedom camping within the State Highway corridor in relation to TEMP-P4.

446. The Panel considers the recommended replacement of '*in*' with '*immediately adjoining*' clarifies the policy is only addressing freedom camping on land immediately adjacent to the state highway road corridor, outside of the state highway corridor and outside of areas under the Freedom Camping Bylaw relevant to the district. The Panel finds this addresses the concerns raised by Waka Kotahi NZTA and BDC; and accepts the amendments recommended in reply evidence.

Hearing Panel's Recommendation

447. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends that the relevant submissions identified in the footnotes below are accepted or accepted in part, and recommends TEMP-P1 is retained as notified and the following changes to the remaining **TEMP Policies**:

TEMP-P2	Enable military training and emergency management training activities while ensuring that adverse effects on amenity values, safety and the environment are minimised.
TEMP–P3	Enable a wide range of temporary events on the West Coast recognising their positive contribution to community wellbeing in locations where these do not adversely affect natural or cultural values**, or transport safety**.[139]

[139] Waka Kotahi NZ Transport Agency S450.187

TEMP–P4	Ensure that freedom camping activities undertaken ~~in~~ **immediately adjoining** the State Highway road corridor are managed in a manner consistent with freedom camping in other parts of the relevant district. [140]

4.5. Temporary Activities Rules

Submissions and Further Submissions

448. Seven submission points and three further submission points relating to **TEMP-R1** were summarised in a Table on page 102 of the s42A Report. Three submission points sought the rule be retained as notified. The NZDF submission was recorded as four submission points seeking amendments to the wording. The further submission points related to the amendments sought by the NZDF.

449. Eight submission points relating to **TEMP-R2** were summarised in a Table on page 103 of the s42A Report. Three submission points sought to retain the rule as notified, four submission points sought amendments to the wording and one submission point sought a review for duplication.

450. Five submission points relating to **TEMP-R3** were summarised in a Table on page 104 of the s42A Report. Four submission points sought to retain the rule as notified and one sought amendment to the wording of clause (1).

451. Three submission points relating to **TEMP-R4** were summarised in a Table on page 105 of the s42A Report. Two submission points sought to retain the rule as notified and one sought amendment to the wording.

452. Seven submission points and two further submission points relating to **TEMP-R5** were summarised in a Table on page 106 of the s42A Report. Two submission points sought to retain the rule as notified, one sought the rule be deleted and one submission sought amendments to the wording.

453. Seven submission points and three further submission points relating to **TEMP-R6** were summarised in a Table on pages 106-107 of the s42A Report. Five submission points sought to retain the rule as notified and two submission sought amendments to the wording.

454. Five submission points and one further submission points relating to **TEMP-R7** were summarised in a Table on page 107 of the s42A Report. Four submission points sought to retain the rule as notified and one submission point also sought to delete the matters of control from the rules.

455. Six submission points relating to **TEMP-R8** were summarised in a Table on page 108 of the s42A Report. Three submission points sought to retain the rule as notified, two submission points sought two additional clauses and one submission point sought an additional matter of discretion.

456. Six submission points relating to **TEMP-R9** were summarised in a Table on page 109 of the s42A Report. Four submission points sought to retain the rule as notified and two submission points sought two additional clauses.

[140] Waka Kotahi NZ Transport Agency S450.188

457. The Panel adopts these summaries and has considered the relevant submissions and further submissions.

Section 42A Report

458. In response to the NZDF submission, Ms Belgrave supported amendments to TEMP-R1 to enable temporary and military training activities and emergency management training to occur over a period of 31 consecutive days, as follows:

> *These are for a maximum of 31* ***consecutive*** *days per year* ***(excluding set up and pack down activities)****.*

459. However, Ms Belgrave did not support the amendment sought by the NZDF to amend clause (4) to add *'unless written approval from the relevant Poutini Ngāi Tahu rūnanga is provided to the relevant District Council at least 10 working days prior to the activities commencing'*, as she considered this would create a third party approval.

460. In response to BDC, Ms Belgrave supported the deletion of TEMP-R2(4) to remove duplication.

461. Ms Belgrave did not support Kiwi Rail's submission to amend TEMP-R2 to provide for activity on '*adjacent sites'* in the vicinity of demolition activity.

462. Ms Belgrave recommended TEMP-R5 to provide further clarity that freedom camping is not provided for with the state highway road corridor and to delete the words '*Waka Kotahi New Zealand Transport Authority or*' from clause (1).

463. Ms Belgrave recommended TEMP-R3, TEMP-R4, TEMP-R6, TEMP-R7, TEMP-R8 and TEMP-R9 be retained as notified.

464. In her Addendum, Ms Belgrave clarified that she did not support the changes to the rules sought by Westpower given the addition of clarification that the TEMP rules do not apply to energy and infrastructure activities.

465. Ms Belgrave also revised Appendix 2 (attached to the s42A Addendum Report) to add the submission points by Ms Inta and the Buller Conservation Group, which sought to add a clause to each of the rules requiring that environmental values are not degraded, and that wildlife is not disturbed by temporary activities; and the further submission points in opposition by Westpower and the NZDF. She recommended rejecting the submissions seeking the additional clause and accepting the further submissions. She noted the matters raised related to the effects of noise and light.

466. In response to the evidence of Ms Lynch, Ms Belgrave supported an exemption for Māori Purpose Activities occurring within a Māori Purpose Zone given these activities are provide for under rule MPZ-R1.

Hearing and Submitter Evidence/Statements

467. Poutini Ngāi Tahu sought inclusion of a new matter of discretion and control for consideration of Poutini Ngāi Tahu values for the restricted discretionary and controlled activity rules in the Temporary Activities chapter. Ms Lynch highlighted this additional

matter of discretion was consistent with other rules, including INF-R21 and SUB-R10 as notified. She sought its inclusion in rules TEMP-R7, TEMP-R8 and TEMP-R9.

468. As a further submitter to the submission point from the NZDF regarding amending TEMP-R1 (4), Ms Lynch's supported the wording as follows:

> *These do not occur on a Site or Area of Significance to Māori identified in Schedule Three* ***unless written approval from the relevant Poutini Ngāi Tahu rūnanga is provided to the relevant District Council at least 10 working days prior to the activities commencing****.* (pg. 17)

469. Ms Lynch sought to amend rule TEMP-R6 by adding a new standard as follows:

> *These are temporary activities associated with a Māori Purpose Activity on Māori Purpose Zoned land.* (pg.18)

470. Ms Lynch did not support deleting the matters of control from rule TEMP-R7.

471. The NZDF highlighted the definition of '*regionally significant infrastructure'* does not include defence facilities but that the definition of '*critical infrastructure'* did include defence facilities. It noted that earthworks associated with defence facilities would therefore require resource consent regardless of the effects associated with the activity.

472. NZDF sought amendment to clause (4) of Rule TEMP-R1 to allow earthworks within a SASM as a permitted activity with the written approval of Poutini Ngāi Tahu Rūnanga. It highlighted a similar standard to that proposed is used for temporary activities permitted under SASM-R5. This amendment was supported in the evidence of Ms Lynch for Poutini Ngāi Tahu.

473. NZDF noted that submission point S519.022 sought deletion of the matters of control listed under TEMP-R7 given the nature of Temporary Military Training Activities (TMTA) and the control and management of these events by the NZDF. It submitted it was not appropriate to require a resource consent to consider the environmental effects given these events were not held in public spaces and had similar effect to other day-to-day and training activities carried out by other emergency and civilian organisations.

474. Ms Inta and the Buller Conservation Group sought to add a clause to each of the rules requiring that environmental values are not degraded, and that wildlife is not disturbed by temporary activities. This was opposed by Westpower and the NZDF in further submissions.

475. Mr Kennedy, for Westpower, reiterated the amendments sought to TEMP-R2, TEMP-R8 and TEMP-R9.

Reporting Officer Reply Evidence

476. On the basis of the legal opinion from Wynn Williams, Ms Belgrave considered the proposed wording of TEMP-R1 proposed by Ms Lynch did not satisfy all the legal tests required for permitted activities, including not reserving discretion to decide whether an activity is a permitted activity to a third party. She therefore recommended the proposed amendment to Standard (4) requested by the NZDF and supported by Poutini Ngāi Tahu was rejected.

477. The Reporting Officer and the legal advice received both acknowledge the benefits of including such an amended standard, including the benefits to applicants and the Rūnanga

of not imposing an additional resource burden. They noted it may be possible to devise a rule that meets the requirements of a permitted activity rule with a certification element but that this would be novel and relatively untested.

478. Ms Belgrave considered the addition of a new matter of control or discretion to TEMP-R7, TEMP-R8 and TEMP-R9, as requested by Poutini Ngāi Tahu, would increase the complexity and costs from applications. She considered this increase in costs would not be commensurate with the potential effects of temporary activities where no other consent was required due to the inherent scale and nature of these activities and their potential environmental effects. She concluded this would reduce certainty to plan users.

479. In Part 2 of her Right of Reply, Ms Belgrave considered the potential effects of temporary activities on indigenous, threatened, and endangered species and expert advice in the Wildlands Report. In summary, Ms Belgrave recommended the following amendments to the Temporary Activities chapter:

1. Amendment to TEMP-R1 to restrict the use of outdoor artificial lighting during the tāiko/Westland petrel breeding season (1 November to 15 January);

2. Amendment to TEMP-R1 to restrict temporary and military training activities and emergency management training within Significant Natural Area (SNA) identified in Schedule Four of the pTTPP; and

3. Consequential amendment to the matters of control under TEMP-R7.

480. Ms Belgrave highlighted the conclusions reached by Wildlands are that temporary activities subject to TEMP-R2 (Temporary Motorsport Activities) and TEMP-R6 (Other Temporary Activities and Buildings) will generally occur near residential areas, during daylight hours, or for a short duration, and it is not anticipated that the tāiko/Westland petrel will be adversely affected. She considered one or more of these characteristics also applied to activities provided for under TEMP-R3 (Temporary Buildings and Structures Ancillary to a Construction and Demolition Activity), TEMP-R4 (Temporary Residential Buildings Following an Emergency Declaration), and TEMP-R5 (Freedom Camping on land adjacent to the State Highway Network).

481. In focussing her assessment on TEMP-R1, Ms Belgrave did not support the inclusion of additional requirements to avoid activities within known flight paths of Westland petrel/tāiko or associated lighting controls because these are not currently clearly identified or mapped within the pTTPP. On this basis, she considered that requirements to avoid significant habitat of indigenous fauna would be inappropriate in a permitted activity rule.

482. As an alternative, Ms Belgrave recommended amendments to TEMP-R1(4) to require that activities do not occur within a SNA identified in Schedule Four given SNA include significant habitat of indigenous fauna. However, she highlighted that Schedule Four in its current form has only identified SNA within the Grey District, and that the provisions of the Ecosystems and Indigenous Biodiversity require further assessment to be undertaken at the time of resource consent to identify significant indigenous biodiversity within the Buller and Westland Districts. In these instances, she noted that an ecological assessment process would be required to be undertaken by an ecologist to confirm the presence of significant indigenous biodiversity. She considered that the requirement for ecological assessment outside of the Grey District would create additional costs to demonstrate compliance under

TEMP-R1; and that given the limited scope of activities provided for under TEMP-R1 (and their temporary nature), she considered that referring to SNA identified in Schedule Four would provide an appropriate level of protection. She also considered the recommended wording would future proof the Plan provisions until such time SNA in the Buller and Westland District can be identified and included within the Schedule.

483. Ms Belgrave considered the scale of the further recommended amendments did not necessitate a section 332AA evaluation.

484. The Wildlands Report (Appendix 2A of Part 2 of the Right of Reply) noted that Temporary and Military Training Activities and Emergency Management Training under TEMP – R1 could occur in the Westland petrel/tāiko breeding season when any unshielded lights (vertical light spill) and lights containing blue light and UV light (3500-5000K) could attract and cause grounding of adult and fledging young, especially if the activity is within their flight path to and from the sea. It therefore recommended that any deployed lighting should adhere to the recommendations for LIGHT – RX2 or LIGHT – RX3.

485. The Wildlands Report highlighted that TEMP-R1 did not include any restrictions on activities occurring within significant habitat for indigenous fauna. It noted that this is a concern as indigenous species, including tāiko/Westland petrel, whio/blue duck (*Hymenolaimus malachorhynchos*, Threatened – Nationally Vulnerable), roroa/great spotted kiwi (*Apteryx maxima*, Threatened – Nationally Vulnerable), rowi/Ōkarito brown kiwi (*Apteryx rowi*, Threatened – Nationally Endangered), or kororā/southern blue penguin (*Eudyptula minor minor*, At Risk – Declining), can be adversely affected by light, noise and human activity, particularly during the breeding season of these species (May to February). It highly recommended such activities do not occur within areas of significant habitat for indigenous fauna.

486. In relation to the permitted activities for the Temporary Motorsport Activities (TEMP – R3), Other Temporary Activities and Buildings (TEMP – R6), Wildlands also considered the effects on tāiko/Westland petrel. It concluded that because these activities would generally occur near residential areas, during daylight hours or within the early hours of the curfew period (e.g. before midnight), and for short durations (up to a maximum of three days in a given period), adverse effects on Westland petrel/tāiko were not expected.

Hearing Panel's Evaluation

487. The Panel notes the Recommendation Report for the Energy, Infrastructure and Transport Chapters recommend adding defence facilities to the definition of '*regionally significant infrastructure'*, which addresses the concerns of the NZDF.

488. The Panel acknowledges temporary activities within identified SASM will be subject to the rules in the SASM chapter and TEMP-R9(b) includes 'cultural values'. We note rule INF-R21 appropriately includes consideration of Poutini Ngāi Tahu values because it relates to community wastewater facilities. Similarly, SUB-R10 relates to the subdivision of land within an identified SASM.

489. The Panel considers it would be appropriate to incorporate reference to '*Poutini Ngāi Tahu values*' as a matter of control in TEMP-R7. This is in response to the submissions and evidence of NZDF and Poutini Ngāi Tahu, which indicates a working relationship between the two submitters. Such inclusion would also recognise reference in TEMP-R9(b) to '*cultural values'*.

Specifying '*Poutini Ngāi Tahu values*' in TEMP-R7 would limit the matter of control in comparison with the broader term '*cultural values'*.

490. The Panel considers that outside of an identified SASM it is conceivable that the timing, location and design of temporary military and emergency management activities could impact on cultural practices and matters of cultural significance to Poutini Ngāi Tahu (e.g. seasonal mahinga kai harvest) because such activities could occur in a wide range of settings, at different times of year and at a variety of scales of activity, such that it is appropriate there is opportunity for the matter to be assessed at the time of resource consent application.

491. The Panel is not persuaded that TEMP-R8 requires amendment in response to Poutini Ngāi Tahu submissions and evidence given that activities will be limited in terms of their location and the nature of the activity. As has been noted, TEMP-R9(b) already allows for consideration of '*Poutini Ngāi Tahu values'* within the broader reference to '*cultural values'*.

492. The Panel agrees with Ms Belgrave that adding the consideration of Poutini Ngāi Tahu values to rules TEMP-R8 and TEMP-R9 is not appropriate given the intended nature and scale of the potential effects of the temporary activities covered by these three rules. The Panel agrees that this would add complexity and cost for applicants where no other resource consents are required. The Panel therefore recommends no changes to TEMP-R8 and TEMP-R9.

493. The Panel agrees with Ms Belgrave that the amendments sought by Ms Inta and the Buller Conservation Group, to add a new clause regarding the potential adverse effects on wildlife from temporary light and noise, are generally addressed in other rules in the Plan. However, the Panel accepts Ms Belgrave's recommendation to include the consideration of significant habitats of indigenous fauna within SNA identified in Schedule Four as a matter of control in TEMP-R7. However, the Panel consider this control should be of '*adverse effects*' and not linked to clause (a) which relates to visual amenity. The Panel recommends the addition of a new matter of control as a separate clause to enable the control of '*Adverse effects on significant habitats of indigenous fauna within Significant Natural Areas identified in Schedule Four, taking into account the duration, hours of operation and frequency of the activity*.'

494. The Panel agrees with Ms Belgrave that the amendments sought by Westpower to TEMP-R2, TEMP-R8 and TEMP-R9 are not necessary given the recommended amendments to the overview and the removal of duplication.

495. The Panel is satisfied that Ms Belgrave's recommended changes to the rules add clarity and remove duplication.

Hearing Panel's Recommendation

496. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends retaining TEMP-R3, TEMP-R4, TEMP-R7, TEMP-R8 and TEMP-R9 as notified; and recommends that the relevant submissions identified in the footnotes below are accepted or accepted in part, and recommends the following changes to the following **TEMP Rules**:

Temporary Activity Rules

Note: There may be a number of Plan provisions that apply to an activity, building, structure and site. In some cases, consent may be required under rules in this Chapter as well as rules in other Chapters in the Plan. In those cases, unless otherwise specifically stated in a rule, consent is required under each of those identified rules. Details of the steps Plan users should take to determine the status of an activity are provided in General Approach.

Permitted Activities

TEMP-R1	**Temporary Military Training Activities and Emergency Management Training**

Activity Status Permitted:

Where:

1. These are for a maximum of 31 **consecutive** days per year **(excluding set up and pack down activities);**[141]

2. No permanent structures are erected unless they are lawfully established in accordance with relevant zone and overlay chapter rules in this Plan;

3. **There is no outdoor artificial light during the tāiko/Westland petrel breeding season, from 1 November to 15 January**; [142]

4. No earthworks are undertaken except where they are in accordance with relevant Earthworks and overlay chapter rules (or resource consent is obtained for the earthworks); and

5. These do not occur on a Site or Area of Significance to Māori identified in **Schedule Three or Significant Natural Area identified in Schedule Four.** [143]

Activity status where compliance not achieved: Controlled

TEMP-R2	**Temporary Buildings and Structures Ancillary to Construction and Demolition Activity**

Activity Status Permitted:

Where:

1. These are removed within 1 month of the activity ceasing and the site reinstated to the original or better condition;

2. The building or structure is located on the same site as the construction or demolition activity;

3. Relevant zone Setback standards are met where the activity adjoins any Residential or Settlement Zone; **and**

~~4. The building or structure is on the same site as the construction or demolition activity;~~ [144]

[141] New Zealand Defence Force S519.017
[142] Buller Conservation Group S552.158 and Frida Inta S553.158
[143] Buller Conservation Group S552.148 and Frida Inta S553.148
[144] Buller District Council S538.374

~~5~~**4**. Any temporary building is no more than 50m^2 in gross floor area where this adjoins a residential zone.

Activity status where compliance not achieved: Restricted Discretionary

TEMP-R5 Freedom Camping on land adjacent to the State Highway Network

Activity Status Permitted:

Where:

1. This activity is in locations identified and signposted by ~~Waka Kotahi New Zealand Transport Authority or~~[145] the relevant District Council as a designated Responsible Camping Site or Freedom Camping Site;

2. Freedom camping at any one location or within 500m of the same location is limited to no more than two consecutive nights, and no more than 10 nights per 30-day period; and

3. Freedom camping is limited to Certified Self-Contained Vehicles in accordance with NZS 5465:2001.

Activity status where compliance not achieved: Restricted Discretionary

TEMP-R6 Other Temporary Activities and Buildings

Activity Status Permitted:

Where:

1. These are aircraft or helicopter movements; or

2. **These are temporary activities associated with a Māori Purpose Activity on Māori Purpose zoned land; or**[146]

3. Community markets occur a maximum of 1 day/week at any one site; or

4. For other activities and events:

a. These are for a maximum of 3 times in any one year at one site;
b. These only occur for a maximum of 3 consecutive days at any site;
c. In all zones except the Open Space and Recreation Zones the relevant Permitted Activity NOISE and LIGHT standards are met; and
d. In the Open Space and Recreation Zones a temporary activity may exceed the zone Permitted Activity NOISE and LIGHT standards on a site on one occasion in a 3 month period and for a maximum of 3 days.

Advice Note:

1. It is the organiser's obligation to contact the relevant road controlling authority (Waka Kotahi - NZ Transport Agency) if the activity is accessed from a State Highway, and the relevant District

[145] Waka Kotahi NZ Transport Agency S450.191
[146] Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio and Te Rūnanga o Ngāi Tahu S620.212

Council (if accessed from any other roads) to arrange an appropriate traffic management plan to avoid traffic safety hazards being generated from the activity.

2. Temporary Events in a number of important cultural sites and locations are subject to rules in the Sites and Areas of Significance to Māori Chapter.

Activity status where compliance not achieved: Restricted Discretionary

TEMP-R7	**Temporary Military Training Activities and Emergency Services Training not meeting Permitted Activity Standards**

Activity Status: Controlled

Matters of Control are:

a. Visual amenity ~~from~~of neighbouring properties and public places;

b. **Adverse effects on significant habitats of indigenous fauna within Significant Natural Areas identified in Schedule Four, taking into account the duration, hours of operation and frequency of the activity;** [147]

c. Effects on Poutini Ngāi Tahu values;[148]

d. Location and design; and

e. Traffic safety.

Activity status where compliance not achieved: N/A



Sharon McGarry

Hearings Panel - Chair



Maria Bartlett

Hearings Panel Member



Paul Rogers

Hearings Panel Member

Date: 17 September 2025

[147] Buller Conservation Group S552.158 and Frida Inta S553.158
[148] Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio and Te Rūnanga o Ngāi Tahu S620.015

APPENDIX 1 – RECOMMENDATIONS ON PLAN PROVISIONS

Earthworks Chapter

Overview

Earthworks can adversely affect amenity values (visual, dust nuisance, noise and traffic), **natural environment values (such as indigenous biodiversity, habitat, environmental quality and landscape)** and result in changes to natural landforms. Earthworks can cause changes to the appearance and character of the neighbourhoods they are located in and can impact on people's experience of their environment.

