



Te Tai o Poutini PLAN

A combined district plan for the West Coast

Te Tai o Poutini Plan Committee Meeting
To be held in the Council Chambers, Grey District Council and via Zoom
Tainui St, Greymouth
2 December 2021
AGENDA

12.45	Welcome and Apologies	Chair
	Confirm previous minutes	Chair
	Matters arising from previous meeting	Chair
	Topics for Committee members to declare an interest in. Under discussion today: Significant Natural areas on Grey District Coastal Environment Overlay Natural Hazard Overlays Subdivision	Chair
12.50	Finance Report	Project Manager
1.00	Technical Update – Vegetation Clearance Approach: Grey District	Principal Planner
1.25	Discussion Paper - Natural Hazards Rules part 2: Coastal Severe, Coastal Alert, Defended Areas Hokitika and Greymouth, Land Instability Alert, Flood Susceptibility Overlay, Westport Hazard Area	Senior Planner
1.50	Technical Update – Coastal Environment Boundaries	Principal Planner
2.10	Technical Update – Stringency Comparison between TTPP and current District Plans	Principal Planner
2.30	Draft Chapter Review – Natural Environment Values	Principal Planner
2.45	Afternoon Tea	
3.00	Draft Chapter Review – General District-wide Matters	Principal Planner
3.15	Draft Chapter Review – Subdivision	Principal Planner
3.30	Draft Chapter Review – Open Space Zones	Principal Planner
3.45	Project Manager’s Report	Project Manager
3.50	General Business	Chair
3.55	Meeting Ends	

Meeting Dates for 2021

December	Thursday 16	Grey District Council
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First meeting for 2022 will be in late March

THE WEST COAST REGIONAL COUNCIL

MINUTES OF MEETING OF TE TAI O POUTINI PLAN COMMITTEE HELD ON 29 OCTOBER 2021, HELD AT THE OFFICES OF BULLER DISTRICT COUNCIL & VIA ZOOM, COMMENCING AT 10.01 A.M.

PRESENT:

R. Williams (Chairman), T. Gibson via Zoom, B. Smith via Zoom, L. Martin via Zoom, L. Coll McLaughlin, A. Becker, A. Birchfield, P. Madgwick via Zoom, F. Tumahai via Zoom, S. Roche, J. Cleine

IN ATTENDANCE:

J. Armstrong (Project Manager), L. Easton, E. Bretherton (WCRC), P. Morris (GDC) via Zoom, S. Bastion (WDC) via Zoom, S. Mason (left meeting between 11.00 – 12.30), R. Vaughan (WCRC) via Zoom, T. Jellyman (WCRC) via Zoom

WELCOME

The Chairman welcomed everyone to the meeting. He reminded those present that this is a public meeting and members of the public as well as media are welcome to attend. The Chairman welcomed any members of the public who may be viewing the meeting via Council's Facebook page.

The Chairman requested that all present be mindful of those attending via Zoom, as it can be difficult to hear and understand clearly.

APOLOGIES:

There were no apologies.

CONFIRMATION OF MINUTES

Moved (Tumahai / Becker) *that the minutes of the meeting dated 28 September 2021, be confirmed as correct.*

Carried

MATTERS ARISING

There were no matters arising.

The Chairman stated that Cr Becker has advised that he has one item of general business. Cr Martin asked the Chairman how he would like inwards correspondence to be treated, as there was a letter sent following the last meeting. The Chairman advised this can be discussed under general business.

The Chairman advised he would provide an update on other correspondence items during general business.

Declarations of Interest

The Chairman advised that the routine register of interests from Local Authorities will come through automatically to this committee. Mayor Cleine advised that matters relating to the Highly Productive Land are in the same area as his farm.

Financial Report

J. Armstrong spoke to this report on behalf of N. Selman. She advised that the budget is tracking well, with the \$75,000 variance having been corrected.

J. Armstrong advised that a quote is awaited for the coastal hazards research programme. Discussion took place and it was agreed that extensive mapping is required and that the more expensive option is preferred, long term. Cr Roche asked if the \$10,000 is within the current budget, this was confirmed.

Moved (Roche / Coll McLaughlin)

1. *That the Committee receives the report*
2. *That the Committee approves an additional spend of \$10,000 on coastal overlay research, within the existing budget.*
3. *That the Committee authorises the Acting Chief Executive of the West Coast Regional Council to sign a contract for this coastal overlay research.*

Carried

Te Tai o Poutini Plan: Draft Rules for Natural Hazards Overlays

E. Bretherton spoke to this report. She advised that there is still quite a lot to work through with regard to overlays.

Mayor Cleine stated that the terminology used needs to be clear and consistent. All were in agreement.

E. Bretherton answered questions and provided additional information. She agreed to minor changes. L. Easton spoke of the need to ensure policies are very clear in the final plan.

Discussion took place on the implications of recommendation three. Defended areas were discussed, including hard engineering and assets maintained by Councils and NZTA. It was agreed this would be followed up on and further information be provided.

J. Armstrong advised that in order to have the most up-to-date information on natural hazards, the best option is for natural hazards rules and maps to be pulled out of the draft plan and provided in a companion document to the Plan. She stated that other Councils have followed the same process.

Moved (Tumahai / Gibson)

1. *That the Committee receive the report.*
2. *That the Committee provide feedback on the draft Rules and Overlays for Natural Hazards (Tsunami, Fault Avoidance, Lake Tsunami, Flooding – Severe Wildfire).*
3. *That the Committee give direction on which way to proceed with the Draft Plan consultation for the remaining draft Rules and Overlays for Natural Hazard Coastal (severe and alert), Defended Areas, (Hokitika and Greymouth), Land Instability (high and alert), and Flooding (alert).*
4. *That the Committee endorse the naming change of "Flood Alert Overlay" to "Flood Susceptibility Overlay".*

Carried

Te Tai o Poutini Plan: Discussion Paper on Coastal Hazard Overlay Options

E. Bretherton spoke to this report. It was agreed this matter has now been dealt with.

Technical Update – Natural Character and Activities Adjacent to Waterbodies and the Coastal Natural Character Rules

L. Easton spoke to this report and advised this is similar to what is in existing plans. She stated that the Regional Policy Statement is quite restrictive. L. Easton advised that DoC is happy with progress to date. She spoke of the areas where natural hazards structures are going to have to be built. L. Easton explained the New Zealand Coastal Policy Statement to the meeting, she stated this is very restrictive.

L. Easton answered questions around restricted activities. The vegetation clearance rule in the Coastal Environment was discussed and it was felt that this needs to be a larger area over a longer period. L. Easton agreed to bring a further report to next month's meeting to cover the general coastal environment areas. P. Madgwick spoke of the huge impact this could have especially on coastal areas such as Okarito. It was also agreed that a workshop would be arranged.

Moved (Roche / Coll McLaughlin)

1. *That the Committee receives the report.*
2. *That the Committee provide feedback on the Rules for Natural Character of Waterbodies and Coastal Natural Character in the Te Tai o Poutini Plan.*

Carried

The meeting adjourned at 11.07 a.m. and reconvened at 11.15 a.m.

Draft Plan Approach to Minerals Extraction

L. Easton spoke to this report. She spoke of the proposed region wide mineral extraction zone and advised there are more mines and quarries yet to be included.

L. Easton advised that she is reliant on the mining industry providing information.

F. Tumahai requested that minerals in Stewardship land is included. L. Easton advised that this would not be defensible and there is a risk with this. She spoke of the importance of provisions being defensible.

P. Madgwick stated that the Sugarloaf Quarry at Karangarua, Whataroa and Paringa quarries are very important to South Westland.

Mayor Smith asked why this cannot be zoned as a mineral zone. L. Easton advised she has written the Plan to be very enabling for mineral extraction. She advised that places where people are living will make mining very difficult and therefore a very tight zone is needed.

L. Easton clarified Stewardship land issues, and open space zones with regard to mineral extraction. She has looked into the legal status of this. P. Madgwick stated that Stewardship land should not be zoned. Cr Birchfield spoke of concerns raised by goldminers with regard to zoning.

J. Armstrong advised that she has received economics information from DWC and Minerals West Coast. She advised that further research may well be beneficial. It was agreed that mining is a major economic issue for the West Coast. J. Armstrong agreed to contact DWC again to progress this. L. Easton advised further research would reinforce issues in this area to enable this to be defended under Section 32.

Cr Birchfield spoke of coal mining both in China and New Zealand and stated there is a heavy demand for New Zealand coal. L. Easton stated that she will be seeking further advice and information from the mining sector.

L. Easton stated that more quarries are needed in the zone, the four Regional Council quarries are included in the zone.

Moved (Birchfield / Becker) *That the information be received.*

Carried

Community Living Precinct

L. Easton spoke to this report. Extensive discussion took place on settlements. Matters relating to Gloriavale and their location and future was discussed.

Moved (Becker / Birchfield)

1. *That the Committee receive the report.*
2. *That the Committee provide feedback on the draft Policies and Rules for the Community Living Precinct.*

Carried

Miscellaneous Overlays – Airport Flight Paths, Airport Noise Contours, Highly Productive Land

L. Easton spoke to this report. It was noted that the Franz Josef Heliport is the busiest in the country. L. Easton answered questions relating to operating hours, she confirmed that all emergency facilities are exempt from rules. P. Madgwick spoke of the noise from helicopters at Franz Josef with regard to the close proximity of the township to the heliport. L. Easton advised noise contours at Franz Josef have been discussed with consultants and this could be relooked at.

L. Easton stated that growth factors for all airports have been allowed for in the life of the Plan. Military activity rules were discussed. L. Easton agreed to follow up on rules for this activity along with rules for emergency services.

L. Easton asked the meeting if they would like Highly Productive Land overlay draft provisions included. It was agreed that the committee would not proceed with the Highly Productive Land Overlay in the draft TTPP. Cr Coll McLaughlin stated she is in favour of having a policy in place. It was noted that Karamea and Grey Valley are crop growing areas. Cr Birchfield feels that the committee should stay out of this. Cr Coll McLaughlin expressed concern about industries involved.

Moved (Roche / Cleine)

1. *That the information be received.*
2. *That the Committee does not wish to proceed with the Highly Productive Land Overlay in the draft Te Tai o Poutini Plan, but a policy is developed to protect productive land.*

Carried

The meeting adjourned at 12.32 pm and reconvened at 1.00 pm.

Sites and Areas of Significance to Maori – Update on Development of Schedule and Overlays

L. Easton spoke to this report and advised that work is still underway. She acknowledged the work P. Madgwick and his team are doing. P. Madgwick advised there are some areas of private land involved but not very many.

Moved (Cleine / Becker) *That the information be received.*

Carried

Te Tai o Poutini Plan Draft Chapter Review – Industrial Zones

L. Easton spoke to this report. She advised that work to date has revealed that a light industrial zone should be included which will also allow for light commercial work.

