

**In the Environment Court of New Zealand
at Christchurch**

ENV 2025-

**I te Kōti Taiao o Aotearoa
ki Ōtautahi**

Under the Resource Management Act 1991

In the matter of an appeal under clause 14 of Schedule 1 of the Resource Management Act 1991 against the decision of the Te Tai O Poutini Plan Committee on the proposed Te Tai O Poutini Plan: A Combined District Plan for the West Coast

Between **Westland District Council**
Appellant

And **Te Tai O Poutini Plan Committee**
Respondent

Notice of appeal

8 December 2025



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Notice of appeal

To: The Registrar

Environment Court

Christchurch

1. Introduction

- 1.1 The Westland District Council appeals the decision of the Te Tai O Poutini Plan Committee (**TTPP Committee**) (comprising the Buller, Grey and Westland District Councils) on the proposed Te Tai O Poutini Plan: A Combined District Plan for the West Coast (**Plan**).
- 1.2 The Council made a submission (numbered 181) on 12 October 2022 and a further submission on 11 July 2023 (numbered 79).
- 1.3 The Council is not a trade competitor for the purposes of s 308D of the Resource Management Act 1991 (**RMA**).
- 1.4 The TTPP Committee's decision (**Decision**) was formally notified on 10 October 2025.
- 1.5 The Council supports the large proportion of the objectives, policies, standards, rules, designations and zonings in the Plan, except those relating to stormwater permitted activity standards in the General Rural Zone - *Te Takiwā Tuawhenua Whānui* (**GRZ**) and Rural Lifestyle Zones - *Te Takiwā Kāinga Tuawhenua* (**RLZ**).

2. Parts of the Decision subject to appeal

- 2.1 The Council is appealing the Decision to not accept the Council's further submission to insert additional stormwater permitted activity standards into the GRZ and RLZ of the Plan.¹

3. General reasons for the appeal

- 3.1 At a general level the reasons for the Council's appeal are that, in the absence of the relief sought by the Council, the Decision:
 - a. fails to promote sustainable management of natural and physical resources, and therefore does not achieve the purpose of the RMA under s 5;
 - b. fails to implement the relevant district wide objectives and policies of the Plan;

¹ Resolutions from the TTPP Committee, 24 September 2025, adopting the Recommendation Report of the Hearing Panel. Recommendation Report of Hearing Panel, Hearing Dates: 29th & 30th and 1st and 2nd August 2024, at [146].

- c. is inconsistent with achieving the land-use outcomes anticipated by the relevant zoning;
- d. fails to achieve the integrated management of the effects of the use and development of land and physical resources; and
- e. fails to correctly apply s 32.

4. Specific reasons for the appeal

4.1 Without limiting the generality of the above, the specific reasons for the Council’s appeal are as follows:

- a. The Council made a further submission supporting, in part, the submission by Davis Oglivie and Partners Limited which sought to retain the stormwater permitted activity stands in the Settlement Zone - *Te Takiwā Nōhanga Pōnaho (SETZ)* as notified. The specific standards as notified were R1.2 and R1.3 as follows:

SETZ-R1 Residential Activities and Residential Buildings – Density

Activity Status Permitted

Where:

...

2. Where the settlement is serviced by a network utility operator for wastewater, water supply or stormwater 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.

- b. The further submission by the Council sought to include a provision similar to R1.2 and R1.3 in the GRZ and RLZ zones.
- c. In response to other submissions, the Decision retained R1.2 and R1.3 in the SETZ with the addition shown as underlining as follows:²

2. Where the settlement is serviced by a network utility operator for wastewater, water supply or stormwater, and provided there is capacity, all residential units and buildings used for a residential activity must be connected to the community wastewater, water supply and stormwater infrastructure;

² 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).

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.

- d. However, similar standards were not inserted into the GRZ and RLZ.
- e. The GRZ and RLZ include stormwater provisions for papakāinga developments that require onsite systems that serve the whole development as follows:³

GRUZ-R4 Residential Activities and Residential Buildings – Density

Activity Status Permitted

Where:

...

2. On-site wastewater, water supply and stormwater systems are developed to serve the entire papakāinga;

- f. However, there are no specific stormwater standards for general buildings and structures or for residential activities/units in GRZ and RLZ.
- g. As a result, typical rural dwellings and accessory buildings in these zones are not subject to any explicit permitted activity stormwater standards, despite stormwater being a key implementation issue in the Westland district.
- h. The Westland district experiences high rainfall and has a range of sensitive receiving environments. Poorly designed or unmanaged stormwater discharges from rural and lifestyle development can contribute to localised flooding, scouring and water quality effects.
- i. The absence of clear permitted stormwater standards in GRZ and RLZ means that:
 - i. stormwater expectations for individual dwellings are not transparent at the activity rule level; and
 - ii. the local authority may need to rely on broader objectives and policies, or on subdivision-stage conditions, to ensure stormwater effects are managed rather than having a consistent standard for land-use activities.

³ GRUZ–R4(4) and RLZ–R4(3) of the Decisions Version of the Plan.

- j. Furthermore, the absence of clear permitted stormwater standards for the GRZ and RLZ creates inconsistency with the residential zones, where stormwater standards are clearly tied to NZS 4404:2010, and with the papakāinga provisions within GRZ and RLZ themselves.

5. Relief sought

5.1 The Council respectfully requests the following relief:

- a. To ensure a more consistent framework for managing stormwater effects and give clearer expectations to applicants and councils, the provisions of the GRZ and RLZ should be amended to introduce explicit stormwater standards for general activities in GRZ and RLZ (for example, within GRUZ–R1 and RLZ–R1/R3) requiring that:
 - i. stormwater from buildings, accessways and hardstand areas be collected, treated and disposed of in accordance with NZS 4404:2010 and/or relevant Council Engineering Standards; and
 - ii. where reticulated stormwater networks are available (and have capacity), development connects to them, otherwise, compliant onsite systems are provided.
- b. Any alternative, consequential, or additional amendments necessary to address the concerns raised in this notice of appeal be made to the Plan or any other relevant provisions, including any required changes to planning maps.

6. Attachments

- 6.1 Appendix A – A copy of the Council’s further submission.
- 6.2 Appendix B – A copy of the submission by Davis Oglivie & Partners Limited.
- 6.3 Appendix C – A copy of the Decision appealed.
- 6.4 Appendix D – A list of names and addresses of persons to be served with this notice.

WESTLAND DISTRICT COUNCIL by its counsel Rice Speir:



Signature:

Katia Fraser | Felicity Wach

Date:

8 December 2025

Address for service:

c/- Katia Fraser/ Felicity Wach
Rice Speir Limited
Level 14
23 Customs Street East
PO Box 105147
Auckland

Appendix A – A copy of the Council’s further submission.



Westland District Council Submitter S181
Westland District Council Further Submitter SF79

Westland District Council
36 Weld Street
Private Bag 704
Hokitika 7842

11th July 2023

Phone 03 756 9010
Fax 03 756 9045
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West Coast Regional Council
PO Box 66
Greymouth

info@tppp.nz

Westland District Council further submission on the Proposed Te Tai o Poutini Plan

Introduction

1. Westland District Council (the Council) thanks the West Coast Regional Council for the opportunity to make further submissions on the Proposed Te Tai o Poutini Plan.
2. This submission outlines the key matters that Westland District Council supports and raises some matters that Council would encourage further consideration of.

Submission

Specific submission points with recommended amendments/clarification are included in Appendix A.

Further submission points

1. Dark Sky provisions to include Okārito;
2. Include stormwater from building provisions in GRZ and RLZ;
3. Commercial Activity and Retail Activity definitions to include offsite hire of equipment for use on surface of water;
4. ECO rules to clarify how applicants can achieve ECO-R2(3);
5. Natural Hazards rules to reflect most recent report regarding Franz Josef;
6. Riparian Margin, Commercial Activity and Retail Activity interpretation.

Conclusion

In summary, thank you for the opportunity to provide this further submission. Council wishes to be heard in support of this submission.

For clarification on any points within this further submission please contact Olivia Anderson, Planning Manager, at olivia.anderson@westlanddc.govt.nz

Yours faithfully,

Simon Bastion
CEO Westland District Council

Appendix A – Specific further submission points and recommended amendments

Submission Point	Plan Section	Provision	Position on the further submission:	The reasons for our submission are:	The decision I would like the Council to make on this submission point is:
S275.016	Light	LIGHT	Support in Part	<p>Council supports the consideration of greater protection for West Coast dark skies. Submission point 12 recommends that the requirements of Dark Skies Park designation under International Dark Skies be included for specific areas such as Punakaiki/Barrytown Flats for new builds and replacement works.</p> <p>The Okārito community is seeking Dark Sky Community accreditation through the International Dark Sky Association. This application is endorsed by the Okārito Community Association (OCA) meeting 27 November 2022 (see attached letter) and Glacier Country Tourism (see attached letter) and has the support of Council.</p> <p>To be consistent with the accreditation process currently underway within the Okārito community Dark sky provisions should be extended to Okārito township and Forks area.</p> <p>This measure will offer additional protection to nocturnal native fauna including unique West Coast species Okārito kiwi (<i>Apteryx rowi</i>).</p>	Allow in Part - Amend to include Dark Sky provisions at Punakaiki and Okārito.
S465.027	Settlement Zone	SETZ-R1.2 and R1.3	Support in Part	Council supports the inclusion of these provisions for the Settlement Zone but would like a provision similar to R1.3. included for the GRZ and RLZ as well. This measure has the intent of the current Westland District Plan provision 8.3 which requires	Allow in Part - Amend GRZ and RLZ rules to include stormwater provisions similar to SETZ-R1.2 (where relevant) and SETZ-R1.3.

				<p>'Stormwater runoff from buildings shall be directed to the road channel, or to a watercourse within the property, or to an approved drain provided for that purpose.' Similar to MRZ-R1.7 and LLRZ R1.6 the intent is that stormwater runoff from all buildings (not just residential dwellings) should be managed on site not drain to a public road aside from secondary flow purposes.</p>	
S536.032	Interpretation	COMMERCIAL ACTIVITY	Support in Part	<p>Council supports amendment of the Commercial Activity definition.</p> <p>Definition should encompass ancillary activity to the commercial activity including hire where the financial exchange occurs offsite.</p> <p>The intent is that Commercial Activities on the Surface of Water involving hire of goods or services are a Discretionary Activity as per ASW-R7.</p>	<p>Allow in Part - Amend definition to read: <i>means any activity trading in goods, equipment or services. It includes any ancillary activity to the commercial activity (for example administrative or head offices) and:</i> a) <u>The hire and use of goods, equipment and services for activities on the surface of water (ASW);</u> b) <u>The hire and use of goods, equipment and services in Open Space and Recreation Zones.</u></p>
S538.013	Interpretation	RETAIL ACTIVITY	Support in Part	<p>The current retail activity definition does not capture the offsite hire of equipment for use in the Open Space Zone.</p> <p>The intent is that Retail Activities within the OSZ are included within OSZ-R16.</p>	<p>Allow in Part - Amend definition of retail activity to include hire and use of goods, equipment and services.</p>
S602.076	Ecosystems and Indigenous Biodiversity	ECO-R2	Support in Part	<p>Council agrees that ECO – R2(3) and advice note requires amendment to remove ambiguity.</p> <p>Currently R2(3) requires <i>indigenous vegetation clearance does not disturb, damage or destroy nesting areas or habitat of protected species.</i> No</p>	<p>Allow in Part - Amend ECO – R2(3) to provide an advice note on how R2(3) can be achieved.</p>

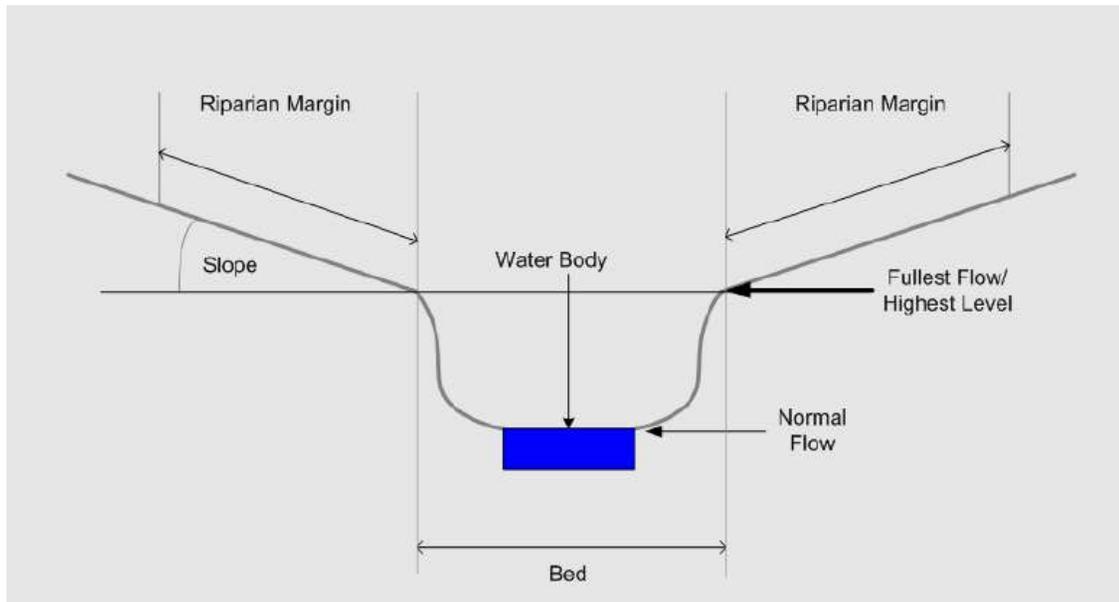
				information is provided as to where protected species habitat or nesting areas are or how applicants can provide evidence that they meet this requirement. If an ecological report is required to achieve this, then this is contrary to the intent of a Permitted Activity. An advice note should be added to confirm how R2(3) can be achieved.	
S617.011	Natural Hazards	NH- R1	Support	Council is in opposition to NH-R1 (1-5). Within the Westland District the proposed Rule will allow for rebuilding/replacement in an area of natural hazard risk within a 5 year period which is more lenient than the current RMA existing use right provisions. Council supports retaining the current RMA timeframe of 12 months (rather than extending to 5 years) as this will achieve the Objective to reduce risk to life, property and the environment from natural hazards as well as the Policy of precaution.	Allow - Delete rule NH-R1 (1-5) or modify rule to comply with current RMA existing use right timeframes.
S617.012	Natural Hazards	NH – R4	Support	This rule is contrary to existing national direction within the NZ Coastal Policy Statement. To allow for evaluation of matters raised in NZCPS Policy 25 and 27 Council agrees this rule should be subject to Discretionary Activity Status rather than Permitted Status. Council supports the change of status to Discretionary as it will allow Council and the community it represents to have a say in protection works which can compromise natural character and amenity.	Allow - NH-R4 to Discretionary Activity Status.
S617.013	Natural Hazards	HH – R7	Support	Council agrees with proposed amendment which is proposed to allow for the construction of small	Allow - Amend to state unoccupied buildings of no more than 50m ² .

				structures requiring minimum investment, reducing the risk to property and social effects on residents.	
S617.014	Natural Hazards	NH – R 10	Support	Council agrees that this rule is too permissive and agrees with the amendment to wording to require a 500mm minimum rather than standard. The rule should be Controlled rather than Permitted Activity status. The reason for this is that site specific engineer advice may recommend a raise floor level in excess of this requirement to provide protection of life and property.	Allow - Move NH-R10 to Controlled Activity Status.
S617.015	Natural Hazards	NH – R 38	Support	Council agrees this rule should be deleted. As discussed previously Council considers that the current RMA existing use provisions provide adequate provision for rebuilding within 12 months, the proposed rule is too lenient and may encourage development within the Coastal Hazard overlays which is not the intent of the NH Objectives and Policies which seek protection of lives and property.	Allow - Delete.
S617.018	Natural Hazards	NH	Support	Council supports the introduction of controls for areas subject to Tsunami or coastal erosion from storm surge. Measures similar to those provided for severe earthquake hazards may be appropriate in areas of the coastal environment subject to risk of tsunami. Areas affected by coastal erosion may also be vulnerable to storm surge and land loss and further development should be restricted in these areas to prevent potential loss of life and property.	Allow - Include rule to prohibit sensitive activities within the Coastal Severe Overlay.
S617.019	Natural Hazards	NH	Support	Include landslide risk to Franz Josef Township in hazard overlays and zoning. Council supports this measure in order to prevent loss of life. A copy of the final Franz Josef Hazard report is included with this further submission to support this request.	Allow - Include additional overlay and maps for landslide risk to Franz Josef Township.

S617.020	Natural Hazards	NH	Support	Council agrees that the final Franz Josef hazard report be utilised to inform landslide zoning overlays for Franz Josef. This measure is required to prevent potential loss of life and property.	Allow - Amend rule framework to prohibit development in landslide risk area of Franz Josef Township.
S620.041	Interpretation	RIPARIAN MARGIN	Support in part	<p>Council supports amendment of the Riparian Margin definition.</p> <p>To provide for consistency of decisions the proposed plan definition should be consistent with the WCRC Land and Water Plan and include interpretation diagrams/tables. (See below)</p>	<p>Amend the definition of riparian margin:</p> <p><i>Means all land within:</i></p> <ul style="list-style-type: none"> a. 10m of any wetland; b. 20m of any lake; and c. <u>A certain distance [as per attached table] from the usual and non-flood fullest flow/highest level [see diagram] of any river.</u>

Table of Riparian Margin widths

	River Width		
	1-3 metres wide	3-8 metres wide	>8 metres wide
Riparian Margin Width	5 metres	10 metres	20 metres



Deborah Patterson

From: Okarito Chairperson <chairperson@okarito.org.nz>
Sent: Wednesday, 3 May 2023 10:56 am
To: Deborah Patterson
Cc: darkskyokarito
Subject: Fwd: Okarito Dark Sky Community

Follow Up Flag: Follow up
Flag Status: Flagged

This email is from an external sender. Be careful when opening any links or attachments. If you are unsure, please contact IT for assistance.

Hi Deborah.
Just forwarding on the email from our association regarding support for the Okarito Dark Sky application process.

Nga mihi
Richard Saunders
Chairperson

Okarito Community Association
P.O Box 144, Franz Josef Glacier 7856



==== Forwarded message =====
From: Okarito Chairperson <chairperson@okarito.org.nz>
To: "simon.bastion" <simon.bastion@westlanddc.govt.nz>
Date: Tue, 28 Mar 2023 16:59:08 +1300
Subject: Okarito Dark Sky Community
==== Forwarded message =====

Kia Ora Simon.
Our community of Okarito has had several discussions regarding the proposal to apply for a Dark Sky Community designation through the International Dark Sky Association. The community has supported continuing the application process. There are rigorous standards for approval and one of the requirements for an application to be successful is the support of applicable government agencies such as Council.

The Okarito Community Association supports Council making a submission for the District Plan that would allow provisions for Dark Sky compliance language should the application be successful. Please let us know if you have any questions.

Nga mihi
Richard Saunders
Chairperson

Okarito Community Association
P.O Box 144, Franz Josef Glacier 7856





West Coast Branch

14/06/2023

The West Coast branch of Forest & Bird welcomes the initiative by the Okārito community to preserve and protect the dark skies of Okārito. We fully support the proposal for an accredited Dark Sky Community from the International Dark Sky Association. We also support that the dark sky provisions should be extended to the Okārito township. We look forward to seeing these provisions included in Te Tai o Poutini Plan for the Okārito area.

There are likely other communities across the West Coast that may be interested in dark sky accreditation and we trust TTPP will allow for such opportunities to be progressed going forward. With increasing levels of artificial light trespassing into the night across Aotearoa, we hope that West Coast councils will embrace the benefits to native species and to people's wellbeing by protecting the relatively pristine dark skies that exist in many parts of Tai Poutini.

Suzanne Hills on behalf of West Coast branch of Forest and Bird.

WestCoast.Branch@forestandbird.org.nz



Glacier Country Tourism Group Inc.
P O Box 78, Franz Josef Glacier 7856

11th April 2023

Okarito Dark Sky Community
darkskyokarito@gmail.com

Tēnā koutou

Glacier Country Tourism Group would like to express our support for the Okarito Dark Sky Community Project.

The project will provide many benefits for both the community and visitors to Glacier Country, adding to the visitor experience and enhancing the attractiveness of Glacier Country as a destination for both New Zealanders and International visitors.

The project will have a positive impact on the environment and will fit alongside other current conservation projects in the area such as Jobs for Nature and Predator Free South Westland / Zero Invasive Predators. The project will also provide opportunities for employment in nature tourism and give visitors a reason to stay longer in our area and enjoy all Glacier Country has to offer.

We are excited for the potential and give our full support to the Okarito Dark Sky Community Team in getting this initiative progressed.

Ngā mihi

Two handwritten signatures in black ink. The first signature on the left is a cursive signature, likely belonging to Janelle Shaw. The second signature on the right is a more stylized, bold cursive signature, likely belonging to Mike Nolan.

Janelle Shaw Mike Nolan

Co-Chairpersons
Glacier Country Tourism Group

COMPARATIVE HAZARD AND RISK ASSESSMENT OF EXISTING AND PROPOSED FRANZ JOSEF TOWN SITES: REPORT FOR WESTLAND DISTRICT COUNCIL

February 2023

Tim Davies

School of Earth and Environment, University of Canterbury

EXECUTIVE SUMMARY

Franz Josef Glacier township is known to be subject to a number of natural hazards that threaten both assets and lives, including

1. river flooding from the Waiho-Callery river system and the Tatare River;
2. earthquake (surface rupture, ground shaking and liquefaction), predominantly from the Alpine fault;
3. failure (probably earthquake-triggered) of the steep hillslope immediately south-east of the existing township, causing a rock avalanche;
4. landslide dambreak flooding from the Callery and Tatare Rivers; and
5. debris-flows at Stoney Creek.

The threats from Waiho River flooding and an Alpine fault earthquake are widely-recognised, and official and societal concerns about them are such that it has been proposed to relocate the township to an alternative site in the same vicinity but more distant from both the Waiho and the Alpine fault.

New Zealand legislation requires that land-use decisions in respect of natural hazards are based on the concept of risk (defined as the annual probability of an event multiplied by its consequence), therefore it is necessary to assess the degree to which the proposed relocation will alter natural-hazard risks to assets and to life at Franz Josef.

This report estimates and compares the risks to the existing and proposed town sites that arise from these hazards. Due to the sparsity of data on individual hazards, estimates of absolute risk are subject to potentially large errors. The ratios of risks in the two sites, however, are more robust because errors will tend to be similar at both sites and may largely cancel each other out.

The main findings are that:

- Overall risks to life in the existing town are of the order of 10-20 times higher than those to the same population in the proposed town site.
- Risks to assets are of about the same order of magnitude over both existing and proposed sites, but somewhat greater over the former.
- In particular, the individual risk-to-life from rock avalanche hazard at the present town site (> 0.02 per year) appears to be about an order of magnitude higher than globally-accepted levels, but is much closer to acceptable levels in the relocated site.
- Societal risks-to-life due to rock avalanche, dambreak flood and debris flow appear to be unacceptably high by global standards across parts of the present and proposed town sites.

It is noted, however, that a number of assumptions underlie these results:

- (a) That assets and people are uniformly spatially distributed across both existing and relocated town sites at equal spatial densities corresponding to pre-Covid population and tourist numbers. This means that the spatial distribution of hazards determines the risk distribution.
- (b) That risks due to hazards 1, 3, 4 and 5 are only those that exist prior to the occurrence of a major earthquake. This is because hazards 1, 3, 4 and 5 are likely to be altered significantly following a major earthquake, but this alteration cannot be quantified realistically.
- (c) That the rock avalanche hazard is real; it is emphasised that this is presently somewhat uncertain. A detailed geotechnical assessment is needed to assess this, because rock avalanche risk is the main cause of the much higher risk-to-life at the existing town site.
- (d) That flood control banks are in place as planned in 2020 (Figs. 3 & 4), and these will not fail before 2040. This is because aggradation of the Waiho River is assumed to continue at the pre-2020 rate, and this will result in bank failure becoming much more likely after 2040.

Climate change has not been factored into present hazard and risk estimates, because the extent of its impacts on weather and river flows prior to 2040 have yet been defined sufficiently reliably. Climate change will affect both present and proposed town sites similarly, with the exception of increase in debris-flow frequency at Stoney Creek.

It follows from (b) and (d) above that the relative risks calculated herein are valid only until the next major earthquake or until 2040, whichever comes first; the probability of an Alpine fault earthquake occurring before 2040 is about 30-40%. A qualitative outline of risk changes after 2040 and/or after an earthquake is provided in Appendix C.

The risks to the proposed relocated town site can be reduced by concentrating assets and people in locations less vulnerable to hazards. The part of the proposed town site east of the Tatare River and north of State Highway 6 stands out as the least threatened area, excluding the Stoney Creek fan debris-flow area.

Further work is needed to

- (i) reduce the uncertainty about the reality of the rock avalanche hazard;
- (ii) assess how the relocated township layout will affect risks to lives and assets, and how these compare to risks to the present township layout;
- (iii) assess how hazard frequency will change following the occurrence of a major earthquake; and
- (iv) assess how flood frequency will change due to increased risk of stopbank overtopping after 2040.

When reliable estimates of the locations of assets and population of the proposed relocated township become available, further detailed work could be carried out to reassess the relative risks using the actual distribution of assets and people in the present town site. However the base data on hazard magnitude, frequency and spatial distribution are recognised to be approximate, and will limit the reliability of any precise risk estimates.

It is also important to note that no estimates of risk can predict the extent to which specific areas of land will be affected by hazards prior to 2040. Risk is a probabilistic concept that does not apply reliably to any small sample of events; only over a very long time period can outcomes be expected that correspond reliably to the present hazard and risk estimates.

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1. Introduction

On 20 December 2020 Westland District Council contracted University of Canterbury to provide a comparative hazard impact assessment of the existing and proposed Franz Josef town sites (Fig. 1, 2). This work is to be carried out by Dr Tim Davies and MSc thesis student Nandhini R.

Reported data required include

- i. the approximate footprints of the identified hazards over a range of magnitudes and frequencies on both present and proposed town sites;
- ii. a comparison of the average annual hazard impact on the present town site with that of the proposed new site, assuming the same degree of development at each site;
- iii. identification of specific areas requiring more detailed investigation.

A Progress Report dated May 2022 dealt with the first of these.

The MSc thesis (R, 2022) was submitted at the end of June 2022, and provides an account of the project and a quantitative comparison of the hazard exposure of the sites. The main contribution of the thesis was to develop a GIS-based superposition of the hazard magnitude zones and to quantify their overlaps with the present and proposed town sites, and to find values for specific hazard mortality rates. The thesis was examined and passed by two external referees; the comments of the referees have been incorporated in the present report where appropriate.

This Final Report outlines the basis of, describes, and summarises the outcomes of, the MSc thesis and other work completed for this project.

2. Background

Franz Josef Glacier township in Westland (Fig. 1) was, pre-Covid, a rapidly-developing centre forming a key component of South Island tourism; in the future it is expected to resume that role. However it has for some time been of increasing concern that the township and its ca 400 permanent inhabitants, together with hundreds of seasonal workers and some thousands of daily tourists, are at serious risk from the natural hazards that threaten the area. The beauty of the natural landscape that attracts tourists to the area results from its extremely active tectonic setting, which gives rise to rapid landscape uplift and steep mountains, and from its intense hydrological regime with ca 10 000 mm of rain per year and active rivers. These same factors, however, also cause the occasional lethal earthquakes, landslides, floods and debris flows that can devastate Franz Josef with little or no warning. Although no such catastrophe has occurred in European recorded history, this only dates back to the mid-19th century, and landscape evidence suggests that many major events have occurred prehistorically; these will certainly be repeated in the future. No location on Earth is risk-free, however, and the Franz Josef community can continue to live more safely with its exciting environment if it acknowledges its predicament and plans to avoid the future events that can be foreseen.