Other relevant Te Tai o Poutini Plan provisions

In addition to the provisions in this chapter, earthworks ~~and land disturbance~~ are also subject to additional provisions in some zone chapters and a number of Part 2: District-Wide Matters chapters, including:

- **District Wide Chapters – Energy, Infrastructure, and Natural Hazards Chapters have provisions relating to earthworks.**
- **Overlay Chapters** - the Overlay Chapters have **earthworks** provisions in relation to Historic Heritage; Notable Trees; Sites and Areas of Significance to Māori; Ecosystems and Indigenous Biodiversity; Natural Features and Landscapes; Natural Character and Margins of Waterbodies; Natural Hazards; and the Coastal Environment. ~~Where earthworks are located within an overlay area (as identified in the planning maps) then the relevant overlay chapter provisions apply.~~
- **Earthworks Associated with Mineral Extraction** - the Zone **and Overlay** Chapters have provisions **which manage** mineral extraction and its ancillary activities. ~~including earthworks~~. **The earthwork rules within this chapter do not apply to mineral extraction, mineral prospecting or mineral exploration.**

Other relevant regulations

A number of other regulatory and non-regulatory methods also manage the effects of earthworks. For instance, certain earthworks carried out as part of building work are subject to the New Zealand Building Code and may require a building consent under the Building Act 2004 **and earthworks in the vicinity of electrical infrastructures are regulated under the New Zealand Code of Practice for Electrical Safe Distances (NZCEP 34:2001)**.

Earthworks ~~and land disturbance~~ affecting archaeological sites may also require authorisation under the Heritage New Zealand Pouhere Taonga Act 2014. The Heritage New Zealand Pouhere Taonga Act 2014 makes it unlawful for any person to modify or destroy, or cause to be modified or destroyed, the whole or any part of an archaeological site without the prior authority of Heritage New Zealand. **This is regardless of whether the site is scheduled in Tai o Poutini Plan or not, and is in addition to any resource consent obtained.** If you wish to do any work that may affect an archaeological site you must obtain an authority from Heritage New Zealand before you begin.

Earthworks may need additional resource consents from the West Coast Regional Council under the Regional Land and Water or Coastal Plans for the West Coast/Te Tai o Poutini or under the National Environmental Standard for Freshwater 2020 including earthworks that may result in silt or sediment contamination of water or those which will affect wetlands.

Where earthworks associated with the removal of contaminated land and soil are undertaken, the provisions of the National Environmental Standard (NES) for Assessing and Managing Contaminants in Soil for Human Health will also apply.

The National Environmental Standard for **Commercial** ~~Plantation~~ Forestry ~~2017~~**Amendment Regulations 2023** regulates earthworks for plantation forestry and these rules do not apply to those works.

EW – O1	To provide for earthworks to facilitate subdivision, use and development of the West Coast/Te Tai o Poutini's land resource, while ensuring ~~that their~~ adverse effects on the ~~surrounding~~ environment are avoided, **remedied** or mitigated.

EW - P1	Enable ~~temporary and small scale~~ earthworks for the subdivision, use and development of land, the provision of **infrastructure** ~~utilities~~, and hazard mitigation, while managing those with the potential to create ~~significant~~ **more than minor** adverse effects.
EW – P2	Manage the **adverse** effects of earthworks ~~to minimise impacts~~ on **natural** landscape **values, natural** character, amenity **values**, natural features, ~~water quality~~, **indigenous** biodiversity, cultural and heritage ~~sites~~ **items and areas**, and the quality of the environment **to avoid, remedy or mitigate adverse effects, as appropriate**.
EW – P3	Require the use of accidental discovery protocols to mitigate the potential risk ~~to~~ **of** earthworks to archaeological sites and sites of significance to Māori and archaeological sites that are not scheduled in the Plan.
EW – P4	Protect ~~critical infrastructure~~ **regionally significant infrastructure** and natural hazard defences from the adverse effects of earthworks.

Earthworks Rules

Note: There may be a number of Plan provisions that apply to an activity, building, structure and site. In some cases, consent may be required under rules in this Chapter as well as rules in other Chapters in the Plan. In those cases, unless otherwise specifically stated in a rule, consent is required under each of those identified rules. Details of the steps Plan users should take to determine the status of an activity are provided in General Approach.

Permitted Activities

EW - R1 Earthworks General Standards

All Permitted activities must comply with the following relevant standards:

1. Earthworks must not exceed a maximum depth or height above ground level of 1.5m measured vertically within 1.5m of a boundary except where these are undertaken by a network utility operator for the purpose of:

a. Pole foundations;

b. Backfilled trenches; ~~or~~

c. Installation of services by trenchless methods such as directional drilling;

d. **Installation of underground equipment as part of the electricity supply or distribution network;**

e. **Achieving safe separation between conductors and the ground; or**

f. **Stockpiles required for network utility or regionally significant infrastructure maintenance, operation, repair, upgrade, or installation of new network utilities.**

2. All **imported** fill must consist of cleanfill material;

3. Erosion and sediment control measures must be ~~put in place~~ **designed, installed and maintained until earthworks are completed** to avoid sediment run-off from earthworks activities entering a Council reticulated network or into waterbodies.

4. No diversion of stormwater and overland flow shall occur beyond the site boundary and water must not be diverted to adjacent properties or the road;

5. Any earthworks within the vicinity of overhead electric lines must comply with the New Zealand Electrical Code of Practice for Electrical Safety Distances (NZECP 34:2001);

6. No earthworks are to be undertaken on or within 10m of any public natural hazard mitigation structure unless ~~under~~ the written approval has been obtained from the relevant local government agency; ~~and~~

7. In the event of discovery of any sensitive or archaeological material that the Accidental Discovery Protocol outlined in Appendix Four must be followed**; and**

8. **Rule EW-R1 does not apply to earthworks associated with mineral extraction, mineral exploration, or mineral prospecting.**

Advice Notes:

1. Earthworks are also regulated by the West Coast Regional Land and Water Plan and the NES - Freshwater 2020 administered by the West Coast Regional Council.
2. Earthworks undertaken in areas of contaminated land are subject to the Rules in the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health.

Activity Status where compliance not achieved: Restricted Discretionary

EW - R2 Earthworks – All Zones

Activity Status Permitted

Where:

1. All standards in Rule EW - R1 are complied with; and

2. These earthworks are:

a. Associated with the construction of an approved building platform and access; or

b. ~~These are earthworks a~~**A**ssociated with an approved subdivision consent; or

c. ~~These are earthworks a~~**Associated** with an approved well or bore; or

d. ~~These are eEarthworks, including stockpiles Are r~~**R**equired for **repair, maintenance, operation, upgrading and establishment of a** network utility or ~~critical~~ **regionally significant** infrastructure, ~~maintenance, operation, repair, upgrade, or installation of new network utilities including public roads~~ **and may include stockpiles**; or

e. ~~These are e~~**E**arthworks associated with installation of swimming pools; or

f. ~~The earthworks are f~~**F**or interments in a cemetery or urupā;

g. ~~The earthworks are f~~**F**or natural hazard mitigation structures constructed by a statutory agency or ~~their~~ authorised contractor **acting on its behalf**; or

h. ~~The earthworks are t~~**T**est pits for geotechnical or contaminated land assessment where the land is reinstated within 48 hours.~~; or~~

~~i. They are earthworks within the National Grid Yard where:~~

~~i. Any earthworks must not exceed a depth or fill from original ground level of 300mm, except for:~~

~~A. Earthworks for a network utility or as part of a renewable electricity generation activity; and~~

~~B. Earthworks undertaken as part of agricultural or domestic cultivation, or repair, sealing or resealing of a road, footpath, driveway or farm track.~~

3. **Rule EW-R2 does not apply to earthworks associated with mineral extraction, mineral exploration, or mineral prospecting.**

Advice Notes:

1. Rules in relation to earthworks in overlay areas can be found in the Overlay Chapters of this Plan.
2. Earthworks undertaken in areas of contaminated land are subject to the Rules in the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health.

Activity Status where compliance not achieved: Restricted Discretionary

Refer Overlay Chapters for Earthworks Rules in relation to these overlay areas.

EW – R3	**Earthworks in the GRUZ - General Rural Zone, RLZ - Rural Lifestyle Zone, any INZ - Industrial Zone, FUZ - Future Urban Zone, AIRPZ - Airport Zone, any OSRZ - Open Space and Recreation Zone and the MPZ - Māori Purpose Zone**

Activity Status Permitted

Where:

1. All standards in Rule EW - R1 are complied with; and
2. These are ancillary earthworks for:

i. A Permitted Activity, except that in the Rural Lifestyle Zone a maximum of 500m^2 per site of land is disturbed in any 12 month period; or

ii. An Energy Activity, **Regionally Significant Infrastructure** ~~Network Utility Operation~~ or Transport Activity;

3. Where the earthworks are undertaken within an Overlay Chapter area these earthworks meet the Permitted Activity standards for the relevant Overlay **C**~~c~~hapter;

4. **In the Natural Open Space Zone, a maximum of 250m^2 per site of land is disturbed in any 12 month period and a maximum of 250m^3 of material is transported off site in any 12 month period, and there is a maximum 1m change of existing ground level; and**
5. **Rule EW-R3 does not apply to earthworks associated with mineral extraction, mineral exploration, or mineral prospecting.**

Activity Status where compliance not achieved: Restricted Discretionary where standard 1**,**~~and~~ 2 **and 4** are not complied with.

Refer to relevant Overlay Chapter where standard 3 is not complied with.

EW – R4	**Earthworks in any RESZ - Residential Zone, the NCZ - Neighbourhood Centre Zone or SETZ - Settlement Zone**

Activity Status Permitted

Where:

1. All standards in Rule EW - R1 are complied with; and
2. Where ~~the~~ earthworks are undertaken within an Overlay Chapter area these earthworks meet the Permitted Activity standards for the relevant Overlay area; **and**
3. These are ancillary earthworks for an Energy Activity, **Regionally Significant Infrastructure** ~~Network Utility Operation~~ or Transport Activity; and
4. Where earthworks are undertaken for any other activity:

a. A maximum of 250m^2 per site of land is disturbed in any 12 month period;

b. A maximum of **250**~~200~~m^3 of material is transported off site in any 12 month period; and

c. There is a maximum 1m change of existing ground level.

5. **Rule EW-R4 does not apply to earthworks associated with mineral extraction, mineral exploration, or mineral prospecting.**

Advice Note:

Rules in relation to earthworks in overlay areas can be found in the Overlay Chapters.

Activity Status where compliance not achieved: Restricted Discretionary

Refer to relevant Overlay Chapter where standard 2 is not complied with.

EW - R5 Earthworks in any COMZ - Commercial and Mixed Use Zone, SVZ - Scenic Visitor Zone, HOSPZ - Hospital Zone or STADZ - Stadium Zone

Activity Status Permitted

Where:

1. All standards in Rule EW - R1 are complied with; and
2. Where ~~the~~ earthworks are undertaken within a**n** Overlay Chapter area these meet the Permitted Activity standards for the relevant overlay area; and
3. These are ancillary earthworks for an Energy Activity, **Regionally Significant Infrastructure** ~~Network Utility Operation~~ or Transport Activity; and
4. Where earthworks are undertaken for any other activity a maximum of 1000m^2 per site or land is disturbed in any 12 month period.

Advice Note:

Rules in relation to earthworks in overlay areas can be found in the Overlay Chapters.

Activity Status where compliance not achieved: Restricted Discretionary

Refer to relevant Overlay Chapter where standard 2 is not complied with.

~~**EW – R6 Earthworks in the BCZ - Buller Coalfield Zone and MINZ - Mineral Extraction Zone**~~

~~**Activity Status Permitted**~~

~~Where:~~

~~1. All standards in Rule EW - R1 are complied with; and~~
~~2. Where the earthworks are undertaken within a Overlay Chapter area these need to meet the Permitted Activity standards for the relevant overlay area.~~

~~**Advice Note:**~~

~~1. Rules in relation to mineral extraction and ancillary activities can be found in the relevant zone rules.~~

~~2. Rules in relation to earthworks in overlay areas can be found in the Overlay Chapters.~~

~~**Activity Status where compliance not achieved:** Controlled Activity under the relevant zone rule – Rule BCZ – R5 or MINZ – R6~~

~~Refer to relevant Overlay Chapter where standard 2 is not complied with.~~

EW – R7 Earthworks and vertical holes within the National Grid Yard

Activity Status Permitted

Where:

1. All standards in Rule EW - R1 are complied with; and

2. Earthworks and vertical holes do not:

a. Exceed 300mm in depth within 6m of the outer visible edge of a National Grid support structure;

b. Exceed 3m in depth between 6m and 12m of the outer visible edge of a National Grid support structure;

c. Result in a reduction of the ground to conductor clearance distances as required in Table 4 of the New Zealand Electrical Code of Practice for Electrical Safe Distances 34:2001;

d. Compromise the stability of any National Grid support structures; and

e. Result in the loss of vehicular access to a National Grid support structure.

3. Earthworks and vertical holes for the following activities are exempt from compliance with EW-R7(1)(a) to (e):

a. Earthworks or vertical holes, excluding mining and quarrying, that are undertaken by a network utility operator as defined by the Resource Management Act 1991;

b. Agricultural or domestic cultivation;

c. The repair, sealing or resealing of a vehicle access, farm track, footpath, or driveway;

d. Vertical holes not exceeding 500mm in diameter that are more than 1.5m from the outer edge of a National Grid pole or stay wire, or are a post hole for a farm fence or horticulture structure more than 6m from the visible outer edge of a National Grid tower foundation; and

e. Earthworks and vertical holes subject to a dispensation from Transpower under New Zealand NZECP 34:2001.

Activity status where compliance not achieved: Non-complying

Restricted Discretionary Activities

~~**EW – R7 Earthworks within the National Grid Yard Not Meeting Rule EW – R2**~~

~~**Activity Status Restricted Discretionary**~~

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

~~a. Effects on the operation, maintenance, upgrading and development of the National Grid;~~

~~b. The risk to the structural integrity of the National Grid support structure (s);~~

~~c. Any impact on the ability to access the National Grid; d. Management of stormwater and overland flow;~~

~~e. Any adverse effects on landscape, amenity, natural features, water quality, cultural and heritage sites, biodiversity and habitat of indigenous flora and fauna, and the quality of the environment;~~

~~f. The risk of electrical hazards affecting public or individual safety and the risk of property damage; and~~

~~g. The outcome of any consultation with the owner and operator of the National Grid.~~

~~**Activity status where compliance not achieved:** N/A~~

EW – R8	**Earthworks in any Zone not meeting Permitted Activity standards**

Activity Status Restricted Discretionary

Discretion is restricted to:

a. The impact **<u>of earthworks</u>** on ~~visual~~ -amenity, ~~landscape character~~, outlook and privacy;

b. Potential dust nuisance, sedimentation, land instability, contamination and erosion effects.

c. Effects that result from the stockpiling in terms of ~~visual~~ amenity, landscape context and character, views, outlook, overlooking and privacy;

d. The effectiveness of proposed management or mitigation measures to ~~minimise~~ **<u>avoid, remedy or mitigate</u>** any ~~potential~~ adverse effects beyond the property boundary of the activity;

e. Any changes to the patterns of surface drainage or subsoil drains that could result in a higher risk of drainage problems, inundation run-off, flooding, or raise **<u>or lower</u>** the water table;

f. The impact of earthworks on ~~critical~~ **<u>regionally significant</u>** infrastructure;

g. The impact on the road network, of heavy vehicle and other vehicular traffic generated as a result of earthworks;

h. Any adverse effects on landscape **<u>and natural character,</u>** ~~amenity,~~ natural features, ~~water quality~~, cultural and heritage ~~sites~~ **<u>items and areas and archaeological sites</u>**, biodiversity and habitat of indigenous flora and fauna, **<u>including mahinga kai species,</u>** and the quality of the environment;

i. The impact on stormwater infrastructure and any overland flow paths; and

j. The impact on any natural hazards infrastructure and the effectiveness of its operation.

Activity status where compliance not achieved: N/A

Advice Note:

Rules in relation to earthworks in overlay areas can be found in the Overlay Chapters.

<u>Non-complying Activities</u>

<u>EW – R9</u>	**<u>Earthworks and vertical holes within the National Grid Yard not meeting Permitted Activity standards</u>**

<u>Activity Status Non-complying</u>

Light Chapter

Overview

Artificial outdoor lighting enables work, recreation, and entertainment activities to occur beyond normal daylight hours. It also enables night-time activities to be conducted safely and provides for site security. However, if outdoor lighting is poorly designed, controlled, located or orientated, it may adversely affect the amenity of **the receiving environment,** neighbouring properties and light sensitive areas; result in a **reduction or loss** ~~loss or reduction~~ of views of the night sky; and ~~potentially~~ disturb wildlife. It may also affect human health and/or safety.

The provisions for artificial outdoor lighting provide for adequate lighting to support activities and site security, while minimising potential adverse effects.

LIGHT - O1 Artificial outdoor lighting enables night-time work, **primary production** ~~rural productive~~ activities, recreation activities, sport, entertainment activities, transportation, **energy activities** and public health and safety.

LIGHT - O2 Artificial outdoor lighting is located, designed and operated to**:**

a. ~~m~~**M**aintain the character and amenity values within zones**;**

b. **Protect the natural character of the coastal environment and outstanding natural features and landscapes;**

c. ~~so that it does not adversely affect~~ **Provide for** the health and safety of people**, and** the safe operation of the transport network**;**

d. **P**~~p~~rotect~~s~~ **and maintain the qualities** ~~views~~ of the **natural darkness of the** night sky;

e. **Outside the coastal environment, protect significant habitats of indigenous biodiversity and the species themselves by applying the effects management hierarchy and maintain** the habitats ~~and ecosystems~~ of ~~nocturnal native fauna~~ **biodiversity** and the species themselves;

f. Protect significant indigenous biodiversity within the coastal environment by avoiding adverse effects on Threatened or At Risk indigenous species and their habitats; and

g. Protect indigenous biodiversity within the coastal environment by avoiding significant adverse effects on indigenous species and their habitats.

LIGHT – P1

Provide for the use of artificial outdoor lighting that:

a. Allows people and communities to enjoy and use sites and facilities during night time hours and contributes to the security and safety of private and public spaces;

b. Maintains the character and amenity values of the zone ~~and surrounding area~~;

c. Supports the social, cultural, and economic wellbeing or health and safety of people and communities, including road safety;

d. ~~Minimises sky glow and light spill~~ **Maintains the natural darkness of the night sky within the coastal environment and minimises adverse effects on the darkness of the night sky in other areas**; ~~and~~

~~e. Protects the health and well-being of people and ecosystems~~**;**

e. Outside the coastal environment, avoids adverse effects on significant habitats of indigenous biodiversity and Threatened or At Risk species by applying the effects management hierarchy and maintains the habitats of other indigenous biodiversity and the species themselves;

f. **Recognises the functional need or operational need of activities.**

g. Within the coastal environment, avoids adverse effects on significant indigenous biodiversity and Threatened or At Risk indigenous species and their habitats; and

h. Within the coastal environment, avoids significant adverse effects on indigenous biodiversity and their habitats.

LIGHT – P3

Control the intensity, location and direction of any artificial outdoor lighting to:

a. Ensure that any artificial outdoor lighting avoids conflict with existing light sensitive areas and uses;

b. Internalise light spill within the site where the outdoor lighting is located;

c. ~~Minimises~~**Avoid, remedy or mitigate** adverse effects on **the natural darkness of** the ~~views of the~~ night sky~~, and intrinsically dark landscapes including in areas of outstanding coastal~~ **and maintain** natural character **within the coastal environment;**

d. ~~Minimises~~ **Avoid, remedy or mitigate** adverse effects on the significant habitats of ~~light sensitive native~~ **indigenous biodiversity**~~fauna~~ and the species themselves **and significant adverse effects on the habitats of other indigenous biodiversity and the species themselves**;

e. ~~Minimises~~ **Avoid, remedy or mitigate** adverse effects on **amenity values, and** the health and safety of people and communities in the ~~surrounding area~~ **receiving environment; and**

f. Recognise the functional need or operational needs of activities.

Light Rules

Note: There may be a number of Plan provisions that apply to an activity, building, structure and site. In some cases, consent may be required under rules in this Chapter as well as rules in other Chapters in the Plan. In those cases, unless otherwise specifically stated in a rule, consent is required under each of those identified rules. Details of the steps Plan users should take to determine the status of an activity are provided in General Approach.

Permitted Activities

LIGHT - R1 All Zones: General Permitted Activity Standards

All activities must comply with the following relevant standards: ~~Where Activity Status is Permitted All artificial outdoor lighting must:~~

~~1. Be directed so that light is emitted away from any adjoining and adjacent properties;~~

~~2. Be directed so that light is emitted away from any state highway or arterial or principal roads, or any oncoming traffic; and~~

~~3. Where an activity is located on a site which adjoins or is separated by a road from a different zone, the activity on the site must meet the relevant zone standards for light for the adjoining zone at the zone boundary.~~

~~Advice Notes:~~

1. Lighting limits must be measured and assessed in accordance with AS/NZS 4282 Control of the Obtrusive Effects of Outdoor Lighting.

~~2. Where conformance with the limits set out in the Rules in this chapter is to be determined by calculation, the calculation must be undertaken by a person who is professionally qualified and competent in the discipline of illuminating engineering.~~

2. For measurement of light levels in NOSZ - Natural Open Space Zone, SETZ - PREC 3 - Settlement Zone - Coastal Settlement Precinct, and in All Zones where the site falls within the Outstanding Coastal Natural Character Overlay, the calculation plane shall be taken at the property boundary.