Cr Coll McLaughlin stated that she is looking forward to seeing zone maps. L. Easton stated she is close to completing a first cut of maps.

L. Easton advised the cement works area is being remediated and may be a suitable light industrial zone. L. Easton advised that she has been working closely with Buller District Council on this.

It was confirmed that online functionality will be available for the draft Plan and will be available in libraries and service centres.

Moved (Gibson / Tumahai)

1. *That the Committee receives the report.*
2. *That the Committee provide feedback on the draft Industrial Zone provisions for Te Tai o Poutini Plan.*

Carried

Te Tai o Poutini Plan Draft Chapter Review – Special Purpose Zones

L. Easton spoke to this report. Cr Coll McLaughlin drew attention to air shows not being in the special zone. L. Easton advised that this is included in airport activities.

L. Easton advised that things are still changing but the meeting does have the latest version. She answered questions and provided advice on potential amendments and definitions. It was agreed that Cr Coll McLaughlin would contact L. Easton with further questions.

Port Zones were discussed. L. Easton agreed to look into this further.

The Chairman asked for clarification on the definitions of dust. L. Easton agreed to re-check this.

L. Easton spoke of time pressure and the risk of minor errors and inconsistencies.

Moved (Birchfield / Smith)

1. *That the Committee receives the report.*
2. *That the Committee provides feedback on the draft Special Purpose Zone Provisions for the Te Tai o Poutini Plan.*

Carried

Te Tai o Poutini Plan Draft Chapter Review – Historical and Cultural Values

L. Easton spoke to this report. P. Madgwick suggested that draft schedules are sent out to heritage groups as they are drafted. He spoke of the relocation of the Pioneer Statute and the way this was dealt with. P. Madgwick stated that it is important that a repeat of this type of situation is avoided.

Discussion took place on sites used for grazing. It was noted that it is too soon to ascertain if this is an inappropriate activity.

Moved (Madgwick / Smith)

1. *That the Committee receives the report.*
2. *That the Committee provide feedback on the draft Historical and Cultural Values provisions for the Te Tai o Poutini Plan.*

Carried

Project Manager's Report

J. Armstrong spoke to her report and took it as read. She advised that the process is on track to have a proposed Plan out by July.

J. Armstrong advised that we are not bound by anything in the draft Plan. L. Easton explained the process involved with the notification process for the Plan. J. Armstrong explained the appeal process and stated that the Plan does not all become operative in July. It was noted that specific rules relating to vegetation clearance will come into effect in July, but most other rules only become operative once any submissions and appeals on them are finalised

J. Armstrong advised that all issues discussed at meetings to date are on the TTPP and WCRC websites.

J. Armstrong outlined the timeline to the meeting.

Moved (Williams / Becker) *That the report is received.*

Carried

GENERAL BUSINESS

Cr Becker advised that he and Mayor Gibson have done a review of the SNA process. They do not want any vegetation clearance rules in the Plan. GDC have mapped 74 SNA's and do not want to map anymore. Cr Becker stated that GDC feels that they are complying with the RPS. L. Easton advised that she is unsure if this will be defensible.

Mayor Gibson stated that she is not happy about having to implement SNA's.

Cr Coll McLaughlin asked how would this work in an appeal process. L. Easton advised she is unsure on where this could end up.

P. Madgwick is concerned this could be undermining our regional position.

Mayor Smith stated he does not want any SNA's in Westland he feels this is theft of private property and he sees no reason why this committee is involved in taking away private property rights.

Cr Coll McLaughlin stated that SNA's might not be mapped but they are still there and they need to be identified.

Discussion took place and it was agreed that L. Easton would provide a further report to the 2 December meeting.

Mayor Smith stated we are ultimately responsible to ratepayers and residents he feels there is a significant political risk in getting this wrong.

Mayor Gibson spoke of the importance of protecting landowner's rights.

The meeting closed at 2.02 p.m.

The Chairman thanked everyone for their attendance.

NEXT MEETING

Thursday 2 December at Grey District Council.

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Chairman

.....
Date

Meeting Dates for 2021

	Type of meeting	Day, Date and Time	Venue
December	In Person	Thursday 2	Grey District Council
December	In Person	Thursday 16	Grey District Council



Te Tai o Poutini PLAN

A combined district plan for the West Coast

Prepared for: Te Tai o Poutini Plan Committee

Prepared by: Neil Selman, Acting Corporate Services Manager WCRC

Date: 2 December 2021

Subject: October 2021 Financial Report

SUMMARY

This report includes the statement of financial performance to 31 October 2021.

RECOMMENDATION

1. That the Committee receive the report

REPORT

1. The statement of financial performance shows that costs are behind what we expected, with us reporting a deficit of **(\$167,501)** compared with a budgeted deficit of **(\$339,341)**. This is largely due to a variance with the Research costs which has resulted in a favourable variance against budget of **\$156,688** for the year to date. This variance is partly timing and partly permanent (in that we will not be doing the SNA work). I will update the forecast when I have a clearer understanding on what the impact is.
2. Due to the time constraints for delivering the TTPP Exposure Draft, planning staff have had to work overtime. This will be reflected in an increase the actual employee costs for this quarter.
3. The accumulated deficit (or borrowing requirement) at the end of the period is **\$350,611**.

Table One

	Statement of financial performance to October 2021					
	Year to date			Full year		
	Actual	Budget	Variance	Forecast	Budget	Variance
INCOME						
Targeted Rate	166,667	166,667	0	500,000	500,000	0
	166,667	166,667	0	500,000	500,000	0
EXPENDITURE						
Employee costs	88,782	83,333	(5,449)	270,000	250,000	(20,000)
Consultant Planner	39,583	33,333	(6,250)	100,000	100,000	0
Governance	19,416	21,667	2,251	65,000	65,000	0
Poutini Ngai Tahu	16,666	16,667	1	50,000	50,000	0
TTPP Website	0	0	0	5,000	5,000	0
Isovist e-plan Platform	3,378	3,611	233	10,833	10,833	0
Research	102,212	258,900	156,688	570,000	590,000	20,000
Engagement Travel & Accommm	2,632	5,000	2,368	15,000	15,000	0
Workshops & Events	0	0	0	3,000	3,000	0
Design & Printing	0	0	0	5,000	5,000	0
Media Costs	0	0	0	25,000	25,000	0
Mail Outs	0	0	0	20,000	20,000	0
Legal Advice	11,500	15,000	3,500	50,000	50,000	0
Hearings	0	0	0	0	0	0
Mediation	0	0	0	0	0	0
Environment Court	0	0	0	0	0	0
Interest	0	18,497	18,497	55,491	55,491	0
Share of WRC Overhead	50,000	50,000	0	150,000	150,000	0
	334,168	506,008	171,840	1,394,324	1,394,324	0
Net Surplus / (Deficit)	(167,501)	(339,341)	171,840	(894,324)	(894,324)	0

Table Two

Accumulated deficit / borrowing requirement		
Start of year	183,110	183,110
During period	167,501	894,324
End of period	350,611	1,077,434



Te Tai o Poutini PLAN

A combined district plan for the West Coast

Prepared for: Te Tai o Poutini Plan Committee
Prepared by: Lois Easton, Principal Planner
Date: November 2021
Subject: **Technical Update: Approach to Native Vegetation Clearance Rules – Grey District**

SUMMARY

This report outlines how a roll-over of the existing Grey District Council provisions around significant areas of biodiversity could be incorporated within Te Tai o Poutini Plan.

RECOMMENDATIONS

1. That the Committee receive the report.
2. That the Grey District Council approach to indigenous biodiversity, as outlined in the report, apply for the Grey District, in Te Tai o Poutini Plan.

Lois Easton
Principal Planner

INTRODUCTION

1. The management of natural environment matters (ecosystems, landscape, natural features, natural character and the coastal environment) are mandatory matters that need to be addressed in Te Tai o Poutini Plan (TTPP).
2. As part of its implementation of Section 6 (Matters of National Importance) of the Resource Management Act (RMA), Te Tai o Poutini Plan is required to:

*"recognise and provide for the following matters of national importance:
..(c) the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna:..."*

3. As outlined in the paper to this Committee of September 2021, the current draft approach to indigenous biodiversity in TTPP is to take a "general vegetation clearance" approach. This is essentially the same approach as is currently in place in the Buller and Westland District Plans and provides a similar level of stringency of regulation to the current plans for these two districts.
4. However, in the Grey District, the current approach is that areas identified as significant natural areas (SNAs) during a process undertaken over the late 2000s and early 2010s, are the only areas of native vegetation subject to regulation for biodiversity reasons. At that time the Grey District Council also negotiated agreements with the affected landowners, who have agreed to the areas being identified as SNAs. Detailed site visits and ecological assessments were undertaken to confirm values and boundaries. In some cases, this led to offers of land purchase by the Department of Conservation, or areas were covered by QEII National Trust Covenants. There are 37 SNAs which were identified through this process, and the schedule of these SNAs is attached at Appendix One. In preparation for a Plan Change, these areas have already been mapped by Grey District Council.
5. In the rest of the Grey District currently, outside of riparian areas and outstanding landscapes, all native vegetation clearance is Permitted. This means that the draft TTPP approach of "general native vegetation clearance" requirements add a significant amount of additional stringency to plan provisions in the Grey District.
6. At the October meeting of the Committee the Grey District representatives sought that the current Grey District approach be brought forward into TTPP. This report outlines how this could be done, and the implications for the wider plan.

POLICY IMPLICATIONS

7. Including the Grey District approach in the Plan would effectively set up two regimes –
 - The one operating in Buller and Westland District: whereby an assessment of Significance is undertaken whenever resource consents are applied for native vegetation clearance. In order to comply with the requirements of the West Coast Regional Policy Statement to identify significant natural areas, records of these assessments of significance would need to be kept, and periodically the identified Significant Natural Areas introduced into TTPP by Plan Change.
 - The one operating in Grey District: whereby the 37 SNAs are scheduled in TTPP and a Discretionary Activity resource consent is required for clearance in these areas. Outside of other scheduled areas in the Plan (mainly Outstanding Landscapes and Riparian areas) native vegetation clearance would be a Permitted Activity.
8. Some preliminary discussion has been held with our legal counsel at Wynn Williams with regard to the implications for the wider TTPP.
9. The initial view from Wynn Williams is that:
 - Having different approaches within the plan could serve to bring more attention to the differences, and may make any unlawfulness in terms of giving effect to the RPS more apparent (e.g., if no map of potential SNAs in Buller and Westland District is included);
 - A different approach for the Grey District could undermine the general vegetation clearance approach across the rest of TTPP. There would need to be considerable care with the wording of the Section 32 Report around what are the "most appropriate" provisions for protection of significant natural areas;

- The approach does present an opportunity to create a framework that might in future be able to be applied to other identified SNAs. If the framework could relate to identified SNAs rather than being specific to a District – and that might just be because only one District has mapped SNAs – then we are more in control when it comes to responding to the inevitable challenges that will come seeking more protection of SNAs.