New Zealand legislation requires that natural hazards threatening assets and lives are considered when locating developments, and that this consideration is framed in terms of risk. In this context, risk is defined as the annual probability that a specific natural event will occur, multiplied by its impact on society in terms of deaths and costs. Thus risk is a criterion that must be used in decision-making about where to locate societal assets and, hence, people.

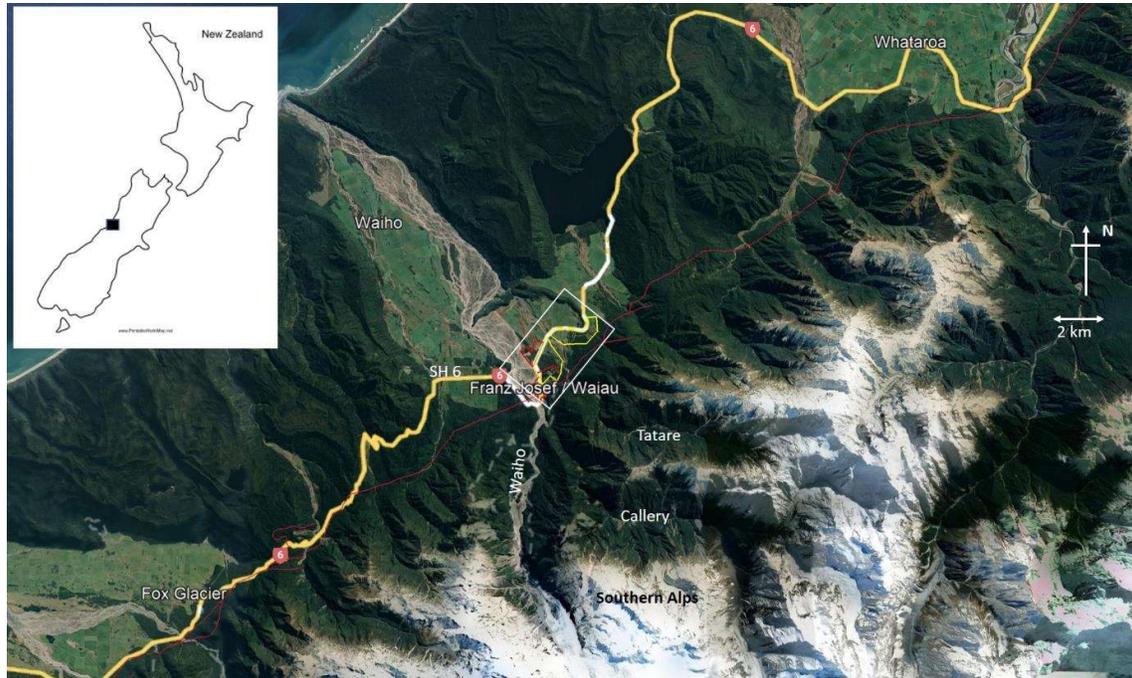


Fig. 1 Franz Josef area, Westland showing Alpine fault (red line), SH 6 (yellow line), Southern Alps and major rivers. White square is area of Fig. 2. Modified Google Earth image.

It has been proposed that Franz Josef township can reduce its hazard exposure, and hence risks, if its assets and population are relocated to a different site in the same general area. The purpose of the present work is to estimate and compare the risks from natural hazards to both the present town site and to the proposed relocation site. The existing (OT1 and OT2) and proposed (NT1 and NT2) town sites, each comprising two distinct areas, are shown in Fig. 2.

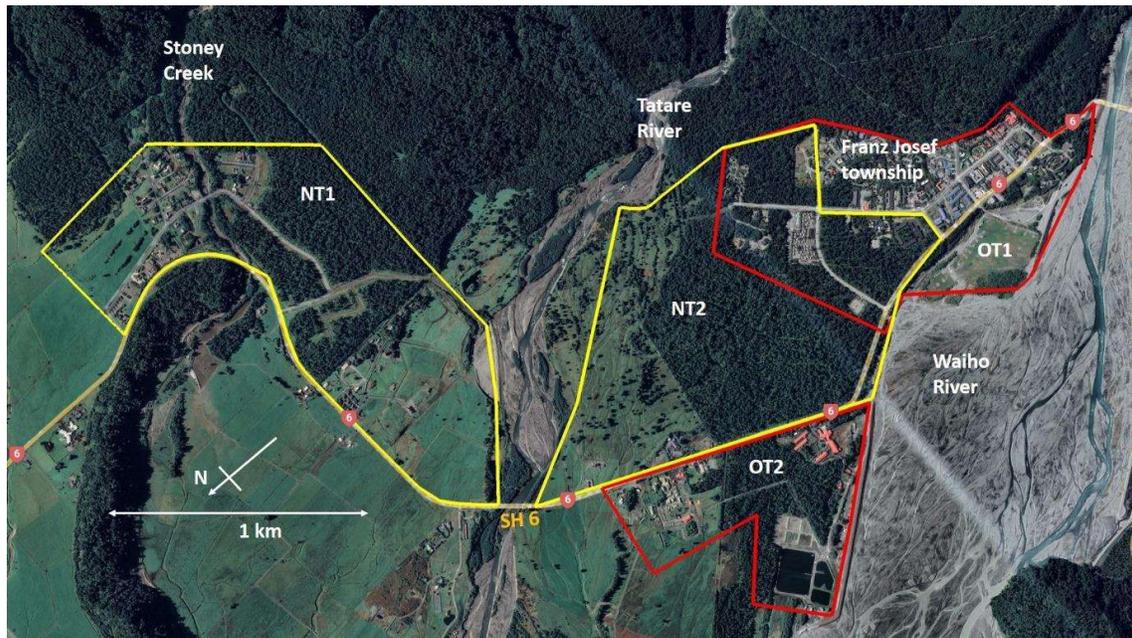


Fig. 2 Close-up of Franz Josef township area showing present town sites (red lines: OT1 and OT2) and proposed town sites (yellow lines: NT1 and NT2). Modified Google Earth image.

3. Previous hazard and risk assessments

This is the first hazard assessment that specifically considers the proposed new town sites.

McSaveney and Davies (1998) carried out the first natural hazard assessment for Franz Josef Glacier township and its environs, which however considered only the flood hazard due to the Waiho River and the earthquake hazard due to the Alpine fault. At that time the latter hazard had only recently been generally acknowledged, prior controversy over whether the Alpine was indeed seismogenic or moved by slow slip having been resolved in the mid-1990s. Since then considerable progress has been made in understanding seismic hazard in Westland and its likely impacts (e.g. Robinson et al., 2016; Howarth et al., 2021; Blagen et al., 2022). The 1998 hazard assessment focussed mainly on Waiho River flooding, using a geomorphic approach because of the lack of flow and sediment transport data.

Langridge et al. (2016) incorporated post-1998 work on the Alpine fault (Langridge et al., 2011; Howarth et al., 2014) and the Waiho River (Land River Sea Ltd, 2014), and considered in addition threats due to alluvial fan flooding; to landslide-dambreak flooding from the Callery River, which had caused relocation of a holiday park in 2003 following research by Davies (2002) and OptimX (2002); to coseismic and aseismic landsliding based on work by Hovius et al. (1997), Stark and Hovius (2001) and Robinson et al. (2016); and to rock avalanche based on work by Barth (2013) and Davies (2014). Areas susceptible to ground rupture, seismic shaking, Waiho flooding and liquefaction were delineated but without associated probabilities. Hazards due to debris flows at Stoney Creek and to landslide dambreak floods from the Tatare River were not mentioned, despite their prior consideration by Welsh and Davies (2011) and Davies and Korup (2007) respectively.

Tonkin and Taylor (2017) summarised hazard knowledge and presented options for risk management. Davies and Loew (2019) and Davies and Moretti (2021) estimated the likely size and annual probability of rock avalanche hazard at Franz Josef, and Dunant et al. (2021) derived a magnitude-frequency relationship for landslide-dambreak floods from the Callery River. In addition, R (2021) carried out a magnitude-frequency analysis of landslide dambreak floods from the Tatare River.

4. Methodology

The present report draws on the previous work centred on the Alpine fault for estimating earthquake-related hazards and risks. Waiho River flood hazard and risks assessments utilise data from the most recent modelling by Land River Sea (Gardner, 2021) and the aggradation analysis of Beagley et al. (2020). The areas affected by landslide dambreak floods from the Callery and Tatare Rivers are delineated for a range of return periods by modelling carried out specifically for this project by GNS Science Ltd under their Endeavour programme, while the areas affected by rock avalanches of a range of return periods are delineated using the empirical relationships of Davies (1982) and Korup and Clague (2009). To generate an impact-frequency relationship for debris flows at Stoney Creek, empirical relationships from the literature were assumed to apply, together with the assumption that debris flows result from aseismic landslides in the catchment. These analyses and the resulting impact-frequency data are outlined in Appendix A.

Using GIS, R (2022) has calculated the overlap of each hazard type and frequency with the old and new town sites. Assuming that both assets and people are uniformly and equally spatially distributed across each town site, at the pre-Covid permanent and tourist populations, the asset risks and risks-to-life for each hazard, and the total for all hazards, are calculated.

5. Main assumptions and implications

All hazard assessments rely on a suite of assumptions. Here the main, overarching assumptions are set out and their implications made clear. The estimations of the individual hazards also involve their own specific assumptions, which are set out when these are considered.

It is assumed that:

- 5.1 The spatial distribution of assets within the town sites is uniform. Thus the impact of each hazard event is characterised only by the spatial distribution of the hazard event itself, not by the location of any specific asset. The hazard spatial distribution, however, provides information that may be useful in deciding where to locate assets across the relocation sites in order to reduce impacts. Similarly, risk-to-life estimates are based on assumed uniform distributions of people across the two sites at pre-Covid permanent, itinerant and tourist populations. Asset and population distributions are assumed uniform in time.
- 5.2 Stopbanks are present as planned in 2020 (Figs 3, 4), including raising of existing banks and installation of a bank to prevent the Waiho avulsing into the Tatara downstream of the oxidation ponds. These stopbanks are also assumed to operate as designed (i.e. not fail).
- 5.3 The Waiho River continues aggrading. Beagley et al. (2020) showed that if the Waiho behaves over the next century as it has during the last 50 years, its bed will aggrade by about 17 m at the SH6 bridge by 2120, assuming that it remains confined in its present bed by raising stopbanks. To address this situation, the West Coast Regional Council medium-term strategy is to relax/remove the western stopbanks (on the true left of the Waiho River) so that the flood threat to the east bank (true right) land is greatly reduced (Gardner, 2021). Thus the eastern stopbanks only need to function until this strategy is implemented; they have been designed to cope with about 20 years of aggradation (Gardner, 2021), so this is the corresponding time-scale over which the present work applies. Note also that the probability of a major earthquake in the next 20 years is about 30-40%; this event will drastically alter (increase) the subsequent flood risk due to large coseismic landslide sediment input to the river (Robinson et al., 2016; Briggs et al., 2018; Appendix C). The present work therefore only applies until that event occurs.
- 5.4 The rock avalanche hazard exists as described. As outlined by Davies and Loew (2019) there remains some doubt about this, to resolve which needs detailed geotechnical investigation.

Earthquake hazard at Franz Josef is dominated by the expectation of a major earthquake on the Alpine fault. This probability of this event is about 75% in the next 50 years, according to Howarth et al. (2021). Following this earthquake, or one on a different fault within the Southern Alps, the hazard probabilities at Franz Josef over the following decades to century will change significantly, because of the large volume of earthquake-generated landslide sediment that will be deposited in rivers and the severe aggradation and increased flooding this will cause (Blagen et al., 2022; Orchiston et al., 2018). It is not presently feasible to anticipate quantitatively how the hazardscape will be affected by the next major earthquake. The present work therefore considers only the current, pre-earthquake hazard distribution (which however includes the immediate impacts of the earthquake itself) in comparing the hazard exposures of the two town sites.

The present risk calculations thus apply only until the planned stopbanks become unreliable due to river aggradation in about 2040, or until the next major earthquake, whichever comes sooner.

Future hazards at Franz Josef are expected to alter with time due to climate change. Climate change has however been ignored in the present work because, first, it is a relatively slow process whose impacts will take many years to become fully apparent and in the meantime it is sufficiently accurate to predict future climate-related hazards based on past experience of these; and, second, climate change impacts are likely to be similar for both present and proposed town sites and so will not significantly affect the relative hazard vulnerability of the sites. When consideration extends to longer-term timeframes climate change will be a much more serious factor (Appendix C).

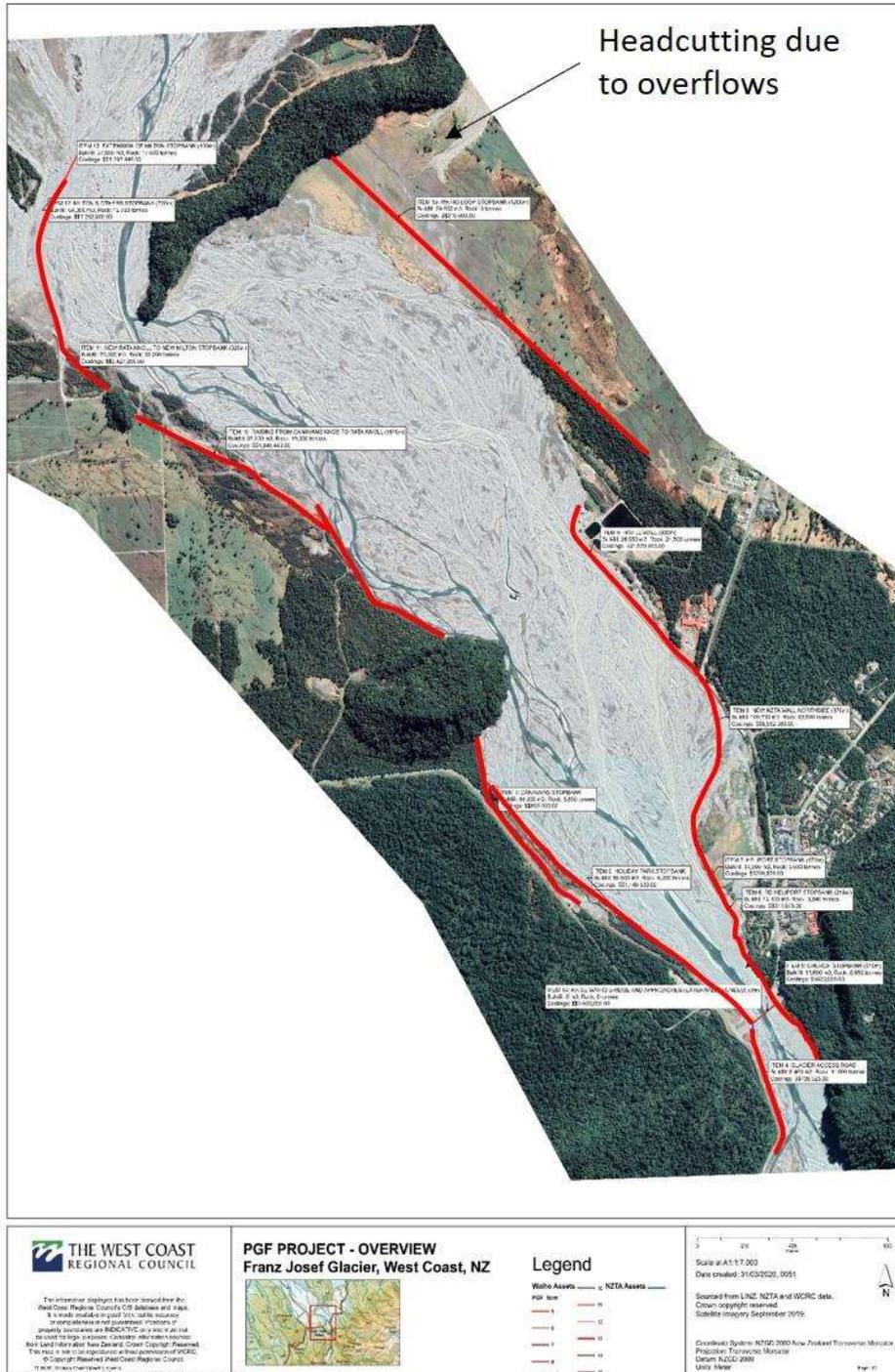


Fig. 3 Existing and planned stopbanks at Franz Josef (West Coast Regional Council).

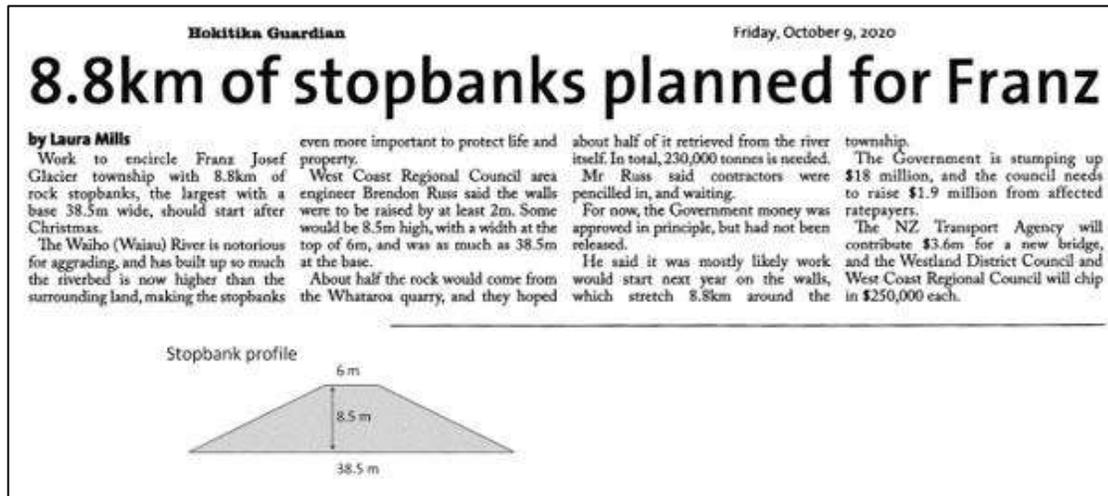


Fig. 4 Information and cross-section of planned stopbanks (Hokitika Guardian, 2020)

6. Hazards affecting town sites

Outlined herein are the estimated spatial extents and recurrence intervals for the known hazards whose areas of impact overlap with either or both the present and proposed town sites:

1. rainstorm-generated flooding from the Waiho-Callery river system and the Tatare River;
2. earthquake (surface rupture, ground shaking and liquefaction), predominantly from the Alpine fault;
3. earthquake-triggered landslide (rock avalanche) from the steep hillslope south-east of the existing township;
4. landslide dambreak flooding from the Callery and Tatare Rivers; and
5. debris-flows at Stoney Creek.

A number of natural hazards that can affect Franz Josef Glacier township, but are either insufficiently localised in impact or localisation of their impacts cannot be predicted, are not considered because they are likely to affect both present and proposed town sites equally. These include windstorms, hailstorms, snowstorms, surface flooding from rainfall, lightning strikes and wildfire.

Because few reliable data exist describing the magnitude-frequency relationships of the considered hazard events the quantities used and derived in the following analyses are necessarily approximations. Hence the areas delineated as affected by events of specific return periods, though as realistic as possible, are also approximations and must be acknowledged as such in any use of this report. Even if these delineations were ideally accurate, however, they could not reliably predict the areas affected by any specific future events because they are statistical descriptions of what can occur over very long time periods. Nevertheless, they are useful for comparing the hazard exposures and risk levels in the existing and proposed township areas.

The areas delineated as affected by events of different return periods are in some cases the result of state-of-the-art numerical simulations (Waiho River flooding; landslide dambreak flooding from the Callery and Tatare), while others (rock avalanche, debris flow, earthquake) are based on empirical data from within New Zealand and from overseas. The data sources and analyses underlying the hazard assessments are detailed in Appendix A.

The ranges of return periods considered vary between hazards. Thus, for example, the area affected by a 100,000-year return period rock avalanche is delineated because, although it has a very low probability (10^{-5}) of occurring in any given year, it poses a significant risk to life because it can kill a large proportion of the exposed population (80% of people in the present town site, 35% of those in the proposed new town site). Note that the fact that the occurrence of a rock avalanche probably requires an earthquake does not mean that every earthquake will cause a rock avalanche, so it is necessary to treat these risks separately, although they are related; the direct earthquake-related risks are due only to ground rupture and shaking. The occurrence of earthquakes is dominated by the Alpine fault earthquake which currently is a 50 – 100-year return interval event and is also the maximum conceivable event for the area, and is expected to kill only a small proportion of those present. Thus the ways in which earthquakes and landslides contribute to risk are very different, because they have very different magnitude-frequency-impact distributions.

6.1 River flooding:

(a) Waiho River

The area of land threatened by flooding from the Waiho River has been modelled by Gardner (2021), based on the stopbanks planned in 2020, but omitting consideration of the new bank planned to extend from the vicinity of the oxidation ponds to the Waiho Loop (Fig. 3); this is designed not to overtop at flows below $2500 \text{ m}^3\text{s}^{-1}$. These stopbanks are designed on the basis of current bed levels plus 20 years' ongoing aggradation at about 0.18 m/year (Gardner, 2021). The flooded areas have been modelled for discharges of 500 to $3500 \text{ m}^3\text{s}^{-1}$, and Fig. 5 indicates the flooding extent for $2500 \text{ m}^3\text{s}^{-1}$, which is about a 200-year flood; it is notable that there is no substantial threat to either town site as long as the stopbanks remain functional.

Table 1 Flood magnitude and frequency, Waiho River (derived from Gardner, 2014)

Return period, years	Discharge, m^3s^{-1}
20	1857
50	2128
100	2330
400	2735
500	2800
1000	3000
5000	3300
10000	3500

(b) Tatare River

Flooding of the Tatare River has not been an issue historically because its river bed is incised well below the general land surface from the SH6 bridge downstream, with the depth of incision increasing to over 10 m at the Waiho Loop. However parts of the western new town site (NT2) adjacent to the Tatare upstream of the SH6 bridge are close to the river-bed elevation and likely to be prone to flooding in severe rainstorms, especially if there are substantial sediment inputs from the Tatare catchment. In the absence of detailed rainstorm-generated flood modelling for the Tatare River the return period of this extent of inundation is arbitrarily assigned as 100 years for risk estimation purposes.

As pointed out by Davies et al. (2013), overflows from the Waiho into the Tatare immediately upstream of the Waiho Loop are increasing during high flows as the Waiho bed aggrades, and the ca 10 m lower elevation of the Tatare bed causes headward erosion that causes these

flows to increase over time (indicated in Fig. 2). If a large proportion of Waiho floods in due course enters the Tatare then substantial aggradation of the Tatare is to be expected, which can then progressively cause its upstream bed level to increase. Modelling by Davies et al. (2013) indicated that flooding from the Tatare upstream of the SH6 bridge may eventually be exacerbated due to this aggradation. To prevent this scenario the planned stopbank upgrades include a bank extending from the oxidation ponds to the Waiho Loop (Fig. 3) designed to contain Waiho flows of $2500 \text{ m}^3\text{s}^{-1}$ (Gardner, 2021) which is about a 200-year event (Table 1). We assume that this bank will prevent such overflows as designed.

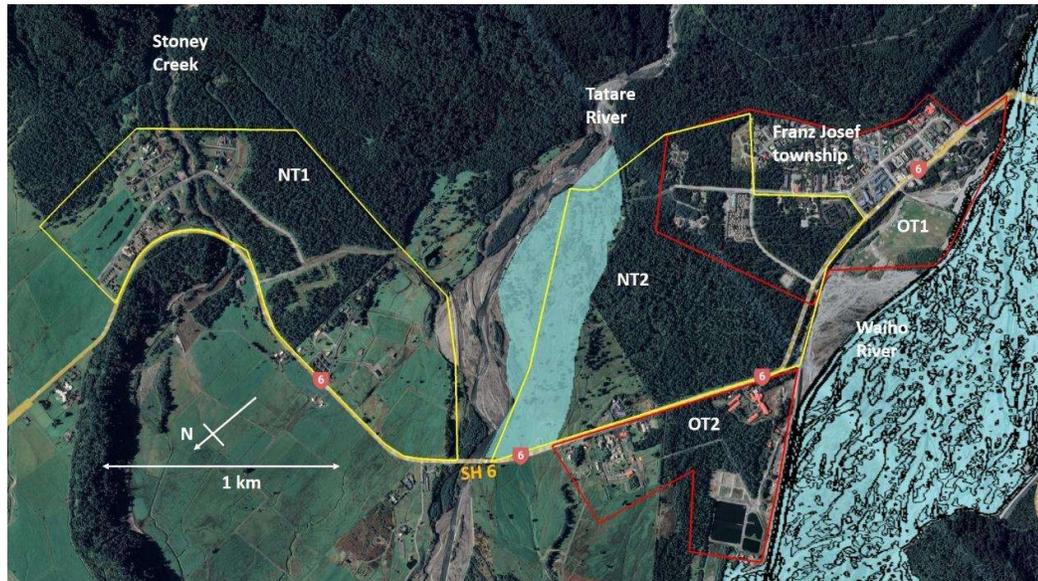


Fig. 5 Flood hazards (blue) at Franz Josef from Tatare (left) and Waiho (right) Rivers, ca 100-200-year return interval. Modified Google Earth image.

With the planned stopbanks in place, only minor flooding of any of the town sites from the Waiho is anticipated over the next 20 years. After that (Appendix C), ongoing river aggradation will increase the probability of stopbank failures; however it is not feasible to model that situation because the flooding location, intensity and extent will depend on the location and nature of the stopbank failures, which are not predictable.

6.2. Earthquake: Alpine fault

The Alpine fault marks the boundary between the Pacific and Australasian tectonic plates and delineates the western range front of the Southern Alps (Fig. 1). It is known to have ruptured several times per millennium with earthquakes of M_w 8 or greater over the past 8000 years (Berryman et al., 2012); Howarth et al. (2021) estimated that the next such earthquake has a 75% probability of occurring in the next 50 years, with a current annual probability of 1-2%.

The surface trace of the last (1717 AD) rupture of the Alpine fault passes through the present township site and is encompassed by the Fault Rupture Avoidance Zone (FRAZ; Langridge et al., 2011; Toy et al., 2020; brown area in Fig. 6) that was designated by WDC in 2010 but rescinded in 2016. In this zone severe ground rupture is expected to occur during the earthquake, with consequent destruction of assets and corresponding risk to life. This affects only the present town site OT1 (Fig. 6). Note that our risk analysis assumes severe impacts

throughout the 100 m wide fault avoidance zone, although in reality catastrophic damage is likely to be limited to a few metres from the actual rupture.

The other major consequence of the earthquake is ground shaking. This is shown by Langridge et al. (2016) to be essentially uniform across all of the town sites, with a peak ground acceleration of greater than 0.75g (7.5 ms^{-2} , corresponding to Modified Mercalli Scale 10+, which means severe damage to buildings and possible loss of life). This aspect of earthquake hazard is thus identical across both present and proposed town sites.