~~3. Any calculation for the purposes of these Rules must be based on a maintenance factor of 1.0 (i.e. no depreciation shall be taken into account for reduction in light levels over time).~~

3. All exterior lighting shall be directed towards the area within the site that is intended to be illuminated.

Activity status where compliance not achieved: **Restricted Discretionary**

LIGHT - R2	**Artificial Outdoor Lighting in the TCZ - Town Centre, MUZ - Mixed Use, COMZ - Commercial, PORTZ - Port, HOSZ - Hospital, STADZ - Stadium, AIRPZ- Airport and all INZ - Industrial Zones**

Activity Status Permitted

Where:

1. Outdoor artificial lighting must not exceed the following vertical ~~or horizontal~~ light levels:

a. 7.00am – 10.00pm: 25 Lux;

b. 10.00pm – 7.00am: 10 Lux in the PORTZ - Port Zone **and all INZ - Industrial Zones**;

c. 10.00pm - 7am: 5 Lux in the TCZ - Town Centre, MUZ - Mixed Use, COMZ - Commercial, HOSZ - Hospital, STADZ - Stadium, AIRPZ - Airport ~~and all INZ - Industrial~~ Zones.

~~d. The above standards a-c shall be measured 2m inside the boundary of any adjoining site or the closest window in the adjoining property, whichever is the closest to the light source.~~

Activity status where compliance not achieved: Restricted Discretionary

~~**LIGHT – R3**~~	~~**Artificial Outdoor Lighting in the NOSZ - Natural Open Space Zone, SETZ - PREC 3 2 - Settlement Zone - Coastal Settlement Precinct, and in All Zones where the site falls within the Outstanding Coastal Natural Character Overlay**~~

~~**Activity Status Permitted**~~

~~Where:~~

~~1. Artificial outdoor lighting must not exceed the following vertical or horizontal light levels:~~

~~a. 7.00am – 10.00pm: 2 Lux; and~~

~~b. 10.00pm – 7.00am: 1 Lux; where~~

~~c. This is measured at the boundary of the site.~~

~~2. Where the artificial outdoor lighting is located within the Outstanding Coastal Natural Character Overlay it must:~~

~~a. Be fully shielded and mounted in a horizontal position or use a controlled optic;~~

~~b. Have a colour corrected temperature of no greater than 3000K (warm white); and~~

~~c. Be installed in a manner that precludes operation between 10pm and 7am the following day.~~

~~**Activity status where compliance not achieved:** Restricted Discretionary except Discretionary where this is within the Outstanding Coastal Natural Character Overlay~~

~~**LIGHT – R4**~~	~~**Artificial Outdoor Lighting in locations not provided for in Rule LIGHT – R2 or LIGHT – R3**~~

~~**Activity Status Permitted**~~

~~Where:~~

~~1. Outdoor artificial lighting must not exceed the following vertical or horizontal light levels:~~

~~a. 7.00am – 10.00pm: 10 Lux; and~~

~~b. 10.00pm – 7.00am: 2 Lux;~~

~~c. The above standards a-b shall be measured 2m inside the boundary of any adjoining site or the closest window in the adjoining property, whichever is the closest to the light source.~~

~~**Activity status where compliance not achieved**: Restricted Discretionary~~

LIGHT – R3	**Artificial Outdoor Lighting in all RESZ - Residential Zones, all SETZ – Settlement Zone except the SETZ – PREC 3 – Coastal Settlement Precinct, NCZ – Neighbourhood Centre Zone, OSZ – Open Space Zone, and SARZ - Sport and Recreation Zone**

Activity Status Permitted

Where:

1. Outdoor artificial lighting must not exceed the following vertical light levels:

a. 7.00am – 10.00pm: 10 Lux; and

b. 10.00pm – 7.00am: 2 Lux.

Activity status where compliance not achieved: Restricted Discretionary

LIGHT – R4	**Artificial Outdoor Lighting in the GRUZ – General Rural Zone, RLZ – Rural Lifestyle Zone, FUZ – Future Urban Zone, MPZ - Māori Purpose Zone, BCZ – Buller Coalfield Zone and MINZ – Mineral Extraction Zone**

Activity Status Permitted

Where:

1. Outdoor artificial lighting must not exceed the following vertical light levels:

a. 7.00am – 10.00pm: 5 Lux; and

b. 10.00pm – 7.00am: 1 Lux.

Activity status where compliance not achieved: Restricted Discretionary

LIGHT – R4A	**Artificial Outdoor Lighting in the NOSZ – Natural Open Space Zone, SETZ – PREC 3 - Coastal Settlement Precinct and in locations within:**

- **Outstanding Coastal Natural Character Overlay (Schedule Eight);**
- **Outstanding Natural Landscapes Overlay (Schedule Five);**
- **Outstanding Natural Features Overlay (Schedule Six); or**
- **A distance of 15 kilometres landward of the coastal marine area.**

Activity Status Permitted

Where:

1. Artificial outdoor lighting must not exceed the following vertical light levels:

a. 7.00am – 10.00pm: 2 Lux; and

b. 10.00pm – 7.00am: 1 Lux; where

c. This is measured at the boundary of the site.

2. Artificial outdoor light must:

a. Be fully shielded and mounted in a horizontal position; and

b. Have a colour corrected temperature of no greater than 3000K (warm white).

3. Where the artificial outdoor lighting is located within the SETZ - PREC 3 - Settlement Zone - Coastal Settlement Precinct of Ōkarito it must be installed in a manner that precludes operation of lights greater than 500 lumens for durations greater than five minutes between 10pm and 7am the following day.

4. Where the artificial outdoor lighting is located within the Outstanding Coastal Natural Character Overlay it must be installed in a manner that precludes operation between 10pm and 7am the following day.

Activity status where compliance not achieved: Restricted Discretionary

LIGHT – R5	**Artificial Outdoor Lighting in any zone not meeting Permitted Activity Standards outside of the Outstanding Coastal Natural Character Overlay**

Activity Status Restricted Discretionary

Discretion is restricted to:

a. The number, placement, design, height, colour, orientation and screening of light fittings and light support structures;

b. The amount of light spill and sky glow and associated effects on views to the night sky;

c. Effects on ~~visual~~ amenity;

d. Effects on the safety of the transport network;

e. Effects on established uses and their operation;

f. Effects on coastal natural character;

g. Effects on ~~native wildlife; and~~ **indigenous biodiversity, including mahinga kai species;** ~~and~~

h. Any positive effects generated from the use of artificial lighting**;** ~~.~~

i. **The functional or operational need of the activity; and**

j. Other measures as identified in any Light Management Plan.

Activity status where compliance not achieved: N/A

Discretionary Activities

LIGHT – R6	**Artificial Outdoor Lighting within the Outstanding Coastal Natural Character Overlay and not meeting the Permitted Activity Standards.**

Activity Status Discretionary

Activity status where compliance not achieved: N/A

Temporary Activities Chapter

Definitions

FREEDOM CAMPING

means to camp (other than at a camping ground) within 200 m of a motor vehicle accessible area or the mean low-water springs line of any sea or harbour, or on or within 200 m of a formed road or a Great Walks Track, using 1 or more of the following:

a. a tent or other temporary structure:

b. a caravan; or

c. a car, campervan, house truck, or other motor vehicle.

It does not include the following activities:

e. temporary and short-term parking of a motor vehicle;

f. recreational activities commonly known as day-trip excursions; ~~or~~

g. resting or sleeping at the roadside in a caravan or motor vehicle to avoid driver fatigue; **or**

h. use of Nohoanga entitlement sites identified in Appendix Six by Ngāi Tahu whānui.

Overview

Temporary events and uses such as, concerts, parades, festivals, fairs, meetings, sporting and special events and exhibitions occur on a regular basis throughout the West Coast and contribute to the community. Alongside these events temporary buildings and structures are often associated with larger construction works. The temporary nature of such activities generally minimises the adverse effects the event may have on the surrounding environment. Consequently, many events and activities of short duration are tolerated by parts of the community, while other members enjoy what the event has to offer.

To ensure that the number, scale and intensity of temporary activities does not increase to a level beyond which the effects are more than of a temporary duration and have minimal effects, the following objectives, policies and rules intend to manage the effects of temporary activities and their operations.

In addition to community focused events, temporary military training and emergency management services training exercises are also provided for within the Plan with a set of clear parameters to ensure any adverse effects are minimised and temporary in duration.

Temporary camping adjacent to the State Highway is also a matter which is regulated in these provisions. This is because land in that location is not subject to the Freedom Camping Bylaws of the three District Councils.

Other relevant Te Tai o Poutini Plan provisions

In addition to the provisions in this chapter, temporary activities are also subject to additional provisions in some zone chapters and a number of Part 2: District-Wide Matters chapters, including:

- **Sites and Areas of Significance to Māori -** There are specific rules in relation to temporary events in the Sites and Areas of Significance to Māori Chapter.
- **Earthworks -** the Earthworks Chapter sets out the requirements in relation to earthworks, including for temporary activities.
- **Noise -** the Noise Chapter sets out the requirements into relation to noise.

- **Energy, Infrastructure and Transport -** provisions in relation to temporary network utilities and temporary energy activities are included within the Energy and Infrastructure Chapters of the Plan. **The rules within this chapter do not apply to energy and infrastructure activities.**
- **Overlay Chapters** - the Overlay Chapters have provisions in relation to Historic Heritage; Notable Trees; Sites and Areas of Significance to Māori; Ecosystems and Indigenous Biodiversity; Natural Features and Landscapes; Natural Character and Margins of Waterbodies; Natural Hazards; and the Coastal Environment. Where temporary activities are located within an overlay area (as identified in the planning maps) then the relevant overlay chapter provisions apply.

TEMP – O1	To provide for temporary activities where they contribute to social, economic and cultural wellbeing of the West Coast **while minimising adverse effects**.

TEMP-P2	Enable military training and emergency management training activities while ensuring that adverse effects on amenity values, safety and the environment are minimised.
TEMP–P3	Enable a wide range of temporary events on the West Coast recognising their positive contribution to community wellbeing in locations where these do not adversely affect natural or cultural values**, or transport safety**.
TEMP–P4	Ensure that freedom camping activities undertaken ~~in~~ **immediately adjoining** the State Highway road corridor are managed in a manner consistent with freedom camping in other parts of the relevant district.

Temporary Activity Rules

Note: There may be a number of Plan provisions that apply to an activity, building, structure and site. In some cases, consent may be required under rules in this Chapter as well as rules in other Chapters in the Plan. In those cases, unless otherwise specifically stated in a rule, consent is required under each of those identified rules. Details of the steps Plan users should take to determine the status of an activity are provided in General Approach.

Permitted Activities

TEMP-R1 Temporary Military Training Activities and Emergency Management Training

Activity Status Permitted:

Where:

1. These are for a maximum of 31 **consecutive** days per year **(excluding set up and pack down activities);**
2. No permanent structures are erected unless they are lawfully established in accordance with relevant zone and overlay chapter rules in this Plan;
3. **There is no outdoor artificial light during the tāiko/Westland petrel breeding season, from 1 November to 15 January**;
4. No earthworks are undertaken except where they are in accordance with relevant Earthworks and overlay chapter rules (or resource consent is obtained for the earthworks); and
5. These do not occur on a Site or Area of Significance to Māori identified in Schedule Three **or Significant Natural Area identified in Schedule Four**.

Activity status where compliance not achieved: Controlled

TEMP-R2 Temporary Buildings and Structures Ancillary to Construction and Demolition Activity

Activity Status Permitted:

Where:

1. These are removed within 1 month of the activity ceasing and the site reinstated to the original or better condition;
2. The building or structure is located on the same site as the construction or demolition activity;
3. Relevant zone Setback standards are met where the activity adjoins any Residential or Settlement Zone; **and**

~~4. The building or structure is on the same site as the construction or demolition activity;~~

~~5~~**4**. Any temporary building is no more than 50m^2 in gross floor area where this adjoins a residential zone.

Activity status where compliance not achieved: Restricted Discretionary

TEMP-R5 Freedom Camping on land adjacent to the State Highway Network

Activity Status Permitted:

Where:

1. This activity is in locations identified and signposted by ~~Waka Kotahi New Zealand Transport Authority or~~ the relevant District Council as a designated Responsible Camping Site or Freedom Camping Site;
2. Freedom camping at any one location or within 500m of the same location is limited to no more than two consecutive nights, and no more than 10 nights per 30-day period; and
3. Freedom camping is limited to Certified Self-Contained Vehicles in accordance with NZS 5465:2001.

Activity status where compliance not achieved: Restricted Discretionary

TEMP-R6 Other Temporary Activities and Buildings

Activity Status Permitted:

Where:

1. These are aircraft or helicopter movements; or
2. **These are temporary activities associated with a Māori Purpose Activity on Māori Purpose zoned land; or**
3. Community markets occur a maximum of 1 day/week at any one site; or
4. For other activities and events:

a. These are for a maximum of 3 times in any one year at one site;

b. These only occur for a maximum of 3 consecutive days at any site;

c. In all zones except the Open Space and Recreation Zones the relevant Permitted Activity NOISE and LIGHT standards are met; and

d. In the Open Space and Recreation Zones a temporary activity may exceed the zone Permitted Activity NOISE and LIGHT standards on a site on one occasion in a 3 month period and for a maximum of 3 days.

Advice Note:

1. It is the organiser's obligation to contact the relevant road controlling authority (Waka Kotahi - NZ Transport Agency) if the activity is accessed from a State Highway, and the relevant District Council (if accessed from any other roads) to arrange an appropriate traffic management plan to avoid traffic safety hazards being generated from the activity.
2. Temporary Events in a number of important cultural sites and locations are subject to rules in the Sites and Areas of Significance to Māori Chapter.

Activity status where compliance not achieved: Restricted Discretionary

TEMP-R7 Temporary Military Training Activities and Emergency Services Training not meeting Permitted Activity Standards

Activity Status: Controlled

Matters of Control are:

a. Visual amenity ~~from~~of neighbouring properties and public places;

b. **Adverse effects on significant habitats of indigenous fauna within Significant Natural Areas identified in Schedule Four, taking into account the duration, hours of operation and frequency of the activity;**

c. Effects on Poutini Ngāi Tahu values;

d. Location and design; and

e. Traffic safety.

Activity status where compliance not achieved: N/A

TAI POUTINI PLAN COMMITTEE

Hearing of Submissions on the Proposed Te Tai O Poutini Plan

Recommendation Report of Hearing Panel

Recommendation Report:

Outstanding Matters

Hearing Date: 4 December 2024

HEARING PANEL

Dean Chrystal (Chair)

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APPENDICES

Appendix 1 – Recommendations

PART A – INTRODUCTORY MATTERS

1. PRELIMINARY MATTERS

1.1. Introduction

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

2. This Recommendation Report relates to Outstanding Matters and primarily addresses submissions points that were missed in error, generally due to being assigned to the wrong s42A report, or have not fitted with another topic covered by previous s42A report.

3. The Report contains my evaluations and recommendations to the TTPP Committee on the submissions and further submissions received on various chapters of the Plan.

1.2. Overview of Outstanding Matters

4. The issues addressed in this Outstanding Matters report were covered in the various s32 Reports for the various topics identified in paragraph 7 below.

5. The Section 42A Officer's Report[1] ('s42A Report'), authored by Ms Easton. Ms Easton provided an overview of the report and identified the list of provisions to which submissions relate. She also included an Appendix 1 and Appendix 2 which addressed any amendments and the recommendations on submission respectively.

6. In addition to the above, this recommendation addresses some miscellaneous matters and errors which have arisen during the drafting of the full suite of recommendations.

7. The matters raised by submitters were grouped in the s42A Report in relation to each of the following key issues:

   (a) Submissions on the Whole Plan, Strategic Direction and Definitions;

   (b) Submissions from Te Mana Ora on the Overviews of the Plan;

   (c) Submissions on the Energy, Infrastructure and Transport Chapter;

   (d) Submissions on Subdivisions and Financial Contributions Chapters;

   (e) Submissions on the Ecosystems and Biodiversity Chapter;

   (f) Submissions on the Coastal Environment Chapter;

   (g) Submissions on the Open Space Zones Chapter;

   (h) Submissions on Rural Zones Chapters; and

   (i) Submissions on the Mineral Extraction Topic

[1] Outstanding Matters

8. A s32AA Evaluation for the changes in each chapter was provided at the end of the s42A Report.

9. This Recommendation Report follows this same structure of the s42A Report for each chapter and provides a brief summary of the issues raised in submissions and further submissions, the s42A Report analysis and recommendations, submitter evidence and the Reporting Officer's reply evidence, before providing our evaluation and recommendation.

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

11. This Recommendation Report contains the reasons for the Panel's recommendations. These comprise either adoption of the reasoning and recommendations of the original section 42A Reports or the Reporting Officer's reply evidence (Councils' right of reply post hearing adjournment), or a specific reasoning by the Panel.

12. Where the Panel recommends the TTPP provisions should remain as notified, it is because:

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

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

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

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

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

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

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

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

14. Where there may be a different recommendation between the s42A Report and the Reporting Officer's addendum or reply evidence (i.e., the recommendation by the Reporting Officer has changed as a result of hearing the evidence of submitters), unless the Panel decision specifically adopts the original s42A Report's reasoning and recommendations, the reasoning

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

15. If there are circumstances where the Panel consider that alternative relief is more appropriate than that requested in submissions and further submission to give effect to the RMA, NZCPS, national policy statements and/or RPS, but are still within the scope of the relief sought, the relevant recommendation clearly sets out the nature of the change and the reason for the change. This is recorded in this Recommendation Report.

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

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

1.3. Terminology in this Report

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

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

1.4. Hearing Arrangements

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

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

1.5. Appearances

21. No submitters appeared at the hearing.

1.6. Overview of submissions evidence received

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

    (a) A statement of evidence by Mr Martin Kennedy, planner for Westpower Limited (dated 4 November 2024); and

    (b) A letter on behalf of KiwiRail Holding Limited from Ms Michelle Grinlinton-Hancock, Manager RMA Team.

1.7. Right of Reply

23. Ms Easton provided a Right of Reply which addressed

1.8. Procedural Steps and Issues

24. No procedural matters were raised at the hearing.

1.9. Site Visits

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

PART B - STATUTORY REQUIREMENTS AND DOCUMENTS

26. The statutory requirements have been covered in detail in other recommendations and are not covered further in this recommendation given the diverse nature of the submissions being considered.

27. Notwithstanding the above, it is acknowledged that regard must be given be given to the West Coast Regional Policy Statement, and the Iwi Management Plans alongside the various provision of the RMA and national policy statements, national environmental standards and the planning standards where applicable.

PART C – SUBMISSIONS, EVIDENCE, EVALUATION AND RECOMMENDATIONS

2. OUTSTANDING MATTERS

2.1. Whole Plan, Strategic Direction and Definitions

Submissions and Further Submissions

28. Two submissions points and one further submission relating to plan overlays were received.

29. 18 submission points sought alternative and/or consequential relief and were opposed or supported by 11 further submissions.

30. The Director General sought to amend references to significant values and areas where there is inconsistency and was supported by one further submission.

31. Westpower and Waka Kotahi sought amendments to the definitions of Approved Building Platform and Reverse Sensitivity respectively.

32. Davis Ogilvie & Partners Ltd sought a more consistent approach to recession planes in the Plan.

33. The above submissions are summarised in a Table on pages 7-9 of the s42A Report. The Panel has considered the relevant submissions and further submissions received and adopts the summaries in the s42A Report.

Section 42A Report

34. Ms Easton did not support reducing the number of overlays as sought by Misato Nomura (S151.006). She said that the TTPP covers the entire West Coast Region, with three districts, and a very wide range of environments, land uses and specific activities. She also noted that the Plan was required to meet the Planning Standards which set minimum requirements around how some matters are managed and mapped.

35. In terms of the KiwiRail submission (S442.092) seeking that all outstanding natural features, natural landscapes and natural character overlays be removed from land under the Kiwirail designation, Ms Easton, in rejecting the submission, noted that the overlays are not related to land ownership but the presence of the actual feature or value.

36. In terms of the group of submitters specifically seeking alternative or consequential relief for their submissions, Ms Easton noted that they all had a wide range of submissions split across a range of different topics. She said that where appropriate alternative relief that the relevant s42A report authors have been able to identify has been provided for specific submissions points.

37. In relation to the Waka Kotahi submission (S450.007), seeking to amending the definition of Reverse Sensitivity, Ms Easton supported it is part noting that this was considered in the Introduction and General Provisions and is recommended to refer to "*lawfully established*" rather than "*approved*" activities. She did not consider further amendment was required.

38. Ms Easton supported the Westpower submission (S547.018) to amend the definition of Approved Building Platform to include *"…. building consent* ***or otherwise allowed under the Building Act or Regulations****, resource consent …*"

39. In relation to the Director General's submission, Ms Easton did not propose further amendment to the Plan in response to this submission.

40. On the issue of recession planes raised in the Davis Ogilvie & Partners Ltd submission, Ms Easton supported the submission concluding that a number of principles had been intended but not necessarily applied correctly in all circumstances. Having undertaken an analysis of the situation she considered that there were errors and inconsistencies in how the recession plane principles have been applied in: the General Industrial Zone; the Light Industrial Zone, the Commercial Zone, the Neighbourhood Centre Zone, the Hospital Zone, the Port Zone, the Stadium Zone and the Scenic Visitor Zone.

41. Ms Easton recommended the following amendments:

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

Submitter Evidence

42. Mr Kennedy for Westpower, in a written statement, supported the amendment to the definition of Approved Building Platform.

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

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

Reporting Officer Reply Evidence

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

Hearing Panel's Evaluation

45. The Panel agrees with Ms Easton's conclusions in relation to the submissions by Misato Nomura, those seeking alternative or consequential relief, Waka Kotahi and the Director General. It is accepted that no changes are required with regard to these submissions.