RECOMMENDED APPROACH

10. There are pros and cons to the approach, but the staff view is that, given the considerable work undertaken in Grey District to identify, assess and map the SNAs, as well as gain agreement from affected landowners for their inclusion, the approach has merit. Staff have been able to develop amended provisions for indigenous vegetation clearance that reflect the approach and recommend these for inclusion in the draft Plan.
11. Firstly, modification to draft Policy 1 is required and a revised policy is outlined below:

Policy 1 - To identify areas of significant indigenous vegetation and fauna habitat:

1. *In the Grey District these areas are identified in Schedule Four;*
2. *In the Buller and Westland Districts:*
 - Areas of significant indigenous vegetation and fauna habitat will be identified through the resource consent process; and*
 - Identified areas of significant indigenous vegetation and fauna habitat will be added to Schedule Four as they are identified progressively through Plan Changes.*

12. Modification to the Rules is also required. A new Permitted Activity Rule for the Grey District is outlined below.

ECO – R2	Indigenous vegetation clearance and disturbance in the Grey District
<p>Activity Status Permitted</p> <p>Where:</p> <ol style="list-style-type: none"> 1. It is outside of a scheduled Significant Natural Area as identified in Schedule Four; and 2. It is outside of an Outstanding Natural Landscape, except clearance and disturbance within an Outstanding Natural Landscape is Permitted in the following circumstances: <ol style="list-style-type: none"> i. It is necessary for one of the following purposes: <ol style="list-style-type: none"> a. The maintenance and repair of lawfully established tracks, fences, structures, buildings, network utilities or natural hazard mitigation activities; b. For the installation of temporary network activities following a regional or local state of emergency declaration; c. To prevent a serious threat to people, property, structures or services; d. To ensure the safe and efficient operation of any formed public road, rail corridor or access; e. For the construction of new fences and traplines associated with Conservation Activities or to exclude stock or pest animals; f. To upgrade or create new public walking or cycling tracks up to 2.5m in width undertaken by the Council or its approved contractor; g. To comply with section 43 of the Fire and Emergency Act 2017; h. For construction or operation of an above ground network utility or the national grid; i. For establishment or operation of below ground utility lines and cables where: <ol style="list-style-type: none"> I. The construction corridor does not exceed 3m in width; and II. All machinery used in construction is cleaned and made free of weed material and seeds prior to entering the site; and III. Rehabilitation of disturbed areas is undertaken following the completion of construction; ii. It is clearance for building, access, parking and manoeuvring areas where there is no practical alternative development area on the site; or iii. It is cultural harvest undertaken by Poutini Ngāi Tahu; or 	

- iv. It is on MPZ - Māori Purpose Zoned land and undertaken in accordance with an Iwi/Papatipu Rūnanga Management Plan; or
- v. It is within an area subject to a QEII National Trust Covenant or Ngā Whenua Rahui Kawaneta, a Reserves or Conservation Act covenant or a Heritage covenant under the Heritage New Zealand/Pouhere Taonga Act and the vegetation disturbance is authorised by that legal instrument; or
- vi. It is the removal or clearance of manuka, kanuka and bracken only, which is under 15 years old not exceeding 5ha per site over any continuous three year period, subject to provision of notice to the Grey District Council at least 20 working days prior to the proposed clearance including:
 - a. Details of the location of the proposed clearance;
 - b. Area of the proposed clearance; and
 - c. Verification by documentary, photographic or other means that the vegetation is less than 15 years old; or
- vii. It is a maximum area of 5000m² per site, in total, over any continuous three year period.

Advice Notes:

1. Where clearance of mānuka, kānuka or bracken is proposed under Standard 2vi of this rule, if proof that the vegetation is less than 15 years old is unavailable, then a resource consent will be required.
2. Where indigenous vegetation clearance is proposed within the [Coastal Environment](#) or within the [riparian margins of a waterbody](#) refer to these sections of the Plan for the Rules around this clearance.
3. Where indigenous vegetation clearance is proposed within a wetland this is also subject to rules within the NES - Freshwater which is administered by the West Coast Regional Council.

NEXT STEPS

13. Staff recommend the inclusion of the amended provisions as outlined in this report within the draft TTPP for consultation. Staff see particular merit in their inclusion in the draft because this will enable informal feedback on the provisions – and potentially a better gauging of the likely response of key stakeholders. That feedback will then be able to be used by the Committee to inform final decisions on what approach to take in the proposed TTPP next year.

Appendix One: Significant Natural Areas Identified, Assessed and Mapped within the Grey District under current Grey District Plan Provisions

GDC Reference	Description
PUN – W033 Punakaiki/Barrytown Flats, Nikau Scenic Reserve	Punakaiki Ecological District Flax dominated wetland and some coastal forest that extends from Nikau Scenic Reserve to the northern tip of Barrytown Flats. The wetland supports a brown mudfish population.
PUN – W034 Punakaiki Lagoon and Coastal Wetland sequence	Punakaiki Ecological District A lagoon and series of small lakes bordered by flax wetlands and coastal forest.
PUN – 123 Punakaiki/Barrytown	Punakaiki Ecological District Large area of broadleaved and rimu forest with occasional northern rata and hard beech. Serves as an ecological corridor between Paparoa National Park and Mayer Swamp.
PUN -124 Punakaiki/ Barrytown Flats	Punakaiki Ecological District Coastal forest dominated by broadleaves and rimu with occasional nikau. This is an important breeding site for the Westland petrel.
PUN – 043 Punakaiki/ Barrytown Flats, Maher Swamp	Punakaiki Ecological District Lowland forest and wetland adjoining Maher Swamp with adjacent coastal hill forest. Mix of kahikatea forest with northern rata and sparse rimu in places, but also extensive areas of flax and sedgeland. Provides an ecological corridor between the Maher Swamp and the forested land to the east of the road.
PUN – 044 Punakaiki/Barrytown Flats	Punakaiki Ecological District Flax Wetland and regenerating kahikatea forest on the southern boundary of Maher Swamp. <i>Dicksonia squarrosa</i> occurs within the flax wetland. Contains threatened species.
PUN -049 Barrytown	Punakaiki Ecological District Lowland kahikatea forest with some wetland character and scrub on the fringes. Provides a connecting stepping stone between the coast and the forested ranges.
DOC-004 Mt Buckley	Blackball Ecological District Paparoa Range to Kaiata Range Ecological Linkage across the Grey Valley
HOC-083 Ahaura	Hochstetter Ecological District

	Lowland forest lower terrace remnant dominated by red beech but with kahikatea in the fringes. Sits within the M1.1a land environment which is under-represented in the ecological district and the wider West Coast.
HOC-087 Lake Haupiri	Hochstetter Ecological District Large area of flax dominated and rush/sedge dominated wetland With <i>Lepidothamnus intermedius</i> , mānuka and kahikatea on the fringes. Provides high quality habitat for numerous native bird species including bittern, some native fish including giant kokopu and the threatened plants <i>Carex termuiculmis</i> and <i>Deschampsia cespitosa</i> . Important wetland sequences and peat dome.
HOC – 089 Nelson Creek Farm Settlement	Hochstetter Ecological District Riparian kanuka and bog pine shrubland remnants.
HOC – 091 Red Jacks	Hochstetter Ecological District Lowland red beech and kahikatea forest and wetland remnant. Occupies the M2.1a land environment which is under-represented in the ecological district and the wider West Coast.
HOC – 093 Kamaka/Reeves Creek	Hochstetter Ecological District Kahikatea swamp forest lying between red beech covered hills on either side. Occupies the M2 land environment which is under-represented in the ecological district and the wider West Coast
HOC – 094 Arnold River	Hochstetter Ecological District Forest terraces dominated by red beech with areas of kahikatea on the fringes. Occupies the M2.1a land environment which is under-represented in the ecological district and the wider West Coast.
HOC-095 Arnold River	Hochstetter Ecological District Large area of forest dominated by red beech and rimu with wetland terrace. Provides connectivity across the Arnold Valley.
HOC – 096 Arnold River	Hochstetter Ecological District Large area of forest dominated by red beech with areas of kahikatea on the fringes with shrubland along its length. Occupies the M2.1a land environment which is under-represented in the ecological district and the wider West Coast.
HOC – P03 Ngahere Wetland remnant	Hochstetter Ecological District Permanently wet site located between railway line and road. Contains a range of native wetland and shrubland plant species.
BLA/MAI – QEII Atarau	Maimai Ecological District

	Lowland forest ecological terrace sequences of red beech with scattered rimu, kahikatea and totara. Large remnants of on the Grey River terraces are an uncommon ecosystem type and the presence of kahikatea and totara further raises the significance of this remnant.
BLA – POO2 Mt Davey	Blackball Ecological District Extensive Hill County Coal Measure Forest, Kiwi and 'Rewanui snail' habitat
MAI – 065 Atarau	Maimai Ecological District Lowland Forest terraces edges with scarce matai, totara and kahikatea remnants
TOT-POO4 Ahaura	Totara Flat Ecological District Lowland forest terrace edge associations. Red beech dominates the terrace scarp and the terrace above the scarp but there are considerable areas of kahikatea forest also present further away from the scarp. Major visual area seen from S.H.7 and Totara Flat. Some of the remnants are within the M2.1a land environment which is under-represented in the ecological district and the wider West Coast.
TOT-079 Waipuna	Totara Flat Ecological District Lowland forest with two surfaces – the younger dominated by red beech but with abundant kahikatea which forms dense stands in places. The older surface is dominated by red beech, with rimu in places. Predominantly within the under-represented M2.1a land environment, on a young surface created by the Waipuna Creek.
TOT-112 Waipuna	Totara Flat Ecological District Lowland forest dominated by red beech with remnant kahikatea in the fringes. Covers two terraces and includes a small amount of riparian forest. Adjacent to conservation land. Some of the remnant in the under-represented M2.1a land environment.
TOT-131 Waipuna	Totara Flat Ecological District Lowland forest dominated by red beech but also including totara and kahikatea. The presence of totara and rimu add to its significance as they were once a widespread forest type that has largely been cleared by farming.
TOT -134 Waipuna Lowland Forest	Totara Flat Ecological District Large area of mature tall indigenous forest and streamside vegetation along Grey River edge. Has a number of rare ecological associations.
SNA – 2 Crooked River delta, Lake Brunner	Brunner Ecological District