While earthquakes on other smaller faults in the region can undoubtedly cause shaking at Franz Josef, the risks due to Alpine fault rupture far outweigh these and so they are not considered herein.

6.3 Liquefaction and lateral spreading

Earthquake shaking may also cause liquefaction to occur at one location (white area in Fig. 6) identified by Langridge et al. (2016). This location is within both the present and the proposed town sites, so its impact is identical to both. Given the relatively coarse gravels that make up the alluvial sediments in the area, however, liquefaction seems unlikely to contribute significant additional shaking-derived damage in Franz Josef. Because of this and its very localised distribution, liquefaction is not considered in the comparison of hazards and risks between the town sites. If liquefaction is most likely during Alpine fault earthquakes then the return period is the same as that of ground rupture, or about 50-100 years

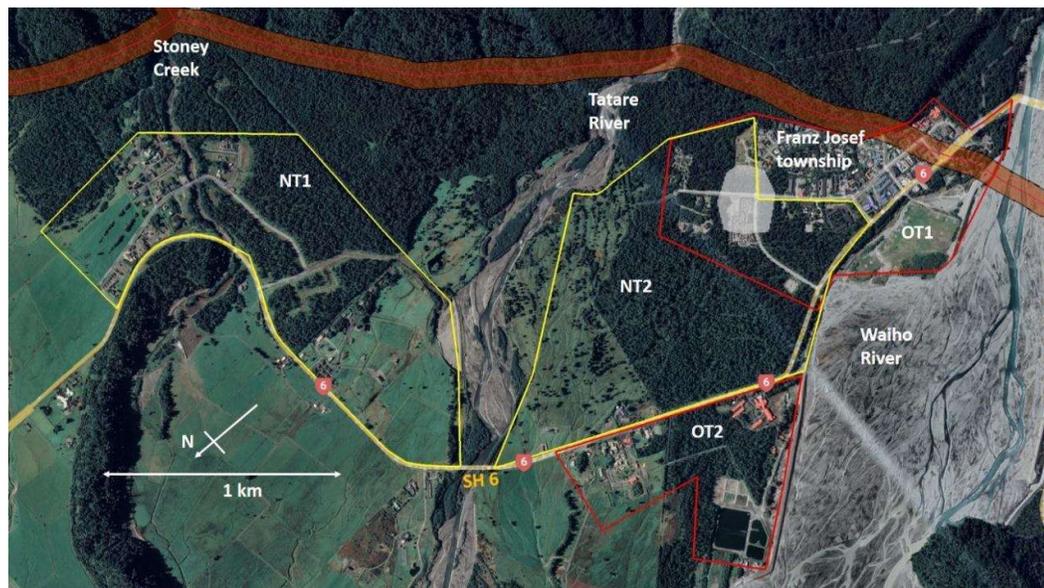


Fig. 6 Earthquake-related hazard at Franz Josef. Brown = surface rupture zone; white area = risk of liquefaction. The whole area shown is expected to be affected by shaking $> 0.75g$. Return period for rupture and shaking ca 50-100 years. Modified Google Earth image.

Lateral spreading due to severe shaking will affect earth structures, especially all river stopbanks which will subside and spread thus reducing their crest level and ability to contain floods. While this will not cause immediate damage to other assets or loss of life, it will severely impact on flood risk and river behaviour post-earthquake (Appendix C).

6.4 Earthquake-triggered landslide (rock avalanche)

Following its earlier identification by Barth (2014), Langridge et al. (2016) describe a potential major landslide (rock avalanche) that could fall from the hillslope overlooking Franz Josef, most likely during an earthquake on the Alpine fault that crosses the foot of the slope. Davies and Loew (2019) and Davies and Moretti (2021) estimated a potential failure volume of the order of 10^7 m³ for this event, and an annual probability of the order of 10^{-5} , or 1 in 100,000. We have derived a relationship between landslide volume and probability from New Zealand data (Korup and Clague, 2009), and the corresponding runouts (Table 2) from an empirical volume-runout relationship (Davies, 1982); these are shown in Fig. 7. A 10^8 m³ rock avalanche would affect all of the town sites except the northern half of NT2, but the ability of the source slope to yield such a large event is doubtful, and it would have a return period of about 4 million years, so is not included in the hazard analysis.

It is worth noting that Davies and Moretti (2021) estimated the societal risk-to-life presented to the present town site OT1 by the 10^7 m³ event (with an assumed 100,000-year return interval) to be about 10^{-2} per year, which is about 100-1000 times higher than internationally-used levels of acceptable risk. The present, more detailed, work confirms these orders of magnitude.

Table 2 Rock avalanche volume, runout distance and return period

Volume, m ³	Probability, a ^{-1*}	Runout, km**	Return period, (yr)
10 ⁵	1.6 x 10 ⁻²	0.5	60
10 ⁶	4 x 10 ⁻⁴	1.0	2,500
10 ⁷	1 x 10 ⁻⁵	2.1	100,000

*Korup and Clague (2009) based on $p(10^7 \text{ m}^3) = 10^{-5} \text{ a}^{-1}$.

**Davies, 1982; runout = $10(\text{volume})^{1/3}$.

It is important to note that Davies and Moretti (2021) raised the possibility that this slope could also fail catastrophically without an earthquake trigger, most likely (but not necessarily) during a severe rainstorm. The probability of such failure is unknown but likely to be low.

6.5 Landslide dambreak flooding

Landslides in the mountains east of the Alpine fault take place in steep terrain through which run deeply-incised rivers. A major landslide in this terrain has a high probability of blocking a river by forming a temporary “landslide dam”. The lake formed behind this will overtop the dam and can cause it to fail, either immediately or some time later; the release of the impounded lake water will cause a severe but short-lived flood to move through the downstream river system, carrying large quantities of sediment and woody debris. Such an event in the Poerua River in 1999 took place several days after the landslide occurred and caused extensive damage to farmland downstream. This ten million cubic metre landslide was neither earthquake- nor rainfall-triggered. Dambreak flood peaks are usually much higher than those of normal floods (though durations are much shorter), and correspondingly affect larger areas; an event of this type affecting Franz Josef township would cause severe damage and threaten lives (Davies, 2002).

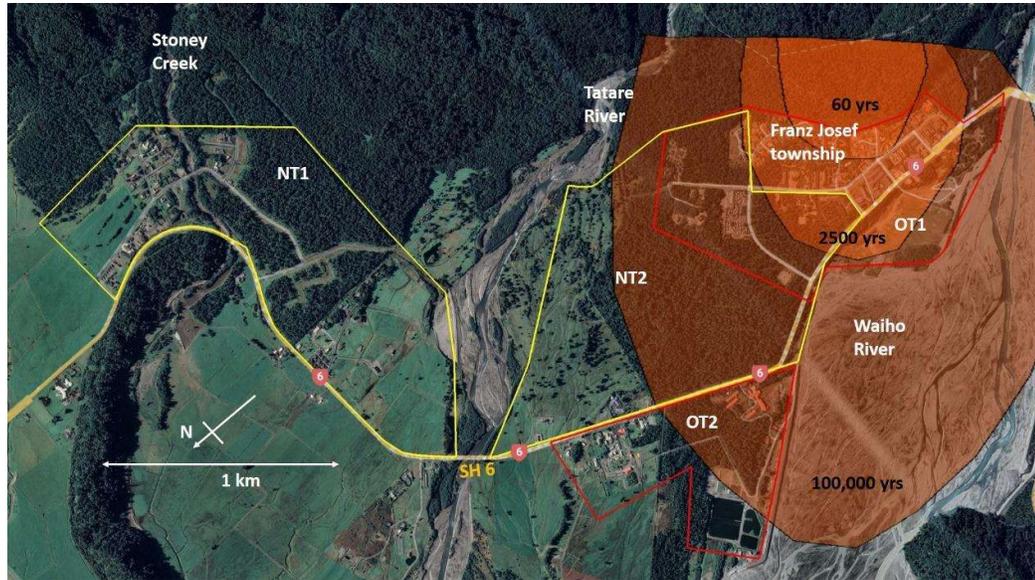


Fig. 7 Landslide (rock avalanche) hazard at Franz Josef. Modified Google Earth image.

Franz Josef is vulnerable to landslide dambreak floods from the Callery and Tatare Rivers, both of which flow between steep, high slopes for much of their catchment lengths. The Callery is a major tributary of the Waiho with its confluence about 1 km upstream of the township (Fig. 1). Ollett (2001), Davies (2002) and OptimX (2002) quantified the risk-to-life due to landslide dambreak flooding in the Callery River (Table 3), as a result of which the Franz Josef Holiday Park was relocated from its riverside site in 2003; Dunant et al. (2021) subsequently refined this analysis. R (2021) quantified the landslide-dambreak flood hazard from the Tatare River (Table 4), which had not been investigated previously. GNS Science, through its Endeavour research programme (Massey, C.I., GNS Science Ltd, PO Box 30368 Lower Hutt, *pers. comm.* 2022), used a numerical model (“RAMMS”) to simulate dambreak flood flows of a range of return intervals from the Callery and Tatare Rivers, together with the areas these events would impact (Figs 8 - 10). Note that these dambreak discharges assume only minor background flows; in the unlikely event that they coincide with substantial rainstorm-flood flows the total discharges could be correspondingly higher.

Table 3 Callery-Waiho landslide dambreak flood magnitude-frequency (Dunant et al., 2021).

Peak discharge m^3s^{-1}	1000	2000	3000	4000	5000	6000	7000	8000	9000
Return period years	5	15	25	45	75	100	175	300	2000

Table 4 Tatare landslide dambreak flood magnitude-frequency (R, 2021)

Peak discharge m^3s^{-1}	1000	2000	3000	4000	5000	6000	7000	8000	9000
Return period years	40	75	100	330	500	700	950	2100	4000

These simulations used the unmodified 2016 digital elevation model for the area, and thus the 2016 stopbank levels. Therefore the areas shown flooded by the dambreak flows (Figs 8 & 9) are not constrained by the planned stopbanks (Fig. 3). This is a realistically conservative scenario because a landslide dambreak flood differs considerably from a normal rainstorm flood, in particular because it assumes some of the characteristics of a debris flow surge with a high, tree-and-boulder laden main surge that may overtop stopbanks designed to contain normal floods. The simulations accounted for the higher mean sediment concentration of a dambreak flood, but not for its rapidly-varied flow. The highest return period events would in any case overtop the planned stopbanks.

Note that Davies and Korup (2007) found evidence of intense sedimentation close to the liquefaction site (white polygon, Fig. 8) which they interpreted as caused by a prehistoric dambreak flood from the Tatare.

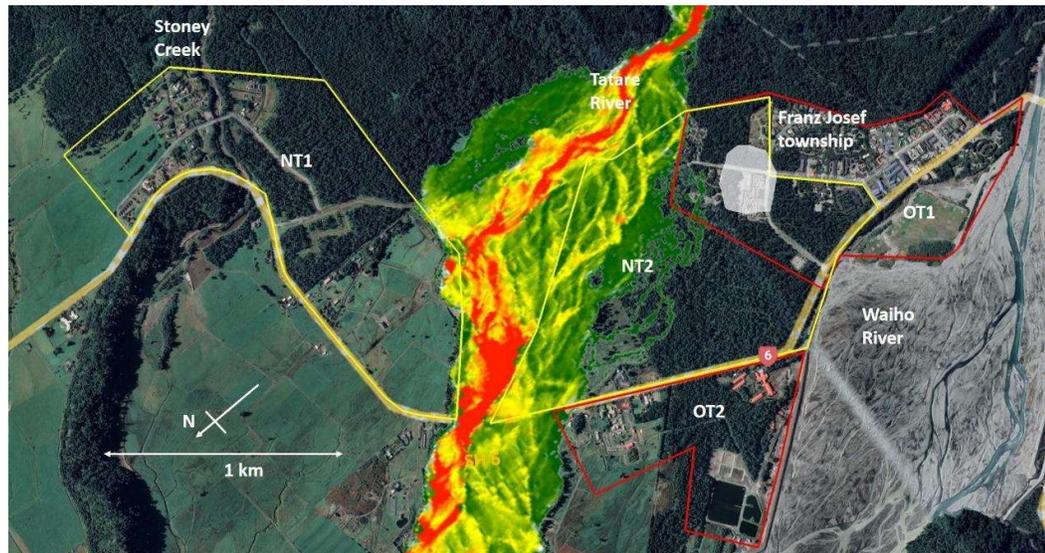


Fig. 8 Extent of ca 500-year return interval landslide dambreak flooding from the Tatare River ($5000 \text{ m}^3\text{s}^{-1}$). Modified Google Earth image. Colour code: Green = shallow, yellow = moderate, red = deep.

6.6 Debris flows

Debris flows are sudden, severe sediment-flood events that occur occasionally in small, steep catchments, and are capable of causing devastating damage to assets as demonstrated by the 2005 event at Matatā, Bay of Plenty; they also pose a serious threat to life. The catchment of Stoney Creek has been identified as prone to debris flows (Welsh and Davies, 2011), but no data are available to quantify the debris-flow magnitude-frequency relationship at this site. We have therefore adopted published international empirical relationships based on catchment area to assess the likely magnitudes and deposit areas of debris flows from Stoney Creek (Appendix A).

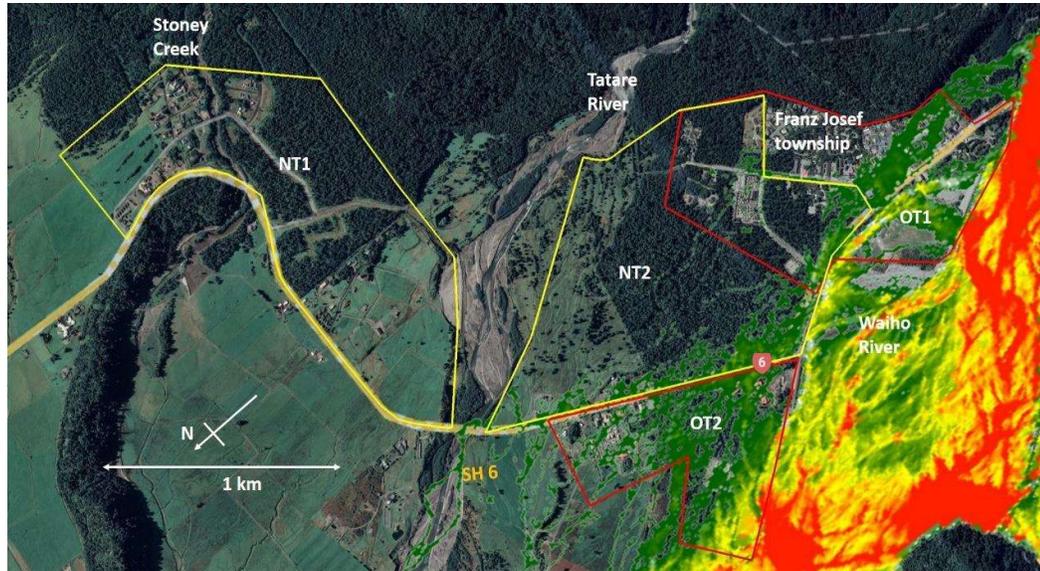


Fig. 9 Extent of ca 350-year return interval landslide dambreak flooding from the Callery River (8600 m³s⁻¹). Modified Google Earth image. Colour code: Green = shallow, yellow = moderate, red = deep.

We also assume that such flows would result from rainfall-induced landslides in the Stoney Creek catchment, and that these would follow the magnitude-frequency relationship established for such events in the western Southern Alps by Hovius et al. (1997); see Table 5. It is acknowledged that this assumption ignores the potential for debris flows to mobilise streambed sediments in the catchment and on the fan, so estimates of volume are likely to be on the low side; however the catchment is short and very steep so this error is unlikely to be large. The areas affected by these flows are shown in Fig. 10. Note that this is the pre-earthquake debris-flow hazard, since the Hovius et al. (1997) data refer to non-seismic conditions. Following a major earthquake there is likely to be a large volume of available coseismic landslide sediment in the catchment, so the occurrence of debris flows in subsequent intense rainstorms will have a higher probability (Appendix C).

Table 5 Stoney Creek debris-flow magnitude-frequency

Debris flow volume m ³	Return period years
1000	500*
5000	100
10000	100
20000	150
50000	500
100000	1000
200000	2500

* Probability density rollover at low volume causes higher return period; see Hovius et al. (1997).

6.7. All hazards

Combining all the above hazards shows the hazardscape of the present and proposed town sites (Fig. 10). Note these are for various return periods: debris flows (blue) 500, 1000 and 2500 years; rock avalanche (brown) 100, 2500 and 100,000 years; landslide-dambreak flood

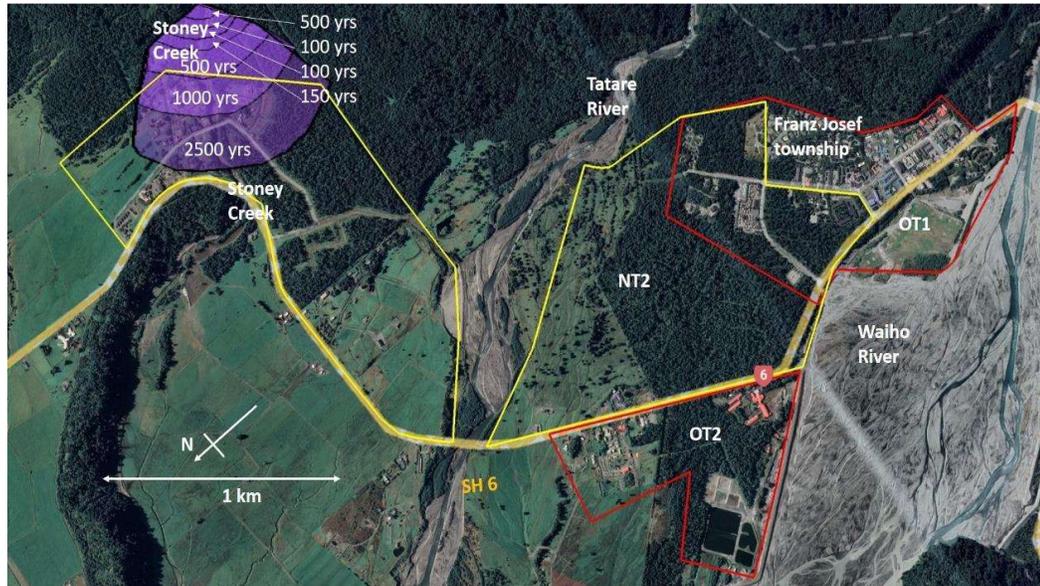


Fig. 10 Debris-flow hazards at Franz Josef. Modified Google Earth image.

(green/yellow/red) 300 years (Callery) and 500 years (Tatare); ground rupture (brown) and liquefaction (white), 50-100 years; and river flooding (light grey), 100 years. While the mix of return periods precludes detailed conclusions at this stage, some trends are clear:

- Much of the current township (OT1 and OT2) and most of the present NT2 site are hazard-affected, as is the Stoney Creek area in NT1
- About 80% of NT1 is free of *known* hazards except for ground shaking

A risk analysis allows these preliminary indications to be refined.

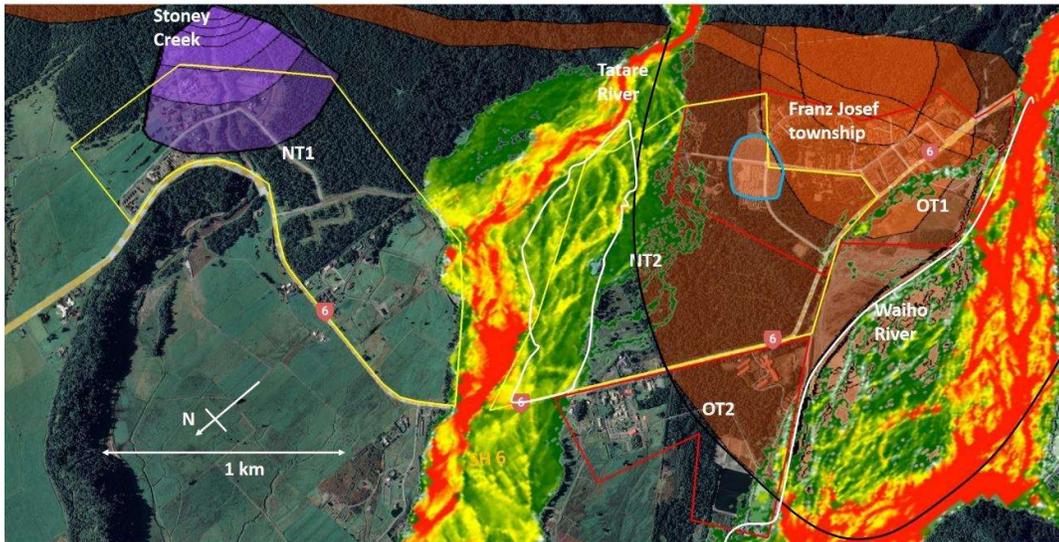


Fig. 11 All hazards affecting present and proposed town sites. Modified Google Earth image. White lines outline Waiho and Callery rainstorm flooding; blue line delineates liquefaction hazard; brown shade indicates rock-avalanche hazard; purple shade indicates debris-flow hazard. Dambreak flooding colour code: Green = shallow, yellow = moderate, red = deep.

7. Risks

In order to quantify the risks to Franz Josef resulting from the hazards delineated above, it is necessary to quantify the assets and lives that could be damaged by hazard events. Since there is no information available about the spatial distribution of assets and population across the proposed relocation sites NT1 and NT2, we assume that both are uniformly distributed across the full area of NT1 and NT2. In order to compare the risks between the NT and OT sites, we therefore make the same assumption about the distribution of assets and population across existing town sites OT1 and OT2, rather than using the actual distributions.

7.1 Risks to assets

On the above basis, the risks to assets can be compared simply by comparing the proportion of each site exposed to specified hazards; thus, assuming that any asset is equally affected by any hazard to which it is exposed, asset risks are proportional to asset exposures. Table 7.1 shows that the risks to assets in the present town sites OT1 and OT2 is about 30% greater than that in the proposed town sites NT1 and NT2. Considering the possible errors in the data and analysis, however, this not necessarily a significant difference.

Table 7.1 Risks to assets in present (OT1 & OT2) and proposed (NT1 & NT2) town sites (R, 2022)

Risks to Assets										
Hazard	Annual probability	Area of Intersection (OT1) (m ²)	Area of Intersection (OT2) (m ²)	Total Percentage of Intersection (OT1 + OT2)	Risk = Percent x probability OT	Area (m ²) of Intersection (NT1) (m ²)	Area of Intersection (NT2) (m ²)	Total Percentage of Intersection (NT1 + NT2)	Risk = Percent x probability NT	Asset risk OT/NT
Alpine Fault Rupture	0.01	48530		3.92	0.05					
AF Liquefaction	0.01	56494		4.56	0.06		56494	2.49	0.03	1.83
AF Shaking Intensity	0.01			100.00	1.25			100.00	1.25	1.00
<i>Total</i>					1.36			0.01	1.28	1.06
Flooding - Waiho										
500 Cumecs	0.20	6795		0.55	0.11					
1000 Cumecs	0.10	8559		0.69	0.07					
1500 Cumecs	0.05	9947		0.80	0.04					
2000 Cumecs	0.02	10836		0.87	0.02					
2500 Cumecs	0.01	11477		0.93	0.00					
3000 Cumecs	0.00	11957		0.97	0.00					
3500 Cumecs	0.00	12576		1.02	0.00					
<i>Total</i>					0.24					
Flooding - Tatare										
570 cumecs	0.01						369793	16.29	0.16	
Rock Avalanche										
10e4 m ³	0.64									
10e5 m ³	0.02	52207		4.21	0.07					
10e6 m ³		438400		35.39	0.01	63155		2.78		12.72
10e7 m ³		813553	180409	80.25		813198		35.82		2.24
<i>Total</i>				119.86	0.08			38.60		56.02
Dambreak Flood - Callery										
1700 Cumecs	0.10	377	66	0.04	0.00	0.00				
4200 Cumecs	0.02	4096	9246	1.08	0.02	10.95				2233
6000 Cumecs	0.01	9488	22983	2.62	0.03	13259		0.58	0.01	4.49
8600 Cumecs		21076	33485	4.40		16087		0.71		6.22
<i>Total</i>					0.06				0.01	8.50
Dambreak Flood - Tatare										
1000 Cumecs	0.03					3113		0.14		
2500 Cumecs	0.01					46665		2.06	0.02	
5000 Cumecs						208615		9.19	0.02	
<i>Total</i>									0.04	
Stoney Creek Debris Flow										
1000 m ³										
5000 m ³	0.01									
10000 m ³	0.01									
20000 m ³	0.07									
50000 m ³										
100000 m ³							101620	4.48		
200000 m ³							405750	17.87	0.01	
<i>Total</i>									0.01	
TOTAL ALL HAZARDS					1.74				1.34	1.29

7.2 Risks to life - Individual

The individual risk to life is the annual probability of being killed by a specific hazard event, related to the individual with the highest risk. As with assets, we assume that the population is distributed equally across the areas of both the existing and the proposed town sites, so that the probability of an individual being in any specific location is equal everywhere. Then the risk of an individual being affected by a hazard event in any of the four sites is equal to the percentage of that site which is overlapped by the event multiplied by the probability of occurrence of that hazard.

However, not all hazards present an equal threat to life, and the probability of death requires the probability of impact to be multiplied by the probability that the impact will be fatal, which varies between hazards. Data on this factor are sparse, however; the factors used herein (Table 7.2) are explained in Appendix B, and Table 7.3 shows the resulting individual risks-to-life for the township sites. It is notable that individual risks-to-life are about 15 times higher in the present town sites than in the proposed town sites; even considering the potential errors in the analysis, this is a significant difference.

Table 7.2 Mortality rates (% of population exposed) for various hazards

Earthquake	0.3%
Flood	0.59%
Rock avalanche	100%
Dambreak flood	2%
Debris flow	27%

While these mortality rates are obviously very approximate, they are adequate for use to compare risks between the present and proposed sites.

The upper limit of acceptable individual risk-to-life in New Zealand is about 10^{-4} per year (e.g. Taig et al., 2012), so in Table 7.3 risks greater than 10^{-4} are highlighted in red while risks between 10^{-5} and 10^{-4} are highlighted in yellow.

7.2 Risks to life – Societal

A further factor determining the societal acceptability of risk-to-life is the number of people at risk of death. Not surprisingly, society has less tolerance for events that cause many deaths than for those that cause few. Fig. 13 shows generally accepted tolerance limits for landslide deaths in Canada (Porter and Morgenstern, 2013), and similar diagrams are commonly used globally as indicators of orders of acceptable risk limits for a variety of hazards (Mona, 2014).

In order to estimate the societal risk-to-life at Franz Josef we need to know the population at risk. The permanent population is about 400; in addition, thousands of tourists visit the town in the season between about October and April, and these are serviced by a considerable number of temporary or itinerant workers. Hence to approximate the societal risk-to-life we assume a year-round population of 1000 as being of the correct order of magnitude, and again this is assumed uniformly distributed across both town sites. In this case Fig. 13 gives a bound on unacceptable risk as 10^{-6} ; and Table 7.4 indicates that much of both the present and the proposed sites pose unacceptable societal risks-to-life. While the very approximate nature of the hazard mortality rates (Table 7.2) makes this deduction questionable, it suggests that even the relocated town site may not be acceptably safe, even though it is about 15 times less risky than the present site.

Table 7.3 Individual risks-to-life for existing (OT1 and OT2) and proposed (NT1 and NT2) town sites. Red highlight indicates risk > 10^{-4} per year, yellow indicates risk > 10^{-5} per year. Modified from R, 2022.