46. In relation to the KiwiRail submission, the Panel also agrees with Ms Easton's conclusion. It is noted that if the KiwiRail solution were to be followed it would lead to perverse situation in the outstanding natural features, natural landscapes and natural character overlays where there would be gaps in the actual features or values. It is also noted that other Regionally Significant Infrastructure operators such as Waka Kotahi may well seek the same relief if the amendment proposed was made. Further, the Panel was not made aware of this occurring elsewhere in the country and it is noted that KiwiRail have a Designation over the railway corridor and that work done within the framework of this Designation does not require resource consent.

47. The Panel agrees with the changes proposed to the definition of Approved Building Platform as sought by Westpower.

48. The Panel agrees with the suite of amendments to the recession plan provisions which correct errors and inconsistencies.

49. The Panel recommends that the amendment proposed below be adopted.

Recommendation

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

APPROVED BUILDING PLATFORM	Means a building platform approved by building consent **or otherwise allowed under the Building Act or Regulations,**[2] resource consent, or identified on the applicable computer freehold register.

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

[2] Westpower Limited (S547.018)

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

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

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

General Industrial Zone
Rule GIZ – R1 Industrial Activities and Industrial Buildings

Activity Status Permitted
Where:
…
9. No building shall project beyond a building envelope defined by a 35 degree recession plane to commence 2.5m above any RESZ - Residential, OS**R**Z - Open Space **and Recreation Zone**, ~~SARZ - Sport and Recreation Zone,~~ MUZ - Mixed Use or SETZ - Settlement Zone boundary…

Light Industrial Zone
Rule LIZ – R1 Industrial Activities and Industrial Buildings

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

Hospital Zone
Rule HOSZ – R1 Healthcare and Medical Activities and Buildings

Activity Status Permitted
Where:
…

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

Port Zone
Rule PORTZ – R1 Port and Industrial Activities and Buildings

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

Stadium Zone
Rule STADZ – R1 Stadium Activity

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

Scenic Visitor Zone
Rule SVZ – R1

Activity Status Permitted
Where:
…
8. No building shall protrude beyond a building envelope defined by a recession plane as outlined in Appendix Two to commence 2.5m above any ~~site~~ **SETZ – Settlement Zone** boundary…[3]

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

Submissions and Further Submissions

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

[3] Davis Ogilvie & Partners Ltd (465.032)

Section 42A Report

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

Hearing and Submitter Evidence

53. No evidence was received.

Hearing Panel's Evaluation

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

Recommendation

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

2.3. Energy, Infrastructure and Transport Chapter

Submissions

56. Two submissions points and two further submission points were summarised in a Table on page 16 of the s42A Report.

57. Frank and Jo Dooley (S478.092) sought that it be made clear that underground electricity transmission lines are a permitted activity.

58. Frank and Jo Dooley (S478) also supported the overview to the energy chapter and sought a minor punctuation change, which Ms Easton support.

Section 42A Report

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

Hearing and Submitter Evidence

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

Hearing Panel's Evaluation

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

62. The remaining support of Frank and Jo Dooley is noted.

Hearing Panel's Recommendation

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

2.4. Subdivisions and Financial Contributions

Submissions

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

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

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

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

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

Section 42A Report

69. Ms Easton noted that a group of submitters[4] sought a definition for '*Development*' in relation to the Financial Contributions provisions. She said that the term '*development*' is a widely used and understood term within the RMA context and noted that neither a Planning Standards or RMA definition exists.

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

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

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

Hearing and Submitter Evidence

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

Hearing Panel's Evaluation

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

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

Hearing Panel's Recommendation

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

2.5. Ecosystems and Biodiversity Overview

Submissions

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

Section 42A Report

77. Ms Easton did not support the Director Generals submission seeking to identify that intact ecosystems and vegetation types occur primarily in the uplands, that mapping of SNAs will be undertaken by June 2027 and to expand on the requirement to assess vegetation prior to permitted clearance. She said she had recommended a range of changes to the Overview section which she considered provided better context for the chapter than the words proposed by the Director General.

78. In relation to Forest and Birds submission seeking that reference to the Strategic Objectives in the Overview be deleted, Ms Easton said that identifying only this chapter references the strategic objectives is not correct and is not thus a reason for deleting the reference.

Hearing and Submitter Evidence

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

Reporting Officer Reply Evidence

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

Overview

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

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

Hearing Panel's Evaluation

81. The Panel agrees with Ms Easton's conclusions with regards to the Forest and Bird submissions and it is recommended it be rejected.

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

Hearing Panel's Recommendation

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

> Overview
>
> …
>
> The West Coast/Te Tai o Poutini contains a significant amount of intact natural diversity by comparison with other parts of New Zealand/Aotearoa me Te Waipounamu. Continuous tracts of lowland and coastal forests and freshwater as well as coastal wetlands cover large areas. In many places indigenous ecosystems and habitats extend unbroken from the mountains to the sea. **Approximately** 84% of the land area is under the management of the Department of Conservation. In total an estimated 90% of the West Coast/Te Tai o Poutini is covered in indigenous vegetation - compared with 24% nationally.
>
> While the West Coast/Te Tai o Poutini is fortunate to have a wide range of diverse and intact ecosystems and vegetation types, **they occur primarily in the uplands** and there are some ecosystems and vegetation types not well represented in the protected areas network. These are generally ecosystems found in the lowland areas of the West Coast/Te Tai o Poutini, **and include threatened ecosystems such as coastal turf and wetlands, and vegetation types such as coastal forest and forests on alluvial terraces**.[5]

2.6. Coastal Environment

Submissions

[5] Director General (S602.063)

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

Section 42A Report

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

Hearing and Submitter Evidence

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

Reporting Officer Reply Evidence

90. In response to question regarding this property including whether indigenous vegetation clearance had occurred since plan notification; was this a consented activity and; whether her recommendations remained as a result, Ms Easton said she had checked with Buller District Council around consents in existence on the property, and there was a building consent from 2008 but no resource consents. However, she said that on careful examination of google maps, the clearance and dwelling identified at the hearing as being on the property is actually on the adjacent site – 5351 State Highway 6, and the landowner appears to have cleared much of the site of indigenous vegetation. She said no submission to remove the HNC has been lodged in relation to 5351 State Highway 6 and that 5363 State Highway 6 remains unmodified and on that basis her recommendations around the HCNC on this property remained unaltered.

Hearing Panel's Evaluation

91. Without any evidence to the contrary, the Panel agrees with Ms Easton that the High Natural Character delineation over the property at 5363 State Highway 6 should be retained.

Hearing Panel's Recommendation

92. No amendments to the Plan are made as a result of these submissions.

2.7. Open Space Zones

Submissions

93. One submissions point from Birchfield Coal Mines Ltd (S601.077) sought that part of the overview statement as it relates to public conservation land and mineral extraction is retained The submission is summarised in a Table on page 21 of the s42A Report.

Section 42A Report

94. In relation to the Birchfield Coal Mines Ltd submission on the Open Space Zones Overview, Ms Easton noted that as a result of other submissions she had recommended amendments to the Overview which removed some of the wording supported by the submitter.

Hearing and Submitter Evidence

95. No evidence was presented at the hearing in relation to the submission point.

Hearing Panel's Evaluation

96. The Panel notes Ms Easton's comments regarding amendments to the Overview and it is accepted that the changes negate some of the submitters supporting position.

Hearing Panel's Recommendation

97. No amendments to the Plan are made as a result of these submissions.

2.8. Rural Zones

Submissions

98. Two submissions points in support were received and are summarised in a Table on page 22 of the s42A Report.

99. The Director General (S602.228) sought that the overview to the RURZ Rural Zones section is amended to expand the list of natural features found in the zones and to include reference to natural landscapes.

100. Misato Nomura (S151.008) sought that some of the precincts are combined.

Section 42A Report

101. In response to Misato Nomura's submission, Ms Easton acknowledge the level of complexity in the Plan created by the use of precincts, compared with the operative plans, but said this was a result of the diverse nature of, in particular, the settlements on the West Coast, and the need to accommodate the differences found across the three districts.

102. In relation to the Director Generals submission, Ms Easton support this submission as it provided better context for the activities in the chapter. She recommended amendments to the Overview as follows:

> Rural areas represent the majority of private land within the West Coast/Te Tai o Poutini. They are working environments – with farming, mining, tourism, horticulture, and forestry being undertaken alongside a number of smaller industries. They contain native bush, **rivers, wetlands, habitats of indigenous flora and fauna**, renewable electricity generation sites and national grid infrastructure. Rural areas are also residential environments – characterised by a lower levels of built development and greater separation distance from neighbours.
>
> The rural area is characterised by its open vistas and natural **landscapes and** features that are of importance to the wider community. Components of the rural area include the coastline, waterbodies, vegetation and the absence of built-up areas.

Hearing and Submitter Evidence

103. No evidence was presented at the hearing in relation to the submission points

Hearing Panel's Evaluation

104. The Panel acknowledge the comments of Ms Easton in relation to the submission of Misato Nomura. No amendments are proposed as a result.

105. The Panel agrees with the amendments to the Overview proposed by Ms Easton, and it is considered they provided context. It is recommended the that amendments are adopted.

Hearing Panel's Recommendation

106. For the reasons outlined above, and subject to consideration of Part 2 of the RMA, the Panel recommends that the submission point identified in the footnote below be accepted and recommends the following amendments to the **Overview for the RURZ – Rural Zones chapter**:

> **Overview**
>
> Rural areas represent the majority of private land within the West Coast/Te Tai o Poutini. They are working environments – with farming, mining, tourism, horticulture, and forestry being undertaken alongside a number of smaller industries. They contain native bush, **rivers, wetlands, habitats of indigenous flora and fauna**, renewable electricity generation sites and national grid infrastructure. Rural areas are also residential environments – characterised by a lower levels of built development and greater separation distance from neighbours.
>
> The rural area is characterised by its open vistas and natural **landscapes and** features that are of importance to the wider community. Components of the rural area include the coastline, waterbodies, vegetation and the absence of built-up areas.[6]
>
> …

2.9. Mineral Extraction Topic

Submissions

107. 11 submissions points in support of the General Approach to Mineral Extraction in the General Rural Zones were summarised in a Table on page 23-24 of the s42A Report. 13 further submissions were received in support and opposition.

108. Four submissions points in support of the Mineral Extraction in the General Rural Zones, one seeking amendment and one in opposition, were received. Two further submissions (one neutral and one opposed) were also received. These are summarised in a Table on page 24 of the s42A Report.

109. Papahaua Resources Limited (S500.013) sought to retain the enabling approach to mineral extraction within the Rural Lifestyle Zone. The submission is summarised on in a Table on page 24 of the s42A Report.

110. BRM Developments Limited (S603.053) sought to retain the Minerals Extraction Zone. The submission is summarised on in a Table on page 24 of the s42A Report.

Section 42A Report

[6] Director General (S602.228)

111. In relation to submissions in support of Mineral Extraction, Ms Easton supported these submissions in part. She said the s42A author for the mineral extraction topic does recommend that a pathway for mineral extraction remain in Rural Zones but has proposed extensive changes to the provisions in response to other submissions, which would create additional restrictions around mineral extraction compared with the proposed Plan.

112. Barry Mason (S208.003) seeks to make any form of mining activity at Barrytown a Discretionary Activity. Ms Easton noted that the recommendation in the s42A report was that the zoning this area to MINZ does not comply with the zoning criteria.

113. Ms Easton did not recommend any amendments as a result of these submissions.

Hearing and Submitter Evidence

114. No evidence was presented at the hearing in relation to the submission points

Hearing Panel's Evaluation

115. The support for the various provisions is noted, and the Panel agrees with Ms Easton that no amendment as necessary as a result of these submissions.

Hearing Panel's Recommendation

116. No amendments to the Plan are made as a result of these submissions.

2.10. Miscellaneous Issues and Errors

Notification Clauses

117. The Plan contains a number of notification clauses, and it has become apparent during the drafting of recommendations that some of these are ultra vires. In some recommendations the notification clauses have been amended, however there remain some which are outstanding post the drafting of the recommendations

118. In terms of these notification provisions, it is understood these are ultra vires in that Council(s) cannot require that applications will always be limited notified or publicly notified. A determination on that needs to be made under s95A or s95B of the RMA. In line with amendments in the SASM recommendations it is proposed that the wording be primarily amended to "*When making notification decisions in relation to this rule, the Council will consult with … "* where it is related to an organisation or statutory agency. In terms of neighbours it is considered this should be left to an applicant to decide with regards consultation and ultimately the s95A or s95B decision. These are considered to be consequential amendments.

119. There are five types of limited notification clauses impacted, and these relate to the following provisions:

1. To Poutini Ngāi Tahu

- SIGN-R22

~~Applications for signs on sites and areas of significance to Māori will always be notified to the relevant rūnanga and may be publicly notified~~. **When making**

notification decisions in relation to this rule, the Council will consult with Poutini Ngāi Tahu.

2. To Heritage New Zealand - Pouhere Taonga

- HH-R9

~~Activities to demolish or destroy a Heritage Item or Area will always be limited notified to Heritage New Zealand - Pouhere Taonga.~~ **When making notification decisions in relation to this rule, the Council will consult with Heritage New Zealand - Pouhere Taonga.**

3. To neighbours

- GRZ - R15

~~Applications for community facilities will always be notified to adjacent neighbours and may be publicly notified.~~

- LLRZ - R12

~~Applications for community facilities will always be notified to adjacent neighbours and may be publicly notified.~~

- MRZ - R12

~~Applications for community facilities will always be notified to adjacent neighbours and may be publicly notified.~~

- SETZ - R21.

~~Applications for community facilities will always be limited notified to adjacent neighbours and may be publicly notified.~~

4. To the Geosciences Society of New Zealand

- NFL-R9

~~Applications which will substantially modify an Outstanding Natural Feature will be notified to the Geosciences Society and may be publicly notified.~~ **When making notification decisions in relation to this rule, the Council will consult with Geosciences Society of New Zealand.**

- NFL-R15

~~Applications to destroy any Outstanding Natural Feature or the Values which make it Outstanding will always be Notified to the Geosciences Society of New Zealand and may be publicly notified.~~ **When making notification decisions in relation to this rule, the Council will consult with Geosciences Society of New Zealand.**

5. Transport

- TRN-R13

~~**Notification**: Applications will always be publicly notified.~~

120. The Panel recommends these amendments be made under Clause 16(2) of the First Schedule of the RMA.

Schedules

121. As a result of recommendations stemming from the Coastal Environment recommendation it is considered the following text should be included at the outset of each of the following schedules in order to provide consistency:

Schedule Two: Notable Trees

This schedule describes the trees identified as meeting the criteria of being a Notable Tree. These trees are mapped on the Planning Maps, which show the location of the trees described in the schedule and to which the rules apply.

Schedule Four: Significant Natural Areas

This schedule describes the areas identified as meeting the criteria of Significant Natural Areas. These trees are mapped on the Planning Maps, which show the location of the areas described in the schedule and to which the rules apply.

Schedule Five: Outstanding Natural Landscapes

This schedule describes the areas identified as meeting the criteria of Outstanding Natural Landscapes. These areas are mapped on the Planning Maps, which show the location of the areas described in the schedule and to which the rules apply.

Schedule Six: Outstanding Natural Features

This schedule describes the areas identified as meeting the criteria of Outstanding Natural Features. These areas are mapped on the Planning Maps, which show the location of the areas described in the schedule and to which the rules apply.

122. The Panel considers these are consequential amendments under Clause 16(2) of the First Schedule of the RMA stemming from changes to the Coastal Environment schedule.

Minor Errors and Typos

123. It is possible that the various recommendations contain minor errors and/or typos. The Panel recommends that the Ms Easton be enabled to make any correction of a minor nature or to correct any typos prior to notification of the Plan.



Dean Chrystal

Hearings Panel - Chair

Date: 20 September 2025

APPENDIX 1 – RECOMMENDATIONS ON PLAN PROVISIONS

Definitions

APPROVED BUILDING PLATFORM	Means a building platform approved by building consent **or otherwise allowed under the Building Act or Regulations,** resource consent, or identified on the applicable computer freehold register.

Cross Plan Matters – Notification Clauses

- SIGN-R22

  Notification ~~Applications for signs on sites and areas of significance to Māori will always be notified to the relevant rūnanga and may be publicly notified~~. **When making notification decisions in relation to this rule, the Council will consult with Poutini Ngāi Tahu.**

- HH-R9

  Notification ~~Activities to demolish or destroy a Heritage Item or Area will always be limited notified to Heritage New Zealand - Pouhere Taonga.~~ **When making notification decisions in relation to this rule, the Council will consult with Heritage New Zealand - Pouhere Taonga.**

- GRZ - R15

  ~~**Notification** Applications for community facilities will always be notified to adjacent neighbours and may be publicly notified.~~

- LLRZ - R12

  ~~**Notification** Applications for community facilities will always be notified to adjacent neighbours and may be publicly notified.~~

- MRZ - R12

  ~~**Notification** Applications for community facilities will always be notified to adjacent neighbours and may be publicly notified.~~

- SETZ - R21.

  ~~**Notification** Applications for community facilities will always be limited notified to adjacent neighbours and may be publicly notified.~~

- NFL-R9

  Notification ~~Applications which will substantially modify an Outstanding Natural Feature will be notified to the Geosciences Society and may be publicly notified.~~ **When making notification decisions in relation to this rule, the Council will consult with Geosciences Society of New Zealand.**

- NFL-R15

  Notification ~~Applications to destroy any Outstanding Natural Feature or the Values which make it Outstanding will always be Notified to the Geosciences Society of New Zealand and may be publicly notified.~~ **When making notification decisions in relation to this rule, the Council will consult with Geosciences Society of New Zealand.**

- TRN-R13

  ~~**Notification**: Applications will always be publicly notified.~~

Ecosystems and Biodiversity

Overview

…

The West Coast/Te Tai o Poutini contains a significant amount of intact natural diversity by comparison with other parts of New Zealand/Aotearoa me Te Waipounamu. Continuous tracts of lowland and coastal forests and freshwater as well as coastal wetlands cover large areas. In many places indigenous ecosystems and habitats extend unbroken from the mountains to the sea. **Approximately** 84% of the land area is under the management of the Department of Conservation. In total an estimated 90% of the West Coast/Te Tai o Poutini is covered in indigenous vegetation - compared with 24% nationally.

While the West Coast/Te Tai o Poutini is fortunate to have a wide range of diverse and intact ecosystems and vegetation types, **they occur primarily in the uplands** and there are some ecosystems and vegetation types not well represented in the protected areas network. These are generally ecosystems found in the lowland areas of the West Coast/Te Tai o Poutini, **and include threatened ecosystems such as coastal turf and wetlands, and vegetation types such as coastal forest and forests on alluvial terraces**.

RURZ – Rural Zones

Overview

Rural areas represent the majority of private land within the West Coast/Te Tai o Poutini. They are working environments – with farming, mining, tourism, horticulture, and forestry being undertaken alongside a number of smaller industries. They contain native bush, **rivers, wetlands, habitats of indigenous flora and fauna**, renewable electricity generation sites and national grid infrastructure. Rural areas are also residential environments – characterised by a lower levels of built development and greater separation distance from neighbours.

The rural area is characterised by its open vistas and natural **landscapes and** features that are of importance to the wider community. Components of the rural area include the coastline, waterbodies, vegetation and the absence of built-up areas.

…

Commercial Zone

Rule COMZ – R1. Commercial Activities, Community Facilities, Emergency Service Facilities, Community Corrections Activity, Educational Facilities and Visitor Accommodation Activities and Buildings

Activity Status Permitted

Where:

…

6. No building projects beyond a building envelope defined by a recession plane as defined in Appendix 2 to commence 2.5m above any ~~site~~ **RESZ – Residential Zone boundary, OSRZ – Open Space and Recreation Zone, MUZ – Mixed Use Zone or SETZ – Settlement Zone** boundary…

Neighbourhood Centre Zone

Rule NCZ – R1 Commercial Activities and Buildings, Community Facilities and Emergency Service Facilities

Activity Status Permitted

Where:

…

11. No building shall protrude beyond a building envelope defined by a recession plane as outlined in Appendix Two to commence 2.5m above any ~~residential site~~ **RESZ – Residential Zone** boundary…

General Industrial Zone

Rule GIZ – R1 Industrial Activities and Industrial Buildings

Activity Status Permitted

Where:

…

9. No building shall project beyond a building envelope defined by a 35 degree recession plane to commence 2.5m above any RESZ - Residential, OS**R**Z - Open Space **and Recreation Zone**, ~~SARZ - Sport and Recreation Zone,~~ MUZ - Mixed Use or SETZ - Settlement Zone boundary…

Light Industrial Zone

Rule LIZ – R1 Industrial Activities and Industrial Buildings

Activity Status Permitted

Where:

…

9. No building shall project beyond a building envelope defined by a 35 degree recession plane to commence 2.5m above any RESZ - Residential, OSRZ - Open Space **and Recreation Zone**, ~~SARZ - Sport and Recreation Zone,~~ MUZ - Mixed Use or SETZ - Settlement Zone boundary…

Hospital Zone

Rule HOSZ – R1 Healthcare and Medical Activities and Buildings

Activity Status Permitted

Where:

…

6. No building shall protrude beyond a building envelope defined by a recession plane as outlined in Appendix Two to commence 2.5m above any ~~site~~ **RESZ – Residential Zone boundary, OSRZ – Open Space and Recreation Zone, MUZ – Mixed Use Zone or SETZ – Settlement Zone** boundary…

Port Zone

Rule PORTZ – R1 Port and Industrial Activities and Buildings

Activity Status Permitted

Where:

…

11. No building shall protrude beyond a building envelope defined by a recession plane as outlined in Appendix Two to commence 2.5m above any ~~site~~ **RESZ – Residential Zone boundary, OSRZ – Open Space and Recreation Zone, MUZ – Mixed Use Zone or SETZ – Settlement Zone** boundary…

Stadium Zone

Rule STADZ – R1 Stadium Activity

Activity Status Permitted

Where:

…

5. No building shall protrude beyond a building envelope defined by a recession plane as outlined in Appendix Two to commence 2.5m above any ~~site~~ **RESZ – Residential Zone boundary, OSRZ – Open Space and Recreation Zone, MUZ – Mixed Use Zone or SETZ – Settlement Zone** boundary…

Scenic Visitor Zone

Rule SVZ – R1

Activity Status Permitted

Where:

…

8. No building shall protrude beyond a building envelope defined by a recession plane as outlined in Appendix Two to commence 2.5m above any ~~site~~ **SETZ – Settlement Zone** boundary…

Schedules

The following text should be included at the outset of each of the following schedules in order to provide consistency:

Schedule Two: Notable Trees

This schedule describes the trees identified as meeting the criteria of being a Notable Tree. These trees are mapped on the Planning Maps, which show the location of the trees described in the schedule and to which the rules apply.