	<p>Includes a large flax dominated wetland in good condition in the north and several areas of kahikatea forest and associated wetland around the lake margin, especially from Pah Point to Iveagh Bay. A particularly good example of tall kahikatea forest is present adjacent to the railway and on paper road between the settlement of Te Kinga and the northern wetland.</p> <p>One of the best remaining examples of floodplain kahikatea forest and wetland in the ecological district. Important riparian zone around lake and includes several small bays and minor streams draining into the lake.</p> <p>Although a narrow lake-fringe in places the large wetland in the north is largely self-contained and likely to have good viability. So long as grazing is kept out, the lake side vegetation should also have good viability. Other comments: This area contains the last remnants of the Crooked River delta forest-wetland complex.</p>
SNA 3 Tube Creek	<p>Brunner Ecological District</p> <p>Lowland kahikatea forest with scattered matai and rimu over a dense understory with wineberry and <i>Coprosma</i> species and small wetland. This is an under-represented vegetation type in the ecological district. Linkages to forest on hill slope to north.</p>
SNA 4 Kangaroo Lake	<p>Brunner Ecological District</p> <p>Regenerating rimu and kahikatea forest and wetland along the north-eastern side of Kangaroo Lake. Old growth forest is present at the northern end. Swampy areas throughout the SNA with flax and <i>Sphagnum</i> dominant. This is an under-represented vegetation type and includes the lake-forest sequence. Bittern and fernbird are present, both of which prefer the wide swamp margin. Probably also supports mudfish. This area connects with the hill forests to the north of the lake and enhances the overall values of the area as well as forming part of the lake margin thus playing a role in the ecology of the lake itself. This area abuts public conservation land to the north.</p>
SNA -5 Kangaroo Lake 2	<p>Brunner Ecological District</p> <p>Lowland mixed beach - podocarp forest. The majority of the bush is dominated by species typical of less fertile forest including rimu, kaikawaka, silver pine and celery pine, with rohutu and <i>Leucopogon fasciculatus</i> common in the understorey, and <i>Sphagnum</i> moss on the ground in places. This is an unusual variant of the alluvial floodplain vegetation and probably occurs here because the area has not been affected by recent river flooding. The bush appears largely unaffected by grazing in recent years and there is very good regeneration in the disturbed areas along the formed road.</p>

	<p>The presence of red beech, and a single tree of mountain beech, is of considerable interest. One of the distinctive features of the Brunner Ecological District is that it lies at the southern extent of beech forest in central Westland (with beech not present again until south of Fox Glacier). However the Brunner Ecological District lacks extensive beech forest with a scattering of small beech forest patches or enclaves among other forest types, especially kahikatea forest. Thus the presence of both red beech and mountain beech here is of significant value.</p>
SNA – 6 Lady Lake	<p>Brunner Ecological District Kahikatea forest and wetland remnants south of public conservation land at Lady Lake. This vegetation type is under-represented in the Ecological District. Enhances the habitat quality of Lake Creek which still comprises native vegetation for most of its length. Key seasonal food resource for forest birds such as kereru, tui and bellbird.</p>
SNA – 7 Lake Poerua	<p>Brunner Ecological District Flax wetland at the northern end of Lake Poerua (part of the alluvial kahikatea forest and wetland system). The wetland is a good example of a fertile wetland, an under-represented vegetation type of alluvial surfaces in the Brunner Ecological District and appears to have good viability because of its location adjacent to the lake and the main hydrological influences being associated with the lake and its outlet. The wetland is also likely to provide habitat for mudfish and bittern. A very under-represented vegetation type in the Ecological District. Part of the Poerua River system – potentially important habitat for threatened native fish.</p>
SNA – 9 Taramakau Lowland Forest Remnant	<p>Brunner Ecological District Red beech forest with occasional kahikatea – 200-400 years old. Good understorey and regeneration. Best example of the very few red beech remnants in the ecological district.</p>
SNA -10 Inchbonnie Lowland Forest and Shrubland	<p>Brunner Ecological District Kahikatea forest with abundant kanuka grading to more complex forest including kaikawaka, tanekaha and kahikatea with a understorey dominated by rohutu and <i>Spaghnum</i> moss common at the southern end. Contains an unusual variant of alluvial kahikatea forest with dominant kaikawaka.</p>
SNA – 11 Orangipuku River Mouth, Lake Brunner	<p>Brunner Ecological District Kahikatea forest and wetland with a small area of red beech. Example of under-represented alluvial valley kahikatea forest and wetlands.</p>

	<p>Provides important connectivity between the Hohonu Range and Te Kinga and provides buffering to Lake Brunner.</p> <p>This area is located between two similar sized areas of public conservation land on alluvial surfaces and then more extensive hill forest beyond.</p>
DOC – 009 Crooked River	Wetland and surrounding lowland forest edge association
DOC-010 Deep Creek	Large pakihi wetlands adjacent Souters Creek and contiguous with other protected areas and ecological corridors
DOC -011 Lake Brunner Foreshore	<p>Brunner Ecological District</p> <p>Lake edge wetland and forest associations on the large Crooked River delta.</p>



Te Tai o Poutini PLAN

A combined district plan for the West Coast

Prepared for: Te Tai o Poutini Plan Committee
Prepared by: Edith Bretherton, Senior Planner
Date: November 2021
Subject: **Te Tai o Poutini Plan: Draft Rules for Natural Hazards Overlays**

SUMMARY

This report gives an update on the technical work being undertaken on Natural Hazards in Te Tai o Poutini Plan.

The proposed approach for Natural Hazards was shared at the April 2021 Committee meeting. Draft Objectives and Policies for Natural Hazards, and direction on rules was sought at the August 2021 Committee meeting. Draft rules were shared at the September 2021 Committee meeting. Updated draft rules and overlays (tsunami, lake tsunami, fault avoidance, wildfire and flood – severe) were brought to the October 2021 Committee meeting.

The Committee requested that draft overlays and rules be workshopped with each district council and Poutini Ngai Tahu.

This report seeks feedback on the draft Natural Hazard Rules and Overlays for the following overlays: Flood Susceptibility, Westport Flood Susceptibility, Westport Subdivision Control overlay, Severe, Coastal Alert and Land Instability Alert. Draft subdivision rules that require amendment are also included.

RECOMMENDATIONS

1. That the Committee receive the report.
2. That the Committee provide feedback on the draft Rules and Overlays for Natural Hazards (Flood Susceptibility, Westport Flood Susceptibility, Westport Multi Hazard Subdivision Control overlay, Coastal Severe, Coastal Alert and Land Instability Alert and subdivision rules impacted by the natural hazard overlays).

Edith Bretherton
Senior Planner

UPDATE ON DRAFT PROVISION DEVELOPMENT

1. Feedback from the May, August, September and October 2021 Committee meetings has been incorporated into the draft Objectives and Policies. These are contained in Appendix A.
2. As requested by the Committee, natural hazard workshops have been held with the individual District councils, and Runanga. The overlays covered in the November 2021 workshops were Flood Susceptibility, Coastal Severe, Coastal Alert and Land Instability Alert
3. The Defended Areas for Greymouth residual risk assessment output will be workshopped with the Grey District Council and our Treaty partners. Further technical work is needed on the Defended Areas for Hokitika. This work will not be completed in time to include in the Proposed Plan and will primarily need to be dealt with in a future plan change.
4. Through discussion at the October Buller District Council workshop, specific overlays and provisions have been developed for Westport. Those overlays have also been workshopped with the Runanga and Buller District Council and are the Westport Flood Susceptibility and Westport Multi Hazard Subdivision Control overlays.
5. With the delivery of the defended areas modelling, some areas inland of Greymouth and Hokitika have been identified as having severe flooding risk and have been included in the "Flooding Severe" overlay.
6. Committee reports are required to be finalised and publicly available at least 2 Working days prior to the meeting. To fulfil this requirement, feedback from the workshops has not been incorporated into this paper. The feedback from those workshops and this committee meeting will be incorporated into updated provisions in the draft Plan.
7. In order to produce a draft plan for the 16 December committee meeting, the plan text had to be finalised 16 November and GIS mapping 30 November. This allowed time for user acceptance testing to be undertaken and for creation of a PDF version of the Plan to be included in the December Committee papers.
8. As the natural hazard rules and overlays are coming to this committee after the cut-off dates, a companion document, containing the rules and maps of the overlays will be brought to this committee in the December Committee papers. The companion document will be available to the public with the draft Plan. The Objectives, Policies and relevant definitions will be contained with the draft Plan.
9. Draft Natural Hazard rules follow, noting that rule numbers have not been included as cross referencing still needs to be completed, and is most efficiently undertaken once the drafting is finalised to avoid rework.
10. As the Subdivision chapter text had to be finalised before the Natural Hazards provisions were complete, some revision of the subdivision chapter may be required. Suggested amendments are within the body of this report.
11. In a related matter, Tower Insurance have recently released an update on their policy for properties prone to flooding, the interrelationship of this with TTPP work has been queried.
12. There have previously been concerns raised that identifying a property as subject to flooding risk will increase premiums, and potentially make the property uninsurable. The article states *"The model is built with 5 million data points obtained from the National Institute of Atmospheric Research, Land Information New Zealand, as well as local and regional councils, and the Insurance Council of New Zealand"*. This means that natural hazard overlays within TTPP may form part of Towers model but are by no means the sole input to their model.

Defended Area – Greymouth

13. The output from a residual risk assessment will be workshopped with Grey District Council and our Treaty partners. If potential rules are identified are appropriate, they will be brought to the Committee in December. It is noted that through the West Coast Regional Council Long Term Plan process, a commitment has been made to upgrade the flood walls.

Westport Flood Susceptibility overlay

15. At the October 2021 Buller District Council (BDC) natural hazards workshop, BDC requested a specific approach to managing significant natural hazards which recognises the ongoing recovery work being undertaken.
16. A specific flood susceptibility overlay has been created. Within this overlay there are areas with differing levels of risk. Some parts of this overlay were "flood severe" and some "flood alert". Specific rules have been drafted to reflect the differing levels of risk and mitigation required.

Rules – Westport Flood Susceptibility	
Permitted Activities	
NH R	Additions and Alterations to Existing Buildings and Structures and New Buildings and Structures
<p>Activity Status Permitted Where:</p> <ol style="list-style-type: none"> a. There is a minimum building finished floor level of 500mm above a 100 year annual exceedance probability (AEP) hazard event, or as prescribed by a Council Bylaw whichever is the higher. b. Any additions and alterations do not increase the amount of habitable space in such a way as to increase the likely number of inhabitants. <p><i>Note. Regional rules relating to the diversion of water are contained within the West Coast Regional Council, Land and Water Plan. Consent may be required.</i></p> <p><i>Note. Reconstruction or replacement of a building or structure may be subject to existing use rights. In these instances, increasing the finished floor level is strongly encouraged.</i></p>	<p>Activity status where compliance not achieved: Discretionary</p>
Discretionary Activities	
NH R	Additions and Alterations to Existing Buildings and Structures or New Buildings and Structures not meeting NH R
<p>Activity Status Discretionary</p>	<p>Activity status where compliance not achieved: N/A</p>

Hazard Subdivision Control overlay

17. The Westport Flood Susceptibility overlay is augmented by a specific subdivision control.
18. Subdivision rules for reasons other than the creation of a lot in a zone would not be impacted by this Subdivision Control. Reasons for subdivision other than lot creation include for a public network utility, access or reserve and boundary adjustments.
19. The intent of the control is to minimise creation of further lots within areas at significant risk from flooding, coastal inundation or tsunamis. There are areas within the overlay which are subject to all three. Restricting subdivision will reduce the town's overall risk, including infrastructure.