Hazard	Annual Probability	Mortality Rate (%)	Total Percentage (%) of Intersection (OT1 +OT2)	Risk to Life OT1+OT2	Total Percentage (%) of Intersection (NT1 +NT2)	Risk to Life (NT1+NT2)	RTL Ratio OT/NT
Alpine Fault Rupture	0.0125	0.30	3.92	1.47E-06			
Flooding - Waiho							
500 Cumecs	0.2	0.59	0.55	6.49E-06			
1000 Cumecs	0.1	0.59	0.69	4.07E-06			
1500 Cumecs	0.05	0.59	0.80	2.36E-06			
2000 Cumecs	0.02	0.59	0.87	1.03E-06			
2500 Cumecs	0.005	0.59	0.93	2.74E-07			
3000 Cumecs	0.001	0.59	0.97	5.72E-08			
3500 Cumecs	0.0001	0.59	1.02	6.02E-09			
Total				1.43E-05			
Flooding - Tatara							
570 cumecs	0.01	0.59			10.1	5.96E-06	
Rock Avalanche							
10 ⁴ m ³	0.64	100.00					
10 ⁵ m ³	0.016	100.00	4.21	8.74E-04			
10 ⁶ m ³	0.0004	100.00	31.24	1.29E-04	2.78	1.11E-05	11.24
10 ⁷ m ³	0.00001	100.00	49.01	4.90E-06	35.82	3.58E-06	1.37
Total				8.03E-04		1.47E-05	54.65
Dambreak Flood - Callery							
1700 Cumecs	0.1	2.00	0.04	8.00E-07			
4200 Cumecs	0.02	2.00	1.08	4.32E-06			
6000 Cumecs	0.01	2.00	2.62	5.24E-06	0.58	1.16E-06	4.52
8600 Cumecs	0.001	2.00	4.40	8.80E-07	0.71	1.42E-07	6.20
Total				1.12E-05		1.30E-06	8.63
Dambreak Flood - Tatara							
1000 Cumecs	0.025	2.00			0.14	7.00E-07	
2500 Cumecs	0.01	2.00			1.92	3.84E-06	
5000 Cumecs	0.00217	2.00			7.27	3.16E-06	
Total						7.70E-06	
Stoney Creek Debris Flow							
1000 m ³	0.002	27.00					
5000 m ³	0.01	27.00					
10000 m ³	0.01	27.00					
20000 m ³	0.067	27.00					
50000 m ³	0.002	27.00					
100000 m ³	0.001	27.00			4.48	1.21E-05	
200000 m ³	0.0004	27.00			13.39	1.45E-05	
Total						2.66E-05	
TOTAL ALL HAZARDS				8.30E-04		5.62E-05	14.77

Note: the risk columns in Tables 7.3 and 7.4 use scientific notation in which for example 8.30E-4 means 8.30×10^{-4} , or 0.000830.

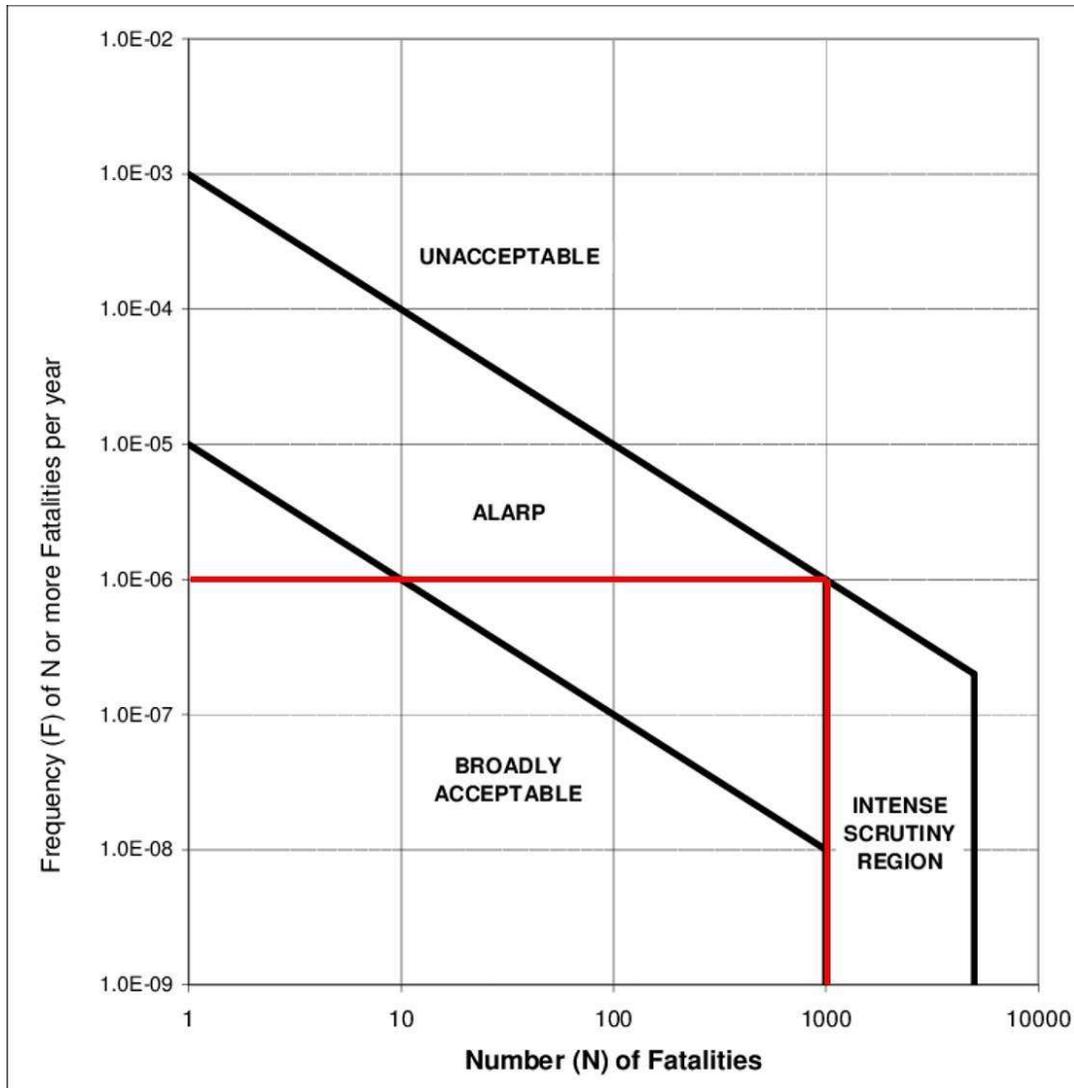


Fig. 13 Ranges of acceptable risks for multiple fatalities (Porter and Morgenstern, 2013). Red lines indicate that unacceptable risk for 1000 deaths is 10^{-6} per year. Note that this figure accepts a higher limit to individual risk (10^{-3} per year) than that commonly used in New Zealand (10^{-4} per year; Taig et al, 2012)

Table 7.4 Societal risks-to-life for existing (OT1 and OT2) and proposed (NT1 and NT2) town sites. Yellow indicates risk > 10⁻⁶ per year. Modified from R, 2022.

Hazard	Annual Probability	Mortality Rate (%)	Total Percentage (%) of Intersection (OT1 +OT2)	Risk to Life (OT1+OT2)	Total Percentage (%) of Intersection (NT1 +NT2)	Risk to Life (NT1+NT2)	RTL Ratio OT/NT
Alpine Fault Rupture	0.0125	0.30	3.92	1.47E-03			
Flooding - Waiho							
500 Cumecs	0.2	0.59	0.55	6.49E-03			
1000 Cumecs	0.1	0.59	0.69	4.07E-03			
1500 Cumecs	0.05	0.59	0.80	2.36E-03			
2000 Cumecs	0.02	0.59	0.87	1.03E-03			
2500 Cumecs	0.005	0.59	0.93	2.74E-04			
3000 Cumecs	0.001	0.59	0.97	5.72E-05			
3500 Cumecs	0.0001	0.59	1.02	6.02E-06			
Total				1.43E-02			
Flooding - Tatara							
570 cumecs	0.01	0.59			10.1	5.96E-03	
Rock Avalanche							
10 ⁴ m ³	0.64	100.00					
10 ⁵ m ³	0.016	100.00	4.21	6.74E-01			
10 ⁶ m ³	0.0004	100.00	31.24	1.25E-01	2.78	1.11E-02	11.24
10 ⁷ m ³	0.00001	100.00	49.01	4.90E-03	35.82	3.58E-03	1.37
Total				8.03E-01		1.47E-02	54.65
Dambreak Flood - Gallery							
1700 Cumecs	0.1	2.00	0.04	8.00E-04			
4200 Cumecs	0.02	2.00	1.08	4.32E-03			
6000 Cumecs	0.01	2.00	2.62	5.24E-03	0.58	1.16E-03	4.52
8600 Cumecs	0.001	2.00	4.40	8.80E-04	0.71	1.42E-04	6.20
Total				1.12E-02		1.30E-03	8.63
Dambreak Flood - Tatara							
1000 Cumecs	0.025	2.00			0.14	7.00E-04	
2500 Cumecs	0.01	2.00			1.92	3.84E-03	
5000 Cumecs	0.00217	2.00			7.27	3.16E-03	
Total						7.70E-03	
Stoney Creek Debris Flow							
1000 m ³	0.002	27.00					
5000 m ³	0.01	27.00					
10000 m ³	0.01	27.00					
20000 m ³	0.067	27.00					
50000 m ³	0.002	27.00					
100000 m ³	0.001	27.00			4.48	1.21E-02	0
200000 m ³	0.0004	27.00			13.39	1.45E-02	0
Total						2.66E-02	0
TOTAL ALL HAZARDS				8.30E-01		5.62E-02	14.77

As expected, societal risk is directly proportional to individual risk using the assumptions herein, so the ratio of societal risk between the present and proposed town sites is again about 15; or, acknowledging the approximations involved, particularly in hazard mortality, about 10-20.

The contribution of the rock avalanche component to the total risk-to-life profiles is very high. If rock avalanche risk is assumed to be zero, the 10-20-fold reduction (14.77 in Tables 7.3 and 7.4) in risk-to-life achieved by relocating to the proposed sites NT1 and NT2 effectively disappears (becoming 0.65). Ignoring rock avalanche risk however has no significant effect on asset risk. This demonstrates the need for a geotechnical assessment of the reality of the rock avalanche hazard to assess the reality of the risk-to-life basis for relocation from the OT sites to the NT sites.

8. Risk reduction

8.1 Land use zoning

It is clear that the risks to assets and lives are lower – in the case of risks to life, much lower - if the township is relocated to the proposed new sites NT1 and NT2, if the rock avalanche hazard is real. This assumes that assets and people are distributed uniformly across both present and proposed sites. While this assumption is necessary until information is available about asset and population distribution across relocated sites NT1 and NT2, it is clear from the hazard distributions outlined in section 5 above that risks to both lives and assets can be further reduced if assets and population across the relocated sites are distributed so as to avoid the high-hazard areas identified herein. In particular, the Stoney Creek fan area is exposed to debris-flow hazard in NT1, while eastern parts of NT2 are exposed to rock avalanche and to flood and dambreak flood hazard from the Tatare River (Fig. 12); western parts of NT2 are exposed to rock avalanche hazard. By contrast, all of NT1 except for the Stoney Creek fan appears to be hazard-free except for earthquake shaking.

8.2 Event warning and evacuation

The only hazard for which prior warning is readily feasible is rainstorm-generated flooding; weather forecasting and/or rain radar could conceivably provide perhaps hours of warning that might allow evacuation to save lives. However this hazard is the least intense of those affecting Franz Josef, and warning and evacuation have not been utilised hitherto for this common hazard on the West Coast.

When a landslide dam has formed, and does not fail immediately, the option exists to immediately evacuate areas that could be affected by a dambreak flood. However many landslide dams fail immediately on first overtopping, which can occur before the threatened populace is aware of the dam emplacement if this occurs during a severe storm (Davies, 2002), so this strategy cannot be completely reliable. Nevertheless it would be useful to install flow recorders at the Tatare and Callery¹ valley mouths, so that the unusually low flows that accompany filling of a landslide dam could be detected even during severe floods.

Warning and evacuation are not feasible for earthquake, debris flow or rock avalanche hazard events.

8.3. Event modification

Risk can be reduced if the impact of hazard events on assets and people can be reduced by altering the behaviour of the hazard processes.

Flooding is commonly reduced by stopbanking, and this has been done extensively on the Waiho River at Franz Josef (Fig. 2). There is the possibility of using stopbanks to reduce the flood hazard from the Tatare River (Fig. 5) to the eastern part of NT2, but this may not be desirable because (i) there is evidence that stopbanking is not a permanent solution to flood hazards because it causes or exacerbates aggradation (Davies and McSaveney, 2006), as on the Waiho (Beagley et al., 2020); and (ii) it tends to increase flood hazard on the other side of the river.

Earthquake: there is no known way to modify the occurrence or severity of an earthquake. The impact of ground shaking on buildings can be reduced by strengthening the structure, but not to

¹ A depth recorder was present at the mouth of the Callery Gorge for this express purpose for some years prior to its destruction in 2011.

the extent that damage can be prevented in MM10+ shaking. While strengthening may reduce the impact of ground rupture on a building there is no way to guarantee this.

Rock avalanche: A rock avalanche comprises a mass of rock debris from boulder- to dust-size, metres or tens of metres deep, moving across the land surface at some tens of metres per second. It is inconceivable that any structure could be designed to realistically resist or modify such an event, nor is it feasible to engineer the slope to reduce the probability that it will fail during an earthquake.

Landslide-dambreak flood: A landslide-dambreak flood usually has a much shorter and much higher peak than a rainstorm flood, and is also likely to be transporting much larger quantities of rock and tree debris. It is therefore much less feasible to attempt to modify a dambreak flood than a rainstorm flood; while stopbanks may retain part of the flow, overtopping and failure of stopbanks is much more likely during a dambreak flood, and design of stopbanks to contain a dambreak flood would be extremely difficult and unreliable.

Debris flow: While structural countermeasures for debris flows are common in Europe and Japan, they have only rarely been used in New Zealand. The data developed herein for the Stoney Creek risk analysis could be used to derive dimensions for debris-flow structures (detention basins, stopbanks or check-dams) but the reliability of the resultant design would be open to question, mainly because debris-flow behaviour is poorly known and models have large imprecisions (e.g. Davies, 1997; Farrell and Davies, 2019). Avoidance is by far the best way to reduce debris-flow risk.

9 Comments

9.1. Precision and realism

This report provides a comparative analysis of the relative hazards and risks affecting the existing and proposed town sites at Franz Josef. In quantifying the hazards and risks a difficult balance has had to be struck between precision and realism, acknowledging that much of the data on which the analysis is based is of low reliability because of poor understanding of the hazard phenomena involved. Hence the hazard zones delineated, and the frequencies they are assigned, are both acknowledged approximations.

While it would be possible, with considerably more effort, to develop more precise values for hazard magnitude-frequency relationships and for corresponding hazard zones, it is doubtful whether the effort would be worthwhile in terms of the usefulness of these outputs for decision-making. In my opinion it is not realistic to expect better than order-of-magnitude reliability for hazard frequency (recalling in any case that frequency cannot be measured accurately without data encompassing several tens of events; Davies and Davies, 2018). The same restriction therefore applies to quantification of risk, and this is made clear in the highlighting of the risk tables herein.

The work above, and the conclusions below, are aligned with the need for risk quantification to be explicit in land-use decision-making as a result of New Zealand becoming a signatory to the 2015 Sendai Framework for Disaster Risk Reduction. To this end the present work attempts to balance precision with realism in risk quantification – noting again, however, that the comparative nature of this work greatly enhances the robustness of the outcomes.

9.2 Need for further research

The most serious hazard to the present town site, and to parts of the proposed relocated town site, is that of rock avalanche. However, Davies and Loew (2019) point out that, depending on the rock structure in the hillslope source of the event, it is possible that a coseismic failure of this particular slope might not result in a long-runout rock avalanche. If this were the case, and a rock avalanche were not a realistic prospect, the total risk-to-life across both existing and proposed relocated sites would be of the same order of magnitude. In order to settle what is therefore a crucial matter, detailed geotechnical investigation of the slope is required as outlined by Davies and Loew (2019). Although the existence of rock avalanche deposits in similar locations elsewhere on the West Coast (Round Top, Dufresne et al., 2010; Wanganui, Chevalier et al., 2009; Cascade, Barth 2014) suggests that the hazard at Franz Josef is indeed real, the possibility that it is not, because of local geology, warrants investigation because of its dominant influence on risk-to-life.

As has been made clear, the ongoing aggradation of the Waiho River limits the conclusions herein to a time-frame from the present until about 2040, at which time the flood protection from proposed upgrading of the Waiho stopbanks is likely to be decreasing rapidly. In addition, the occurrence of a major earthquake in the region (whether on the Alpine fault or on a different fault within the mountains) is likely to significantly alter the hazard frequencies used herein; the probability of such an event before 2040 is about 20-40%. In order to plan the medium- to long-term future of Franz Josef, further information is needed on how stopbank failure and earthquake occurrence will affect subsequent hazards and risks at Franz Josef. In addition, because of the longer future time-scale, the likely impacts of climate change will be more significant and require deeper investigation.

10 Conclusions

Assuming that population and assets are uniformly and equally distributed among the present and proposed town sites at Franz Josef, then in the period up to about 2040, or until the occurrence of the next major West Coast earthquake, whichever is the sooner:

- 10.1** The total exposure of assets to all hazards is of similar order of magnitude in both existing and proposed relocated town sites.
- 10.2** The total risk-to-life, both individual and societal, from all hazards in the proposed relocated town site is about one order of magnitude (10-20 times) lower than that in the existing town site. This difference is caused mainly by the greater rock avalanche hazard to the latter.
- 10.3** While the individual risk-to-life appears to be close to acceptable across much of the proposed relocated sites, it is at unacceptable levels in much of the present town site due to rock avalanche hazard. However the societal risk-to-life appears to be unacceptable across parts of both town sites.
- 10.4** Judicious siting of assets and population across the proposed relocated town site could reduce the risks to both assets and life below the levels shown herein; for example, avoiding development in the debris-flow-susceptible area of NT1.
- 10.5** The most serious hazard to both present and proposed relocated town sites is from a major rock avalanche overrunning much of the OT sites and less of the NT sites. In effect, the rock avalanche hazard is the main risk-to-life justification for the proposed relocation. Because there is some doubt as to the reality of this threat, detailed geotechnical investigations are needed to confirm or deny its existence.

- 10.6** In order for the risks in the proposed relocated townsite to be known in the medium-to-long term (after a major earthquake or 2040, whichever comes sooner), more information is needed on the likely alteration of hazard distributions and frequencies that will result from aggradation-triggered Waiho River stopbank failures, and from an Alpine fault earthquake. Better information on climate-change impacts will also be needed for this longer time-frame.

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APPENDIX A - HAZARD ANALYSES

A1 Flood hazard: Waiho River

Gardner (2021) carried out numerical modelling using MIKE 21 software and land surface elevation data from 2016 and 2019 Lidar together with 2021 satellite data. The modelling was used to develop designs for stopbank upgrading. Maps of water depths derived from this modelling were used to delineate flood extents for flows from 500 to 3500 m^3s^{-1} (Fig. A1)

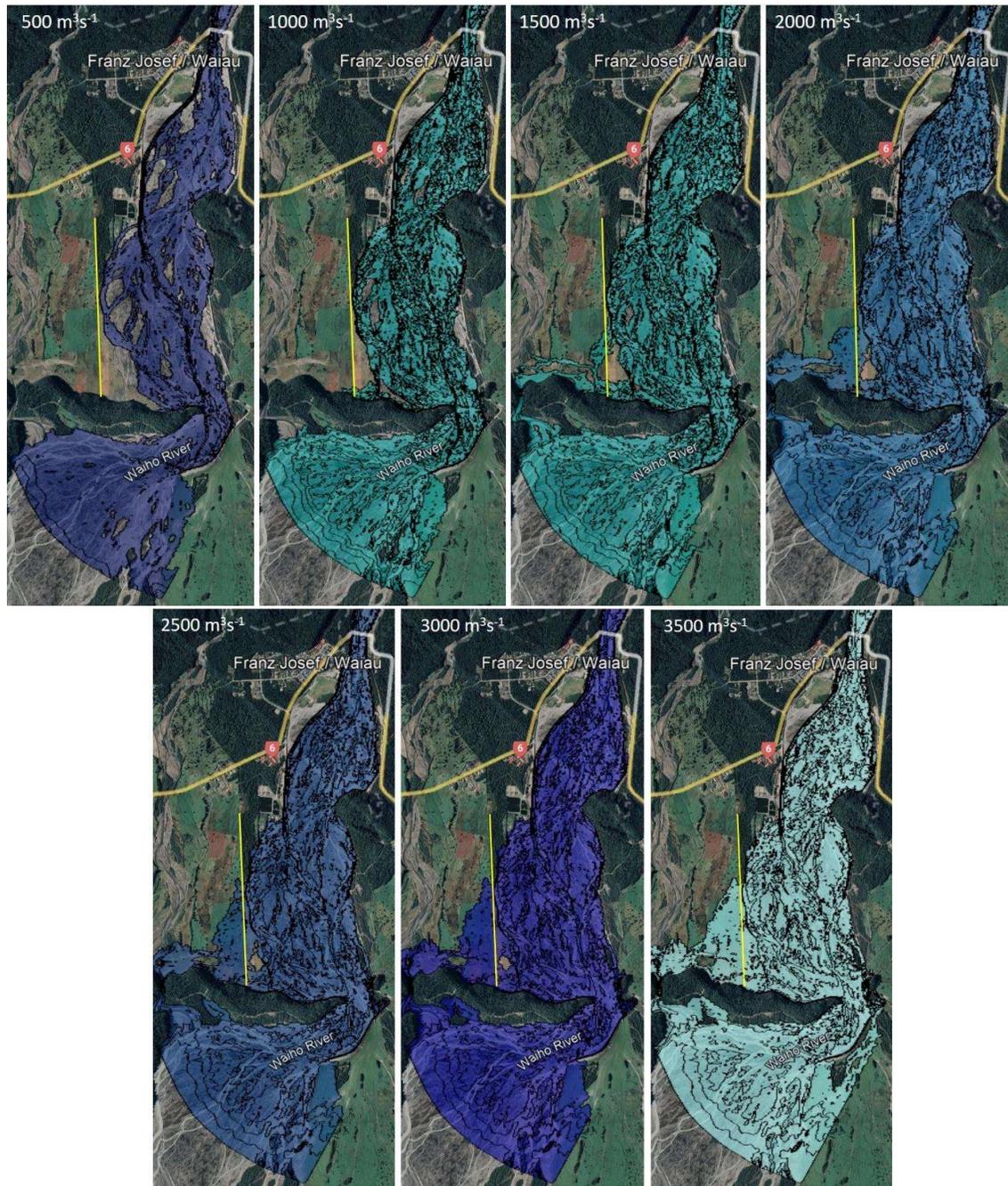


Fig. A1.1 Extents of Waiho River floods modelled by Gardner (2021). Yellow line is new stopbank effective up to 2500 m^3s^{-1} .

A2 Debris-flow hazard

The only known location in either town site potentially affected by debris flows is the settlement on Stoney Creek fan in NT1; this was first identified by Welsh and Davies (2011). The catchment area A_c of Stoney Creek is 2.1 km² and the catchment relief Δh above the fanhead is 1200 m, so

$$\text{Melton ratio } R = \Delta h / A_c^{0.5} = 1200 / (2.1 \cdot 10^6)^{0.5} = 0.82$$

It is well-known that catchments with $R \geq 0.5$ are susceptible to debris-flow occurrence so it is reasonable to assume that this is the case with Stoney Creek. No records exist of debris flows in Stoney Creek, but Welsh and Davies (2011) reported that large boulders were unearthed from below the fan surface during excavation of building platforms, confirming the occurrence of past debris-flow events. The Alpine fault also runs through the catchment, so the presence of fault-shattered rock will contribute to the high fine-sediment loads that cause debris flows.

To establish a magnitude-frequency relationship for debris flows in Stoney Creek we first approximate debris-flow volume. ENGE0 (2021) developed Fig. A2.1 from data in Bergmeister et al. (2009), Rickenmann & Zimmermann (1993) and d’Agostino and Marchi (2001); this suggests a debris-flow volume between 10 000 and 50 000 m³ in a 2.1 km² catchment

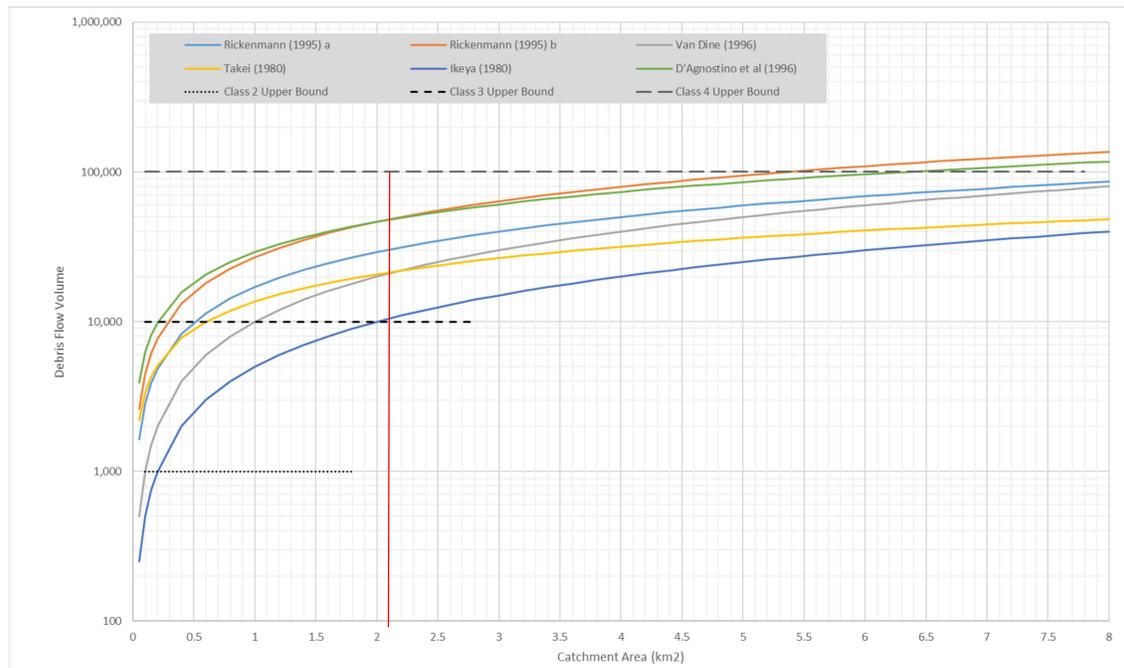


Fig. A2.1 Relationships between catchment area (km²) and debris-flow volume (m³) (ENGE0, 2021)

Alternatively, De Haas and Densmore (2019) and Marchi et al. (2019) show a maximum volume of 200,000 m³ for a 2.1 km² catchment (Fig. A2.2).