Schedule Four: Significant Natural Areas

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Schedule Five: Outstanding Natural Landscapes

This schedule describes the areas identified as meeting the criteria of Outstanding Natural Landscapes. These areas are mapped on the Planning Maps, which show the location of the areas described in the schedule and to which the rules apply.

Schedule Six: Outstanding Natural Features

This schedule describes the areas identified as meeting the criteria of Outstanding Natural Features. These areas are mapped on the Planning Maps, which show the location of the areas described in the schedule and to which the rules apply.

Minor Errors and Typos

It is possible that the various recommendations contain minor errors and/or typos. The Panel recommends that the Ms Easton be enabled to make any correction of a minor nature or to correct any typos prior to notification of the Plan.

ATTACHMENT C

Te Tai o Poutini Plan Proposed Plan

Submission form

Have your say!

Te Tai o Poutini Plan Proposed Plan

We need your feedback. We want to hear from you on the proposed Te Tai o Poutini Plan. What do you support and what would you like changed? And why? It is just as important to understand what you like in the Proposed Plan as what you don't. Understanding everyone's perspectives is essential for developing a balanced plan.

Your details:

First name: Sheena Surname: McGuire

Are you submitting as an individual, or on behalf of an organisation? ☐ Individual ☒ Organisation

Organisation (if applicable): KiwiRail Holdings Limited

Would you gain an advantage in trade competition through this submission? ☐ Yes ☒ No

If you **could** gain an advantage in trade competition through this submission please complete the following:

I am ☐ /am not ☐ directly affected by an effect of the subject matter of the submission that (a) adversely affects the environment; and (b) does not relate to trade competition or the effects of trade competition.

Postal address: PO Box 593
Wellington 6140

Email: sheena.mcguire@kiwirail.co.nz Phone:

Signature: SM Date: 27/10/22

Your submission:

The specific provisions of the proposal that my submission relates to are:

- ☒ Strategic Direction
- ☒ Historical and Cultural Values
- ☒ General District Wide Matters
- ☐ Appendices
- ☒ Energy Infrastructure and Transport
- ☒ Natural Environment Values
- ☒ Zones
- ☐ General feedback
- ☒ Hazards and Risks
- ☒ Subdivision
- ☒ Schedules

All submitters have the opportunity to present their feedback to Commissioners during the hearings process. Hearings are anticipated to be held in the middle of 2023. Please indicate your preferred option below:

☒ I wish to speak to my submission ☐ I do not wish to speak to my submission

If others make a similar submission, would you consider presenting a joint case with them at a hearing?

☒ Yes, I would consider presenting a joint case ☐ No, I would not consider presenting a joint case

Public information *- all information contained in a submission under the Resource Management Act 1991, including names and addresses for service, becomes public information. The content provided in your submission form will be published to the Te Tai o Poutini Plan website and available to the public. It is your responsibility to ensure that your submission does not include any personal information that you do not want published.*

Want to know more?
www.ttpp.nz
0508 800 118

Te Tai o Poutini PLAN
A combined district plan for the West Coast

My submission:

(Include whether you support or oppose the specific provisions or wish to have them amended, reasons for your views and the decision you seek from us).

Please see attached.

Please attach more pages if required.

How to send in your submission form

- *Did you know you can complete this submission form online?*

Online submission form:
www.ttpp.nz

- *Or post this form back to us:*

TTPP Submissions, PO Box 66, Greymouth 7840

Submissions must be made by 5pm, Friday 11th November 2022

Want to know more?
www.ttpp.nz
0508 800 118

Te Tai o Poutini PLAN
A combined district plan for the West Coast

27 October 2022

Te Tai o Putini Plan Team
PO Box 66
GREYMOUTH 7840

By email: info@ttpp.nz

SUBMISSION ON PROPOSED TE TAI O POUTINI PLAN

NAME OF SUBMITTER:	KiwiRail Holdings Limited (KiwiRail)
ADDRESS FOR SERVICE:	Level 1 Wellington Railway Station Bunny Street PO Box 593 **WELLINGTON 6140** Attention: Sheena McGuire Ph: 027 227 7780 Email: Sheena.McGuire@kiwirail.co.nz

KiwiRail submission on Proposed Te Tai o Poutini Plan

KiwiRail Holdings Limited (KiwiRail) is the State-Owned Enterprise responsible for the construction, maintenance, and operation of the national railway network. This includes managing railway infrastructure and land, as well as rail freight and passenger services within New Zealand. KiwiRail is also the Requiring Authority for land designated for 'Railway Purposes' (or similar) in District Plans throughout New Zealand.

KiwiRail's national railway network (which comprises of 3,700km of track, over 200 locomotives, 18,100 hectares of land and 1,350 modern and heritage buildings)[1] is a nationally and regionally significant infrastructure asset. The rail network is critical to the safe and efficient movement of freight and passengers throughout New Zealand, and forms an essential part of the national transportation network and the wider supply chain. New Zealanders have invested significantly in the rail network and it is a critical public asset.

Transport modal shifts to more climate-friendly modes of transport, like rail, are critical to reduce carbon emissions. As a result, rail is experiencing a renaissance as evidenced by the significant investment being made by the Government to reinvigorate the railway network, demonstrating a strong and continued confidence in rail's current and future potential.

[1] Half Year Annual Report 2022 and Unaudited Financial Statements for the Six Months Ended 31 December 2021 (KiwiRail, 2022) at page 5.

The Westport, Stillwater – Ngakawau, Rapahoe, Greymouth, Hokitika, and Midland Lines all extend through the West Coast. These assets form a key part of the KiwiRail network nationally. KiwiRail seeks to protect its ability to operate, maintain and upgrade these assets into the future.

To achieve this, KiwiRail encourages land uses near the railway corridor that do not compromise the short or long-term ability to operate a safe and efficient rail network, both day and night. Where sensitive activities are proposed on land near the railway corridors, appropriate controls should be imposed to ensure the long-term amenity of sensitive uses. Associated with that is the risk of objections and complaints leading to restraints on the operation, maintenance and enhancement of the rail corridor. Safety is a key concern for KiwiRail so ensuring sightlines and level crossings are protected is also crucial.

KiwiRail's submission the Proposed Te Tai o Poutini Plan (Proposed Plan) is set out in the attached table. The comments largely follow the structure of the Plan but there are some areas where comments are grouped into topic or issue areas. In terms of relief sought, insertions are marked in **bold** and **underlined**, while any recommended deletions of text are shown in *italics* and ~~*struck out*~~. All requested changes include any consequential changes to the Plan to link and/or accommodate the requested change in the stated, or alternate location.

KiwiRail is available to meet with the Council to discuss any elements of the comments provided within this table, to provide any clarification that may assist in decisions on the changes requested.

KiwiRail wish to be heard in relation to the submissions and if other parties make similar submissions, KiwiRail would consider presenting a joint case with those parties at the hearing.

Regards,



Sheena McGuire
RMA Advisor
KiwiRail Holdings Limited

Submission Number	Section of Plan	Specific Provision	Support/Oppose/ Seek Amendment	Reasons for Submission	Relief Sought (as stated or similar to achieve the requested relief)
Part 1: Introduction and general provisions					
1.	Definitions	Critical Infrastructure	Support	KiwiRail supports the inclusion of the rail network within this definition.	Retain as proposed
2.	Definitions	Functional Need	Support	KiwiRail supports the inclusion of this definition in the Proposed Plan.	Retain as proposed
3.	Definitions	Infrastructure	Support	The definition as proposed which replicates the RMA definition, is supported by KiwiRail, noting clause (g) includes rail.	Retain as proposed
4.	Definitions	Land Transport Infrastructure	Seek amendment	Land transport infrastructure is a term that is used within the Proposed Plan but is not defined. To ensure the plan is interpreted correctly, KiwiRail seeks that this term is defined and that the rail network is included in this definition. The relief sought takes direction from the definition of Land Transport and Infrastructure within the West Coast Regional Land Transport Plan 2021-2031.	Insert as follows: ***Land Transport Infrastructure means the infrastructure, goods and services facilitating transport on land by any means. This includes coastal shipping and all fixed components of a transportation system, including roadways and bridges, railways, ports, cycle trails and other physical elements***.
5.	Definitions	Maintenance	Support	KiwiRail supports allowing for any work or activity necessary to keep the operation and or function of existing infrastructure as maintenance.	Retain as proposed
6.	Definitions	Network Utility Operator	Support	KiwiRail supports the use of the RMA meaning of Network Utility Operator, which includes railway activities. This approach supports the integrated management and provision of key infrastructure.	Retain as proposed
7.	Definitions	Noise	Support	KiwiRail supports the inclusion of this definition as proposed.	Retain as proposed
8.	Definitions	Noise Sensitive Activity	Seek amendment	KiwiRail seeks the inclusion of a definition of Noise Sensitive Activity to assist with clear interpretation of the Proposed Plan.	Insert as follows: ***Noise sensitive activity means any lawfully established:*** ***a. residential activity, including activity in visitor accommodation or retirement accommodation, including boarding houses, residential visitor accommodation and papakāinga;*** ***b. educational activity;*** ***c. health care activity, including hospitals ;*** ***d. congregation within any place of worship; and*** ***e. activity at a marae.***
9.	Definitions	Notional Boundary	Support	KiwiRail supports the inclusion of this definition as proposed.	Retain as proposed
10.	Definitions	Operational Need	Support	KiwiRail supports the inclusion of this definition in the Proposed Plan.	Retain as proposed
11.	Definitions	Port Activities	Support	KiwiRail supports the inclusion of ancillary transport infrastructure within this definition. KiwiRail owns land adjacent to the Port of Greymouth and Port of Westport and it is important to include rail infrastructure within this definition to accurately capture all port activities within the West Coast.	Retain as proposed
12.	Definitions	Reverse Sensitivity	Support	KiwiRail supports the definition of reverse sensitivity subject to amendment. KiwiRail seeks amendment to recognise that in the context of rail, activities are more than operation of the railway and the definition also needs to encompass development, upgrading and ongoing maintenance of the rail network including rail yards. It is appropriate to recognise the vulnerability of existing, lawfully established activities such as the rail network to other activities in the vicinity which may be sensitive to adverse environmental effects.	Amend as follows: Reverse sensitivity means the potential for ***the development, upgrading, operation and maintenance of*** an approved, existing or permitted activity to be compromised or constrained, by the more recent establishment or alteration of another activity which may be sensitive to the actual, potential or perceived adverse environmental effects generated by an approved, existing or permitted activity.
13.	Definitions	Sensitive Activity	Seek amendment	KiwiRail supports the listed activities within this definition, however, also considers that the list should be expanded to capture all sensitive activities.	Amend as follows: Sensitive activity means any: a. residential activity; b. visitor accommodation; c. retirement home; d. healthcare facility; e. community facility; ~~and~~

					f. educational facility; ***g. marae/papakāinga;*** ***h. hospital; or*** ***i. place of worship.***
14.	Definitions	Transport Network	Seek amendment	KiwiRail seeks the inclusion of a definition of Transport Network. This term is used within the Transport Chapter and for clarity, KiwiRail seeks a definition which includes the rail network.	Include the following definition in the proposed plan: ***Transport Network means all rail, public roads, public pedestrian, cycle and micro-mobility facilities, public transport and associated infrastructure.***
15.	Definitions	Upgrading	Support	The specific ability to improve or increase the safety or efficiency of existing infrastructure as defined as upgrading, is supported.	Retain as proposed
Part 2 – District-wide matters					
16.	Strategic Direction	CR-02	Support	KiwiRail supports the desire to support the continued function and resilience of critical infrastructure and the support for the facilitation of quick recovery from adverse events.	Retain as proposed
17.	Strategic Direction	CR-03	Support	KiwiRail supports the direction to ensure that critical infrastructure takes into account the hazardscape, where practicable. Due to the linear nature of the existing rail corridor it is not always possible or practicable to avoid hazardscapes and KiwiRail supports recognition of this.	Retain as proposed
18.	Strategic Direction	NENV-03	Support	Recognition of the need for infrastructure to sometimes be located in significant areas is supported by KiwiRail.	Retain as proposed
19.	Strategic Direction	UFD – O1	Seek amendment	KiwiRail considers that the objective should be amended to make reference to the protection of critical infrastructure from reverse sensitivity effects.	Amend as follows: To have urban environments and built form on the West Coast/Te Tai o Poutini that: […] 8. Promote the safe, efficient and effective provision and use of infrastructure, including the optimisation of the use of existing infrastructure and protection of critical infrastructure ***from reverse sensitivity effects***;
20.	Infrastructure	INF- O1	Support	KiwiRail supports the intent of the objective to enable the safe and efficient development, operation, maintenance, and upgrading of infrastructure.	Retain as proposed
21.	Infrastructure	INF- O2	Support	The rail network can be vulnerable to adverse effects when incompatible subdivision, land use and development is located adjacent to an established rail line. KiwiRail supports the objective to protect infrastructure from adverse effects.	Retain as proposed
22.	Infrastructure	INF- O4	Support	The consideration for resilience and the potential impacts of climate change in infrastructure design and provision, is supported by KiwiRail	Retain as proposed
23.	Infrastructure	INF- O5	Support	KiwiRail supports recognition of the functional and operational need as well as the benefits of infrastructure.	Retain as proposed
24.	Infrastructure	INF-P1	Support	KiwiRail supports the recognition of the positive social, cultural and environmental benefits from the development, continued operation and upgrading of utilities and infrastructure.	Retain as proposed
25.	Infrastructure	INF-P2	Support	KiwiRail supports recognition that the adverse effects of infrastructure cannot always be managed and the inclusion of a policy framework how to assess effects in these situations with consideration for the following in particular: • Locational, technical and operational constraints; • Resilience to natural hazards and climate change; • Poutini Ngāi Tahu preference for discharge of wastewater to land; • Benefits of co-location of infrastructure; and • The need to minimise adverse effects on the environment.	Retain as proposed

26.	Infrastructure	INF-P3	Seek amendment	KiwiRail supports the protection of infrastructure from reverse sensitivity effects of subdivision, use and development that may constrain or compromise the safety and efficiency of the rail network. Amendments are requested to ensure the policy applies to all rail activities, not just the operation of the rail network.	Amend as follows: Manage reverse sensitivity effects from subdivision, use and development, on utilities and infrastructure to ensure their~~ir~~ safe, secure and efficient operation***, maintenance, repair, upgrading, removal and development of infrastructure.***
27.	Infrastructure	INF-P5	Support	Stormwater discharge onto the rail corridor has the potential to damage the rail network and disrupt the safe and efficient function of the railway. KiwiRail supports the policy direction and provision for new allotments to manage stormwater on-site.	Retain as proposed
28.	Infrastructure	INF-P6	Support	KiwiRail supports policy that recognises the benefits that new technologies can bring to rail in terms of efficiency of the operation and safety and resilience of the network.	Retain as proposed
29.	Infrastructure	INF-R4	Support	KiwiRail supports the permitted activity status of temporary network activities, subject to standards.	Retain as proposed
30.	Infrastructure	INF-R7	Seek amendment	KiwiRail seeks amendment to this rule to ensure it applies to rail infrastructure. It is essential that rail activities are captured and provided for in the plan and the rules as proposed, fail to specifically provide for rail infrastructure activities. KiwiRail seeks permitted activity status for the installation, extension, operation, upgrade, maintenance and repair, or removal of rail infrastructure and ancillary vehicle access tracks, subject to standards.	Amend as follows: INF - R7 Installation, extension, maintenance, operation, upgrade and repair of ***rail infrastructure,*** lines, underground pipelines and ancillary vehicle access tracks erected by a Network Utility Operator. […]
31.	Infrastructure	INF-R26	Seek amendment	KiwiRail seeks amendment to this rule to ensure it applies to aboveground infrastructure such as rail.	Amend as follows: INF-R26 Installation, extension, maintenance, operation, minor upgrade and repair of ***rail infrastructure,*** lines, poles and towers erected by a Network Utility Operator not meeting Permitted Activity standards.
32.	Transport	TRN-O1	Support	KiwiRail supports recognition of the critical role of land transport infrastructure within this objective.	Retain as proposed
33.	Transport	TRN-O3	Support	The safety and connectivity of land transport infrastructure is essential. If the interface between roads and rail corridors is not managed effectively, there is the potential for poor safety outcomes. KiwiRail supports the intent of this objective.	Retain as proposed
34.	Transport	TRN-O4	Support	KiwiRail supports the objective to encourage a resilient transport network to natural hazards and climate change.	Retain as proposed
35.	Transport	TRN-O5	Support	KiwiRail supports provision of safe and efficient access.	Retain as proposed
36.	Transport	TRN-P1	Support	KiwiRail is committed to maintaining and enhancing the rail network to provide safe and efficient transportation and therefore supports this policy.	Retain as proposed
37.	Transport	TRN-P2	Seek amendment	KiwiRail supports policy that promotes safety at vehicle crossings. KiwiRail seeks amendment to this policy to ensure that rail level crossings are a consideration as well as intersections and State Highways.	Amend as follows: Vehicle crossings and associated access will; a. Be designed and located to provide for safe, effective and efficient movement to and from sites; b. Minimise potential conflicts between vehicles, pedestrians and cyclists on the adjacent road network; and c. Manage vehicle access to and from sites adjacent to ***rail level crossings,*** intersections, and where State Highways meet.
38.	Transport	TRN-P3	Seek amendment	KiwiRail supports the intent of this policy but seeks amendment to ensure that buildings, structures, planting or other visual obstructions vegetation are restricted within sightlines of rail level crossings.	Amend as follows: Maximise user safety at road and rail level crossings by ~~considering the location of~~ ***restricting*** buildings***, structures, planting*** and other visual obstructions within sightlines.