Non-complying Activities	
SUB – RX	Subdivision within the Subdivision Control Overlay
Activity Status Non-complying	Activity status where compliance not achieved: N/A

Flood Susceptibility Overlay

20. The Flood Susceptibility overlay applies to areas known to flood, but that do not have the same flow rates, or depths as the Flood Severe overlay.
21. Recognising that a lot of places that have flood risk have very low levels of development, therefore they have a very low natural hazard risk. These areas have been identified as flood plains and have no land use rules. Rules do apply if subdivision is sought in the area, this allows for a specific flooding assessment to be undertaken, ensuring that any specific controls, such as FFL, and placement of infrastructure can be applied. For example, ensuring that wastewater treatment plants are at low risk from flooding, to reduce the risk of untreated sewerage discharge.

Rules – Flood Susceptibility	
Permitted Activities	
NH R	Repairs, Maintenance, Additions and Alterations to Existing Buildings and Structures
<p>Activity Status Permitted Where:</p> <ol style="list-style-type: none"> a. Any additions and alterations do not increase the amount of habitable space in such a way as to increase the likely number of inhabitants. <p><i>Note. Regional rules relating to the diversion of water are contained within the West Coast Regional Council, Land and Water Plan. Consent may be required.</i></p> <p><i>Note. Reconstruction or replacement of a building or structure may be subject to existing use rights. In these instances, increasing the finished floor level is strongly encouraged.</i></p>	<p>Activity status where compliance not achieved: Discretionary</p>
NH R	New Buildings and Structures
<p>Activity Status Permitted Where:</p> <ol style="list-style-type: none"> a. There is a minimum building finished floor level of 500mm above a 100 year annual exceedance probability (AEP) hazard event, or as prescribed by a Council Bylaw whichever is the higher. <p><i>Note. Regional rules relating to the diversion of water are contained within the West Coast Regional Council, Land and Water Plan. Consent may be required.</i></p>	<p>Activity status where compliance not achieved: Discretionary</p>

Discretionary Activities	
NH R	Repairs, Maintenance and Alterations to Existing Buildings and Structures, and New Building and Structures not meeting NH R
Activity Status Discretionary	Activity status where compliance not achieved: N/A

NH Method 1

Provide advice and information to all landowners within the Flood Hazard Overlays on the benefit of increasing freeboard to safety and protection of property.

Coastal Severe Overlay

22. The Coastal Hazard Severe overlay has been developed using the proposed Regional Coastal Plan (pRCP) "Coastal Hazard Areas". Their rankings were reviewed, and input sought about priorities from District Councils, Runanga, Building Control and Area Engineers. The following areas were identified as most at risk, from current development, future development potential or a combination.

- Haast Beach to Jacksons Bay
- Rapahoe
- Punakaiki River – Pororari River
- Orowaiti – Hector

23. Expert input has been received as to the level of risk and likely ongoing erosion issues.

Permitted Activities within the Coastal Hazard Overlay – Severe	
NH – R	Repairs and Maintenance, Additions and Alterations to Existing Buildings and Structures
Activity Status Permitted Where a. Any works do not increase the amount of habitable space in such a way as to increase the likely number of inhabitants.	Activity status where compliance not achieved: Non Complying
Non-complying Activities	
NH – R	New Buildings and Structures not meeting Rule NH – R
Activity Status Non-complying	Activity status where compliance not achieved: N/A

Coastal Alert Overlay

24. The remaining coastal hazard areas – medium risk areas identified in the proposed Regional Coastal Plan "Coastal Hazard Areas" were reviewed. These were assessed using the STRM.

25. This assessment does not incorporate erosion only inundation.

Permitted Activities within the Coastal Hazard Overlay – Alert	
NH – R	Repairs, Maintenance, Additions and Alterations of Existing Buildings and Structures
Activity Status Permitted Where: <ol style="list-style-type: none"> Any works do not increase the amount of habitable space in such a way as to increase the likely number of inhabitants. The building or structure is not reconstructed or replaced in a position that is seaward of the building or structure it replaces. 	Activity status where compliance not achieved: Discretionary
Discretionary Activities	
NH – R	New and Existing Buildings and Structures not compliant with Rule NH – R
Activity Status Discretionary	Activity status where compliance not achieved: N/A

Land Instability

- The original intent and approach to land instability was to include two layers; a land instability – high, and land instability – alert.
- Unfortunately, as decisions on the West Coast Regional Council Long Term Plan were issued later than expected, the New Zealand specialist has committed to other projects. Expert input to inform this overlay will be delayed until at least May 2022. This is too late for inclusion in the draft or proposed plan.
- Therefore, only a land instability – alert is being put forward. This overlay has been developed using existing natural hazard reports held by the West Coast Regional Council, and the Erosion Prone areas identified in the West Coast Regional Council Land and Water Plan.

Rules – Land Instability Overlay	
Restricted Discretionary Activities	
NH R	New Buildings and Structures for Sensitive Activities
Activity Status Restricted Discretionary Discretion is restricted to: An accompanying geotechnical assessment prepared by a suitably qualified and experienced geotechnical engineer certifying: <ul style="list-style-type: none"> Subject to measures specified, that the proposed building or structure will not be likely to be subject to damage from slope instability during its useful life; and Subject to measures, the proposed works will not be likely to result in or contribute to damage to any adjoining or downslope property within or adjoining the natural hazard overlay – land instability alert; and Specifies any measure in relation to building location, design or construction that, if carried out, will be adequate to avoid any damage to the proposed building work or to any adjoining or 	Activity status where compliance not achieved: NA

downslope property, arising from slope instability during the useful life of the building or structure.	
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Amendments to draft Subdivision Rules

29. Several subdivision rules need to be augmented to reflect the different risk levels in different hazards overlays. Currently Subdivision R5 "Subdivision to create allotments in all residential zones, commercial and mixed use zones, industrial zones, high use visitor or port zones" is a controlled activity, where it is not within a natural hazard overlay. If it is in within a natural hazard overlay it becomes restricted discretionary.

30. The amendments required are

Wildfire needs to be excluded from these overlays as the majority of the high-risk places are in areas which are unsuitable for development, and vegetation clearance is sufficient to manage the risk.

Restricted discretionary status is appropriate for *flood susceptibility, flood plain, land instability alert, and coastal tsunami*. Matters for which direction should be restricted are:

- Recommendations in accompanying hazard risk assessment,
- Risk to life, property and the environment from the proposal and any measures to mitigate those risks,
- The location and design of proposed buildings, vehicle access and infrastructure in relation to natural hazard risk, and
- Whether the intended future use of the subdivision is for sensitive activities, or critical response facilities; and
- Any adverse effect on the environment of any proposed natural hazard mitigation measures.

Restricted Discretionary is also recommended for the *Hokitika and Greymouth Defended Areas*. Matters for which direction should be restricted are:

- The actual level of service provided by the protection structure, including any change in the level of service anticipated due to climate change and sea level rise;
- The impact of any planned improvements, maintenance or upgrading on the residual risk;
- The effect of groundwater levels and variability in ground conditions on stop-bank security at and adjacent to the site to be subdivided;
- the likely depth and duration of flooding as a result of a breach or overtopping event or flood ponding;
- the location of the subdivision, including services such as wastewater, water supply and roading/access (including escape routes), in relation to potential breakout points (failure zone);
- The adverse effects to people and property and overall vulnerability from potential failure or overwhelming of the structural defences and associated flood protection works relevant to the proposed new lot(s);
- Potential for the development to transfer/increase flood risk/residual risk to neighbouring properties;
- Any additional mitigation measures proposed or site features which reduce residual risk (e.g. natural high ground; evacuation plan).

Discretionary where the natural hazard overlay is *coastal alert*

Non Complying where the natural hazard overlay is *flood severe, coastal severe, fault avoidance 50m, 100m, 150m or 200m*, and

Prohibited where the natural hazard overlay is *fault avoidance 20m*.

NEXT STEPS

1. The feedback received will be used to amend the draft Natural Hazard rules and overlays to be included in the draft consultation documents and online maps.

Appendix A

Key Definitions

Some key definitions for this topic follow:

Unoccupied Buildings: means non-habitable buildings, sheds, barns, fences, pou, backcountry huts, minor storage facilities.

Residential Buildings means habitable buildings primarily used for residential purposes.

Commercial and Industrial Buildings means buildings used primarily for industrial and / or commercial purposes and includes visitor accommodation.

Community Facilities, Education Facilities, Health Facilities, and Network Utility Facilities in relation to natural hazards means all community buildings where people congregate including places of worship, Marae, daycare, primary, secondary and tertiary education facilities, medical facilities excluding hospitals, jails and detention centres, buildings for power generation and public utilities not included in critical response facilities.

Critical Response Facility means hospitals, fire, rescue, police stations, buildings intended to be used in an emergency for shelter, communication, operations or response, power generating stations, hazardous or explosive material storage, aviation control tower, air traffic control centres, emergency aircraft hangars, fuel storage and major dams, community scale potable water treatment facilities and waste water treatment facilities.

Sensitive Activities means:

1. *In relation to hazardous substances, any school, childcare facility or hospital;*
2. *In relation to natural hazards and noise any:*
 - a. *residential activity;*
 - b. *visitor accommodation;*
 - c. *community facility;*
 - d. *education facility; and*
3. *In relation to energy activities, any*
 - a. *residential activity;*
 - b. *visitor accommodation;*
 - c. *community facility;*
 - d. *education facility; and*
 - e. *uninhabited agricultural or horticultural building including packing sheds, milking sheds, intensive agricultural activities and herd homes.*

Greenfield means built development (industrial, commercial, residential or mixed use) on a piece of previously undeveloped land (generally on the urban fringe), which had been either used for agriculture or was in its natural state.

Brownfield means land that has already been developed and therefore has existing infrastructure.

Additions and Alterations means in relation to natural hazards, changes to the building or structures which alters the habitable space in such a way as to increase the likely number of inhabitants. For example, increasing the number of bedrooms, but not the size of bedrooms. Or converting a garage to a bedroom but not the size of a garage.

Existing Buildings and Structures – means buildings and structures that were lawfully established or where resource and or building consent has been granted at the date of notification of the Plan.

DRAFT OBJECTIVES AND POLICIES

Updated draft Objectives and Policies follow. To give effect to the National Planning Standards, natural hazards in the coastal environment will need to be addressed in the coastal environment chapter. For ease of review all the provisions have been kept together during development.