Next we estimate the frequencies of debris flows of various volumes:

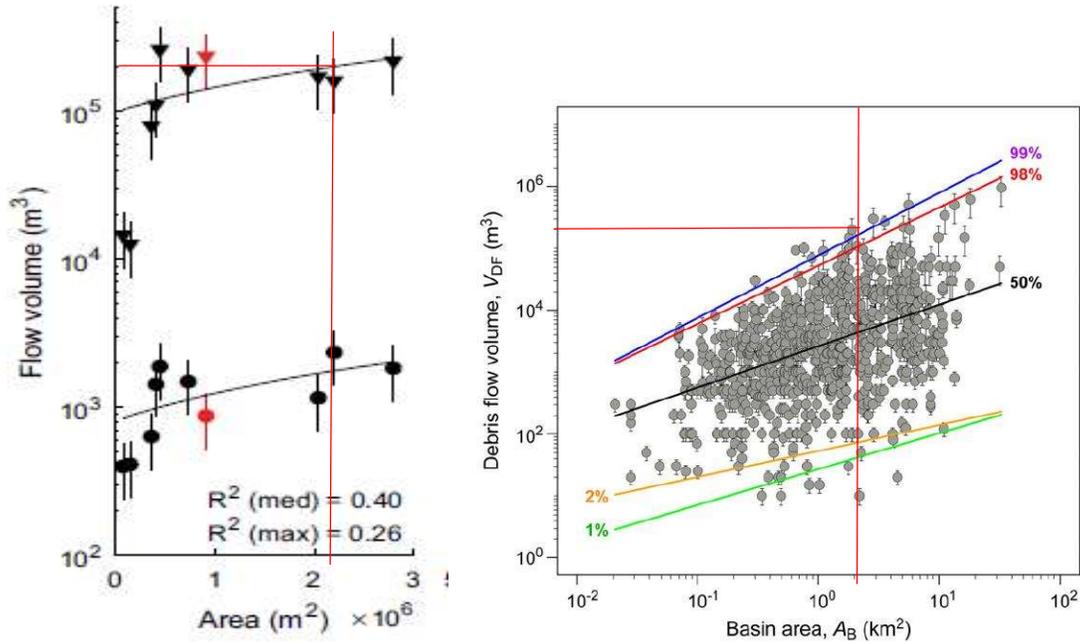


Fig. A2.2 Area-volume plots from De Haas and Densmore (2019) (left) and Marchi et al. (2019) (right)

If we use the higher of the volume estimates ($V = 2 \cdot 10^5 \text{ m}^3$), and assume that the debris-flow volume results from occurrence of a landslide of the same volume, then landslide surface area \times mean depth = $2 \cdot 10^5$. If we further assume that the landslide surface trace is an ellipse with eccentricity = 2 (i.e. length $l = 2 \times$ width w), then $lw = l^2/2$ and landslide surface area = $0.5\pi l^2$. Hovius et al. (1997, eq. 3), in their study of aseismic landslide frequency in Westland, use landslide depth $d = 0.5l$ for aseismic landslides in Westland, which for a volume of $2 \cdot 10^5 \text{ m}^3$ gives a surface area of $40\,000 \text{ m}^2$.

For the median debris-flow, Marchi et al. (2019) (Fig. A2.2) give a volume of 2000 m^3 which, using the same calculation as above, gives an area of 1800 m^2 . Fig. A2.3 (Hovius et al., 1997) give the

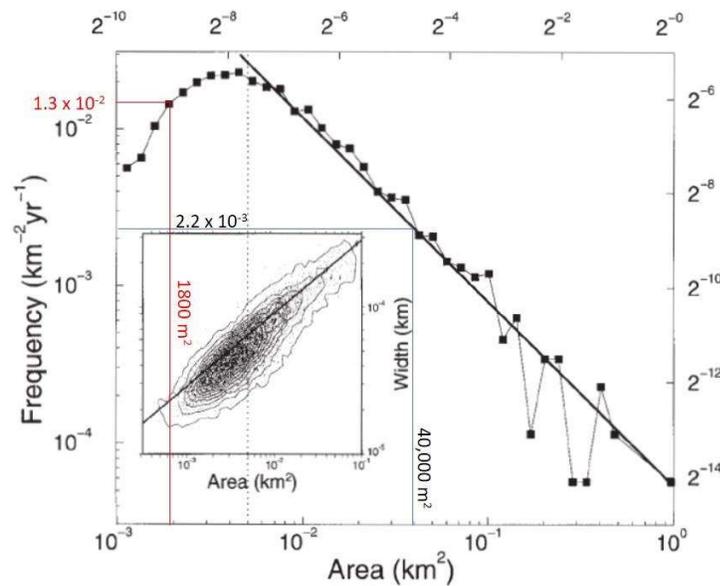


Fig. A2.3: frequency of maximum and median aseismic landslides in Westland (Hovius et al. (1997) Fig. 3); assumed to apply also to debris flows in Stoney Creek

frequencies of these events as $2.2 \cdot 10^{-3}$ and $1.3 \cdot 10^{-2}$ respectively. Fig. A2.4 shows the frequency-magnitude relationship of Hovius et al. (1997) as the basis for debris flows at Stoney Creek.

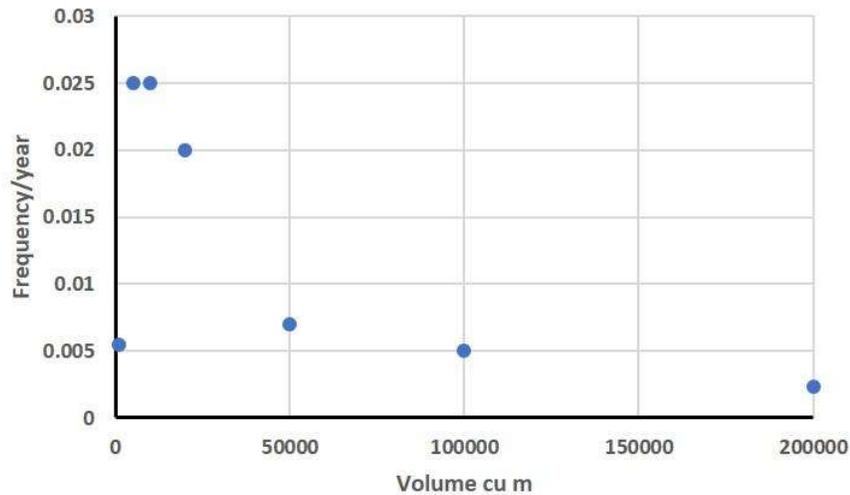


Fig. A2.4 Magnitude-frequency relationship for debris flows at Stoney Creek

The area inundated by a debris flow A_i , which is also the hazard area, is given by Jakob (2005) as $A_i = 20V^{2/3}$. No information is available to estimate the width and extent of a debris-flow deposit, so at Stoney creek the deposit areas were assumed to start at the fan head, and to widen to approximately 100 m within 150 m downstream; thereafter the deposit areas were assumed to remain constant at ~ 100 m. Given the inundation areas this allowed the downstream extent of the deposit area to be estimated.

Since any given debris flow could run in a path anywhere on the fan, the probability of any particular fan location being impacted by a debris flow in any given year is equal to the annual frequency of a flow large enough to reach the location divided by the ratio of impacted area/whole fan area affected by that flow magnitude (Table A2.1), and the resultant hazard distribution is shown in Fig. A2.5.

Table A2.1: Volume-frequency data for Stoney Creek debris flows

Debris-flow volume cu m	Event frequency /yr (Hovius)	Inundation area sq m	Total fan area vulnerable sq m	Whole-width impact frequency /yr
1000	0.0055	2000	6000	0.0018
5000	0.025	5850	15000	0.0097
10000	0.025	9286	26000	0.0089
20000	0.02	14741	43000	0.0069
50000	0.007	27154	100000	0.0019
100000	0.005	43105	200000	0.0011
200000	0.0023	68427	400000	0.0004

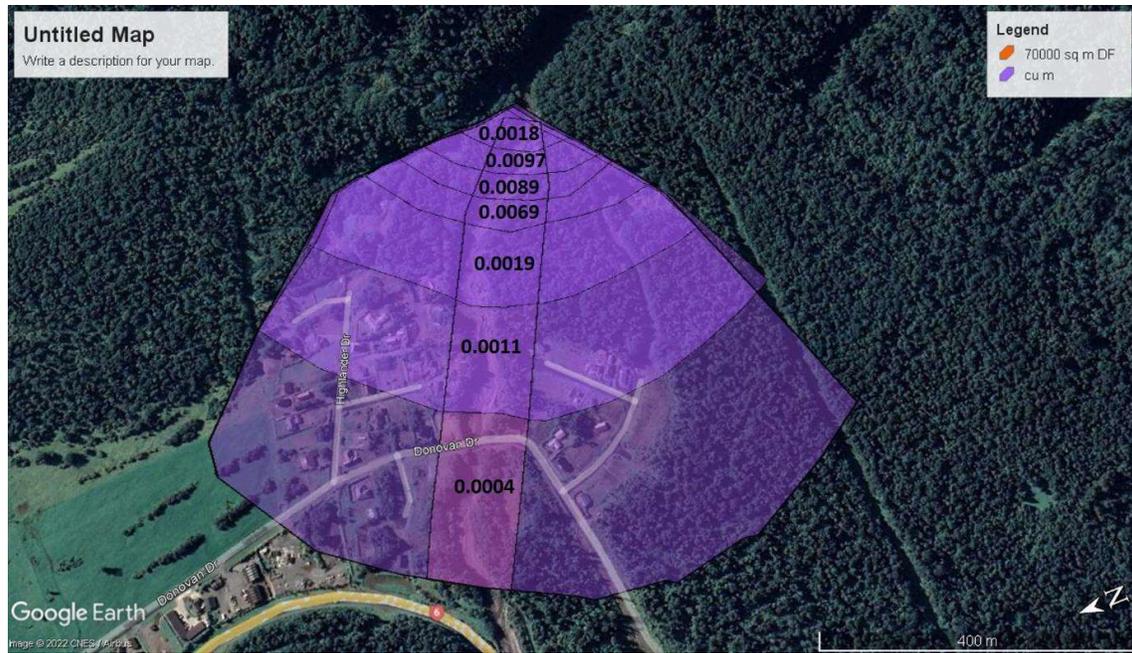


Fig. A2.5 Outlines of Stoney Creek debris-flow deposit areas with annual probabilities. Modified Google Earth image.

A3 Rock avalanche hazard (adapted from Davies & Moretti, 2021):

Immediately south-east of the present town site, a very steep hillslope rises about 750 m to a minor summit (Fig. A3.1). Davies and Loew (2019) and Davies and Moretti (2021) considered the morphology and likely origin of this slope, concluding that during successive earthquakes on the Alpine fault (which runs at its foot) it may be deforming in such a way that it could fail catastrophically in a future earthquake, causing rocky debris to run out across, and bury, the township.

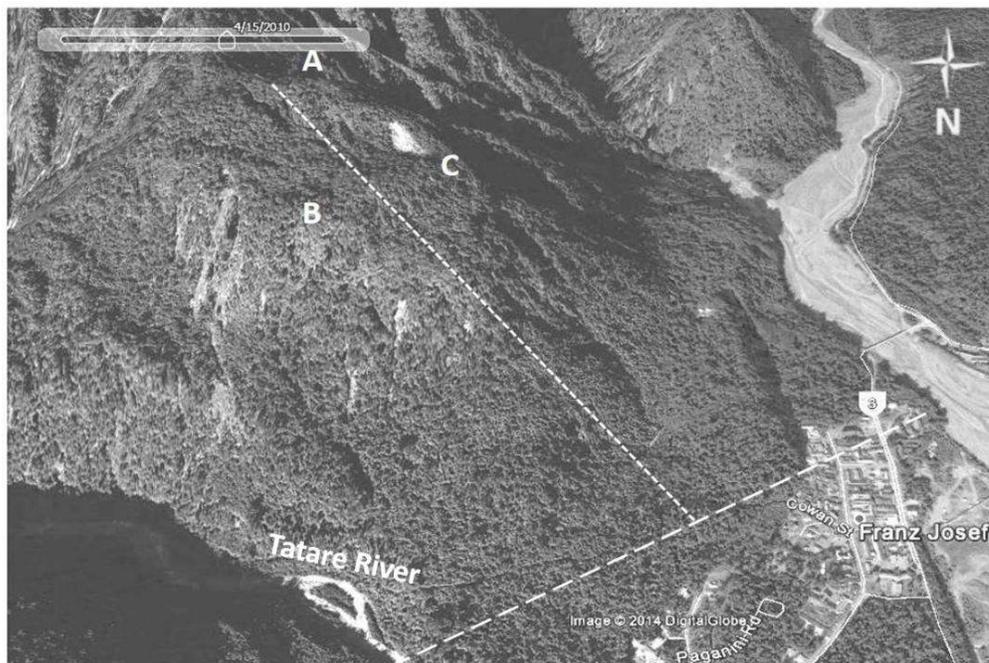


Fig. A3.1. Slope overlooking Franz Josef Glacier, Westland, New Zealand. BC indicates the outer edge of the slope-top bench; B to C is about 400 m. Dashed line indicates trace of the Alpine fault; dotted line is location of section (Fig. A3.3).

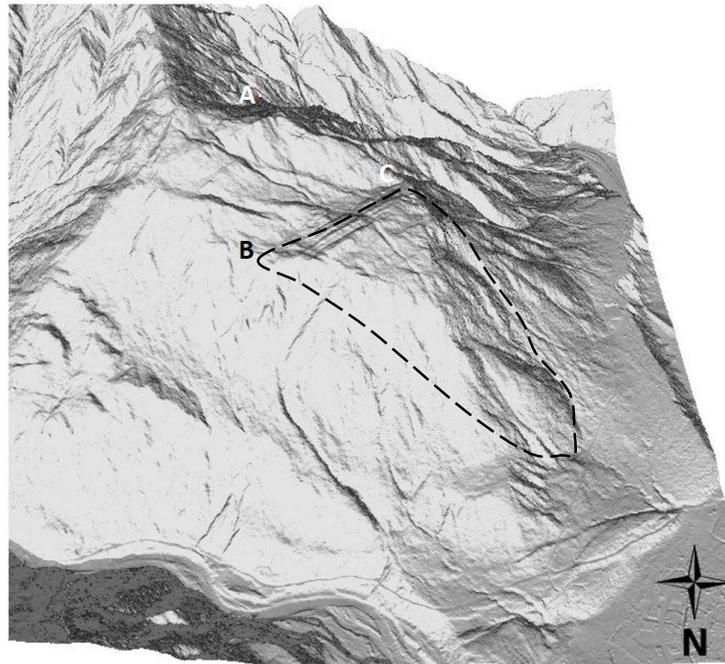


Fig. A3.2. Oblique LIDAR image of identical view to Fig. A3.1 with vegetation removed; A, B and C are corresponding locations. (Source: Danilo Moretti). Chain-dashed line indicated approximate potential failure area.

Fig. A3.2 is a Lidar image from which vegetation has been removed, showing the rock surface of the hillslope, in particular the prominent ridges that run across the slope-top bench, which Davies and Moretti (2021) show to be characteristic of slopes that are deforming prior to coseismic failure.

Volume: Davies & Moretti, 2021, state:

“If a potential failure surface is sketched on the Franz Josef slope profile (Fig. A3.3), the long-sectional area of the failure would be about 50 000 m². If the average width of the failure were say 200 m ... then the failure volume would be of the order of 10⁷ m³.”

A3.1 Rock avalanche

If a large-scale failure of the slope overlooking Franz Josef were to occur, debris comprising rocks of all sizes from powder up to boulders would slide and flow down the slope achieving velocities of many tens of metres per second and would run out across, and deposit on, the township. The forest and bush on the terrace at the base of the slope would offer little protection from a several-million-cubic-metre rock avalanche. The simple empirical relationship of Davies (1982):

$$L^* = 10 V^{1/3}$$

where L is the end-to-end deposit length in m and V the volume in m³, reasonably matches the deposit extents of the Cascade, Round Top and Toppenish Ridge landslides. It suggests that if the Franz Josef debris volume were 10⁷ m³ the debris deposit would be of the order of 2000 m long – thus extending over and then well beyond the township. If this were to occur buildings would be destroyed and many lives lost; the chances of survival in the runout zone, even if in a building, would be negligible. If the volume is only 10⁶ m³ the runout is ~ 1 km, and so still sufficient to cover the township.*

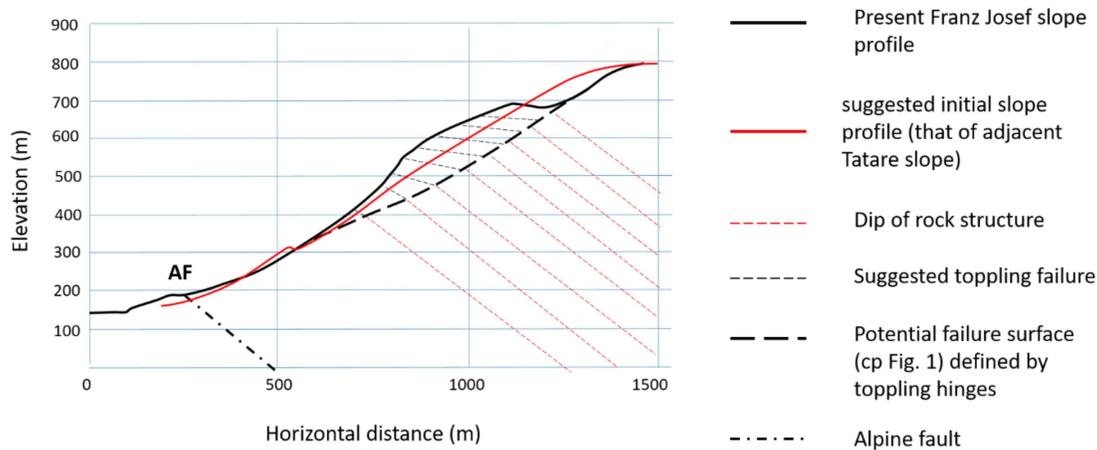


Fig. A3.3 Franz Josef slope profile (black full line) with suggested original profile (red full line, taken from adjacent Tattare slope to the north). Also sketched are Alpine fault (AF), and eastward dipping rock structure (light red dashed lines) with potential slip and toppling along failure surface defined by the toppling hinge envelope (light blue dashed lines).

The conclusion is that the Franz Josef slope has characteristics that may indicate its potential for future large-volume catastrophic failure, and that, given the presence of a town at the foot of the slope, there is a need to consider the consequences of such a failure. It is also possible that the origin of the slope-top bench, and of the parallel ridges on the bench, do not imply current instability and failure potential of the slope. As we now demonstrate, however, the consequences of a large-scale failure of this slope would be extremely serious, therefore it is a matter of urgency that the origin of the Franz Josef hillslope morphology, and its current and future stability, are investigated as soon as possible.

A3.2 Failure Probability

Because there is no evidence that a major landslide has occurred previously from this slope, there are no local empirical data to estimate its future probability. Nevertheless, similar events have occurred elsewhere on the western range-front of the Southern Alps, at Round Top ($4 \times 10^7 \text{ m}^3$; ca 930 AD; Dufresne et al., 2010), Wanganui-Wilberg ($4 \times 10^7 \text{ m}^3$; ca 1300 AD; Chevalier et al., 2009) and Cascade ($7 \times 10^8 \text{ m}^3$; ca 660 AD; Barth, 2014). These have all occurred since about 660 A.D., giving a frequency of about 1 event every 500 years or $2 \times 10^{-3} \text{ a}^{-1}$ somewhere along the range-front. The length of the (Alpine fault-bounded) range-front is about 400 km; approximately half of this is occupied by valleys so the probability of a major slope failure per susceptible km is about $10^{-5} \text{ a}^{-1} \text{ km}^{-1}$. Given that the hillslope at Franz Josef extends about 1 km along the range-front, the probability of large-scale failure of this specific hillslope is about 10^{-5} a^{-1} . It is important to note that because of the extremely dynamic geomorphology of the region (tectonic uplift $\sim 5 \text{ mma}^{-1}$; annual rainfall $\sim 10\,000 \text{ mma}^{-1}$) deposits of even very large landslides can be rapidly removed by river erosion; for example Chevalier et al. (2009) estimated that 75% of the Wanganui-Wilberg deposit has been eroded by the Wanganui River in the 700 years since its emplacement. Thus the frequency of large landslides may be higher than the present estimate, but is unlikely to be lower.

There is no evidence of failure of the Franz Josef slope in the ca 18 000 years since it became ice-free, so the annual probability of its failure – if assumed unchanging with time - is likely to be less than 1 in 18 000, or about 5×10^{-5} . However, the morphological characteristics of the Franz Josef hillslope suggest that it is more likely to fail than the many hillslopes that do not exhibit these characteristics, so its failure probability, though unknown, is again likely to be greater than 10^{-5} a^{-1} .” (Davies & Moretti, 2021)

Fig. A3.4 below shows the volume-probability trend of Southern Alps rock avalanches (Korup & Clague 2009). If the Franz Josef event has a volume of 10^7 m^3 and an annual probability of 10^{-5} , then the probabilities of landslides of greater and smaller volumes are as shown in Table A3.1, assuming the volume-probability line slope is that given by Korup & Clague (2009).

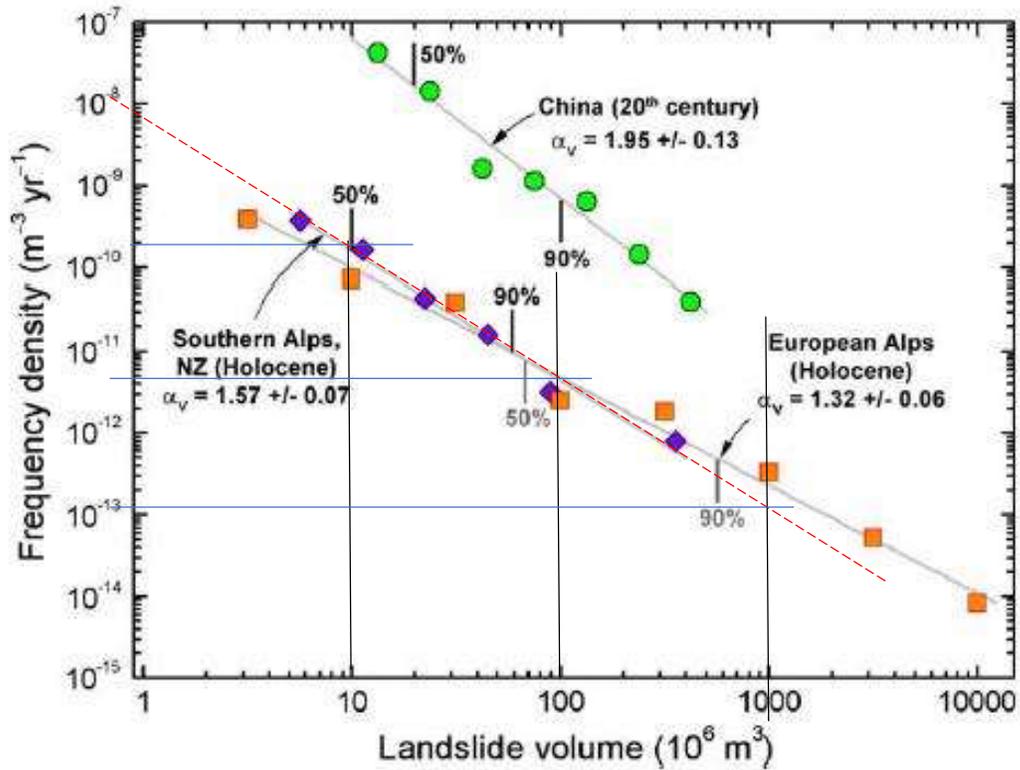


Fig. A3.4 Probability trend of Southern Alps rock avalanches (blue diamonds, red dashed line); after Korup and Clague, 2009.

Fig. A3.5 shows the approximate areas affected by the rock avalanches in Table A3.1.

Table A3.1 Rock avalanche volume, probability and runout distance

Volume, m^3	Probability, a^{-1*}	Runout, km^{**}	Return period (yr)
10^8	2.4×10^{-7}	4.6	4,000,000
10^7	1×10^{-5}	2.1	100,000
10^6	4×10^{-4}	1.0	2,500
10^5	1.6×10^{-2}	0.5	60

*Korup and Clague, 2009 based on $p(10^7 \text{ m}^3) = 10^{-5} \text{ a}^{-1}$.

**Davies, 1982; runout = $10 \cdot (\text{volume})^{1/3}$.

Note that in reality the hillslope source of these rock avalanches can almost certainly not generate an event of 10^8 m^3 because it is not big enough. Hence this volume is not used in risk analyses.

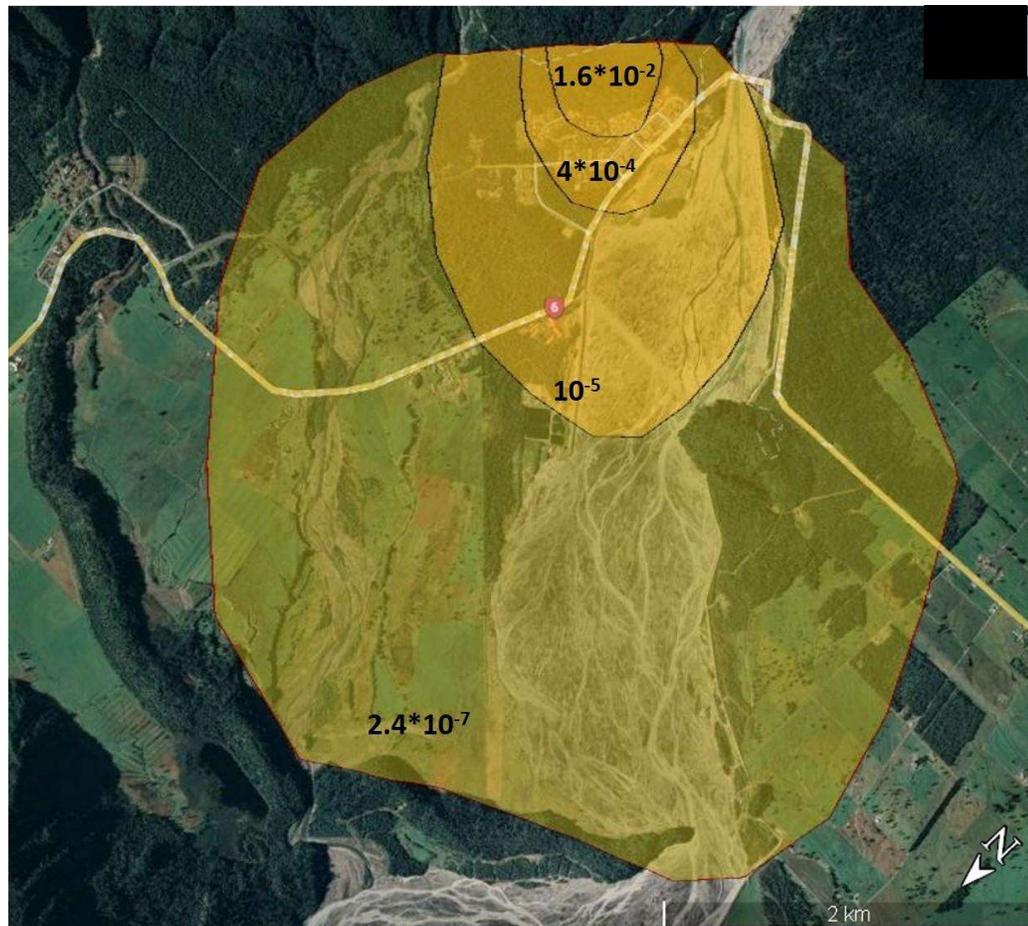


Fig. A3.5 Approximate areas covered by rock avalanche debris deposits of various annual frequencies. Modified Google Earth image.