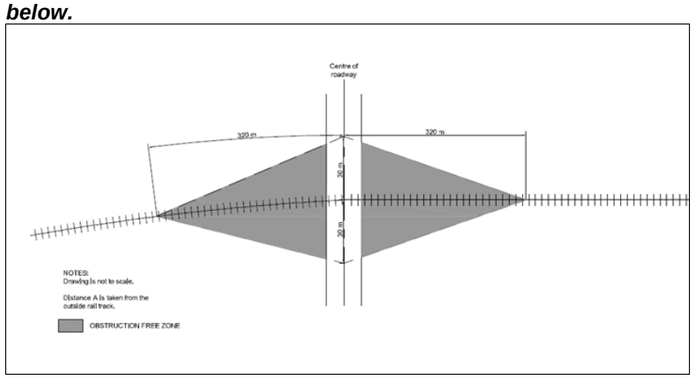
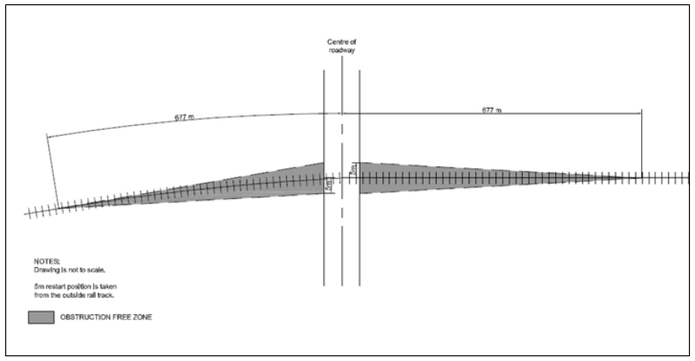
39.	Transport	TRN-P4	Seek amendment	KiwiRail does not typically support new at-grade level crossings. KiwiRail seeks amendment to this policy to strengthen the wording and requirement to achieve safety at all rail crossings.	Amend as follows: ~~Ensure any new r~~***R***oad and pedestrian rail level crossings ~~carefully consider the~~ ***must ensure*** safety of road users, pedestrians, and the effective and efficient operation of the regions rail network.
40.	Transport	TRN-P5	Support	KiwiRail supports the control of vehicle access to sites adjacent to all road/rail level crossings to improve safety for road users on the approach to level crossings.	Retain as proposed
41.	Transport	Transport Rules Advice Notes	Support	The advice note advising plan users of the need to get approval from KiwiRail where any crossing will intersect with the rail corridor is supported.	Retain as proposed
42.	Transport	TRN-R1 Appendix 1-TRN-S1	Support	KiwiRail support the requirement for vehicle crossings to be setback a minimum of 30m from a railway level crossing as specified in clause TRN- S1. KiwiRail further support the requirement for KiwiRail approval for all new vehicle access points that intersect the rail corridor.	Retain as proposed
43.	Transport	TRN-RX Appendix 1-TRN-SX	Seek amendment	Public safety at level crossings is crucial, and protection of sight lines is a key means of ensuring this. KiwiRail therefore support the inclusion of a standard for sight triangles for railway level crossings. This standard would support policy TRN-P3 and TRN-P4 to maximise road user safety and provide for the safe and effective use of the functioning of the transport network. In order to protect sight lines at level crossings, a new rule is proposed. Compliance with the standard would provide for development as a permitted activity, with non-compliance requiring a restricted discretionary activity consent, with discretion restricted to the aspects provided in TRN-P3. KiwiRail seeks the inclusion of the full suite of sight lines at railway level crossings provisions as outlined in our relief sought.	Insert as follows: ***TRN – RX : Sight lines at railway level crossings*** ***All zones Activity status: Permitted*** ***Where:*** ***a. Compliance is achieved with TRN-SX.*** ***TRN – RX : Sight lines at railway level crossings not meeting Permitted Activity Standards*** ***All zones Activity status: Restricted discretionary*** ***Where:*** ***1. Compliance is not achieved with TRN-SX.*** ***Discretion is restricted to:*** ***a. The potential for adverse effects on the safety a efficiency of the rail network.*** ***Section 88 information requirements for applications:*** ***1. Applications under this rule must provide, in addition to the standard information requirements, evidence of engagement with KiwiRail*** ***<u>TRN – S(X):</u> <u>Level Crossing Sight Triangles</u>*** ***Buildings, structures, planting or other visual obstructions must not be located within the restart or approach sightline areas of railway level crossings as shown in the shaded areas of Figure 1 – TRN: Restart Sightlines and Figure 2 – TRN: Approach Sightlines below.*** 

					Figure 1: Approach Sight Triangles for Level Crossings with "Stop" or "Give Way" Signs  ***Figure 2: Restart Sight Triangles for all Level Crossings***
2.	Natural Hazards	NH-O3	Support	Rail infrastructure is linear and is not easily relocated. KiwiRail supports the objective that recognises that in some instances, critical infrastructure is required to be located within areas of hazard risk.	Retain as proposed
3.	Natural Hazards	NH-O6	Support	KiwiRail supports the objective to protect infrastructure from natural hazard mitigation measures.	Retain as proposed
4.	Natural Hazards	NH-P3	Support	KiwiRail supports policy which recognises that, in some instances, hard engineering measures are necessary to reduce an immediate risk of serious harm to property or infrastructure.	Retain as proposed
5.	Historic Heritage	HH-O4	Seek amendment	KiwiRail supports provisions that seek to protect historic heritage. There are a number of heritage items within the rail corridor and KiwiRail seeks amendment to this objective to recognise the functional and operational need of infrastructure.	Amend as follows: Protect historic heritage by restricting relocation, repositioning, internal and external alterations and additions to heritage items and not allowing demolition and destruction***, while recognising the functional or operational need of infrastructure.***
6.	Historic Heritage	HH-PX	Seek amendment	KiwiRail seeks the inclusion of a new policy which recognises that there may instances where there is an operational or functional need for critical infrastructure to be located within a heritage setting.	Insert as follows: ***Only allow new infrastructure on or within heritage items, heritage settings and historic heritage sites, identified in Schedule One where it can be demonstrated that:*** ***a. There is an operational need or functional need that means the infrastructure's location cannot be avoided; and*** b. ***The new infrastructure will protect and maintain the particular heritage and/or cultural values of that building, site, area, item and/or feature.***
7.	Ecosystems and Indigenous Biodiversity	ECO-P2	Seek amendment	KiwiRail supports policy that allows activities within significant habitats where the activity has a functional need to be located in that area. KiwiRail seeks amendment to strengthen this policy and include where an activity has an operational need to be located in a significant area. Rail has an operational need to be located within existing designated rail corridors and KiwiRail seeks recognition of this.	Amend as follows: Allow activities within areas of significant indigenous vegetation or significant habitats of indigenous fauna where: a. This is for a lawfully established activity; or b. It is for a Poutini Ngāi Tahu cultural purpose; or c. This is undertaken on Poutini Ngāi Tahu or Te Rūnanga o Ngāi Tahu land in accordance with an Iwi/Papatipu Rūnanga Management Plan; or d. The activity has a functional ***or operational*** need to be located in the area; e. The activity has no more than minor adverse effects on the significant indigenous vegetation or fauna habitat.

8.	Ecosystems and Indigenous Biodiversity	ECO-P7	Support	KiwiRail supports ECO-P7 a. and g. which recognise the necessity of critical infrastructure and provides a hierarchy of avoid, remedy or mitigate impacts.	Retain as proposed
9.	Ecosystems and Indigenous Biodiversity	ECO-R1	Support	KiwiRail supports the rule which acknowledges the need to operate, repair and maintain infrastructure where it has been lawfully established as a permitted activity.	Retain as proposed
10.	Ecosystems and Indigenous Biodiversity	ECO-R2	Seek amendment	KiwiRail seeks amendment to ensure that this provision applies to operation, maintenance, repair, upgrading and installation of critical infrastructure as well as network utility infrastructure.	Amend as follows: Activity Status Permitted Where: This is for: Walking/cycling tracks, roads, farm tracks or fences; Operation, maintenance, repair, upgrading and installation of ***critical infrastructure,*** new network utility infrastructure and renewable electricity generation activities; or […]
11.	Ecosystems and Indigenous Biodiversity	ECO-R5	Support	KiwiRail supports matter of discretion b. which considers the constraints imposed by functional or operational need of critical infrastructure.	Retain as proposed
12.	Natural Features and Landscapes	NFL-P1	Support	KiwiRail supports policy direction that provides for the operation, maintenance, upgrading and installation of new infrastructure within outstanding natural landscapes.	Retain as proposed
13.	Natural Features and Landscapes	NFL-P2	Support	KiwiRail supports policy that recognises that there is existing infrastructure location within outstanding natural landscapes and features, and provides an assessment hierarchy where when significant effects cannot be avoided, adverse effects are remedied, mitigated or offset.	Retain as proposed
14.	Natural Features and Landscapes	NFL-P3	Support	KiwiRail supports recognition that there is existing infrastructure within outstanding natural features or landscapes.	Retain as proposed
15.	Natural Features and Landscapes	NFL-P5	Support	KiwiRail supports consideration of the functional, technical, operational or locational need of any activity to be sited in the particular location. The rail network is linear and not easily relocated. KiwiRail supports policy direction which identifies the need for rail to be located in certain locations.	Retain as proposed
16.	Natural Features and Landscapes	NFL-R1	Support	KiwiRail supports this provision as it allows for maintenance, operation and repair of the railway within an ONL or ONF.	Retain as proposed
17.	Natural Features and Landscapes	NFL-R6	Support	KiwiRail supports reference to the Infrastructure Chapter within this provision.	Retain as proposed
18.	Natural Character and Margins of Waterbodies	NC-O3	Seek amendment	KiwiRail supports policy which recognises the functional need of an activity to be located in a certain area. However, KiwiRail seeks amendment to include operational need within this policy.	Amend as follows: To provide for activities which have a***n operational or*** functional need to locate in the margins of lakes, rivers and wetlands in such a way that the impacts on natural character are minimised.
19.	Natural Character and Margins of Waterbodies	NC-P2	Support	KiwiRail supports policy that provides for vegetation clearance and earthworks within riparian margins of lakes, rivers and wetlands if for the maintenance, repair, upgrade and extension of infrastructure and effects on natural character are minimised.	Retain as proposed
20.	Natural Character and Margins of Waterbodies	NC-R1	Support	KiwiRail supports the permitted activity status of maintenance, operation, minor upgrade and repair of critical infrastructure.	Retain as proposed
21.	Natural Character and Margins of Waterbodies	NC-R2	Seek amendment	KiwiRail seeks amendment to this rule to ensure it applies to buildings and structures ancillary to critical infrastructure. Parts of the rail network are adjacent to rivers within the West Coast. KiwiRail seeks permitted activity status of structures necessary to protect the rail corridor in these dynamic environments.	Amend as follows: Activity Status Permitted Where the buildings and structures are: a. Network utilities;

					b. Temporary whitebait stands; c. Environmental monitoring facilities; d. Parks facilities and parks furniture within an Open Space and Recreation Zone; e. Natural hazard mitigation structures constructed by a statutory agency or their nominated contractor; or f. Renewable electricity generation facilities where these have a functional need to locate within the riparian margin; ~~or~~ ***g.*** Stormwater discharge structures and water supply intake structures constructed in accordance with NZS 4404 Code of Practice for Land Development and Subdivision Infrastructure***; or*** h. ***Critical infrastructure.***
22.	Subdivision	SUB-O2	Seek amendment	KiwiRail supports the intent of this policy however, seeks amendment to ensure it facilitates the safe and efficient operation of critical infrastructure.	Amend as follows: Subdivision occurs in locations and at a rate that: a. Is supported by the capacity of existing infrastructure networks, or provides for infrastructure facilities and networks that are sufficient to accommodate growth and development that meets the standards required by the Council and the Plan; b. Facilitates the ***safe and efficient*** operation of critical infrastructure; […]
23.	Subdivision	SUB-P2	Support	Stormwater discharge onto the rail corridor has the potential to damage the rail network and disrupt the safe and efficient function of the railway. KiwiRail supports policy direction to ensure that stormwater does not result in increased flooding and erosion risk.	Retain as proposed
24.	Subdivision	SUB-P5	Support	KiwiRail supports policy direction to avoid subdivision within the FUZ if it compromises the efficient and effective operation of the transport network or results in reverse sensitivity on existing infrastructure.	Retain as proposed
25.	Subdivision	SUB-P6	Seek amendment	KiwiRail seeks amendment to this policy to ensure subdivision in all zones does not result in reverse sensitivity effects on infrastructure. The rail network interacts with almost all zones within the West Coast. KiwiRail seeks policy that identifies that subdivision in any zone could result in the location of a noise sensitive use adjacent to the rail corridor. If not managed effectively at the subdivision stage, this can result in reverse sensitivity effects on the operational corridor which threatens the effective function and operation of the existing rail network.	Amend as follows: Avoid subdivision: a. In the RURZ - Rural Zones that could result in the creation of an unplanned new settlement; b. In the Earthquake Hazard Overlay that could result in the creation of new allotments; c. Where detached minor residential units in RURZ - Rural Zones become legally separated from the main residential unit thereby creating cumulative effects on rural character and productivity; d. Where this could create significant reverse sensitivity issues in relation to the MINZ - Mineral Extraction Zone or Energy Activities; e. In the Coastal environment outside of areas that are already modified unless adverse effects on the natural character of the coastal environment can be avoided or mitigated; and f. In areas of significant risk of natural hazards, where this is for the purposes of accommodating and/or servicing people and communities. ***g. In all zones that could result in reverse sensitivity effects on infrastructure.***
26.	Subdivision	SUB-O7	Support	KiwiRail supports part c. of this policy which seeks to protect critical infrastructure from adverse effects of subdivision.	Retain as proposed
27.	Subdivision	SUB-R2	Support	The permitted activity status of subdivision for critical infrastructure is supported by KiwiRail.	Retain as proposed
28.	Subdivision	SUB-R5	Seek amendment	KiwiRail supports matter of discretion p. relating to the management of reverse sensitivity. KiwiRail seeks amendment to ensure this applies to critical infrastructure such as the rail network.	Amend as follows: Matters of control are: […]

					p. Management of potential reverse sensitivity effects on existing land uses, including ***critical infrastructure,*** network utilities, rural activities or significant hazardous facilities.
29.	Subdivision	SUB-R6	Seek amendment	KiwiRail supports matter of discretion m. relating to the management of reverse sensitivity. KiwiRail seeks amendment to ensure this applies to critical infrastructure such as the rail network.	Amend as follows: Matters of control are: […] m. Management of potential reverse sensitivity effects on existing land uses, including ***critical infrastructure,*** network utilities, rural activities or significant hazardous facilities.
30.	Subdivision	SUB-S6	Support	KiwiRail supports the requirement to comply with the Transport Performance Standards, subject to the relief sought above.	Retain as proposed
31.	Coastal Environment	CE-O3	Seek amendment	KiwiRail supports policy which recognises the functional need of an activity to be located in a certain area. However, KiwiRail seeks amendment to include operational need within this policy.	Amend as follows: To provide for activities which have a***n operational or*** functional need to locate in the margins of lakes, rivers and wetlands in such a way that the impacts on natural character are minimised.
32.	Coastal Environment	CE-P3	Seek amendment	The rail network is within the mapped Coastal Environment in certain areas. KiwiRail seeks amendment to this policy to allow for new use and development of the rail network where there is a functional and operational need to be located in these areas.	Amend as follows: Only allow new subdivision, use and development within areas of outstanding and high coastal natural character, outstanding coastal natural landscapes and outstanding coastal natural features where: a. The elements, patterns, processes and qualities that contribute to the outstanding or high natural character or landscape are maintained; b. Significant adverse effects on natural character, natural landscapes and natural features, and adverse effects on areas of significant indigenous biodiversity, areas of outstanding natural character and outstanding natural landscapes and features are avoided; c. The development is of a size, scale and nature that is appropriate to the environment; d. It is for a Poutini Ngāi Tahu cultural purpose; or e. It is National Grid infrastructure ***or critical infrastructure*** that has a functional and operational need to locate in these areas.
33.	Coastal Environment	CE-P5	Support	KiwiRail supports policy which provides for buildings and structures within the coastal environment if there is a functional or operational need to locate in the coastal environment.	Retain as proposed
34.	Coastal Environment	CE-P8	Seek amendment	KiwiRail seeks amendment to this policy so that it not only applies to the national grid, but all critical infrastructure. The rail network extends within the coastal environment and KiwiRail seek to ensure that it can continue to operate safely and efficiently.	Amend as follows: Enable the maintenance, repair and operation of ***critical infrastructure and*** the National Grid. Where new development and upgrades of ***critical infrastructure and*** the National Grid are required, seek to avoid and otherwise remedy or mitigate adverse effects on Overlay Chapter areas.
35.	Coastal Environment	CE-R1	Seek amendment	KiwiRail seeks amendment to this rule to ensure it applies to critical infrastructure and the rail network.	Amend as follows: Maintenance and repair of lawfully established structures, network utilities, ***critical infrastructure, railway,*** renewable electricity generation, fence lines and tracks within the Coastal Environment.
36.	Coastal Environment	CE-R4 CE-R5	Support	KiwiRail supports the permitted activity status of network utilities buildings and structures in the Coastal Environment, subject to standards.	Retain as proposed
37.	Coastal Environment	CE-R7 CE-R11	Support	KiwiRail supports the permitted activity status of earthworks within the coastal environment for the operation, maintenance, repair, upgrade or installation of new network utility infrastructure.	Retain as proposed

38.	Coastal Environment	CE-R10	Support	KiwiRail supports the permitted activity status of new buildings or structures within the coastal environment for the operation, maintenance, repair, or minor upgrade of network utility infrastructure.	Retain as proposed
39.	Earthworks	EW-P4	Support	KiwiRail supports policy to protect critical infrastructure from the adverse effects of infrastructure.	Retain as proposed
40.	Earthworks	EW-R1	Support	KiwiRail supports the permitted activity status of earthworks by network utility operations, subject to standards.	Retain as proposed
41.	Earthworks	EW-R2	Support	The permitted activity status of earthworks including stockpiles required for critical infrastructure maintenance, operation, repair, upgrade or installation is supported by KiwiRail.	Retain as proposed
42.	Noise	NOISE-O2	Support	KiwiRail supports the recognition of the function and operation of existing rail activities, and the aim to protect these activities from reverse sensitivity effects.	Retain as proposed
43.	Noise	NOISE-P1	Support	KiwiRail supports having regard to critical infrastructure when enabling the generation of noise.	Retain as proposed
44.	Noise	NOISE-P2	Support	KiwiRail supports policy requiring sensitive activities to be located and designed to minimise adverse effects on the amenity and health of occupants when located in close proximity to the railway corridor. Noise and vibration can have an impact on the internal amenity of a building. Appropriate mitigation, installed to ensure that the health and wellbeing of those living and working near to the rail network are not adversely affected, is pivotal to ensure that undue restrictions are not placed on the operation of the rail network.	Retain as proposed
45.	Noise	NOISE-R2	Support	KiwiRail support the inclusions of train movements and level crossing bells as a permitted activity.	Retain as proposed
46.	Noise	NOISE-RX	Seek amendment	KiwiRail seeks the inclusion of noise and vibration controls requiring acoustic insulation and ventilation to be installed in new (or altered) sensitive uses within 100m of the railway corridor. Noise and Vibration from rail corridors can potentially give rise to adverse health and amenity effects on noise sensitive activities located nearby if not properly addressed and provided for. The proposed standard provides options for developers in achieving an appropriate level of amenity for residents who live within 100m of the rail corridor. The rail network is a 24 hour a day, seven day a week operation, and the frequency, length and weight of trains can change without community consultation. Noise and vibration can have an impact on the internal amenity of a building. Appropriate mitigation, installed to ensure that the health and wellbeing of those living and working near to the rail network are not adversely affected, is pivotal to ensure that undue restrictions are not placed on the operation of the rail network. Rail activities not only generate noise, but also vibration effects. KiwiRail seek amendment to require acoustic and vibration treatment for sensitive activities within identified corridors adjacent to the railway networks to ensure an appropriate level of internal amenity is achieved in buildings adjacent to the rail corridor. The proposed standard includes the requirement for feedback form KiwiRail. As the railway and network utility operator, KiwiRail's feedback about any effects of non-compliance is required to ensure that any proposed mitigation is appropriate. KiwiRail also seeks controls within 60m of the railway corridor, for buildings containing new (or altered) sensitive uses to be constructed to manage the impacts of vibration. These controls are important to ensure new development is undertaken in a way that achieves a healthy living environment for people locating	Include noise, vibration and mechanical ventilation standards provided in Appendix A.

				within proximity to the railway corridor, minimising the potential for complaints about the effects of the railway network.	
47.	Signs	SIGN-P3	Support	KiwiRail supports policy direction that ensures signs do not adversely affect traffic safety, particularly at rail level crossings.	Retain as proposed
48.	Signs	SIGN-R1	Support	KiwiRail supports this rule as it does not permit signs that obstruct the line of sign of all rail crossing or obstruct, obscure or impair the view of and of any railway sign or signal. This is essential to avoid safety issues arising at level crossings.	Retain as proposed
49.	Signs	SIGN-R2	Seek amendment	Railway signs are important to alert people of the rail corridor and train movements. KiwiRail supports provisions which allow for signs to be located within the rail corridor as a permitted activity. KiwiRail seek amendment to ensure the Proposed Plan refers to the correct organisation.	Amend as follows: Activity Status Permitted Where: a. The sign is required by Waka Kotahi - NZ Transport Agency and is located within a road reserve; or b. The sign is required by ~~NZ Railways Corporation/~~Kiwi***R***ail and is located within a rail corridor; or c. The sign is required by the Council and is located within a road reserve or road corridor for a formed legal road.
50.	Temporary activities	TEMP-R2	Seek amendment	KiwiRail seeks amendment to this provision to allow for the establishment of temporary works sites to carry out works to the rail corridor, which may be adjacent to transport or other infrastructure. For safety reasons it is not always possible to work from within a transport corridor. A discretionary status where a worksite is proposed adjacent to the corridor will not facilitate critical infrastructure works.	Amend as follows: Activity Status Permitted Where: a. These are removed within 1 month of the activity ceasing and the site reinstated to the original or better condition; b. The building or structure is located on the same site ***or an adjacent site*** as the construction or demolition activity; c. Relevant zone Setback standards are met where the activity adjoins any Residential or Settlement Zone; d. The building or structure is on the same site ***or adjacent site*** as the construction or demolition activity; e. Any temporary building is no more than 50m2 in gross floor area where this adjoins a residential zone.
Part 3 – Area specific matters					
51.	Multiple	All zones adjacent to rail corridor including: Natural Open Space Open Space Commercial Mixed Use Neighbourhood Centre Town Centre General Industrial Light Industrial General Residential Large Lot Residential Medium Density General Rural Rural Lifestyle Settlement Buller Coalfield Future Urban Hospital Zone Mineral Extraction Māori Purpose Port Zone	Seek amendment	For health and safety reasons, KiwiRail seek a setback for structures from the rail corridor boundary. While KiwiRail do not oppose development on adjacent sites, ensuring the ability to access and maintain structures without requiring access to rail land is important. KiwiRail note there are specific road boundary setback rules in some zone chapters and varying side and rear boundary setbacks in the Proposed Plan. KiwiRail considers that a 5 metre setback from the rail corridor is appropriate in providing for vehicular access to the backs of buildings (e.g. a cherry picker) and allowing for scaffolding to be erected safely. This in turn fosters visual amenity, as lineside properties can be regularly maintained. It provides for the unhindered operation of buildings, including higher rise structures and for the safer use of outdoor deck areas at height. KiwiRail seek a 5 metre building setback in all zones which adjoin the rail corridor as proposed in our relief sought. This includes new matters of discretion when there is a non-compliance with the rail boundary setback rule.	Amend as follows: New rule: Activity Status Permitted Where: ***X. No building or structure may be located within 5m of any site boundary with the rail corridor.*** ***Activity status when compliance not achieved: RDIS*** ***New rule:*** ***Buildings or structures not meeting Rule XXX-RX*** ***Activity Status Restricted Discretionary*** ***Where:*** ***The building is setback less than 5m from the rail corridor boundary.*** ***Discretion is restricted to:*** ***1. the location and design of the building as it relates to the ability to safely use, access and maintain buildings without requiring access on, above or over the rail corridor; and*** ***2. the safe and efficient operation of the rail network.***

<table>
<tr><td></td><td></td><td></td><td></td><td></td><td></td></tr>
<tr><td>52.</td><td>Designations</td><td>KiwiRail Holdings Limited</td><td>Seek amendment</td><td>KiwiRail seeks minor amendments for consistency with the designation of rail corridors in district plans throughout the country.</td><td>Amend as follows:
KiwiR~~r~~ail Holdings Limited Designations

<table><tr><td>Designation unique identifier</td><td>KRH 1</td></tr><tr><td>Designation purpose</td><td>Railway Purposes</td></tr><tr><td>Site identifier</td><td></td></tr><tr><td>Designation Hierarchy under section 177 of the RMA</td><td>Primary</td></tr><tr><td>Lapse date</td><td>Given effect to</td></tr><tr><td>Designation hierarchy under section 177 of the Resource Management Act</td><td>N/A</td></tr><tr><td>Conditions</td><td>No</td></tr><tr><td>Additional information</td><td>N/A</td></tr></table></td></tr>
<tr><td colspan="6">Planning maps</td></tr>
<tr><td>53.</td><td>All maps containing railway designation</td><td>Designation KRH1</td><td>Support</td><td>KiwiRail supports the mapped extent of the rail lines as proposed.</td><td>Retain as proposed</td></tr>
<tr><td>54.</td><td>All maps containing railway designation</td><td>Designated rail corridor</td><td>Seek amendment</td><td>The objectives identifying Outstanding Natural Features and Landscapes and Outstanding Natural Character is to ensure that these landscapes and their attributes are recognised and protected from inappropriate subdivision, use and development. The benefits of infrastructure are provided irrespective of location. The Plan also recognises the functional need for infrastructure to be located within these areas, and that designated land transport corridors are generally highly modified areas.</td><td>Amend the Proposed District Plan Maps to remove any overlays for;
• Outstanding Natural Features;
• Outstanding Natural Landscapes; and
• Outstanding Natural Character
On KiwiRail's designation (as listed under "KRH1 KiwiRail Holdings Limited").</td></tr>
</table>

Activity status: Permitted

Indoor railway noise

1. Any new building or alteration to an existing building that contains an activity sensitive to noise where the building or alteration:

(a) is designed, constructed and maintained to achieve indoor design noise levels resulting from the railway not exceeding the maximum values in the following table: or

Building type	Occupancy/activity	Maximum railway noise level LAeq(1h)
Residential	Sleeping spaces	35 dB
	All other habitable rooms	40 dB
Education	Lecture rooms/theatres, music studios, assembly halls	35 dB
	Teaching areas, conference rooms, drama studios, sleeping areas	40 dB
	Libraries	45 dB
Health	Overnight medical care, wards	40 dB
	Clinics, consulting rooms, theatres, nurses' stations	45 dB
Cultural	Places of worship, marae	35 dB

(b) is at least 50 metres from any railway network, and is designed so that a noise barrier completely blocks line-of-sight from all parts of doors and windows to all points 3.8 metres above railway tracks, or

(c) is a single-storey framed residential building with habitable rooms designed, constructed and maintained in accordance with the construction schedule in Schedule 'Z'.