NH Natural Hazards

Natural Hazards Objectives	
NH - O1	To use a regionally consistent, risk-based approach to natural hazard risk management.
NH - O2	To reduce the risk to life, property and the environment from natural hazards, thereby promoting the well-being of the community.
NH - O3	To only locate infrastructure within areas of significant natural hazard risk where there is no reasonable alternative, and to design infrastructure so as not to exacerbate natural hazard risk to people and property.
NH - O4	To ensure the role of hazard mitigation played by natural features including dunes and wetlands is recognised and protected.
NH - O5	To recognise and provide for the effects of climate change, and its influence on sea levels and the frequency and severity of natural hazards.
Policies	
NH - P1	Identify in overlay areas at significant risk from natural hazards.
NH - P2	Where a natural hazard has been identified, but the natural hazard risk to people and communities is unknown, but potentially significant, apply a precautionary approach.
NH - P3	<ul style="list-style-type: none"> a. Promote the use of natural features and appropriate risk management approaches in preference to hard engineering solutions in mitigating natural hazard risks; while b. Recognising that in some circumstances hard engineering solutions may be the only practical means of protecting existing communities and critical infrastructure.
NH - P4	<p>Natural hazard assessment, management retreat locations and resource consent applications will consider the implications of climate change. In particular the following matters should be considered:</p> <ul style="list-style-type: none"> a. Change in sea level; b. Altering of coastal processes; c. Increased inundation of low lying areas; d. Changes in local temperatures; e. Changes in rainfall patterns, and f. Increase in cyclonic storms.
NH - P5	<p>When assessing areas suitable for managed retreat, the following matters should be considered:</p> <ul style="list-style-type: none"> a. That the natural hazard risk of the area is less than the existing location, and b. The potential future need to protect the community and associated infrastructure by hazard mitigation works.
NH - P6	In the Fault Avoidance Overlay avoid:

	<ul style="list-style-type: none"> a. Development of critical response facilities in brownfield locations and prohibit these in greenfield locations; b. Community facilities, educational facilities and network utility facilities within 100m of the active fault; c. Commercial and industrial buildings within 50m of the active fault and d. Residential building within 20m of the active fault.
NH - P7	Allow unoccupied buildings and structures within the Fault Avoidance Overlays and restrict occupied buildings based on the level of risk to occupants.
NH - P8	Avoid locating Critical Response Facilities within the tsunami hazard overlay.
NH - P9	Restrict further development of sensitive activities in the Lake Tsunami Hazard overlay.

NH - P10	<p>Avoid development within the Coastal Severe Hazard and Flood Severe Hazard overlays unless it can be demonstrated that:</p> <ul style="list-style-type: none"> a. The activity has an operational and functional need to locate within the hazard area; and b. That the activity incorporates mitigation of risk to life, property and the environment.
NH - P11	<p>Allow development in the Land Instability Alert, Coastal Alert and Flood Susceptibility overlay Where:</p> <ul style="list-style-type: none"> a. Mitigation measures minimise risk to life, property and the environment; and b. The risk to adjacent properties, activities and people is not increased as a result of the activity proceeding.
NH - P12	In areas identified in wildfire overlays enable vegetation clearance as a hazard mitigation strategy.
NH - P13	<p>When assessing the effects of activities in natural hazard overlays consider:</p> <ul style="list-style-type: none"> a. The effects of natural hazards on people and property; b. Technological and engineering mitigation measures; c. The location and design of proposed sites, buildings, vehicle access, earthworks and infrastructure in relation to natural hazard risk; d. The clearance or retention of vegetation or other natural features to mitigate natural hazard risk; e. The timing, location, scale and nature of any earthworks in relation to natural hazard risk; f. The potential for the proposal to exacerbate natural hazard risk, including transferring risk to any other site.; and g. Any significant adverse effects on the environment of any proposed mitigation measures.



Te Tai o Poutini PLAN

A combined district plan for the West Coast

Prepared for: Te Tai o Poutini Plan Committee
Prepared by: Lois Easton, Principal Planner
Date: November 2021
Subject: **Technical Update: Extent of the Coastal Environment**

SUMMARY

This report gives an update on work undertaken to identify the extent of the Coastal Environment, as required under the New Zealand Coastal Policy Statement, and discusses the implications and draft Rules for the coastal environment area outside of places of High and Outstanding Natural Character.

RECOMMENDATIONS

1. That the Committee receive the report.
2. That the coastal landscape character boundary be used for the draft Coastal Environment boundary.
3. That the Committee provide feedback on the rules for the "general" coastal environment.

Lois Easton

Principal Planner

INTRODUCTION

1. The management of natural environment matters (ecosystems, landscape, natural features, natural character and the coastal environment) are mandatory matters that need to be addressed in Te Tai o Poutini Plan (TTPP).
2. This report follows on from previous reports looking at Objectives, Policies and Rules for the Coastal Environment and discusses the extent of the Coastal Environment.

CONTEXT FOR IDENTIFICATION OF THE COASTAL ENVIRONMENT

3. The Plan must be prepared in accordance with the New Zealand Coastal Policy Statement (NZCPS). The NZCPS defines the coastal environment in Policy 1 as follows:
 - a. The coastal marine area;
 - b. Islands within the coastal marine area;
 - c. Areas where coastal processes, influences or qualities are significant, including coastal lakes, lagoons, tidal estuaries, saltmarshes, coastal wetlands and the margins of these;
 - d. Areas at risk from coastal hazards;
 - e. Coastal vegetation and habitat of indigenous coastal species including migratory birds;
 - f. Elements and features that contribute to the natural character, landscape, visual qualities or amenity values;
 - g. Items of cultural and historic heritage in the coastal marine area or on the coast;
 - h. Inter-related coastal marine and terrestrial systems, including the intertidal zone; and
 - i. Physical resources and built facilities, including infrastructure that have modified the coastal environment.
4. The West Coast Regional Policy Statement defines the coastal environment as "Coastal environment encompasses the coastal marine area and the land areas adjacent to the coastal marine area that have a coastal character".

PROCESS TO IDENTIFY THE COASTAL ENVIRONMENT FOR THE WEST COAST

5. Normally the coastal environment is defined by the Regional Council in the Regional Coastal Plan, including the inland extent. The West Coast Regional Coastal Plans (operative and new proposed Plan) don't do that, instead confining its ambit to the area seaward of mean high water springs (MHWS). It is recognised that this doesn't meet the requirements of the NZCPS and will need to be addressed, however this is not urgent for the West Coast Regional Council. Because TTPP is required to provide specific provisions for managing land use in the coastal environment, a spatial definition is required.
6. There is some guidance provided by case law on how to do this, as outlined in the table in Appendix One. From the case law it is clear that a range of factors are considered – but landscape is undoubtedly the major factor in many of these cases.
7. Work was done in 2013 to define the Coastal Environment from a landscape and natural character perspective as part of the Brown Ltd wider work on these areas. This created the draft boundary that has been presented to the Committee in previous reports. A copy of the section of the report outlining the methodology to identify the landscape coastal environment boundary is attached at Appendix Two.
8. The NZCPS considers a range of aspects, not just landscape and natural character in determining the coastal environment. Information is held (and proposed to be included in TTPP) on the inland extent of coastal natural hazards, items of cultural and historic heritage and habitat of indigenous coastal species.
9. However, it was felt that information on coastal processes (item c. in Policy 1 of the RPS) on the West Coast was lacking and further research might assist in ensuring that the landscape boundary was the most appropriate boundary for the extent of the coastal environment.
10. Geological and Nuclear Sciences (GNS) partnered with the West Coast Regional Council to fund and undertake work looking at this issue. The report established a geomorphic coastal environment – generally the inland extent of preserved young coastal landforms, including dune fields, beach plains, estuaries and near-coastal swamps and lakes. This represents the area that has been subject to coast related processes since present sea level was attained some 6,500 years ago.

11. In almost all instances the geomorphic coastal environment identified is some considerable distance landward of the landscape coastal environment boundary.

PROPOSED COASTAL ENVIRONMENT BOUNDARY

12. From the information collated on the West Coast coastal environment, staff consider that continuing to use the coastal landscape boundary as the basis of the coastal environment is the most appropriate approach. In many locations the geomorphic boundary extends well beyond the area which would be regarded today as being coastally influenced and would capture a wider area than is appropriate within the coastal environment. Appendix Three shows a comparison of the "Landscape" Coastal Environment boundary with the Geomorphic boundary.

IMPLICATIONS OF THE COASTAL ENVIRONMENT BOUNDARY

13. The implications of the coastal environment boundary are significant – as areas within the coastal environment are subject to much more prescriptive regulatory requirements than those outside of the coastal environment. This has been discussed in previous reports where draft Objectives, Policies and Rules have been discussed.
14. However, the coastal environment is also the location of a significant proportion of the people, infrastructure and settlements of the West Coast. A key focus of its management is of natural character, landscape, natural features and biodiversity. Many of these attributes have been lost in the more developed parts of the West Coast.
15. Accordingly, it has been proposed through the draft Rules that areas of existing and planned future urban development within the coastal environment be managed through the normal zone rules, without additional restrictions. This reflects the direction in the NZCPS which does recognise the reality of New Zealand as having a predominantly coastally located population.
16. Work has been done identifying areas of high and outstanding natural character as part of the Brown 2013 work. These areas are largely vegetated. There is a very strong protective direction for these areas in the NZCPS and WCRPS. The rules for these areas were discussed at the October 2021 Committee meeting and are not further discussed in this report.
17. The third area of the coastal environment is the somewhat modified "rest of the West Coast" – areas of small settlements, farmland and other primary industries. The draft rules propose calling this area the "General Coastal Environment".
18. The proposed draft Rules for the General Coastal Environment are set out below and feedback is sought from the Committee on these, in light of the extent of the coastal environment.

CONTEXT FOR DRAFT COASTAL ENVIRONMENT RULES

19. The context for the development of the draft Coastal Environment Rules is the requirements of the NZCPS and the WCRPS. Key relevant matters are included in Appendix Four. It should be noted that the NZCPS anticipates that activities will continue to occur within the coastal environment – including specific activities such as mining.

PROPOSED DRAFT RULES – GENERAL COASTAL ENVIRONMENT

Permitted Activities	Standards
Maintenance and repair of structures, network utilities, fence lines and tracks	Native vegetation clearance and earthworks the minimum required to do the activity
Conservation Activities	Native vegetation clearance and earthworks the minimum required to do the activity
Māori Purpose Activities in the Māori Purpose Zone	
Poutini Ngāi Tahu activities all areas	
Indigenous vegetation clearance outside of any SNA	Where vegetation clearance is Permitted in the ecosystems and biodiversity rules
Buildings, structures, earthworks and indigenous vegetation clearance	Where buildings, structures and earthworks are permitted in the relevant zone and:

	-max building height 7m -max building gross floor area 200m ²
Restricted Discretionary	
Buildings, structures, earthworks and vegetation clearance not Permitted	Where no SNAs are cleared
Discretionary	
Clearance of an SNA in the Coastal Environment	

NEXT STEPS

The draft Coastal Environment boundary and provisions incorporating feedback will be included in the draft Plan for consultation over January – March 2022.