A3.4 Can the slope in fact fail catastrophically?

Davies and Loew (2019) commented as follows on the question of whether the slope can fail in such a way as to cause a rock avalanche: “While this appears to be a possibility, it is also possible that the slope characteristics have arisen due to a geological process or slope deformation mechanism that does not lead to large-scale catastrophic failure of the slope. Whether or not this slope can fail catastrophically can only be determined by knowledge of the internal geological structure and activity of the slope. *In particular, if the slope has the potential to develop sliding along steeply dipping sliding planes (as indicated for the Cascade landslide in Fig. 9) then the situation is critical and calls for urgent mitigation measures.* The purpose of the present study is to point out the potential risk and to recommend investigations to resolve these fundamental questions.”

A4. Landslide dambreak floods: Tatara and Callery Rivers

The MDRR dissertation of R (2021) generated a magnitude-frequency relationship for landslide dambreak floods from the Tatara River, while Dunant (2019) derived a corresponding relationship for the Callery River (Fig. A4.1, upper and lower respectively).

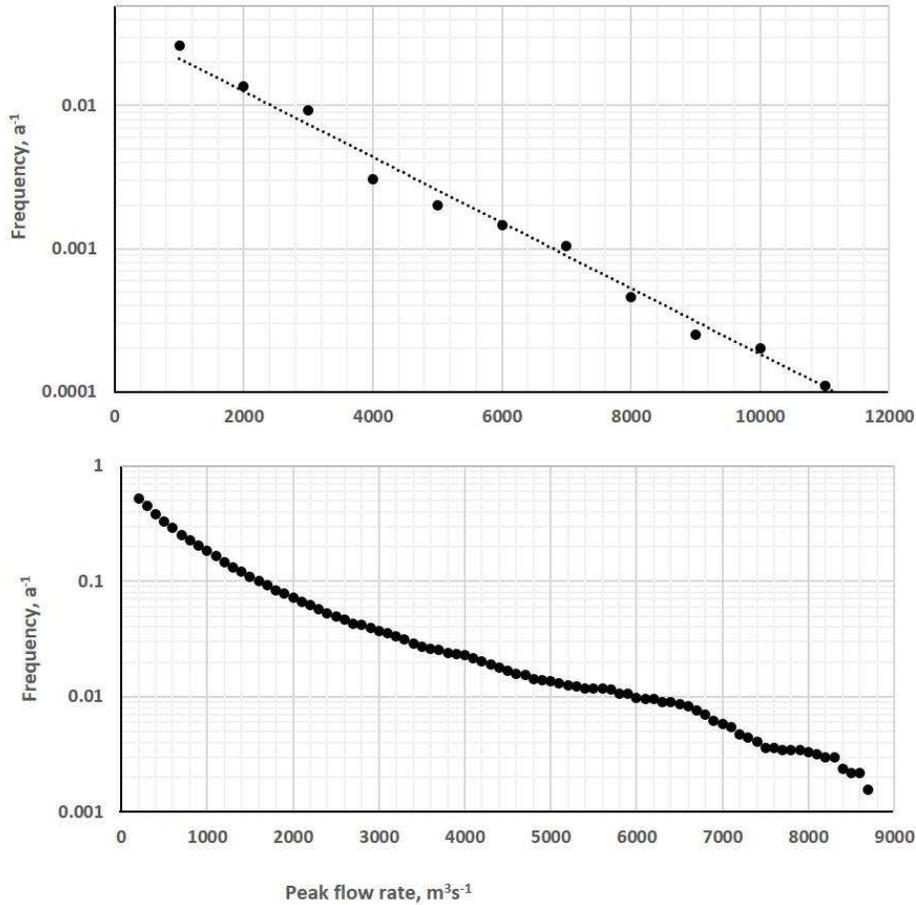


Fig. A4.1 Landslide-dambreak flood magnitude-frequency in the Tatara (upper; R, 2020) and Callery (lower; Dunant, 2019) Rivers.

In order to assess the land areas affected by landslide dambreak floods GNS Science Ltd (C.I. Massey, *pers. Comm.* 2022) undertook numerical modelling using RAMMS software as outlined in Morgenstern et al. (2021) for selected flood peak flows as in Table A4.1 (this information was supplied as part of the Endeavour Research Programme “Kaikoura earthquake-induced landscape dynamics”):

Table A4.1 Peak flows and frequencies for modelled landslide dambreak floods

Tatara River				
Peak flow m^3s^{-1}	1000	2500	5000	
Frequency a^{-1}	0.03	0.009	0.002	
Callery River				
Peak flow m^3s^{-1}	1600	4200	6000	8600
Frequency a^{-1}	0.10	0.02	0.01	0.002

Note that these models were run with 2016 LIDAR data so do not account for planned stopbank improvements. However the ability of stopbanks to contain dambreak floods is significantly lower than their ability to contain normal floods because of the very large volumes of sediment associated with the former and the consequent severe bed aggradation.

Figs A4.2 – A4.4 below show the areas modelled as flooded by Tatara River landslide dambreak floods (modified Google Earth images).

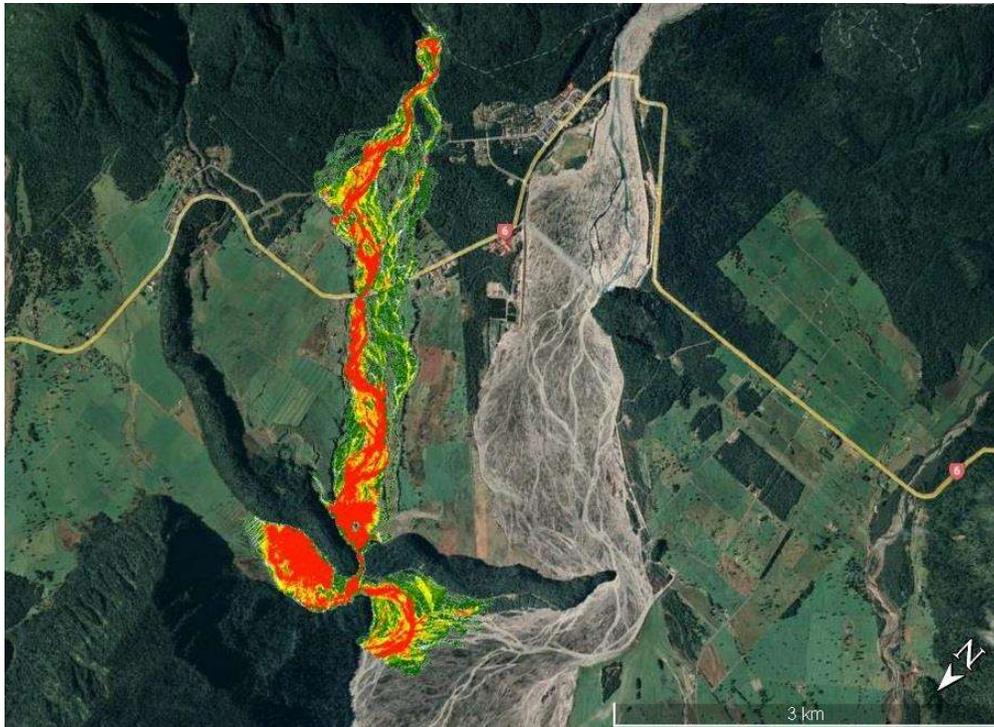


Fig. A4.2 Tatara River landslide dambreak flooding peak flow = $1000 \text{ m}^3\text{s}^{-1}$. Colour code: Green = shallow, yellow = moderate, red = deep.

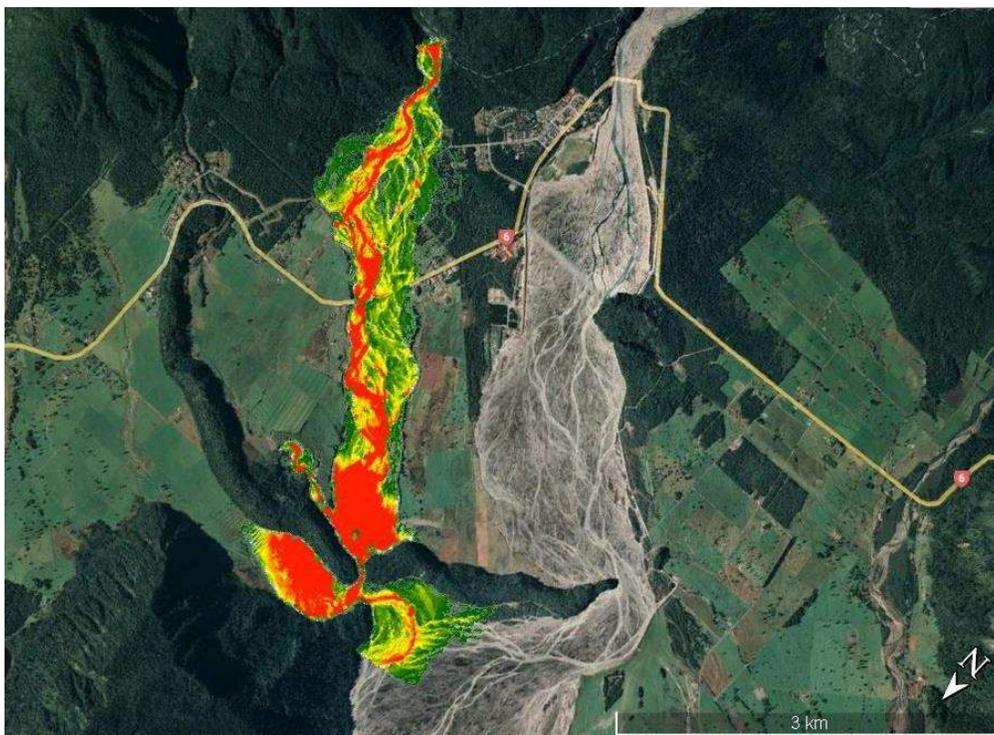


Fig. A4.3 Tatara River landslide dambreak flooding peak flow = $2500 \text{ m}^3\text{s}^{-1}$. Colour code: Green = shallow, yellow = moderate, red = deep.

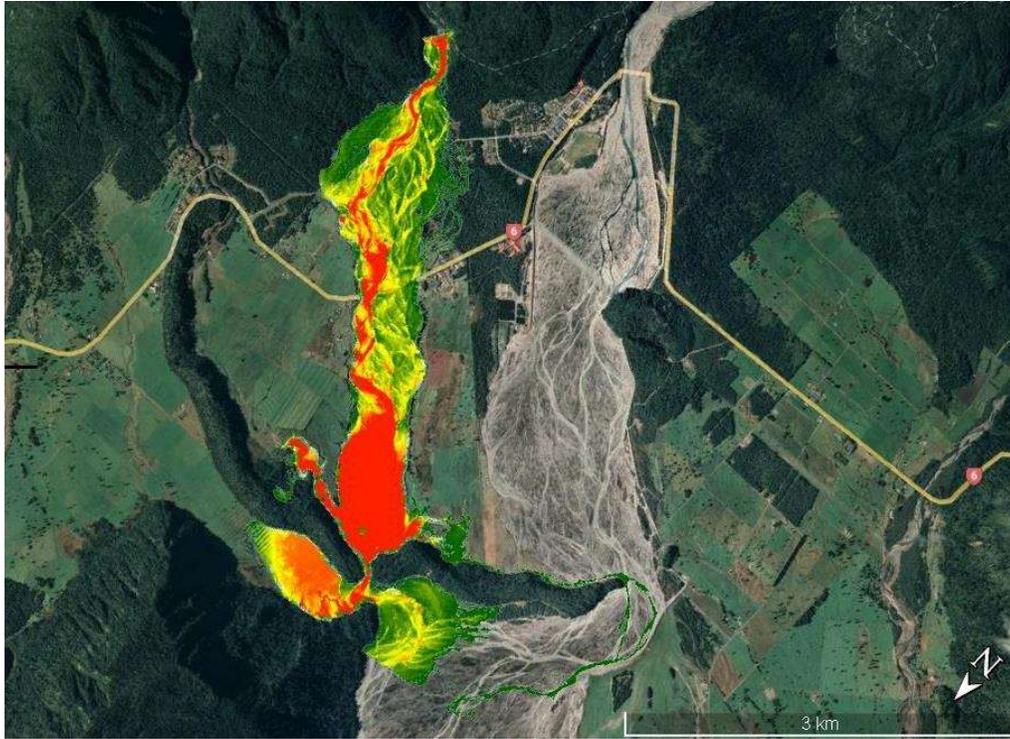


Fig. A4.4 Tatara River landslide dambreak flooding peak flow = $5000 \text{ m}^3\text{s}^{-1}$. Colour code: Green = shallow, yellow = moderate, red = deep.

Figs A4.5 – A4.8 below show the areas modelled as flooded by Callery landslide dambreak floods.

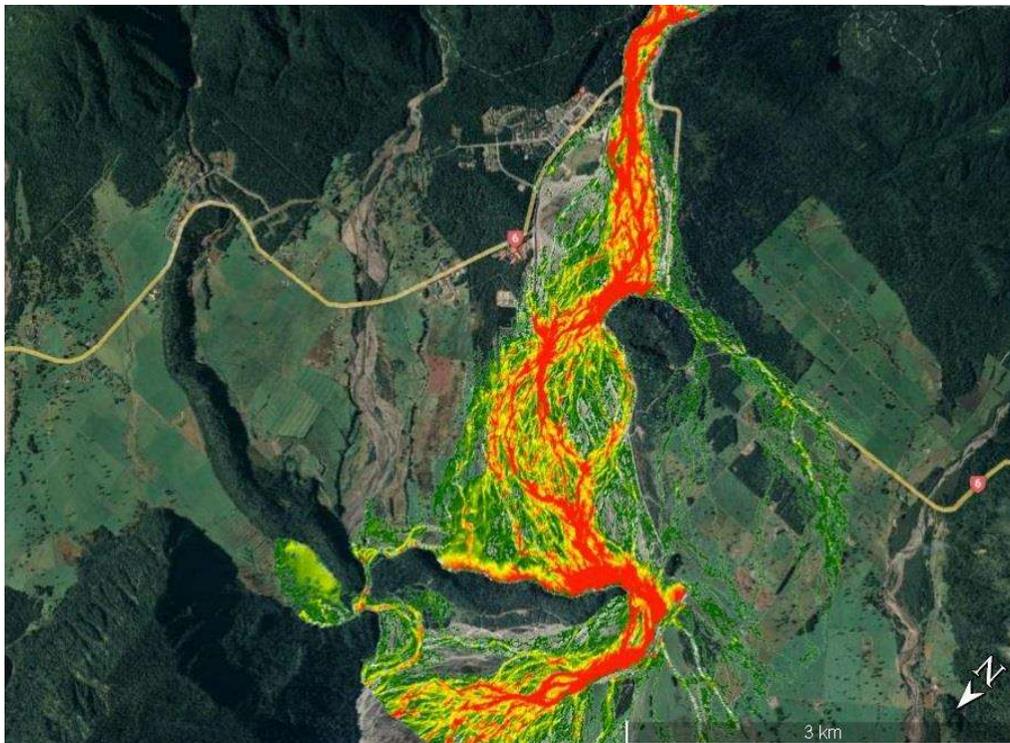


Fig. A4.5 Callery River landslide dambreak flooding peak flow = $1600 \text{ m}^3\text{s}^{-1}$. Colour code: Green = shallow, yellow = moderate, red = deep.

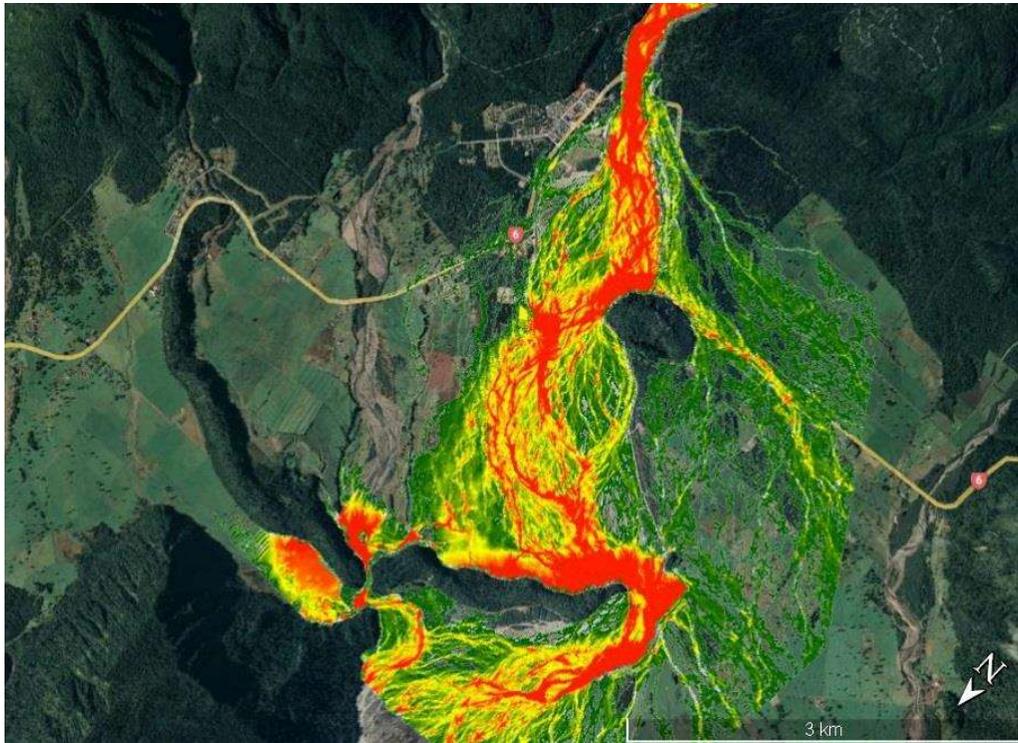


Fig. A4.6 Callery River landslide dambreak flooding peak flow = $4600 \text{ m}^3\text{s}^{-1}$. Colour code: Green = shallow, yellow = moderate, red = deep.

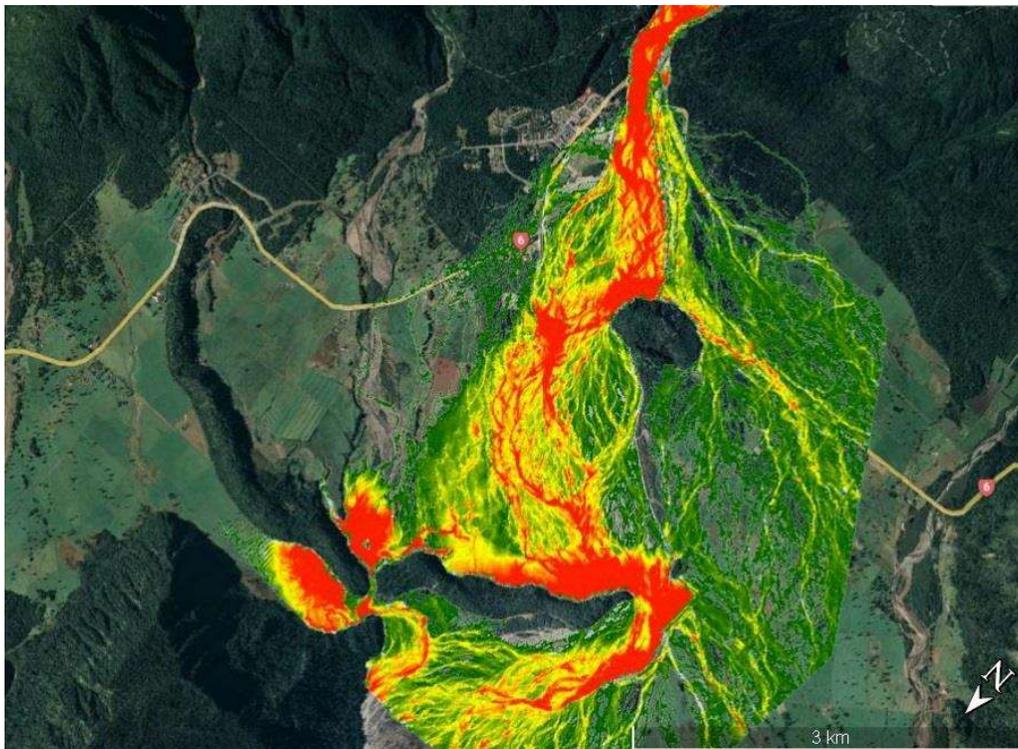


Fig. A4.7 Callery River landslide dambreak flooding peak flow = $6000 \text{ m}^3\text{s}^{-1}$. Colour code: Green = shallow, yellow = moderate, red = deep.

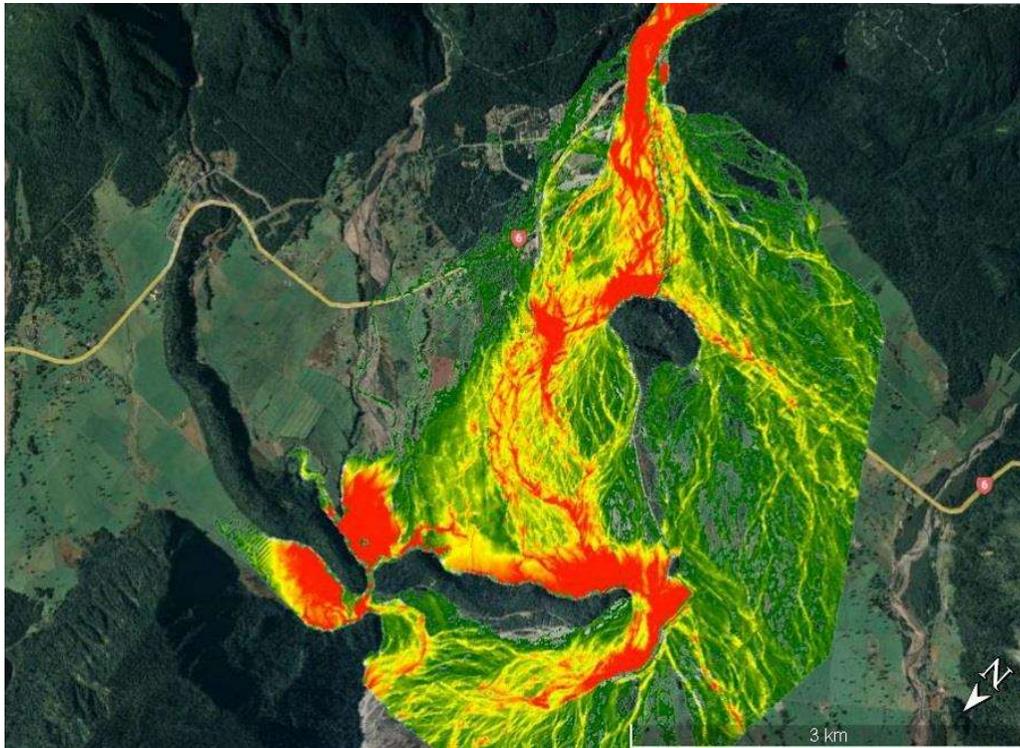


Fig. A4.8 Callery River landslide dambreak flooding peak flow = $8600 \text{ m}^3\text{s}^{-1}$. Colour code: Green = shallow, yellow = moderate, red = deep.

APPENDIX B – PROBABILITY OF DEATH RESULTING FROM IMPACT OF A HAZARD WITH A PERSON (MORTALITY RATES)

(Adapted from unpublished MSc thesis of R, 2022)

B1 Earthquake Mortality Rate

Casualty estimations or realistic fatality rates for earthquakes are generally complicated and hard to derive due to inconsistencies and lack of quality of data (So, 2016). When compared with other areas with similar seismicity, New Zealand has had a relatively low number of earthquake-related deaths (Nichols et al., 2000). There have been several methods and criteria used to calculate the mortality rates for earthquakes. For the purpose of this study, an earthquake-related death was defined as one that occurred directly or indirectly as a result of ground shaking and only considered earthquakes that have occurred in New Zealand. Abeling et al. (2017) examined patterns and mortality rates in New Zealand between the years 1840-2017, during which approximately 21 earthquakes with MMIs VII or greater occurred. The main factor of consideration for Franz Josef was the magnitude and intensity of any given earthquake. Fig. 3.9 by Abeling et al. (2017) illustrates the mortality rates by MMI.

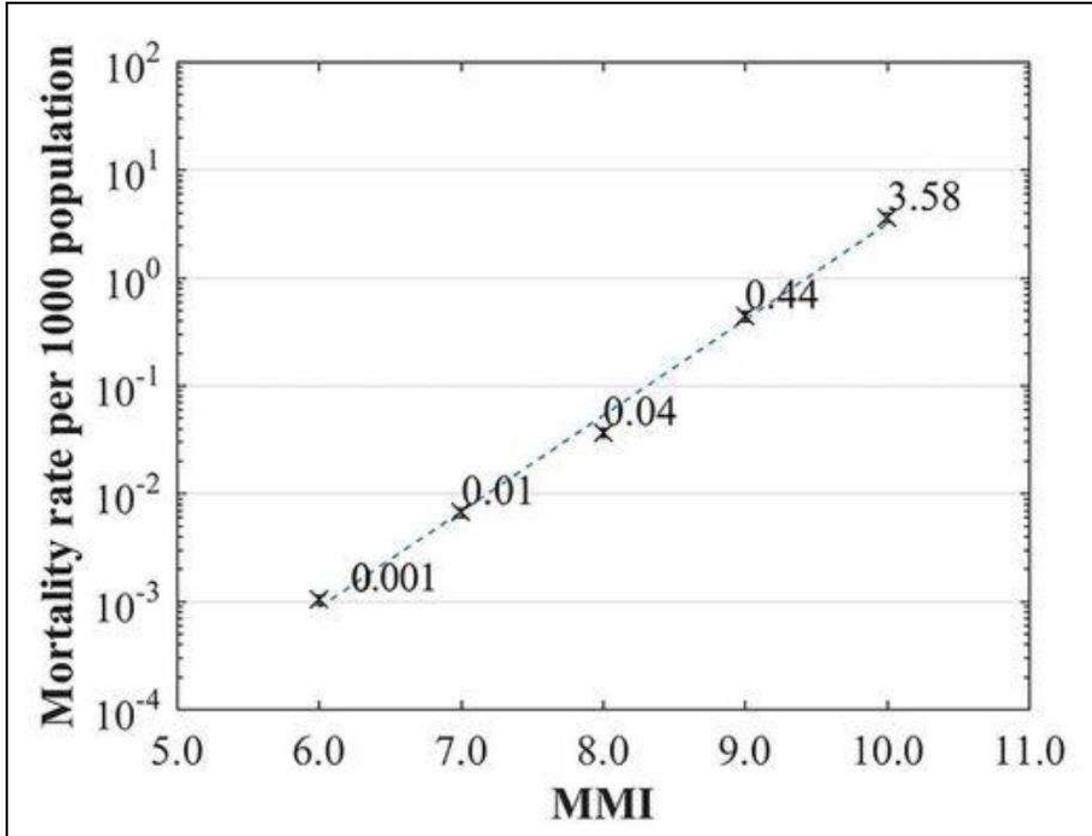


Figure B1.1: Mortality rate by MMI per 1000 population exposed to a severe New Zealand earthquake (Abeling et al., 2017)

Given that shaking from the Alpine fault earthquake is expected to be MM10 or greater across all of the town areas, an earthquake mortality rate of 3 per 1000 (0.3%) was used for the purposes of this study.