Mechanical ventilation

2. If a building is constructed in accordance with 1(c), or if windows must be closed to achieve the design noise levels in clause 1(a), the building is designed, constructed and maintained with a mechanical ventilation system that

(a) For habitable rooms for a residential activity, achieves the following requirements:

i. provides mechanical ventilation to satisfy clause G4 of the New Zealand Building Code; and

ii. is adjustable by the occupant to control the ventilation rate in increments up to a high air flow setting that provides at least 6 air changes per hour; and

iii. provides relief for equivalent volumes of spill air;

iv. provides cooling and heating that is controllable by the occupant and can maintain the inside temperature between 18°C and 25°C; and

v. does not generate more than 35 dB $L_{Aeq(30s)}$ when measured 1 metre away from any grille or diffuser.

(b) For other spaces, is as determined by a suitably qualified and experienced person.

Indoor railway vibration

Activity status when compliance not achieved:

Restricted discretionary

Matters of discretion are restricted to:

1. Whether the activity sensitive to noise could be located further from the railway network.

2. The extent to which the noise and vibration criteria are achieved and the effects of any non-compliance.

3. The character of, and degree of, amenity provided by the existing environment and proposed activity.

4. The reverse sensitivity effects on the rail network, and the extent to which mitigation measures can enable their ongoing operation, maintenance and upgrade.

5. Special topographical, building features or ground conditions which will mitigate vibration impacts;

6. The outcome of any consultation with KiwiRail.

Notification:

Application for resource consent under this rule will be decided without public notification. KiwiRail are likely to be the only affected person determined in accordance with section 95B of the Resource Management Act 1991.

3. Any new buildings or alterations to existing buildings containing an activity sensitive to noise, closer than 60 metres from the boundary of a railway network: ***(a) is designed, constructed and maintained to achieve rail vibration levels not exceeding 0.3 mm/s vw,95 or*** ***(b) is a single storey framed residential building with:*** ***a. a constant level floor slab on a full-surface vibration isolation bearing with natural frequency not exceeding 10 Hz, installed in accordance with the supplier's instructions and recommendations: and*** ***b. vibration isolation separating the sides of the floor slab from the ground; and*** ***c. no rigid connections between the building and the ground.*** ***4. A report is submitted to the council demonstrating compliance with clauses (1) to (3) above (as relevant) prior to the construction or alteration of any building containing an activity sensitive to noise. In the design:*** ***(a) railway noise is assumed to be 70 $L_{Aeq(1h)}$ at a distance of 12 metres from the track, and must be deemed to reduce at a rate of 3 dB per doubling of distance up to 40 metres and 6 dB per doubling of distance beyond 40 metres.*** ***Where the activity complies with the following rule requirements:*** ***Nil***	

ATTACHMENT D

Submitter No.	Submitter Name	Submitter postal address	Submitter postal address: Street 1	Submitter postal address:	Submitter postal addre	Submitter postal ad	Submitte	Email
S1	West Coast Wildlife Centre - Franz Josef - Teewah Holdings Ltd	31 Cron Street Franz Josef / Waiau, West Coast 7886	31 Cron Street		Franz Josef / Waiau	West Coast	7886	richardbenton@me.com
S3	Kate Kennedy	c/-24 Ward Street Runanga, 7803	c/-24 Ward Street		Runanga		7803	444kate@gmail.com
S4	James Hamilton	43 Charles Court Lake Hāwea, Otago 9382	43 Charles Court		Lake Hāwea	Otago	9382	whereisjames@hotmail.com
S5	Kim Scrivener	2 Sturge Street Cobden, Grey District Greymouth, New Zealand 7840	2 Sturge Street	Cobden, Grey District	Greymouth	New Zealand	7840	kimglented@gmail.com
S6	Alan O'Connell	55 Alexander Street Greymouth, West Coast 7805	55 Alexander Street		Greymouth	West Coast	7805	alanodillon1@gmail.com
S7	Aisla Hart	6 Railway Terrace Runanga, West Coast 7803	6 Railway Terrace		Runanga	West Coast	7803	strawberryhill@xtra.co.nz
S9	Sarah Bushby	406 Main Road Kaiata, West Coast 7805	406 Main Road		Kaiata	West Coast	7805	bushbysk@gmail.com
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S402	Shaun and Carissa du Plessis	15 Coates Street Westport, West Coast 7825	15 Coates Street		Westport	West Coast	7825	shaunduplessis@gmail.com
S403	Charlie McBeath	25 Stewart St Ross, West Coast 7812	25 Stewart St		Ross	West Coast	7812	charlieinross@gmail.com
S404	Nicola Hall	17 Rangihaeata Road RD 2 Takaka, 7182	17 Rangihaeata Road	RD 2	Takaka		7182	nixred@hotmail.com
S405	Betty Harris	15 Coates Street Westport, West Coast 7825	15 Coates Street		Westport	West Coast	7825	betty.harris@xtra.co.nz
S406	Shirley Godfrey	43 Whitcombe Valley Road	43 Whitcombe Valley Road					shirleyj22@xtra.co.nz
S407	Gail Dickson	17 Ives Street Hector, West Coast 7822	17 Ives Street		Hector	West Coast	7822	glenandgail@slingshot.co.nz
S408	Paul Finlay	1 Beach Road Rapahoe, West Coast 7803	1 Beach Road		Rapahoe	West Coast	7803	paulfinlay28@yahoo.co.nz
S409	Maria McKay	368 Oparara Road Karamea, West Coast 7893	368 Oparara Road		Karamea	West Coast	7893	mariak232@icloud.com
S411	Cynthia Robins	26 Hart Street Blackball, 7804	26 Hart Street		Blackball		7804	bbhilton@xtra.co.nz
S412	Kirsty Dittmer	26 Pandora Avenue Greymouth, West Coast 7805	26 Pandora Avenue		Greymouth	West Coast	7805	kirsty.dittmer@teamarchitects.co.nz
S413	Angela Sweetman (Trustee)	3 Higgins Place Greymouth, West Coast 7805	3 Higgins Place		Greymouth	West Coast	7805	thesweetys4@gmail.com
S414	Koiterangi Lime Co Ltd	300 Macarthur Road RD 1 Hokitika, Westland 7881	300 Macarthur Road	RD 1	Hokitika	Westland	7881	stevekeenan300@gmail.com
S415	G.E. and C.J. Coates on behalf of Nikau Deer Farm Limited	3789 Coast Road RD1 Runanga Runanga, West Coast 7873	3789 Coast Road	RD1 Runanga	Runanga	West Coast	7873	grgncryl@xtra.co.nz
S416	SEAN CASEY	po box 265 Westport Westport, NZ Rest of the South Island 7866	po box 265	Westport	Westport		7866	caseyconstruction@xtra.co.nz
S417	Peter Haddock	249 Main South Road Greymouth, West Coast 7805	249 Main South Road		Greymouth	West Coast	7805	p.haddock54@gmail.com
S418	Angela Sweetman (Trustee) Patrick William Kennedy	3 Higgins Place Greymouth, West Coast 7805	3 Higgins Place		Greymouth	West Coast	7805	thesweetys4@gmail.com
S419	Richard Arlidge	1 Hartmount Place Te Miko, West Coast 7871	1 Hartmount Place		Te Miko	West Coast	7871	whitecube1@gmail.com
S420	Raylene Black	PO BOX 85 Haast, West Coast	PO BOX 85		Haast	West Coast		ratray@farmside.co.nz
S421	Lara Kelly	55 Pine Tree Road Hokitika, West Coast	55 Pine Tree Road		Hokitika	West Coast		laramoynihan@hotmail.com
S422	Rebecca Inwood	298 Landing Creek Road Reefton, West Coast 7895	298 Landing Creek Road		Reefton	West Coast	7895	inhill@xtra.co.nz
S423	Lynda Richmond	16 Chapel Street Greymouth, West Coast 7805	16 Chapel Street		Greymouth	West Coast	7805	lyndarichmond02@gmail.com
S424	Noeline Pullan	14 Park Street Hokitika, West Coast 7810	14 Park Street		Hokitika	West Coast	7810	noelinepullan@hotmail.com
S425	Anne Chapman	131 High Street Greymouth, West Coast 7805	131 High Street		Greymouth	West Coast	7805	anneonhigh@gmail.com
S426	Heritage West Coast	P.O Box 499 Greymouth 7805	P.O Box 499			Greymouth	7805	jgurden@xtra.com
S427	Mills Family Trust	320 Nelson Creek Road Ngahere, West Coast 7872	320 Nelson Creek Road		Ngahere	West Coast	7872	merrilynmills@hotmail.com
S428	James Bradley	1641 Kaniere Kowhitirangi Road Kokatahi, West Coast 7881	1641 Kaniere Kowhitirangi Road		Kokatahi	West Coast	7881	james29bradley.jb@gmail.com
S429	Bruce Jones	98 Nelson Creek Road Dobson, West Coast 7872	98 Nelson Creek Road		Dobson	West Coast	7872	brucejones59@gmail.com

S430	Christopher and Donna Meates	Tai Poutini Resources P.O Box 257 Greymouth 7840	Tai Poutini Resources	P.O Box 257		Greymouth	7840	jorja.hunt@tprl.co.nz
S431	Durham Havill	Titan Solution Limited 55 Pine Tree Road Kaniere, Hokitika 7811	Titan Solution Limited	55 Pine Tree Road	Kaniere	Hokitika	7811	laramoynihan@hotmail.com
S432	Joan Blacktopp	Titan Solution Limited 55 Pine Tree Road Kaniere, Hokitika 7811	Titan Solution Limited	55 Pine Tree Road	Kaniere	Hokitika	7811	laramoynihan@hotmail.com
S433	Stuart Marshall and Susan Gooch	Titan solutions 55 Pine Tree Road Hokitika, West Coast 7811	Titan solutions	55 Pine Tree Road	Hokitika	West Coast	7811	laramoynihan@hotmail.com
S434	Patrick Cooper	P.O Box 11116 Waimangaroa 7848	P.O Box 11116			Waimangaroa	7848	patcooper.5484@yahoo.co.nz
S435	Murray Cochrane	3 L A Place Greymouth, West Coast 7805	3 L A Place		Greymouth	West Coast	7805	
S438	Manawa Energy Limited (Manawa Energy)	Private Bag 12055 TAURANGA 3143	Private Bag 12055			TAURANGA	3143	nicola.foran@manawaenergy.co.nz
S439	Karen Lippiatt	131 Torea Street Granity, West Coast 7823	131 Torea Street		Granity	West Coast	7823	kairlippiatt@gmail.com
S440	Te Tumu Paeroa - The office of the Māori Trustee	110 Featherston Street Wellington, Wellington 6011	110 Featherston Street		Wellington	Wellington	6011	hannah.mckinlay@tetumupaeroa.co.nz
S441	Silver Fern Farms Limited by its authorised agents Mitchell Daysh Limited	PO BOX 489 Dunedin, 9054	PO BOX 489		Dunedin		9054	steve.tuck@mitchelldaysh.co.nz
S442	KiwiRail Holdings Limited	Po Box 593 Wellington, 6140	Po Box 593		Wellington		6140	sheena.mcguire@kiwirail.co.nz
S443	Suzanne Hills	2706 Coast Road RD 1 Runanga, West Coast 7873	2706 Coast Road	RD 1	Runanga	West Coast	7873	suzannedhills@gmail.com
S444	Clare Backes	PO BOX 168 Hokitika, West Coast 7842	PO BOX 168		Hokitika	West Coast	7842	clarebackes@gmail.com
S445	John Hughson	PO BOX 326 Marton, 4741	PO BOX 326		Marton		4741	jack@ehw.co.nz
S446	Margaret Montgomery	37 Domett Street Westport, West Coast 7825	37 Domett Street		Westport	West Coast	7825	westportholidaypark@xtra.co.nz
S447	Vance & Carol Boyd	11 Aurum Lane Queenstown, Otago 9300	11 Aurum Lane		Queenstown	Otago	9300	rvcnb@xtra.co.nz
S448	Mitchells 2021 Limited	PO BOX 1845 Christchurch, 8140	PO BOX 1845		Christchurch		8140	charlotte@planzconsultants.co.nz
S449	Totally Tourism Limited	PO BOX 1081 Queenstown, 9348	PO BOX 1081		Queenstown		9348	sean@southernplanning.co.nz
S450	Waka Kotahi NZ Transport Agency	Po Box 1479 Christchurch, 8011	Po Box 1479		Christchurch		8011	stuart.pearson@nzta.govt.nz
S451	Buller Electricity Limited	PO BOX 343 NELSON, 7040	PO BOX 343		NELSON		7040	mark@landmarklile.co.nz
S452	Alistair Cameron	42 Oxford Street Richmond, Nelson 7020	42 Oxford Street		Richmond	Nelson	7020	pauline@do.nz
S453	Ball Developments Ltd	Level 1 42 Oxford street Richmond,	Level 1 42 Oxford street		Richmond			pauline@do.nz
S455	Murray Stuart and Karen Jury Rob Lawrence	64 Tui Street Kumara, West Coast 7832	64 Tui Street		Kumara	West Coast	7832	karenandmuz@xtra.co.nz
S456	Ministry of Education Te Tāhuhu o Te Mātauranga	PO BOX 13960 Christchurch, 8141	PO BOX 13960		Christchurch		8141	kate.graham@beca.com
S457	Westport Rifle Club Incorporated	154 Queen Street Westport,	154 Queen Street		Westport			dean.phibbs4@gmail.com
S458	Laurence McGuire	5 Chalmers Street Wānaka, Otago 9305	5 Chalmers Street		Wānaka	Otago	9305	tom@ipsolutions.nz
S459	Greenstone Retreat	Greenstone Retreat 41 Greenstone road Kumara, West Coast 7832	Greenstone Retreat	41 Greenstone Road	Kumara	West Coast	7832	greenstoneretreat@outlook.com
S460	T Croft Ltd	Level 1 42 Oxford Street Richmond, 7020	Level 1	42 Oxford Street	Richmond		7020	pauline@do.nz
S461	Cashmere Bay Dairy Ltd	Level 1 42 Oxford Street Richmond, 7020	Level 1	42 Oxford Street	Richmond		7020	pauline@do.nz
S462	Inger Perkins	231 Revell Street Hokitika, West Coast 7810	231 Revell Street		Hokitika	West Coast	7810	ingerp@xtra.co.nz
S463	New Zealand Energy Limited	PO BOX 113 Motueka, 7143	PO BOX 113		Motueka		7143	david@nzenergy.co.nz
S464	Foodstuffs (South Island) Properties Limited and Foodstuffs South Island Limited	PO BOX 13831 Christchurch, 8140	PO BOX 13831		Christchurch		8140	alex.booker@al.nz
S465	Davis Ogilvie & Partners Ltd	LEVEL 1 42 Oxford Street Richmond, 7020	LEVEL 1	42 Oxford Street	Richmond		7020	pauline@do.nz
S466	The O'Conor Institute Trust Board	PO BOX 343 NELSON, 7040	PO BOX 343		NELSON		7040	mark@landmarklile.co.nz
S467	Jane Whyte & Jeff Page	21 Harry Ell Drive Christchurch, Canterbury 8022	21 Harry Ell Drive		Christchurch	Canterbury	8022	jane@responseplanning.co.nz
S468	Troy Scanlon	8 Kawatiri Place Westport, West Coast 7825	8 Kawatiri Place		Westport	West Coast	7825	troy.scanlon@mitre10.co.nz
S469	Lyn McIntosh	14 Bealey Street Hokitika, West Coast 7810	14 Bealey Street		Hokitika	West Coast	7810	lynmcintosh@xtra.co.nz
S470	Moreporks Lakeside Lodge LTD	PO BOX 8848 Christchurch, 8440	PO BOX 8848		Christchurch		8440	grant@vastbillboards.co.nz
S471	Rick Hayman	PO BOX 164 WESTPORT, 7825	PO BOX 164		WESTPORT		7825	rick.h@southpeakhomes.co.nz
S472	New Zealand Coal & Carbon Limited	PO BOX 2341 Christchurch, 8140	PO BOX 2341		Christchurch		8140	jill@nzcoal.com
S473	Katherine Gilbert	Ross, South Westland			Ross	South Westland		kgilbert@farmside.co.nz
S474	Rocky Mining Limited	57 Leith Street Dunedin, Otago 9016	57 Leith Street		Dunedin	Otago	9016	duncan@hardiepacific.com
S475	Gavin and Juliana French	20 Gillows Dam Road RD2 Westport, West Coast 7892	20 Gillows Dam Road	RD2	Westport	West Coast	7892	julianafrench999@gmail.com
S476	Radio New Zealand	PO Box 2510 Christchurch, 8140	PO Box 2510		Christchurch		8140	annabelle.lee@chapmantripp.com
S477	Russell and Joanne Smith	332F North Beach Road Point Elizabeth Greymouth, West Coast 7802	332F North Beach Road	Point Elizabeth	Greymouth	West Coast	7802	reandjmsmith1@gmail.com
S478	Frank and Jo Dooley	41 Orowaiti Road Westport, West Coast 7825	41 Orowaiti Road		Westport	West Coast	7825	frank@ftdooley.co.nz
S479	Robyn Langridge	3195 Coast Road RD1 Runanga, 7873	3195 Coast Road	RD1	Runanga		7873	lrobbi57@gmail.com
S480	The Coda Trust	89 Snodgrass Road RD2 Westport, West Coast 7892	89 Snodgrass Road	RD2	Westport	West Coast	7892	brodiemab@gmail.com
S481	Lynley Hargreaves	17 McLeods Road Ross, West Coast 7885	17 McLeods Road		Ross	West Coast	7885	lynley.hargreaves@gmail.com
S482	Tim Macfarlane	266 South Eyre Road RD2 Kaiapoi,	266 South Eyre Road	RD2	Kaiapoi			pointliz@eyretonproduce.co.nz
S483	Scenic Hotel Group	po box 31-328 Christchurch,	po box 31-328		Christchurch			karll@scenicgroup.co.nz
S484	Development West Coast	P O Box 451 Greymouth, 7840	P O Box 451		Greymouth		7840	ceo@dwc.org.nz
S485	Gavin Molloy	po box 88 Franz Josef / Waiau,	po box 88		Franz Josef / Waiau			54gamo@gmail.com
S486	Horticulture New Zealand	PO Box 10-232 Wellington,	PO Box 10-232		Wellington			leanne.roberts@hortnz.co.nz
S487	Felicity Watson	Westport, West Coast 7825			Westport	West Coast	7825	flisshaw@gmail.com
S488	West Coast Regional Council	PO Box 66 Greymouth, 7805	PO Box 66		Greymouth		7805	ls@wcrc.govt.nz
S489	Rural Contractors New Zealand Incorporated ("RCNZ")	PO Box 97431 Manukau AUCKLAND, 2241	PO Box 97431	Manukau	AUCKLAND		2241	graeme.mathieson@mitchelldaysh.co.nz
S490	New Zealand Motor Caravan Association	P O Box 42147 Papakura, 2112	P O Box 42147		Papakura		2112	alan@nzmca.org.nz
S491	Bathurst Resources Limited and BT Mining Limited	PO Box 5963 Lambton Quay Wellington, 61445	PO Box 5963	Lambton Quay	Wellington		6445	campbell.robertson@bathurst.co.nz
S492	Michael Snowden	PO BOX 46068 HERNE BAY AUCKLAND, 1011	PO BOX 46068	HERNE BAY	AUCKLAND		1011	micahel.snowden@onenet.co.nz
S493	TiGa Minerals and Metals Limited	4 Blake Street Surfdale Waiheke Island,	4 Blake Street	Surfdale	Waiheke Island			alex.booker@al.nz
S494	Warren French	32 Robertson Street Westport, West Coast 7825	32 Robertson Street		Westport	West Coast	7825	warren@west-trak.co.nz
S495	Coastwide Surveys Limited	PO Box 194 HOKITIKA, 7842	PO Box 194		HOKITIKA		7842	lynda@coastwidesurveys.co.nz
S496	O'Connor Crossroads Limited	PO Box 1845 Christchurch, 8140	PO Box 1845		Christchurch		8140	dean@planzconsultants.co.nz
S497	Waitakere Trust	PO BOX 217 Westport,	PO BOX 217		Westport			marie.dickson8@gmail.com
S498	Runanga Miners Hall Trust	64 High Street Greymouth, West Coast 7805	64 High Street		Greymouth	West Coast	7805	paulthomasreefton@hotmail.com
S499	Nikau Farms Limited	PO BOX 257 Greymouth, 7840	PO BOX 257		Greymouth		7840	jorja.hunt@tprl.co.nz
S500	Papahaua Resources Limited	57 Leith Street Dunedin, Otago 9016	57 Leith Street		Dunedin	Otago	9016	duncan@hardiepacific.com
S501	Go Media Limited	PO BOX 13831 CHIRSTCHURCH, 8140	PO BOX 13831		CHIRSTCHURCH		8140	alex.booker@al.nz