APPENDIX ONE: PROCESS TO DEFINE THE COASTAL ENVIRONMENT – BACKGROUND INFORMATION

1. Neither the Resource Management Act, nor its predecessors, nor the New Zealand Coastal Policy Statements (Minister of Conservation 1994, 2010) specifically define what constitutes the coastal environment. NZCPS (2010) Policy 1(2)(a) and (b) makes it clear that the coastal marine area and any islands within it are part of the coastal environment. The extent of the coastal marine area is defined in the Resource Management Act. The ambiguity is over what constitutes the landward boundary of the coastal environment.
2. There are relatively few court decisions that provide guidance of what might constitute the inland extent of the coastal environment boundary. The table below summarises relevant decisions.

Key points relating to the inland extent of the coastal environment	Decision
<i>"Where there are hills behind the coast, it (the coastal environment) will generally extend to up to the dominant ridge behind the coast".</i>	Northland Regional Planning Authority v Whangarei County Council [1976] A63/76
The site of a proposed subdivision <i>"lying between the dominant ridge and the coast, can be considered as being within the coastal environment for the purpose of the Resource Management Act"</i> The Court also observed that the site did not have a coastal interface and that there was no coastal element in the vicinity of the site	S Martin-Weber and S Martin-Weber v Hutt City Council and Jourdan Developments Limited (WW23/03) Environment Court
<i>The whole locality from the foreshore to the highest ridge of the Mt Manaia Range undoubtedly qualifies as "coastal environment" as described...in Northland Regional Planning Authority v Whangarei County Council.</i>	Dudin v Whangarei District Council [2007] A22/07
<i>"A variety of matters must be taken into account [in determining the coastal environment] , including on the facts of this case the significant residential development between the foreshores at Governors Bay and the proposed building site We are satisfied that it was not part of Parliament's intention in enacting s.3(1)(c) to apply that provision in a blanket way to an area the size of those parts at Lyttelton Harbour which have some (albeit distant) vista of the sea"</i>	Hay v Banks Peninsula District Council [1990] C44/90
Three areas between Kaipara South Head and Bethells Beach were all deemed to be within the coastal environment and included land extending back from the coast for a distance of between 1.5 and 2.5kms which was <i>"moderately rolling and mostly in improved pasture."</i> , another area of sand hills extended back approximately 2 kms and was planted in pine forest, and the remaining area was described as <i>"a complex and fragile environment comprising ...in-land lakes, in-land dunes, and a significant wetland area all contiguous with or close to the actual coastline."</i> Each had unique features that the Court considered representative of situations where the coast was a significant part or element	Coutanche v Rodney DC [1993] W94/93,
<i>It is set back from the sand dunes which we consider form the limit of the coastal environment and is largely rurally modified land with little affinity to the coastal environment other than physical proximity.</i>	In Canterbury Regional Council v Waimakariri District Council [2002] C5/02,
<i>"(T)he coastal environment is just that, an environment. It is not a zone which might readily be identified by lines on a map. In defining that environment there will frequently be grey areas and blurred edges"</i> In the circumstances, it was	Kaupokonui Beach Soc Inc v South Taranaki DC EnvC W030/

determined that the coastal environment included the river basin together with the sand hills and escarpments. It ceased at the escarpment ridgeline and did not extend across the elevated terrace land	
<i>"It is also obvious that the area at the mouth of the river is part of the coastal environment. The coastal environment is generally accepted as extending to the crest of the nearest skyline."</i>	Wilkinson vs Huranui 2000 EnvC C50/00
<i>A logged (previously a pine plantation) spur with regenerating mixed native and alien species and drained flats with alien grasses adjoining a small urban settlement is within the coastal environment</i>	Longview Estuary Estate v Whangarei District Council 2012 NZEnvC 172

APPENDIX TWO: Brown Report – Methodology to Define the Coastal Environment [Excerpt from Brown 2021, West Coast Landscape and Natural Character Study 2012 and 2013: Explanation of Assessment Methodologies. Report by Stephen Brown, Brown NZ Ltd, March 2021)

3.7 MAPPING OF THE COASTAL ENVIRONMENT

In early 2013, Brown NZ Ltd was asked to review its draft mapping and evaluation of Natural Character values, and to restrict its final report to just the coastal parts of the West Coast Region. This required more detailed delineation of the Region's Coastal Environment, responding to the NZCPS and Policy 1's more prescriptive description of the components found within that environment:

Policy 1 Extent and Characteristics of the Coastal Environment

(2) *Recognise that the coastal environment includes:*

- (a) *the coastal marine area;*
- (b) *islands within the coastal marine area;*
- (c) *areas where coastal processes, influences or qualities are significant, including coastal lakes, lagoons, tidal estuaries, saltmarshes, coastal wetlands, and the margins of these;*
- (d) *areas at risk from coastal hazards;*
- (e) *coastal vegetation and the habitat of indigenous coastal species including migratory birds;*
- (f) *elements and features that contribute to the natural character, landscape, visual qualities or amenity values;*
- (g) *items of cultural and historic heritage in the coastal marine area or on the coast;*
- (h) *inter-related coastal marine and terrestrial systems, including the intertidal zone; and*
- (i) *physical resources and built facilities, including infrastructure, that have modified the coastal environment.*

Translating Policy 1 of the NZCPS into criteria that were meaningful 'on the ground', the following parameters were employed to identify the limits of the Coastal Environment in 2013:

A. Areas That Are Physically Linked to the CMA:

- 1. *that are directly subject to wave action and tidal inundation / movement and which contain / define the inter-tidal margins of the CMA;*
- 2. *coastal drainage systems, including catchments and headwaters that feed directly into the CMA; and*
- 3. *landforms and vegetation cover that are directly affected / modified by exposure and proximity to the CMA – through wind action, wave action and salt exposure.*

B. Areas Whose Character is Substantially Defined by their Proximity to the CMA:

- 4. *areas within which the CMA is a dominant to significant visual entity;*

5. *locations whose landscape character and amenity is clearly influenced by proximity to, and a sense of connection with, the CMA; and*
6. *locations within which items of cultural and historic heritage are found that are linked to, or within the CMA.*

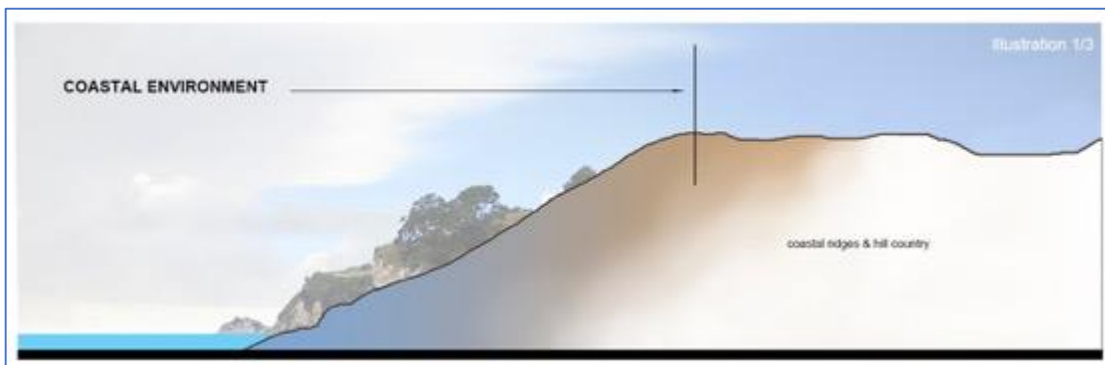
Many parts of the coast enjoy direct visual interaction with the CMA, and some – such as beachfronts, spits, dune corridors and wetland margins – are clearly shaped by their exposure to the sea. In some locations, this area of coastal influence can extend for kilometres inland, particularly around major coastal dune systems and wetlands, such as those found around the Okarito Lagoon, Waitaha and Okuru. In such cases, the Coastal Environment was extended inland sufficiently far to capture such areas – as shown on **Figure 1** (below).

Figure 1.



Conversely, the West Coast is also renowned for its major coastal ranges, some of which fall directly into the Tasman Sea. This includes those found around Jackson Bay, Whakapohai-Paringa, Punakaiki, and north of Mokihinui, all have a clear connection with the Coastal Marine Environment (CMA) and their coastal slopes / faces logically fall within the Coastal Environment (see **Figure 2**).

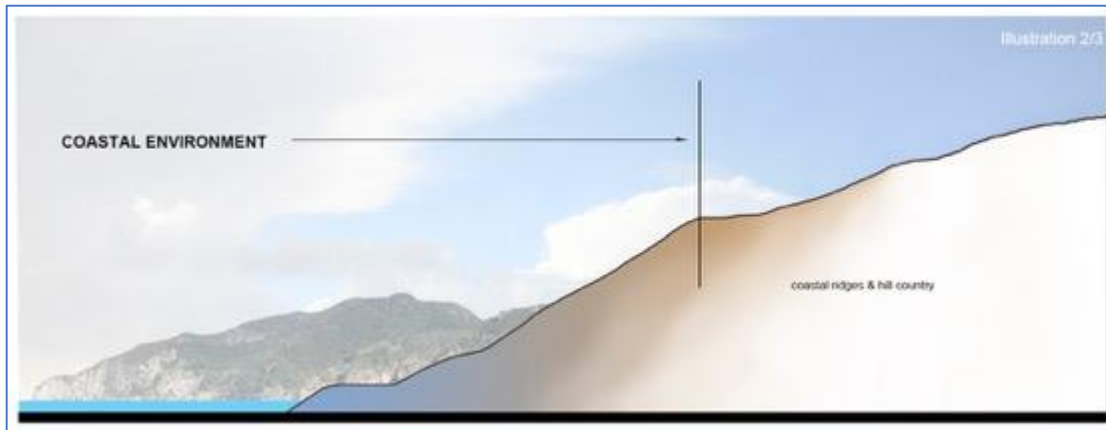
Figure 2.



However, in many areas this interaction is less easily defined. The main ranges that provide the backdrop to all of the West Coast often enjoy spectacular views to, and of, the Tasman Sea (e.g. from the Denniston Plateau), but frequently do so over a considerable distance. Conceivably, this could have resulted in exceptionally large parts of the Region being captured by the Coastal Environment. However, in such instances, an attempt was made to identify those areas that derive most, or a very large proportion, of their character from visual interaction with the CMA and which convey a marked sense of being shaped (especially in terms of their vegetation cover) by the physical processes derived from close proximity to the sea. These areas were differentiated from others that also offer views to

and from the sea, but in which such interaction was considered less fundamental to their visual and physical character. As a result, the Coastal Environment often runs much closer to the coast than the major ranges behind it, 'hopping' over river valleys and from ridge to ridge quite close to the CMA – as illustrated in **Figure 3**.

Figure 3.



In accordance with this approach, the Coastal Environment was mapped down the length of the West Coast Region and the Natural Character Assessment maps were re-drafted so that they fully aligned with the identified Coastal Environment. A new report was issued in October 2013 that limited the assessment of Natural Character values to just those identified areas of High and Outstanding Natural Character within the Coastal Environment.