B2 Rock Avalanche Mortality Rate

Landslide vulnerability and the underlying causes of landslide fatality are widely understudied (Pollock & Wartman, 2020). There are several key factors that determine human vulnerability and probability of death during a landslide event. Of the various situational risk factors, distance from slope was deemed the most critical factor. According to Pollock and Wartman (2020), the odds of death increase with decreasing distance, whereby individuals closer to the slope (less than 100m) have 1.6x more likely to be killed. Due to the nature and fast velocity of a rock avalanche, the modelled runout distance, and the distance between buildings and individuals to the hillslope above the current townsite, a mortality rate of 100% was used.

B3 Flooding Mortality Rate

Flood-induced mortality rate was derived from (Hu et al., 2018), who calculated mortality rates for flood-induced deaths within different continents (Fig. B2). Given that past occurrence rates of floods, flood-affected population as well as other underlying factors such as GDP per unit area, income and other variabilities in New Zealand is comparable to that for the Australian continent, the flood mortality rate of 0.59% was used.

Continents	Occurrences	Total flood-induced		Total flood-affected		Mortality (%)	
		deaths/event		people/event			
		mean	SD	mean	SD	mean	SD
Africa	443	42.76	141.54	115,074.31	450,434.54	0.98	5.05
Asia	954	107.12	320.46	2,652,909.22	15,475,715.09	1.79	8.20
Australia	39	5.85	9.38	16,220.05	41,761.24	0.59	1.42
Europe	198	12.22	23.00	38,295.29	138,085.39	1.71	8.24
North America	240	31.23	183.55	96,056.15	730,162.66	0.95	4.47
South America	218	178.00	2,030.69	167,064.11	471,928.43	0.76	3.54

Figure B3.2: Flood induced mortality rate across the different continents (Hu et al., 2018).

B4 Landslide Dambreak Flood Mortality Rate

Flood-induced mortality rates for other flood disaster categories was also adopted from Hu et al. (2018). Figure B4.1 shows the mortality rates for different flood types. However, a category for

Flood type	Occurrence	Mortality rates		Total Deaths/event		Total Affected People/event	
		(%)		Mean	SD	Mean	SD
		Mean	SD	Mean	SD	Mean	SD
Coastal flood	41	2.050	11.990	60.439	138.790	499308.805	1283278.670
Flash flood	398	2.133	7.486	138.751	1508.927	420068.779	4172205.915
Riverine flood	1653	1.188	6.432	67.987	256.305	1489342.276	11657845.359

Figure B4.1: Mortality rates for the various flood types (Hu et al., 2018).

floods from a landslide-induced dambreak was not present. Therefore, the mortality rate for the most comparable flood type; flash flood (2.1%) was considered. The 1999 Mount Adams dambreak flood remained largely confined to the river channel and thus, caused no deaths and little damage (Becker et al., 2007). Given that floods caused by landslide dambreak events often occur quickly and carry more debris than normal floods, and are similarly detrimental to flash floods, a value of 2% mortality rate was used.

B5 Debris Flow Mortality Rate

The vulnerability values assigned by Wei et al. (2021) were used to calculate the mortality rate for a debris flow from Stoney Creek whereby vulnerability was defined as the “degree of loss of any given element exposed to a debris flow of a given magnitude”. According to Wei et al. (2021), most injuries and deaths resulting from debris flows in China occur in buildings due to damage caused to the buildings. As such, only the risk to the lives of people in buildings was considered. Given that there are ongoing developments within the region next to Stoney Creek, it was safe to assume a similar scenario for a Stoney Creek debris flow, whereby only the risk to life of people within buildings was considered and the risk to life of people outside of buildings in the event of an occurrence was omitted. Therefore, the vulnerability of the people was calculated as vulnerability of person x building vulnerability. Wei et al. (2021), assigned the maximum vulnerability of people as 0.9 and the maximum building vulnerability as 0.315. Therefore, the mortality rate for debris flow was calculated to be 27%.

APPENDIX C – QUALITATIVE PICTURE OF RISK TRENDS POST-2040 AND/OR POST-EARTHQUAKE

It is worth exploring quantitatively the possible longer-term (post-2040/post-earthquake) changes in risks to the town sites, to provide a context for shorter-term decision-making. The main factors affecting longer-term risks are whether or not a major earthquake has occurred on the Alpine fault, and whether or not the Waiho River stopbanks on the true left (west) bank have been removed as suggested by Gardner (2021).

As noted in the Report, climate change will be a more significant factor in longer-term risk assessments. Collins (2021) has addressed this issue in preliminary fashion, suggesting for example that under the most extreme climate-change scenarios, winter river flows in Westland may exhibit detectable increases at multi-decadal time-scales. However, more useable inferences await further research. Debris-flow frequencies also seem likely to increase; for example, the 2005 debris flow at Matatā was triggered by a 200-500-year return interval rainstorm, but by the end of this century such an event would have a 40-50-year return interval under the RCP 8.5 climate change scenario.

We consider three longer-term scenarios:

1. Pre-earthquake, stopbanks still in place as per 2020 plan
2. Pre-earthquake, west bank Waiho stopbanks removed
3. Post-earthquake

C1 Pre-earthquake, stopbanks still in place as per 2020 plan

By 2040, assuming aggradation of the Waiho continues and no major earthquake has occurred, the river bed level will have risen so that the overtopping risk has become significantly higher. This will have the effect of increasing the flooding risk to much of the old town sites OT1 and OT2 and to part of NT2 (Fig. C1.1)

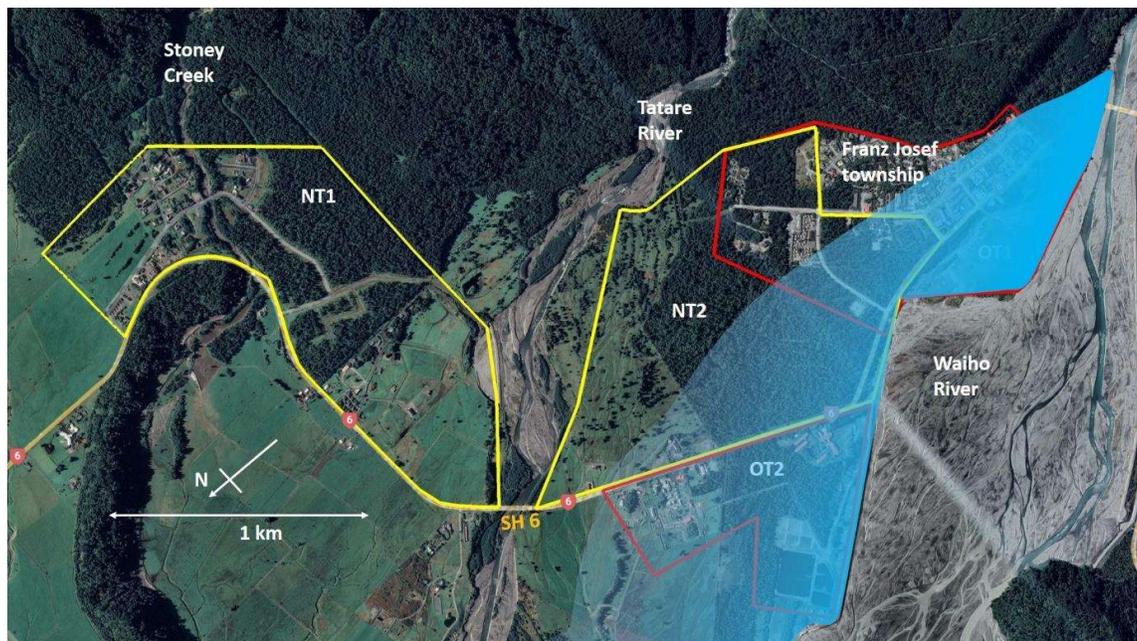


Fig. C1.1. Approximate higher-risk post-2040 and pre-earthquake Waiho River flood zone (blue).

C2 Pre-earthquake, west bank Waiho stopbanks removed

If the western stopbanks have been removed, the flood risk to the east side of the Waiho River will be very much reduced, effectively to zero as in the pre-2040 case (Fig. 5).

C3 Post-earthquake

The severe and widespread shaking accompanying a major earthquake will cause many slope failures in the mountains, some of them large. As noted in the Report, stopbanks will also be severely damaged and become less effective. All river catchments may receive substantial quantities of landslide sediments during the mainshock and in some of the aftershocks, resulting in a major pulse of river-bed aggradation affecting the Waiho, Callery and Tatare Rivers soon after the earthquake. This pulse will begin during the first rainstorm following the earthquake, and will increase over several years or perhaps a decade to a peak depth of several or many metres at the range-front (aggradation following the 1999 Mt Adams landslide peaked at 5 m or so about 6 years after the event; Croissant et al., 2017); thereafter the aggradation wave will move down the river affecting floodplains over further decades, constraining land use over much of the West Coast (Blagen et al., 2022). Flood risks will also be increased adjacent to the Tatare River affecting township sites NT2 and possibly NT1 (Fig. 5)

During the seismic period of the mainshock and significant aftershocks (which is likely to last several years to a decade), landslide dambreak flood risks from the Callery and Tatare Rivers may increase significantly (Tables 3 and 4, Figs 8 and 9).

Debris flow risk on Stoney Creek fan (Fig. 10) will increase following the earthquake mainshock and large aftershocks, because of the likely increase in the volume of landslide sediment available in the catchment, through which the Alpine fault runs. The 1999 Chi Chi earthquake in Taiwan caused the number of rainfall-triggered landslides to increase fourfold during the two following years (Lin et al., 2004), while experience following the 2008 Wenchuan earthquake shows debris-flow occurrence in the affected area reducing fourfold from its post-earthquake peak by 2016 (Li et al., 2018), so debris-flow risk at Stoney Creek may follow a similar pattern of rapid increase and more gradual decrease.

C3(i) If an earthquake were to occur with the Waiho River western stopbanks still in place, the coseismic shaking would probably severely damage all the stopbanks, reducing their crest height significantly. This, together with the accelerated aggradation due to coseismic sediment input to the Callery and Waiho, means that flood risk will be greatly increased in the area shown in Fig. C.1.1, and probably even more widely.

C3(ii) However, if the western stopbanks are no longer in place when the earthquake occurs, much of the sedimentation may be expected to occur on the true left (western) side of the Waiho, with correspondingly less on the town side.

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Appendix B - A copy of the submission by Davis Ogilvie & Partners Limited SUBMISSION ON PROPOSED TE TAI O POUTINI PLAN (TTPP)

1.0 SUBMITTER DETAILS

Submitter Name: Davis Ogilvie & Partners Ltd

Address for Service: Level 1, 42 Oxford Street
Richmond 7020
Attention: Pauline Hadfield
Senior Planner
Email: pauline@do.nz

2.0 SUBMISSION DETAILS

The specific provisions of the proposed Te Tai o Poutini Plan that the following submission relates to are:

- Hazards and Risks
- Historical and Cultural Values
- Subdivision
- General District Wide Matters
- Zones
- General feedback

We do wish to speak to this submission.

We will not gain any advantage in trade competition through this submission.

If others make a similar submission, we would consider presenting a joint case with them at a hearing.

3.0 INTRODUCTION

1. Davis Ogilvie is a multi-disciplinary consultancy firm providing engineering, surveying and development planning services across the West Coast, Nelson, and Canterbury.
2. The writer has 20 years' experience within land development. My role at Davis Ogilvie is varied and includes preparation of a wide range of subdivision and land use consent applications, primarily working with the three West Coast District Councils. I am familiar with development patterns across the West Coast, and for the last two years have provided consultancy consent processing support to the Buller District Council.

3. The following submission includes comment on a number of matters that I, and other Davis Ogilvie staff members, have noted while working with the TTPP since it was notified in July 2022. It is not a comprehensive review of the notified TTPP, but addresses some issues that we believe require attention prior to the TTPP becoming a fully Operative District Plan.

4.0 SUBMISSION POINTS

Zoning at Mitchells

4. Elliot Duke, a Director of Davis Ogilvie, owns land at Mitchells near Lake Brunner. Their property is one of a number of rural-residential sites located approximately 1.5km west of the proposed RLZ Rural Lifestyle zone at Mitchells.
5. Lot 1 DP 2617, Lot 1 DP 2512, Lots 1 and 2 DP 2489, Lot 1 DP 2781, and Part RS 2082 are not suitable for any truly “rural” land use due to topography and location. However, the properties could be suitable for off-grid development for rural-residential or holiday home purposes. All services could be provided for using on-site systems, similar to the development in the RLZ Rural Lifestyle zone closer to the lake.
6. Accordingly, it is requested that these sites, which range in size between 3ha and 16ha, be re-zoned as RLZ Rural Lifestyle, to facilitate future subdivision and/or development for rural lifestyle purposes. An aerial photo plan showing the location of the properties concerned is attached as **Appendix 1**.

Flood Plain Overlay

7. We object to the imposition of the Flood Plain overlay, which appears to have been arbitrarily placed over large tracts of land across the West Coast near larger waterways. The description in the TTPP Natural Hazards chapter explains that the Flood Plain overlay covers “*areas where modelling has not been undertaken and this is a precautionary approach*”.
8. The Regional Council have records of areas at risk of flooding, which in the Grey District at least, are readily available on the current GIS mapping system by enabling the Flood Hazard overlay. The Flood Plain overlay in the TTPP appears to override the known flood hazard area, and imposes additional restrictions on a much greater area of land.
9. The only rules relating to the Flood Plain overlay are in the Subdivision section of the TTPP; specifically, Rule **SUB – R13(2)** requires that subdivision applications for land in this overlay are “*accompanied by a hazard risk assessment undertaken by a suitably qualified and experienced practitioner*”.
10. Section 106 Resource Management Act 1991 states:
(1) A consent authority may refuse to grant a subdivision consent, or may grant a subdivision consent subject to conditions, if it considers that—

- (a) *there is a significant risk from natural hazards; or*
 - (b) *[Repealed]*
 - (c) *sufficient provision has not been made for legal and physical access to each allotment to be created by the subdivision.*
- (1A) *For the purpose of subsection (1)(a), an assessment of the risk from natural hazards requires a combined assessment of—*
- (a) *the likelihood of natural hazards occurring (whether individually or in combination); and*
 - (b) *the material damage to land in respect of which the consent is sought, other land, or structures that would result from natural hazards; and*
 - (c) *any likely subsequent use of the land in respect of which the consent is sought that would accelerate, worsen, or result in material damage of the kind referred to in paragraph (b).*
- (2) *Conditions under subsection (1) must be—*
- (a) *for the purposes of avoiding, remedying, or mitigating the effects referred to in subsection (1); and*
 - (b) *of a type that could be imposed under section 108.*

11. The overly precautionary approach taken by the TTPP in imposing the Flood Plain overlay is unnecessary, as an assessment of natural hazards at subdivision stage is already required by law.
12. We therefore submit that the Flood Plain overlay is overly cautious, incorrect and superfluous.
13. We consider that without major refinement, accompanied by appropriate hydraulic modelling, it should be removed from the TTPP altogether.

Pounamu & Aotea Management Overlays

14. Rule **SASM – R7(3)** states that for mineral extraction or quarrying activities to be carried out as permitted activities in the Pounamu or Aotea Management Area overlays:
Written approval is provided by the relevant Poutini Ngāi Tahu rūnanga - Te Rūnanga o Ngāti Waewae or Te Rūnanga o Makaawhio, that the activity can occur within the Pounamu and/or Aotea overlay(s) and the written confirmation shall be provided to the relevant district council at least 10 working days prior to the activity commencing.
15. The Advice Note to this rule then refers to the “*Pounamu Vesting Act*” and reiterates that all pounamu is owned by Te Rūnanga o Ngāti Tahu.
16. As the pounamu itself is already protected by law, we object to the requirement for written approval prior to mineral extraction or quarrying. This rule gives iwi *de facto* control over mining across a significant part of the West Coast, as mining could not proceed without iwi approval.
17. This rule will create additional administration for iwi and result in potential delays for mining and is not acceptable.

18. If the purpose of Rule SASM – R7(3) is to ensure that iwi is aware of mining activities so that they can monitor the possible extraction of pounamu, this could be achieved without requiring written approval.
19. We therefore recommend that Rule SASM – R7(3) be amended to require evidence of notification to iwi prior to mining, rather than requiring approval from iwi.

MINZ – Mineral Extraction Zone

20. The Overview section of the MINZ Mineral Extraction Zone describes how the zone has been defined, being “1. *Coal mining licences under the Coal Mines Act (1979)*; 2. *Ancillary coal mining licences under the Coal Mines Act (1979)*; and 3. *Resource consents issued under the Resource Management Act (1991)*”.
21. This overview omits the current legislation that governs mineral extraction activities; that is, the Crown Minerals Act 1991. A brief review of some Minerals Permits held over areas within the MINZ Mineral Extraction Zone shows that some permits are more recent than the Coal Mines Act 1979, nor are all permits relating to coal. For example:
 - MP 41454 – Birchfield Coal Mines’ permit at Giles Creek – granted under Crown Minerals Act 1991
 - MP 60369 – A Cameron, gold mining permit at Woodstock – granted under Crown Minerals Act 1991
 - MP 60473 – Oceana Gold’s gold mining permit at Blackwater – granted under Crown Minerals Act 1991
22. It also appears that some permits that have been included in the MINZ Mineral Extraction Zone may not be “long term” as described in the zone overview section. Some permits that I have checked on the NZ Petroleum & Minerals database¹, which are covered by the MINZ Mineral Extraction Zone, have just a few years remaining on the permit term.
23. No consideration appears to have been given to appropriate land uses after mining has been completed in the Mineral Extraction Zone. There is no provision in the rules for “*future use and activities*” other than “*Conservation, Recreation and Research Activities*” (MINZ – R4) or “*Grazing of Animals*” (MINZ – R5). All other activities, including rural industries or rural-residential development, have non-complying status (MINZ – R9 and MINZ – R10).
24. Policy MINZ - P3 states:

To ensure that after mineral extraction, all mine sites in the MINZ - Mineral Extraction Zone are rehabilitated to best practice environmental standards and to provide for future use and activities appropriate to the area.
25. The rules for land use in the Mineral Extraction Zone are too restrictive, and do not provide for

¹ <https://data.nzpam.govt.nz/permitwebmaps/?commodity=minerals>

long term development of land that has been mined.

26. Policy MINZ - P7 states:

Manage conflicts between mineral extraction activities and other land uses by ensuring that:

- (a) Performance standards to minimise impacts on the amenity, rural character and natural values of adjacent areas are met; and*
- (b) Activities that are incompatible with the effects of mineral extraction and ancillary activities are not established in the MINZ - Mineral Extraction Zone.*

27. We support the restriction on incompatible activities being established before and during mining. However, in accordance with Policy MINZ – P7(b), the rules for land use in the Mineral Extraction Zone should allow activities that are not incompatible with the effects of mineral extraction and ancillary activities. For example, rural industries could be established in the zone without triggering reverse sensitivity effects.

28. We submit that a new Permitted Activity rule should be included in the TTPP allowing the establishment of rural industries (defined in the TTPP as “an industry or business undertaken in a rural environment that directly supports, services, or is dependent on primary production”) in the Mineral Extraction Zone.

29. Proposed wording for this rule, as follows, is similar to that for ancillary mining activities (MINZ – R3):

Proposed Rule MINZ – Rx: Rural Industries

Activity Status Permitted

Where:

- (a) Maximum building height above ground level is 10m;*
- (b) Buildings are setback a minimum of 10m from the road boundary and 10m from internal boundaries;*
- (c) There is a maximum of 30 heavy vehicle movements per day (excluding internal movements within the mineral extraction site);*
- (d) There shall be no offensive or objectionable dust nuisance at or beyond the property boundary as a result of the activity;*
- (e) Noise meets the Permitted Activity Standards in Rule NOISE - R7; and*
- (f) Light and glare meet the Permitted Activity standards in Rule LIGHT - R4.*

30. We also submit that provision should be made within the Mineral Extraction Zone rules to allow appropriate land uses to establish in the zone after mining is completed.

31. We submit that the rules for the **GRUZ General Rural Zone** would generally be appropriate for the Mineral Extraction Zone once mining is finished. This would allow for the establishment of a wider range of activities on mined and rehabilitated land, without requiring unnecessary land use consents.

32. This long-term approach could be cross-referenced in the Mineral Extraction Zone rules by including a new set of rules, for example:

Proposed Rule MINZ – Rx: Activities after Mining Works Completed

Activity Status Permitted

Where:

1. *All mineral extraction works have been completed on a site, and the land fully rehabilitated in accordance with the mine closure plan and rehabilitation programme in the Mineral Extraction Management Plan required by Rule MINZ – R2;*
2. *The Permitted Activity rules for the GRUZ – General Rural Zone shall apply as if the site were located in that zone, except that:*
 - (a) *No sensitive activities shall be located within [xx] metres of land in the Mineral Extraction Zone that has not been mined.*

Proposed Rule MINZ – Rx: Activities after Mining Works Completed not meeting Permitted Activity Standards

Activity Status Discretionary

33. In conjunction with this new proposed rule, the title for Rule **MINZ – R9** (non-complying status) would also need to be amended to read “**MINZ - R9 Residential Activities not meeting Permitted Activity Standard MINZ – Rx**” i.e., referring back to the new rule proposed in (32) above but retaining the non-complying status for residential activity until mining has been completed.
34. We submit that the provisions of the TTPP covering the MINZ Mineral Extraction Zone need further work to:
- (i) ensure that the description of the zone is accurate and refers to current legislation as well as the historic legislation governing coal mines
 - (ii) ensure that the zone overlay covers all appropriate permits in keeping with the purpose of the zone
 - (iii) ensure that all appropriate land uses are permitted within the zone including provision for rural industries, and long-term land uses after mining is complete

Financial contributions

35. Rule **FC - R1(2)** states:

No financial contribution is payable for:

- (i) *Additions and alterations to residential buildings;*
- (ii) *A residential building replacing one previously on the site;*
- (iii) *An approved boundary adjustment;*
- (iv) *An approved subdivision creating a certificate of title solely for a utility;*
- (v) *An additional allotment where such land is set aside for ecological, historic heritage or cultural protection in perpetuity; and*
- (vi) *Infrastructure for which a financial contribution has been made previously.*

36. Subsections (iv) and (v) exclude allotments for utilities, or where they are protected for ecological, historic and cultural reasons. We submit that these exclusions should be extended to include:

- (i) Any allotment that is vested in Council or the Crown: e.g., local purpose or open space reserves. These reserves are created in keeping with the purpose of Rule **FC - R10(1)** (Financial Contribution for Reserves and Community Facilities):

Financial contributions may be required to provide for open space, recreational and community facilities to address the need for these facilities created by subdivision and development in the locality where new allotments or residential units are created.

Financial contributions paid under Rule FC – R10 for new residential, commercial or industrial lots will provide funding for maintenance of reserves. The reserves themselves cannot be considered to generate any need for these facilities, so no monetary contribution should be imposed on land that is to be vested in the Territorial Authority or the Crown.

- (ii) Allotments that are amalgamated with any other allotment at the time of subdivision. Where allotments are amalgamated, this is usually due to access or servicing matters, and the resultant property is treated as one “site” for rating and development purposes.

Noting that Rule FC – R10(2)(ii) and (iii) allow for financial contributions to be imposed at building consent stage, Council will not be disadvantaged by exempting amalgamated allotments from payment of reserves contributions.

37. We submit that Rule **FC – R2** should be amended to take into account the value of works undertaken by developers to enhance land that is vested in Council. It is suggested that after R2(4), a further subsection be inserted as follows:

“Where a financial contribution is, or includes works, the relevant District Council may specify any one or more of the following in the conditions of the resource consent:

- (a) *The nature of works included in the financial contribution;*
(b) *A minimum and/or maximum value of the works to be included.*

38. Rule **FC – R10(2)(ii)** and **(iii)** set a five-year time frame in which reserves contributions paid at subdivision may be subtracted from contributions imposed at building consent.

39. If implemented, this rule will result in Council “double-dipping” for contributions if sections created by subdivision are not built on within five years of s224 Resource Management Act 1991 certification.

40. We submit that the five-year time frame should be deleted from Rule FC – R10(2)(ii) and(iii). Purchasers who build on new sections, regardless of the time frame involved, should not be

required to re-pay contributions towards reserves and community facilities that have been previously paid at subdivision stage.

41. Council's Long Term Plan budgeting policies and accounting processes should appropriately allocate contributions paid at subdivision in accordance with the stated purpose of the contribution. Future owners should not be penalised if they do not purchase and/or build within a certain time frame.

Subdivision Rules & Standards

42. Rule **SUB – R1** allows for boundary adjustment subdivisions in the GRZ General Residential and GRUZ General Rural zones. We object to the zone limitation within this rule.
43. Provided the criteria listed in Rule SUB – R1(1) to (4) are met, we submit that the effects of boundary adjustment subdivisions in any zone would be minimal, and therefore should be included in this permitted activity rule.
44. The residential density for the GRUZ General Rural Zone has been set at 4ha in the notified TTPP. Providing this maximum density is met on each site, we submit that there is no justification for sub-section (5) of Rule SUB – R1, which prohibits boundary adjustments from resulting in "*potential additional residential units as a permitted activity*" in the GRUZ General Rural Zone.
45. The nature of boundary adjustments is that land is exchanged between one party and another, so overall the land area across the two titles remains the same. Regardless of whether a boundary adjustment results in one title becoming large enough to accommodate an additional dwelling, if the density requirements are met then the effects of residential activity have already been considered acceptable under the TTPP.
46. We submit that Rules **SUB – R7 / ECO – R4** and **SUB - R9 / ECO - R6** (Subdivision to create allotment(s) of land containing an area of significant indigenous biodiversity) need to be amended to clarify that the allotment(s) created from the parent title must contain the area of significant indigenous biodiversity and be for the purpose of legal protection of that land. As written, the rules do not make this clear.
47. We also query the need for a minimum lot size for this purpose. There may be smaller stands of significant vegetation which are worthy of protection.
48. We submit that Rule **SUB – R18** is unclear and requires clarification. It contains a circular reference to the same rule (SUB – R18) and the other rules referenced (with the exception of R20) do not relate to overlays. There are other rules that do specifically relate to overlays, which are not included in the exclusions listed.
49. We support the minimum lot areas set out in Subdivision Standard **SUB – S1**.

50. We generally support the provision in Subdivision Standards **SUB – S7** and **SUB – S8** for off-grid electricity and telecommunications services, but suggest that these services should normally be reticulated in Residential zones.
51. Subdivision Standard **SUB – S9** is inconsistent with the requirements specified for Esplanade Reserves and Strips in s230 Resource Management Act 1991. We submit that this standard should include the minimum area for “lake” as set out in s230; that is “*a lake whose bed has an area of 8 hectares or more*”.