S502	Stevenson Mining Limited	PO BOX 458 Drury, 2247	PO BOX 458		Drury		2247	martina.courtier@drurysouthcrossing.co.nz
S503	Kevin Scanlon	12 Dellaca Place Westport, West Coast 7825	12 Dellaca Place		Westport	West Coast	7825	kevin.scanlon@mitre10.co.nz
S504	Bert Hofmans	182 Main Street Methven, Canterbury 7730	182 Main Street		Methven	Canterbury	7730	bert.hofmans@outlook.com
S505	Lindy Millar	182 Main Street Methven, Canterbury 7730	182 Main Street		Methven	Canterbury	7730	bertie.ernie@gmail.com
S506	Claire & John West	Po Box 321 Greymouth, 7840	Po Box 321		Greymouth		7840	kaniere@live.com
S507	Leonie Avery	98 Orowaiti Road Westport, West Coast 7825	98 Orowaiti Road		Westport	West Coast	7825	averybrothers@xtra.co.nz
S508	Jared Avery	21A Domett Street Westport, West Coast 7825	21A Domett Street		Westport	West Coast	7825	averybrothers@xtra.co.nz
S509	Kyle Avery	60 Orowaiti Road Westport, West Coast 7825	60 Orowaiti Road		Westport	West Coast	7825	averybrothers@xtra.co.nz
S510	Avery Bros	PO BOX 261 Westport,	PO BOX 261		Westport			averybrothers@xtra.co.nz
S511	Bradshaw Farms	98 Orowaiti Road Westport, West Coast 7825	98 Orowaiti Road		Westport	West Coast	7825	averybrothers@xtra.co.nz
S512	Paul Avery	PO BOX 261 WESTPORT,	PO BOX 261		WESTPORT			averybrothers@xtra.co.nz
S513	Brett Avery	95 Snodgrass Road Westport, West Coast 7892	95 Snodgrass Road		Westport	West Coast	7892	brettavery1@gmail.com
S514	Hapuka Landing Limited	PO BOX 13831 Greymouth, 8140	PO BOX 13831		Greymouth		8140	sarah.eveleigh@al.nz
S515	Russell Robinson	1940 Arnold Valley Road RD1 Dobson, West Coast 7872	1940 Arnold Valley Road	RD1	Dobson	West Coast	7872	russell@brunnerbuilders.co.nz
S516	Steve Croasdale	115 Okari Road RD2 Cape Foulwind, West Coast 7892	115 Okari Road	RD2	Cape Foulwind	West Coast	7892	pahoiaplum@eol.co.nz
S517	Te Kinga Estates Limited	42 Bryndwr Road Christchurch, Canterbury 8052	42 Bryndwr Road		Christchurch	Canterbury	8052	robkinney42@gmail.com
S518	Westreef Services Limited	PO BOX 343 NELSON, 7040	PO BOX 343		NELSON		7040	mark@landmarklile.co.nz
S519	New Zealand Defence Force	PO BOX 13055 Christchurch,	PO BOX 13055		Christchurch			rpurdy@tonkintaylor.co.nz
S520	Taipo Dairies Limited	Private Bag 623 Greymouth 7840	Private Bag 623			Greymouth	7840	taipofarm@farmside.co.nz
S521	Aggregate and Quarry Association	PO BOX 10-668 93 The Terrace Wellington, Wellington 6140	PO BOX 10-668	93 The Terrace	Wellington	Wellington	6140	wayne@aqa.org.nz
S522	Celine Stokowski Anthony Thrupp	259 Stafford road RD2 Hokitika, 7882	259 Stafford road	RD2	Hokitika		7882	cbstokowski@gmail.com
S523	Queenstown Lakes District Council	Private Bag 50072 Queenstown, 9348	Private Bag 50072		Queenstown		9348	services@qldc.govt.nz
S524	Federated Farmers of New Zealand	PO BOX 5242 Dunedin, 5242	PO BOX 5242		Dunedin		5242	elinscott@fedfarm.org.nz
S525	Brain Jones	4300 Karamea Highway Karamea, West Coast 7893	4300 Karamea Highway		Karamea	West Coast	7893	cb.jones@farmside.co.nz
S526	BP & CA JONES	4300 Karamea Highway RD 3 Karamea, West Coast 7893	4300 Karamea Highway	RD 3	Karamea	West Coast	7893	cb.jones@farmside.co.nz
S527	John Walsh	PO BOX 257 Greymouth, 7840	PO BOX 257		Greymouth		7840	info@tprl.co.nz
S528	Trevor Thorpe	Po Box 126 Westport,	Po Box 126		Westport			accounts@dingomining.co.nz
S529	John Thorpe	po box 126 Westport,	po box 126		Westport			accounts@dingomining.co.nz
S530	MIKE GREER FAMILY TRUST AND DANIEL CHIMA TRUST	PO BOX 18 Christchurch, 8140	PO BOX 18		Christchurch		8140	chris.fowler@saunders.co.nz
S531	TE KINGA/IVEAGH BAY RESIDENTS & RATEPAYERS ASSOCIATION	Po Box 18 Christchurch, 8140	Po Box 18		Christchurch		8140	chris.fowler@saunders.co.nz
S532	Denis and Wendy Cadigan	po box 257 Greymouth,	po box 257		Greymouth			info@tprl.co.nz
S533	Lauren Nyhan Anthony Phillips	78 Domett Esplanade Greymouth, West Coast 7802	78 Domett Esplanade		Greymouth	West Coast	7802	leapphillips@gmail.com
S534	Hadley Mills	320 Nelson Creek Road Ngahere, West Coast 7872	320 Nelson Creek Road		Ngahere	West Coast	7872	hadley_mills@hotmail.com
S535	Neil Mouat	CMB 47 Punakaiki RD1 Runanga,	CMB 47 Punakaiki	RD1	Runanga			neil@pancake-rocks.co.nz
S536	Straterra	93 The Terrace Wellington, Wellington 6011	93 The Terrace		Wellington	Wellington	6011	jeremy@straterra.co.nz
S537	Terra Firma Mining Limited	PO BOX 67 Ngaruawahia, 3742	PO BOX 67		Ngaruawahia		3742	lucy@terrafirma.kiwi.nz
S538	Buller District Council	PO BOX 21 Westport, 7866	PO BOX 21		Westport		7866	planning@bdc.govt.nz
S539	Rosalie Sampson	4797 Karamea Highway Karamea, West Coast 7893	4797 Karamea Highway		Karamea	West Coast	7893	rosaliesampson@xtra.co.nz
S540	Inchbonnie Hydro Limited	48 Swann Beach Road Whangaparāoa, Auckland 0932	48 Swann Beach Road		Whangaparāoa	Auckland	932	dave@inchbonniehydro.co.nz
S541	Spark NZ Trading Ltd, Vodafone NZ Ltd, Chorus NZ Ltd	Private Bag 92028 AUCKLAND, 1010	Private Bag 92028		AUCKLAND		1010	graeme.mccarrison@spark.co.nz
S542	A & S Marshal	55 Pine Tree Road Hokitika, West Coast	55 Pine Tree Road		Hokitika	West Coast		laramoynihan@hotmail.com
S543	Martin & Co Westport Ltd and Lumberland Building Market Westport	PO BOX 23 Westport,	PO BOX 23		Westport			kevin.scanlon@mitre10.co.nz
S544	Peter Jefferies	843 Atarau Road Atarau, West Coast 7870	843 Atarau Road		Atarau	West Coast	7870	paj1308@gmail.com
S545	Martin & Lisa Kennedy	6 Dowling Road Greymouth, West Coast 7805	6 Dowling Road		Greymouth	West Coast	7805	marlis.ken@gmail.com
S546	Nick Pupich Sandy Jefferies	729 Atarau Road Atarau, West Coast 7871	729 Atarau Road		Atarau	West Coast	7871	npupich@gmail.com
S547	Westpower Limited	6 Dowling Road Greymouth, West Coast 7805	6 Dowling Road		Greymouth	West Coast	7805	martink@xtra.co.nz
S549	Mandy Deans	6 Bob Lee Place Wānaka, Otago 9305	6 Bob Lee Place		Wānaka	Otago	9305	mandydeans@yahoo.com
S550	Westland Farm Services	PO Box 257 Greymouth, Greymouth 7840	PO Box 257		Greymouth	Greymouth	7840	jorja.hunt@tprl.co.nz
S551	Ken McTIGUE	PO BOX 81 Ahaura, 7843	PO BOX 81		Ahaura		7843	k.l.mctigue279@gmail.com
S552	Buller Conservation Group	PO Box 463 Westport, 7866	PO Box 463		Westport		7866	karearea.f@yahoo.com
S553	Frida Inta	PO Box 463 Westport, Buller 7866	PO Box 463		Westport	Buller	7866	karearea.f@yahoo.com
S554	Lee Cummings	PO BOX 970 Cowaramup WA, AUSTRALIA 6284	PO BOX 970	Cowaramup	WA	AUSTRALIA	6284	hayler.cummings@gmail.com
S555	Tuwhenu Moriori Tau imi Ihi	49 Herd Street Dunollie, West Coast 7803	49 Herd Street		Dunollie	West Coast	7803	tuwhenu.moriori@xtra.co.nz
S556	Paul & Barbara Dunn, Helen & Steve Boon, Ian & Lynley Preston, Jane & Mike Rogers	po box 194 Hokitika, 7842	po box 194		Hokitika		7842	lynda@coastwidesurveys.co.nz
S557	Cape Foulwind Staple 1 Ltd	248 Montreal Street Christchurch, Canterbury 8013	248 Montreal Street		Christchurch	Canterbury	8013	jane@staigsmith.co.nz
S558	Chris & Jan Coll	P O Box 204 Westport, 7866	P O Box 204		Westport		7866	jan@cjc.co.nz
S559	Stewart & Catherine Nimmo	PO BOX 358 Greymouth,	PO BOX 358		Greymouth			photos@stewartnimmo.co.nz
S560	Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird)	PO Box 2516 Christchurch, 8140	PO Box 2516		Christchurch		8140	n.snoyink@forestandbird.org.nz
S561	Fiona McDonald	CMB62 Punakaiki RD 1 Runanga, 7873	CMB62 Punakaiki	RD 1	Runanga		7873	vossonz@gmail.com
S562	Groundswell NZ	PO BOX 93 GORE, 9740	PO BOX 93		GORE		9740	hello@groundswell.org.nz
S563	Geoff Volckman	26 Blue Duck Road RD3 Little Wanganui, West Coast 7893	26 Blue Duck Road	RD3	Little Wanganui	West Coast	7893	riverlands.farm@xtra.co.nz
S564	Catherine Smart-Simpson	1106 Kohaihai Road RD 3 Karamea, West Coast 7893	1106 Kohaihai Road	RD 3	Karamea	West Coast	7893	lexidamara@yahoo.com
S565	Joel and Jennifer Watkins	113 Takutai Place Christchurch, 8971	113 Takutai Place		Christchurch		8971	jennieandjoel@hotmail.co.nz
S566	Chris J Coll Surveying Limited	PO BOX 204 Westport, 7866	PO BOX 204		Westport		7866	jan@cjc.co.nz
S567	William McLaughlin	Po BOX 204 Westport, 7866	Po BOX 204		Westport		7866	wejmclaughlin@gmail.com
S568	Cape Foulwind Staple 2 Ltd	248 Montreal Street Christchurch, Canterbury 8013	248 Montreal Street		Christchurch	Canterbury	8013	jane@staigsmith.co.nz
S569	Minerals West Coast	PO BOX 317 Hokitika, 7842	PO BOX 317		Hokitika		7842	manager@mwc.org.nz
S570	Dean Van Mierlo	use email	use email					deanvmnz@gmail.com

S571	Greg Maitland	89 Cement Lead Road Hokitika, West Coast 7882	89 Cement Lead Road		Hokitika	West Coast	7882	gregmait53@gmail.com
S572	Jon Barltrop	5186 State Highway 6 Fox River, West Coast 7871	5186 State Highway 6		Fox River	West Coast	7871	limestonecrk@gmail.com
S573	Fire and Emergency New Zealand	No postal address	No postal address					lydia.shirley@beca.com
S574	Laura Coll McLaughlin	PO BOX 204 Westport, 7866	PO BOX 204		Westport		7866	laura@cjc.co.nz
S575	Amanda Jenkins	Po Box 236 Tai Tapu Christchurch, 7645	Po Box 236	Tai Tapu	Christchurch		7645	amanda@ajfilns.co.nz
S576	Brian Anderson	17 McLeods Road Ross, West Coast 7885	17 McLeods Road		Ross	West Coast	7885	b.anderson@riseup.net
S577	Koiterangi Lime Co LTD	300 MacArthur Road RD1 Kokatahi, West Coast 7881	300 MacArthur Road	RD1	Kokatahi	West Coast	7881	stevekeenan300@gmail.com
S578	Anthony Eden	10 Johnston Cres Okuru Haast, 7886	10 Johnston Cres	Okuru	Haast		7886	chriseden.nzl@gmail.com
S579	Tim and Phaedra Robins	332C North Beach Road Greymouth, West Coast 7802	332C North Beach Road		Greymouth	West Coast	7802	nzwildsouth@yahoo.com
S580	Alvin & Kay Godfrey	Whitcombe Valley Road Kowhitirangi, R D 1 Kokatahi, West Coast 7881	Whitcombe Valley Road	Kowhitirangi, R D 1	Kokatahi	West Coast	7881	k.godfrey@xtra.co.nz
S581	David Ellerm	No postal address given	No postal address given					djeworkshop@gmail.com
S582	Anna & Jeremy Hart	No address given	No address given					anna.hart@pb.co.nz
S583	Michael Orchard	30 Whitcombe Terrace Hokitika, West Coast 7810	30 Whitcombe Terrace		Hokitika	West Coast	7810	thetreecentre@xtra.co.nz
S584	Steve and Anne Staples	No address provided	No address provided					rushmore@xtra.co.nz
S585	Tim Burden	No address provided	No address provided					tmburden@xtra.co.nz
S586	Tane & Rachel Little	No address provided	No address provided					lilyvalefarms@gmail.com
S587	Linda Elcock	No address provided	No address provided					elcock@xtra.co.nz
S588	Marty & Nicky Von Ah	1047 Kaniere Kowhitirangi Road RD 1 Kokatahi, West Coast 7881	1047 Kaniere Kowhitirangi Road	RD 1	Kokatahi	West Coast	7881	nicky@vonahcontracting.co.nz
S589	Charmaine Michell	No address provided	No address provided					jc.michell@xtra.co.nz
S590	Paula Jones	Not provided	Not provided					westmeadowfarms@gmail.com
S591	Karen and Dana Vincent	Warren Road Barrytown, West Coast 7873	Warren Road		Barrytown	West Coast	7873	skeletoncrewcarvingstudio@gmail.com
S592	Glenn Bradley	No address provided	No address provided					janna.glenn@ymail.com
S593	Janna Bradley	1641 Kaniere Kowhitirangi Road Kokatahi, West Coast 7881	1641 Kaniere Kowhitirangi Road		Kokatahi	West Coast	7881	glenn.janna@gmail.com
S594	Janie Cook	190C Gillams Gully Road Awatuna, West Coast 7882	190C Gillams Gully Road		Awatuna	West Coast	7882	janie.o.cook@gmail.com
S595	Frank O'Toole	68 Seymour Street PO Box 950 Blenheim, Marlborough 7201	68 Seymour Street	PO Box 950	Blenheim	Marlborough	7201	anna@blg.nz
S597	Tauranga Bay Holdings LTD	Como House 51 Tancred Street Hokitika,	Como House	51 Tancred Street	Hokitika			ella.mowat@eliotsinclair.co.nz
S598	Te Kinga Investments Ltd	Level 1 42 Oxford Street Richmond, 7020	Level 1	42 Oxford Street	Richmond		7020	pauline@do.nz
S599	WMS Group (HQ) Limited and WMS Land Co. Limited	120 Medway Road Hanmer Springs, Canterbury 7334	120 Medway Road		Hanmer Springs	Canterbury	7334	ray@wmsnz.com
S600	Phil and Helen Cook	1755 Kaniere Kowhitirangi Road Kokatahi, West Coast 7881	1755 Kaniere Kowhitirangi Road		Kokatahi	West Coast	7881	camelbackfarm@xtra.co.nz
S601	Birchfield Coal Mines Ltd	PO BOX 166 Greymouth	PO BOX 166			Greymouth		phil@birchfieldcoal.co.nz
S602	Department of Conservation	No address provided	No address provided					lthorne@doc.govt.nz
S603	BRM Developments Limited	PO BOX 257 Greymouth	PO BOX 257			Greymouth		jorja.hunt@tprl.co.nz
S604	Birchfield Ross Mining Limited	PO BOX 257 Greymouth	PO BOX 257			Greymouth		jorja.hunt@tprl.co.nz
S605	Paparoa Track Services Ltd, Craig and Sue Findlay, Tim Findlay, Punakaiki Beach Camp Ltd	No address provided	No address provided					jorja.hunt@tprl.co.nz
S606	Phoenix Minerals Limited	NO ADDRESS PROVIDED	NO ADDRESS PROVIDED					jorja.hunt@tprl.co.nz
S607	Whyte Gold Limited	PO BOX 257 Greymouth 7840	PO BOX 257			Greymouth	7840	jorja.hunt@tprl.co.nz
S608	Grey District Council	PO BOX 382 Greymouth 7840	PO BOX 382			Greymouth	7840	michael.mcenaney@greydc.govt.nz
S609	Avery Brothers	95 Snodgrass Road Westport, West Coast 7892	95 Snodgrass Road		Westport	West Coast	7892	brettavery1@gmail.com
S611	CMP Kokiri Limited	PO BOX 13831 Christchurch, Canterbury	PO BOX 13831		Christchurch	Canterbury		sarah.eveleigh@al.nz
S612	Toka Tū Ake EQC	Wellington, 6140			Wellington		6140	resilience@eqc.govt.nz
S613	Fuel Companies	201 Victoria Street West Auckland, Auckland 1010	201 Victoria Street West		Auckland	Auckland	1010	philipb@4sight.co.nz
S614	Karamea Lime Company	415 Granite Creek Road Karamea, West Coast 7893	415 Granite Creek Road		Karamea	West Coast	7893	langford@farmside.co.nz
S615	Peter Langford	415 Granite Creek Road Karamea, West Coast 7893	415 Granite Creek Road		Karamea	West Coast	7893	langford@farmside.co.nz
S616	New Zealand Heavy Haulage Association Inc	PO BOX 1296 Shortland Street Auckland, Auckland 1010	PO BOX 1296 Shortland Street		Auckland	Auckland	1010	stuart@stuartryan.co.nz
S617	Scoped Planning and Design Limited	160 Jollie Street Hokitika, West Coast 7810	160 Jollie Street		Hokitika	West Coast	7810	anna@scoped.nz
S618	Joan Kallmann	432 Humphreys Gully Road Arahura Valley, West Coast 7882	432 Humphreys Gully Road		Arahura Valley	West Coast	7882	
S619	Snodgrass Road submitters	5 Brougham Street PO Box 57 Westport, West Coast 7825	5 Brougham Street	PO Box 57	Westport	West Coast	7825	jane@stevensorchard.co.nz
S620	Te Runanga o Ngai Tahu, Te Runanga o Ngati Waewae, Te Runanga o Makaawhio	15 Show Place PO Box 13-046 Christchurch, Canterbury 8024	15 Show Place	PO Box 13-046	Christchurch	Canterbury	8024	lisa.mackenzie@ngaitahu.iwi.nz
S621	The Proprietors of Mawhera Tiamana Mawhera Incorporation	632 Blue Spur Road Arahura Valley, West Coast 7882	632 Blue Spur Road		Arahura Valley	West Coast	7882	jamesmasonrussell2018@gmail.com
S630	Tangi Weepu	55 Old School Road Awatuna, West Coast 7882	55 Old School Road		Awatuna	West Coast	7882	tangiweepu@hotmail.com
S663	Chorus NZ Ltd, Spark NZ Trading Ltd, Vodafone NZ Ltd	3082 Box Road Auckland, 1140	3082 Box Road		Auckland		1140	chris@incite.co.nz