Settlement Servicing Rules

52. Subdivision Standard **SUB – S1(e)** states that minimum lot sizes in the Settlement zones is set as “*1000m² in unsewered areas and 500m² in sewerred areas*”. This is inconsistent with Rule **SETZ – R1** in the zone rules section, which requires the smaller 500m² sections to be “*fully serviced by a network utility operator with wastewater, water supply and stormwater systems*”.
53. We submit that these rules should be consistent; and support the Subdivision Standard approach of applying the minimum area to sewerred vs unsewerred sites.
54. Rule **SETZ - R1** (Residential Activities and Residential Buildings – Density) includes a grandfather clause (Rule R1.1.i.a) allowing the establishment of residential units on fully serviced sites lawfully established under existing District Plans.
55. We submit that the grandfather clause in Rule SETZ – R1.1.i.a should be extended to include unserviced sites that have been lawfully established under the relevant District Plan. **Appendix 2** contains suggested wording for a revised Rule SETZ – R1. The suggested amendment also includes reference to the operative status of the previous District Plan, thereby limiting the grandfather clause to sites created under the current Plans after all submissions had been considered and all rules given legal effect.
56. Noting that SETZ Settlement zone areas are typically not fully reticulated, there are sure to be a significant number of “unserviced” sites within the SETZ Settlement zone that have not been built on, which will subsequently be caught by this rule. For example (Note: not a complete list of all SETZ Settlement areas):
- Karamea – has no reticulated services
 - Punakaiki – has water supply only
 - Blackball – has reticulated sewer and water, but limited stormwater reticulation;
 - Rapahoe – has no reticulated sewer system
 - Kumara, Hari Hari, Whataroa – townships with no reticulated sewer system and limited stormwater reticulation
57. Rules **SETZ – R1.2** and **R1.3** are supported. These rules require connection to services if available, or compliance with NZS 4404:2010 Land Development and Subdivision Infrastructure

or the relevant Council Engineering Technical Standards if no reticulated services are available. Rules **SETZ – R1.2** and **R1.3** will ensure that any new residential dwelling in the SETZ Settlement zone is appropriately serviced, regardless of the size of the title on which it is located or the availability of reticulated services.

58. It is also noted that if onsite servicing is required, Regional Council rules in respect of discharges to land will also need to be complied with at the time of building.
59. As all servicing matters will have been considered and approved at the time of subdivision and/or are covered by Rule SETZ – R1.2 and R1.3, requiring land use consent to build on existing sections will not achieve the purpose of the RMA as it creates an unnecessary administrative workload for Council planners. SETZ – R1 as notified also does not enable the community to provide for their social and economic wellbeing because it will not allow for the most efficient and effective development of land already earmarked and subdivided for future residential use.

Signage Rules

60. Rule **SIGN - R1(10)** is grammatically incorrect and confusing. The rule sets out a “*minimum*” lettering size but states that sign should not “*exceed*” these dimensions. This rule should be re-worded to clarify that signage lettering should be larger than the minimum size stated.
61. We submit that in the Commercial, Mixed Use and Industrial zones, the limit on the number of words and characters required by R1(10)(iii) is too restrictive. This limit may be appropriate for higher-speed areas but is not practical to convey the level of information often displayed on commercial signage.
62. We submit that Rule SIGN – R1(10)(iii) should be amended to exclude lower-speed roads within the Commercial, Mixed Use, and Industrial zones.
63. The separation distances required by Rule SIGN – R1(11) are also seriously flawed when considered against typical site sizes in the Commercial and Mixed-Use Zones. The rule requires 60m separation between signs in areas with <70kph speed limits, but sites in Commercial Zones would generally have less than 60m road frontage. If implemented as drafted, this rule would force almost all business owners to obtain resource consent for signage under this rule.
64. Signage is an important part of any vibrant commercial area, providing information and advertising for the businesses located in these areas. Restrictions may be appropriate in residential areas and high-speed traffic environments, but the level of restriction set out in Rule SIGN – R1 is not workable for commercial areas. These rules need to be reconsidered.

Other Rules

65. **Recession plane rules** in the notified TTPP do not appear to be consistent and may require some re-assessment. For example, some zones apply recession planes to adjoining RESZ Residential and SETZ Settlement zones; some state RESZ Residential only; the NCZ Neighbourhood Centre Zone refers to “residential site boundary”; and others apply recession planes to all site boundaries. The two Industrial zones also differ in the application of recession planes.
66. We acknowledge that there may be justification for the approach taken, but mention it in this submission to ensure that the rules are consistent across the TTPP.
67. We object to the requirement in Rule **GRUZ – R1** for a **10m setback** from all internal boundaries. This is a significant departure from the previous District Plans (Buller District 1.5m, Grey District 5m, and Westland District 3m).
68. We submit that the internal building setback for the GRUZ General Rural Zone should be retained at 5 metres, consistent with the maximum setback specified in the previous District Plans.
69. We object to Rule **MUZ – R4(5)**, which requires residential accommodation entrances to be provided directly from a public street. Whilst Rule MUZ – R4(1)(ii) is acknowledged as retaining a more commercial amenity in this zone, subsection (5) appears contrary to this. The rules for residential accommodation entrances should allow for side or rear access e.g., via a right of way or driveway/walkway beside a commercial business on the site.
70. Rule **COMZ – R1(3)(iii)** states that tree planting within car parks is “*encouraged*”. Rules in District Plans should be clear and enforceable; terminology such as “*encouraged*” is not appropriate. We submit that 1 tree per 20 car parking spaces should be “required” rather than encouraged.
71. We submit that the rules setting out minimum **outdoor living space** should include a minimum dimension or shape factor. The notified TTPP currently only specifies a minimum dimension for outdoor living spaces in the COMZ Commercial Zone. A shape factor for the MRZ Medium Density Residential Zone (6m diameter circle) is provided for in the Medium Density Housing Design Guidelines, but is not specified in the rules.
72. We submit that the rules for outdoor living spaces in the NCZ Neighbourhood Centre Zone, GRZ General Residential Zone, MRZ Medium Density Residential Zone and SVZ - Scenic Visitor Zone should include a minimum dimension or shape factor to ensure that living spaces are practical and contribute to residential amenity.

General Feedback / Administration

73. The notified TTPP utilises out-dated terminology when referring to land titles. Under the Land Transfer Act 2017, “certificates” of title” should now be referred to as Record of Title.
74. The notified TTPP refers to engineering standards NZS 4404:2010. We recommend that this wording be supplemented to refer to any subsequent engineering standards adopted by Council, as NZS 4404:2010 is likely to be updated over time.
75. From a consultant’s perspective, it would be helpful to be able to save and/or print the TTPP planning maps at a defined scale. This does not appear to be possible at present.

5.0 CONCLUSION

76. In summary, Davis Ogilvie seeks:
- That an additional area of land at Mitchells be re-zoned as RLZ Rural Lifestyle Zone
 - That the Flood Plain overlay be removed or substantially re-worked
 - That the requirement for iwi approval prior to mining be amended to a requirement for notification
 - That the MINZ Mineral Extraction Zone be amended, including provision for rural industries, and to facilitate appropriate land uses after mining is complete
 - That the rules for Financial Contributions be amended
 - That the Subdivision Rules and Standards be amended
 - That the SETZ Settlement Zone rules be amended to provide for existing sites to be built on without further consent, and that the rules be amended for consistency and practical application in terms of servicing
 - That the Signage rules be amended
 - That the “Other” rules discussed in paragraphs 65 to 72 above be amended
 - That the Administration matters discussed in paragraphs 73 to 75 be considered

Signed:



PAULINE HADFIELD

DAVIS OGILVIE & PARTNERS LTD

Senior Planner, Assoc.NZPI

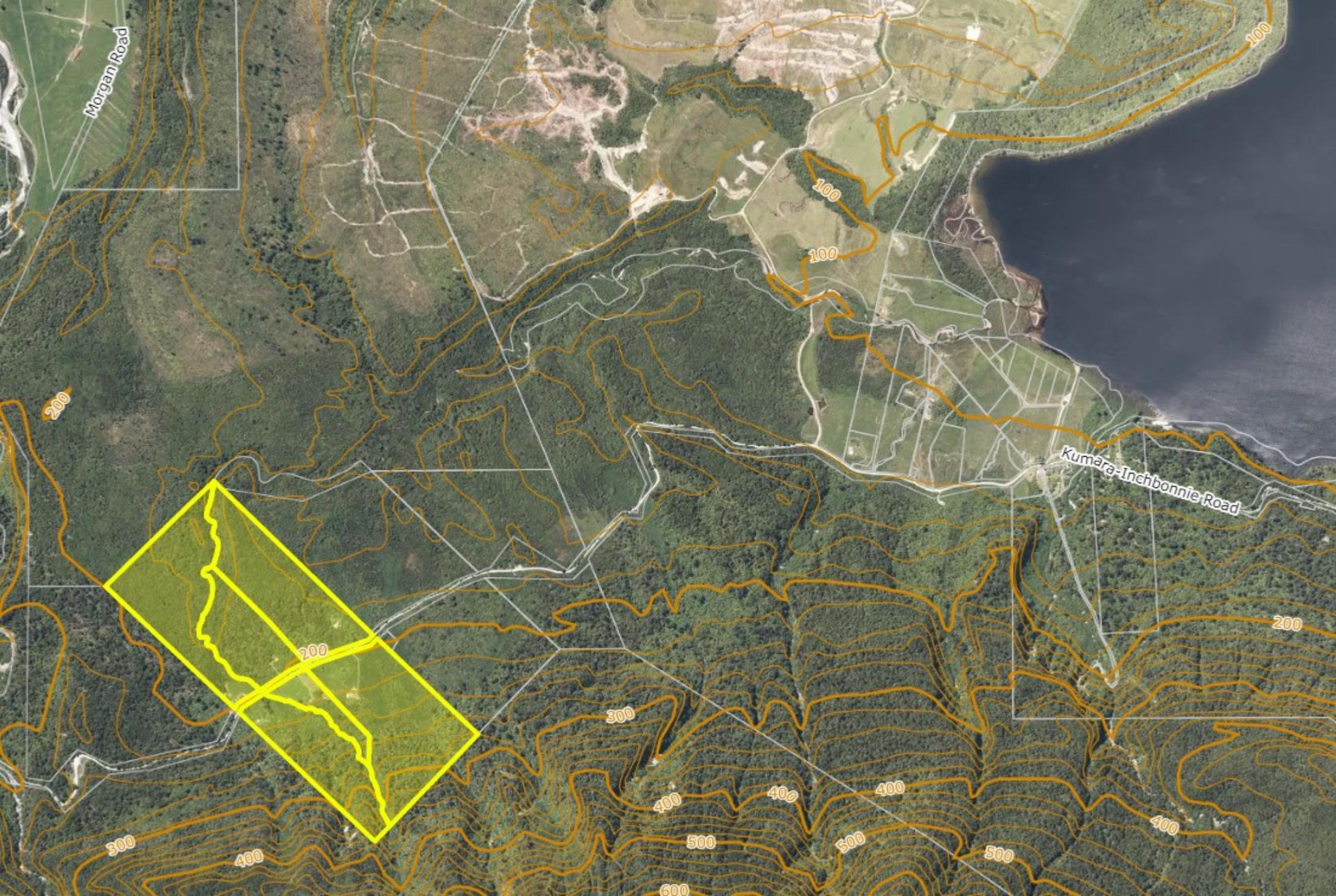
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Appendix 1 Aerial Photo – Mitchells

Appendix 2 Suggested Wording – Rule SETZ – R1

APPENDIX 1

Aerial Photo - Mitchells



APPENDIX 2

Suggested Wording – Rule SETZ – R1

Rule SETZ – R1

Activity Status Permitted

Where:

1. Residential unit density is no more than:
 - i. 1 unit per 500m² net site area in areas fully serviced by a network utility operator with wastewater, water supply and stormwater systems; ~~or, 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~~
 - ii. 1 unit per 1000m² net site area in areas where there is on site servicing of wastewater, water supply and stormwater systems;
2. **Except that:**
 - i. **where smaller sites were lawfully established under the previous operative Buller, Grey or Westland District Plan then the residential unit density is one residential unit per site; or**
 - ii. In the SETZ - PREC4 - Rural Residential Precinct residential unit density is 1 unit per 4000m² net site area.
3. Where the settlement is serviced by a network utility operator for wastewater, water supply or stormwater all residential units and buildings used for a residential activity must be connected to the community wastewater, water supply and stormwater infrastructure;
4. 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.

Appendix C – A copy of the Decision appealed



Te Tai o Poutini
P L A N
A combined district plan for the West Coast

Resolutions from the TTPP Committee Meeting held on 24 September 2025

That the Te Tai o Poutini Plan Committee:

1. Receives the Recommendation reports and appendices of the Independent Hearing Panel on the provisions of and submissions on the proposed Te Tai o Poutini Plan (including Variations 1 and 2).
2. Notes the contents of this report.
3. Adopts the Independent Hearings Panel recommendation report as the Committee's decision on the provisions of and submissions on the proposed Te Tai o Poutini Plan (including Variations 1 and 2), in accordance with clauses 10(1), 10(2) and 10(4)(aaa) of Schedule 1 of the Resource Management Act 1991, as relates to all parts of Te Tai o Poutini Plan except in relation to the changes within Policy ECO – P1 pursuant to Resolution 4.
4. Adopts the following wording for Policy ECO – P1:

ECO – P1 *Identify significant natural areas and include these in Schedule Four through a Plan Change introduced no later than ~~August 2028~~ **31 December 2030**. 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. ~~Grey, Buller and Westland District - 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.*
5. Notes the following reasons for the Decision on Policy ECO – P1:
 - a. That there is insufficient time to do the SNA assessment in accordance with the principles in the NPSIB Clause 3.8 (2) by June 2027
 - b. That the Committee considers that the date in the recommendation is not practicable or reasonably achievable
 - c. That amending the timeframe in ECO-P1 will still 'give effect to the NPSIB as soon as reasonably practicable', as required under the NPSIB Clause 4.1(1).
 - d. That the Grey District Council has already undertaken an SNA identification process.

6. Resolves to correct any typographic and numbering errors in the Hearings Panel recommendation reports appendices prior to making changes to the Decisions Version of the Plan including correcting the name of Aotearoa me te Waipounamu.
7. Resolves to publicly notify the Committee's decision on 10 October 2025, in accordance with Clause 10(4)(b) of Schedule 1 of the Resource Management Act 1991.
8. Resolves to correct minor errors and make changes of minor effect in accordance with Clause 16(2) of Schedule 1 of the RMA, as identified in the Independent Hearing Panel's Recommendation reports.
9. Directs staff to alter the proposed Te Tai o Poutini Plan provisions and mapping application to reflect the Independent Commissioners recommended changes (subject to the further amendments made to Policy ECO – P1 by Resolution 4) and to correct minor errors and changes of minor effect in accordance with clause 16 (2) of the First Schedule of the Resource Management Act 1991.
10. Notes that adopting the Recommendation reports of the Independent Hearing Panel as the Committee's decision means the Committee also adopts the independent hearing panel's reasons for those decisions on submissions as set out in the recommendation reports (subject to the reasons provided in Resolution 5 in relation to the further amendments to Policy ECO – P1)
11. Notes that adopting the Recommendation reports of the Independent Hearing Panel as the Committee's decision does not mean the Committee has formed a view on possible future plan changes mentioned in the reports and recommendations.
12. Adopts and notifies the recommendations of the Independent Hearing Panel on the notices of requirement included in the proposed Te Tai o Poutini Plan as the Committee's recommendations on the notices of requirement, in accordance with clause 9 of Schedule 1 of the Resource Management Act 1991.
13. That the Committee provide close monitoring of the implementation of the Plan in the following matters with a consideration for the development of future Plan Changes:
 - NOISE – R3 and acoustic requirements particularly as relates to the Railway Corridor
 - Bridge widths Permitted rules in the Natural Character and the Margins of Waterbodies Chapter
 - Outstanding Natural Landscapes and effects on private landowners
 - Ecosystems and Indigenous Biodiversity and effects on private landowners
 - Coastal Environment – and in particular Outstanding Coastal Natural Character and High Coastal Natural Character
 - Mineral Extraction – volume of Permitted Activity for mining in the General Rural Zone
 - Historic Heritage
 - Natural Hazards in Greymouth
 - Coastal Natural Hazards north of Hector and south of Hannah's Clearing
 - Flood hazards in the Flood Alert areas eg Seddonville, Mokihinui, Karamea and Franz Josef

- Light and Rule 4A in relation to restrictions on lighting within 15km of the coast
- Firefighting water and the implementation of the requirements of FENZ in this regard

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 Report¹ 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 Report² (‘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 Report³ 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

**Recommendation Report of the Proposed Te Tai O Poutini Plan Hearings Panel
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- 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 ~~striketrough~~ 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

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- (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

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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 Bensemman** 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 letter⁴ with additional discussion on those submission points that the reporting officer rejected.
 - (b) KiwiRail provided a letter⁵ 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

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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 memo⁶ 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.

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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.

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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

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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 points⁷ 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

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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, development 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

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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 Foodstuffs⁸ 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 250m² 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 250m² 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

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72. The Panel acknowledge the statement from Foodstuffs, and we agree that 250m² 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 350m² 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 - 4000m² 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 Forestry¹⁰

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 Standards 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

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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

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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-PREC-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 submitters¹⁹ 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

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infrastructure is an effective way of minimising cumulative effects and is funded based on the whole community connecting.

107. Ms Easton did not support submissions²⁰ 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

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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 points²¹ 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 points²² 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

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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 200m² 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 150m² 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 500m² site. In addition, they considered that KiwiRail had not provided clear and detailed evidence to support a 5m

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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 250m² from 200m². 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.

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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 100m² ground floor area (CE-R5) rather than the recommended 150m² 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 500m² 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 500m² 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 800m²), 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 500m² 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 500m² 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.

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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 500m² 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 1000m² 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 4000m² 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 350m²; except
 - ii. In the SETZ - PREC3 - Coastal Settlement Precinct the gross ground floor area is a maximum of 200m² 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 boundary²⁹ 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 2000m² 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 150m², and several others³⁶ seeking an unspecified increase. She noted that 150m² 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 points³⁷ 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

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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 points³⁸ 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 1050m²³⁹ in ground floor area and additions to existing buildings add up to no more than 50m² 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 200m²;
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)

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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

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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 points⁴² 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 points⁴³ 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

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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.

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193. Ms Easton did not support submission points⁴⁴ 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 points⁴⁵ 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

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200. Ms Easton did not support submission points⁴⁶ 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 points⁴⁷ 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 points⁴⁸ 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 points⁴⁹ 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 points⁵⁰ 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

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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 points⁵¹ 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 points⁵² 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

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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 be 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.

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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.

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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 1000m² 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 500m² 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 600m² 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 10m² 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 ~~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-months~~ **12-months 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 Districts 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

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- 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 250m²;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; and⁷²~~
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)

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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).

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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 points⁷⁵ 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. Ms Easton did not support several submission points⁷⁶ 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 points⁷⁷ 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

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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 points⁷⁸ 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

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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 points⁷⁹ 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 points⁸⁰ 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

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283. Ms Easton did not support several submission points⁸¹ 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

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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.

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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; and⁸³
- 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.~~ 1. The building projects into the 45 degree recession plane; or
- ii. ~~2.~~ 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.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 - R212 Community Facilities, Educational Facilities, Emergency Service Facilities and Retirement Homes not meeting Permitted Activity Standards⁹⁰

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 – R223 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/A⁹⁵

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 – R257 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 - R278.⁹⁸

Activity status where compliance not achieved: Non-complying

SETZ – R268 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 – R279 Industrial Activities not meeting Rule SETZ - R223⁹⁹

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~~ **Discretionary¹⁰⁰**

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/A¹⁰¹**

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 sewerred and unsewerred areas, Ms Easton noted that the reference to sewerred 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)

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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.

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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.

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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

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- 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

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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 500m² 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

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- 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 300m² or more, provided that an average lot size of 1000m² 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 300m² 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.

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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 300m² 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

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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

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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.*

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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 rural areas 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

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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.

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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)

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**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 ~~strike through~~ 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 - 4000m² 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 Standards 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

<u>SETZ-PREC-P2</u>	Subdivision, use and development within the SETZ - PREC2 - Settlement Centre Precinct should: <ul style="list-style-type: none">a. Maintain or enhance the character and built form of the settlement;b. Adaptively reuse existing heritage and character buildings where practicable; andc. Provide for commercial activities and community facilities which serve the settlement, rural community and visitors
<u>SETZ- PREC3 P3</u>	Subdivision, use and development within the SETZ - PREC3 - Coastal Settlement Precinct should: <ul style="list-style-type: none">a. Take into account <u>Recognise and provide for</u> the coastal natural character and <u>protect the</u> 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; andd. <u>Development of the port area at Jackson Bay is:</u><ul style="list-style-type: none">i. <u>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</u>ii. <u>of a scale and extent appropriate to the location</u>e. Be located <u>and designed to mitigate or</u> avoid <u>increasing</u> the significant risks of natural hazards.f. <u>Support the development of visitor accommodation, worker accommodation and tourism support facilities in Punakaiki.</u>
<u>SETZ-PREC-P4</u>	Subdivision, use and development within the SETZ - PREC4 - Rural Residential Precinct should maintain the predominant rural character and amenity values, which include: <ul style="list-style-type: none">a. Low-density residential living and small-scale rural activities;b. Open space and privacy around buildings; andc. On-site servicing and a general absence of urban infrastructure;d. <u>Industrial or commercial activities which have a functional relationship with rural areas; and</u>e. <u>Presence of rural activities and established infrastructure which should be protected from reverse sensitivity effects.</u>

Settlement Zone Rules

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**
 - ii. 1 unit per 500m² net site area in areas fully serviced by a network utility operator with wastewater, water supply and stormwater systems; ~~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 1000m² 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 4000m² net site area;
4. Where the settlement is serviced by a network utility operator for wastewater, water supply or stormwater, **and provided there is capacity**, 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 **in the Grey, and Westland Districts 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 350m²; except

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- ii. In the SETZ - PREC3 - Coastal Settlement Precinct the gross ground floor area is a maximum of 200m² 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 2000m² indigenous vegetation in total is allowed to be cleared from each site; and
 - iii. Development will be in accordance with the Outline Plans 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 1050m² in ground floor area and additions to existing buildings add up to no more than 50m² 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:

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- i. The average residential building density is no more than one unit per 1000m² 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 500m² 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 600m² 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 10m² 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-months 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** Districts 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 250m²; 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 200m²;
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
- iii. 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 - R212 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 – R223 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 – 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~~, 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 – R257 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 - R278.

Activity status where compliance not achieved: Non-complying

SETZ – R268 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 – R279 Industrial Activities not meeting Rule SETZ - R223

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:

g. 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.**

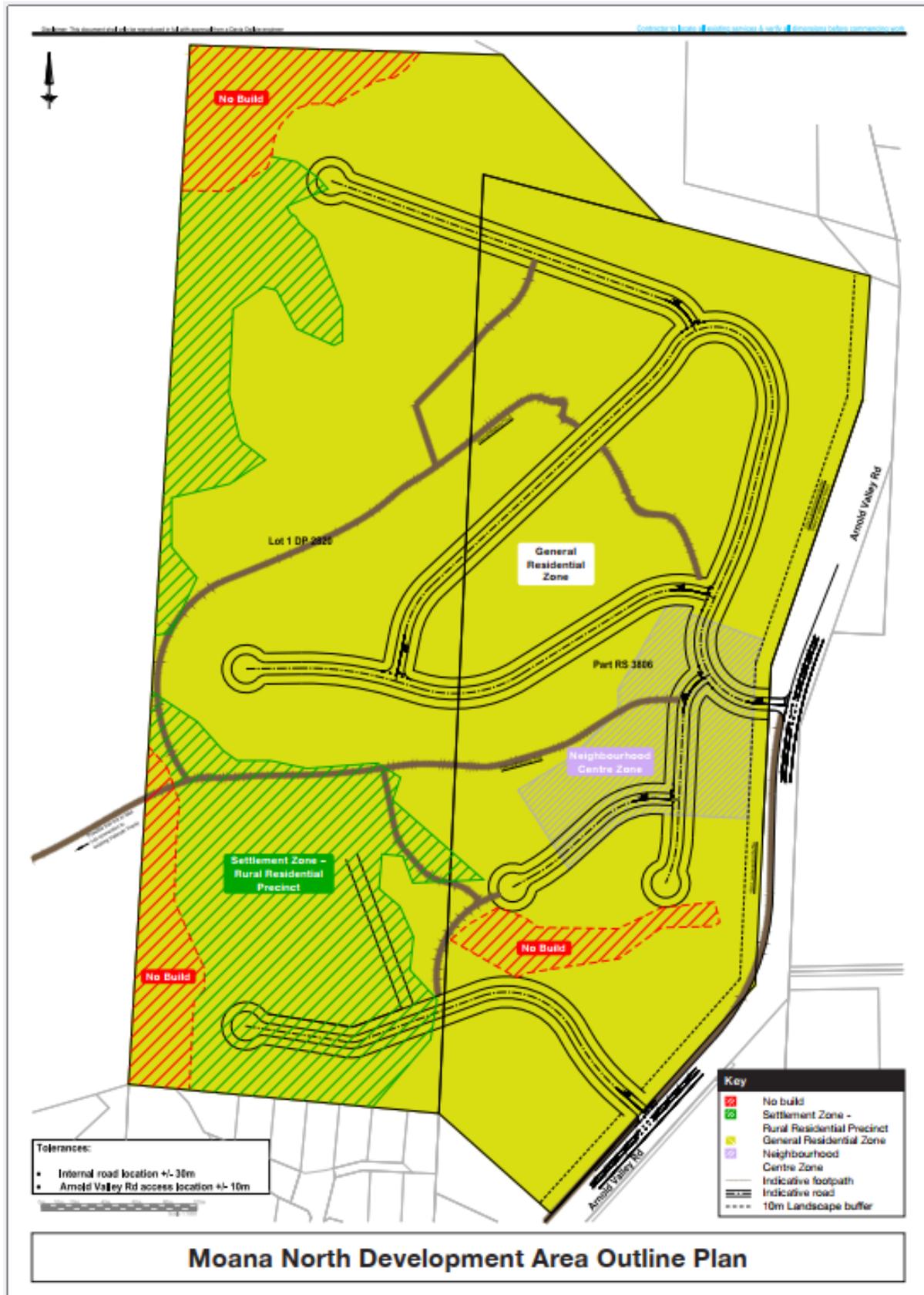
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Activity status where compliance not achieved: Discretionary where 2, or 5-7 is not complied with.

Changes to the Development Areas Section of the Plan

Moana North Development Area Outline Plan.

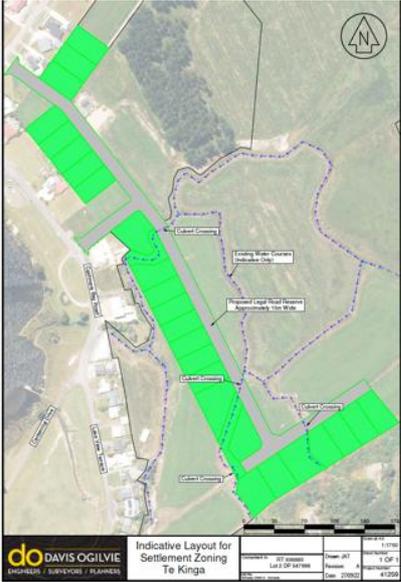
Recommendation Report of the Proposed Te Tai O Poutini Plan Hearings Panel
 Rural Zones - Ngā Takiwa Tuawhenua and Settlement Zone -Te Takiwā Nōhanga Pōnahō



**Recommendation Report of the Proposed Te Tai O Poutini Plan Hearings Panel
Rural Zones - Ngā Takiwa Tuawhenua and Settlement Zone -Te Takiwā Nōhanga Pōnaho**

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



do DAVIS OGILVIE
INDICATIVE LAYOUT FOR
Settlement Zoning
Te Kinga

Scale: 1:1000
Date: 2020
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Appendix D - A list of names and addresses of persons to be served with this notice

Submitter Name	Submitter Address
Davis Ogilvie and Partners Ltd	Davis Ogilvie and Partners Ltd L1 42 Oxford Street Richmond 7020 pauline@do.nz