APPENDIX THREE: Comparison of Landscape and Geomorphic Coastal Environment Boundaries in Key Locations

Key



Red Line is Landscape Boundary



Green Line is Geomorphic Boundary



Blue Areas are Outstanding Natural Character Areas within the Landscape Line



Aquamarine Areas are High Natural Character Areas within the Landscape Line

Karamea



Ngakawau – Gravity



Westport Area



Cape Foulwind – Northern Paparoa Range



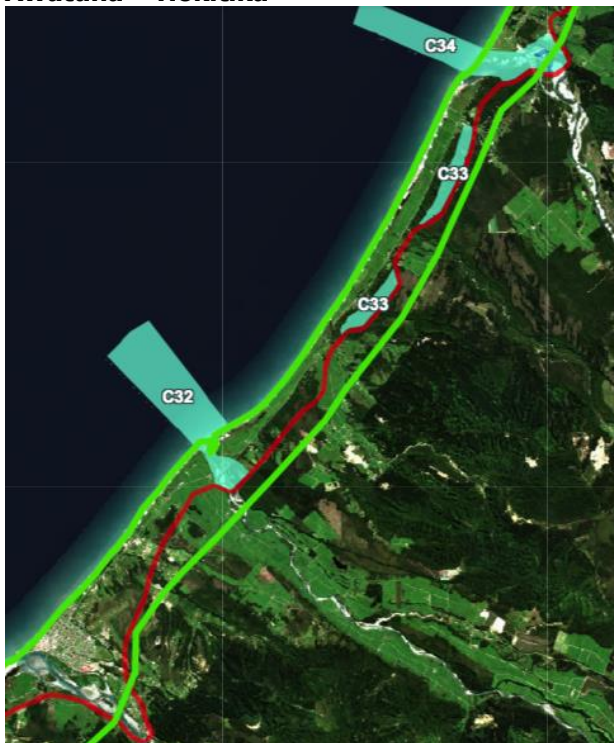
Barrytown



Greymouth



Awatuna – Hokitika



Kakapotahi - Ōkarito



South Westland



**APPENDIX FOUR: Context for development of Coastal Environment Rules
NATIONAL AND REGIONAL DIRECTION**

New Zealand Coastal Policy Statement Direction 2010

1. The Plan must be prepared in accordance with the New Zealand Coastal Policy Statement. There are a number of specific Objectives and Policies which are relevant to biodiversity, landscape, natural features and natural character.
2. It is notable that the requirements are substantial, and exceedingly restrictive. In particular Policies 13 and 15 which direct that adverse effects on outstanding natural landscapes and features and on outstanding natural character are avoided.
3. Key policies to inform development of provisions outside of areas of outstanding values are outlined below:

Policy 6: Activities in the coastal environment

1. In relation to the coastal environment:
 - a. recognise that the provision of infrastructure, the supply and transport of energy including the generation and transmission of electricity, and the extraction of minerals are activities important to the social, economic and cultural well-being of people and communities;
 - b. consider the rate at which built development and the associated public infrastructure should be enabled to provide for the reasonably foreseeable needs of population growth without compromising the other values of the coastal environment;
 - c. encourage the consolidation of existing coastal settlements and urban areas where this will contribute to the avoidance or mitigation of sprawling or sporadic patterns of settlement and urban growth;
 - d. recognise tangata whenua needs for papakāinga³, marae and associated developments and make appropriate provision for them;
 - e. consider where and how built development on land should be controlled so that it does not compromise activities of national or regional importance that have a functional need to locate and operate in the coastal marine area;
 - f. consider where development that maintains the character of the existing built environment should be encouraged, and where development resulting in a change in character would be acceptable;
 - g. take into account the potential of renewable resources in the coastal environment, such as energy from wind, waves, currents and tides, to meet the reasonably foreseeable needs of future generations;
 - h. consider how adverse visual impacts of development can be avoided in areas sensitive to such effects, such as headlands and prominent ridgelines, and as far as practicable and reasonable apply controls or conditions to avoid those effects;
 - i. set back development from the coastal marine area and other water bodies, where practicable and reasonable, to protect the natural character, open space, public access and amenity values of the coastal environment; and
 - j. where appropriate, buffer areas and sites of significant indigenous biological diversity, or historic heritage value.
2. Additionally, in relation to the coastal marine area:
 - a. recognise potential contributions to the social, economic and cultural wellbeing of people and communities from use and development of the coastal marine area, including the potential for renewable marine energy to contribute to meeting the energy needs of future generations;
 - b. recognise the need to maintain and enhance the public open space and recreation qualities and values of the coastal marine area;
 - c. recognise that there are activities that have a functional need to be located in the coastal marine area, and provide for those activities in appropriate places;
 - d. recognise that activities that do not have a functional need for location in the coastal marine area generally should not be located there; and
 - e. promote the efficient use of occupied space, including by:

- i. requiring that structures be made available for public or multiple use wherever reasonable and practicable;
- ii. requiring the removal of any abandoned or redundant structure that has no heritage, amenity or reuse value; and
- iii. considering whether consent conditions should be applied to ensure that space occupied for an activity is used for that purpose effectively and without unreasonable delay.

Policy 11: Indigenous Biological Diversity

To protect indigenous biological diversity in the coastal environment:

- a. avoid adverse effects of activities on:
 - i. indigenous taxa⁴ that are listed as threatened⁵ or at risk in the New Zealand Threat Classification System lists;
 - ii. taxa that are listed by the International Union for Conservation of Nature and Natural Resources as threatened;
 - iii. indigenous ecosystems and vegetation types that are threatened in the coastal environment, or are naturally rare⁶;
 - iv. habitats of indigenous species where the species are at the limit of their natural range, or are naturally rare;
 - v. areas containing nationally significant examples of indigenous community types; and
 - vi. areas set aside for full or partial protection of indigenous biological diversity under other legislation; and
- b. avoid significant adverse effects and avoid, remedy or mitigate other adverse effects of activities on:
 - i. areas of predominantly indigenous vegetation in the coastal environment;
 - ii. habitats in the coastal environment that are important during the vulnerable life stages of indigenous species;
 - iii. indigenous ecosystems and habitats that are only found in the coastal environment and are particularly vulnerable to modification, including estuaries, lagoons, coastal wetlands, dunelands, intertidal zones, rocky reef systems, eelgrass and saltmarsh;
 - iv. habitats of indigenous species in the coastal environment that are important for recreational, commercial, traditional or cultural purposes;
 - v. habitats, including areas and routes, important to migratory species; and
 - vi. ecological corridors, and areas important for linking or maintaining biological values identified under this policy.

Policy 13: Natural Character

- 1. To preserve the natural character of the coastal environment and to protect it from inappropriate subdivision, use, and development:
 - a. avoid adverse effects of activities on natural character in areas of the coastal environment with outstanding natural character; and
 - b. avoid significant adverse effects and avoid, remedy or mitigate other adverse effects of activities on natural character in all other areas of the coastal environment; including by:
 - c. assessing the natural character of the coastal environment of the region or district, by mapping or otherwise identifying at least areas of high natural character; and
 - d. ensuring that regional policy statements, and plans, identify areas where preserving natural character requires objectives, policies and rules, and include those provisions.
- 2. Recognise that natural character is not the same as natural features and landscapes or amenity values and may include matters such as:
 - a. natural elements, processes and patterns;
 - b. biophysical, ecological, geological and geomorphological aspects;
 - c. natural landforms such as headlands, peninsulas, cliffs, dunes, wetlands, reefs, freshwater springs and surf breaks;
 - d. the natural movement of water and sediment;
 - e. the natural darkness of the night sky;
 - f. places or areas that are wild or scenic;

- g. a range of natural character from pristine to modified; and
- h. experiential attributes, including the sounds and smell of the sea; and their context or setting.

West Coast Regional Policy Statement 2020

- 4. Chapter 9 contains the provisions on the Coastal Environment. Key matters to note follow.
 - a. It is indigenous biodiversity, not just significant indigenous biodiversity which is to be protected.
 - b. It is natural character, natural features and natural landscapes not just those that are significant or outstanding which are to be preserved or protected.
 - c. Appropriate subdivision use and development within the coastal environment is anticipated.
 - d. There are three specific policies on coastal hazards –coastal hazards are required to be dealt with in the Coastal Environment chapter under the National Planning Standards, however for the purposes of policy development they are being looked at as part of the natural hazards work.
 - e. There is a specific requirement to identify “high” and “outstanding” coastal natural character in district plans.
 - f. Adverse effects on significant indigenous biological diversity, areas of outstanding natural character and outstanding natural landscapes and features must be avoided. There is no requirement that these effects must be significant.
 - g. Significant adverse effects on all indigenous biodiversity, natural character, natural features and natural landscapes must be avoided and all other adverse effects remedied or mitigated.

In a nutshell these RPS provisions, which TTPP must give effect to, create a very high bar for activities within the Coastal Environment.



Te Tai o Poutini

PLAN

A combined district plan for the West Coast

Prepared for: Te Tai o Poutini Plan Committee
Prepared by: Lois Easton, Principal Planner
Date: November 2021
Subject: **Comparison between Te Tai o Poutini Plan and Existing District Plans – Stringency of Rules**

SUMMARY

This report looks at the differences between the current regulatory framework of the Buller, Grey and Westland District Plans and Te Tai o Poutini Plan (TTPP). A key question for TTPP is “have we got the balance of the Plan right?” While it is necessary to comply with the law, the overall intent of the Planning Team has been to make expected and normal activities with few environmental effects be easily able to comply with the Plan, and focus resource consent requirements on activities that genuinely need more scrutiny. This paper analyses the stringency of the three current district plans and the draft TTPP and looks at how well this intent has been achieved.

RECOMMENDATIONS

1. That the information be received.

Lois Easton
Principal Planner

INTRODUCTION

1. This report looks at the differences between the current regulatory framework of the Buller, Grey and Westland District Plans and Te Tai o Poutini Plan (TTPP).
2. Bringing together three quite different districts and forming one combined district plan for all of the West Coast has involved a combination of approaches and compromises across the area to give what is, for 95% or more of the provisions, the same set of rules across all three districts.
3. TTPP has also had to reflect updated higher order regulation in the form of amendments to the RMA, new National Policy Statements and the new West Coast Regional Policy Statement. All of the new higher order regulations, set a stronger set of regulatory requirements than were in place when the three current district plans were written – particularly as relate to the protection of the natural environment. As an overarching picture, therefore it could be expected that TTPP will be a more stringent plan than its predecessors.
4. However, the Committee and staff working on the Plan have been clear that as much as possible, within legal constraints, the Plan should be enabling, and unnecessary regulation should not be included.
5. The general intent is to make expected and normal activities with few environmental effects, easily able to comply with the Plan, and focus resource consent requirements on activities that genuinely need more scrutiny. Part of this intent is also aiming to deliver a greater degree of certainty to plan users and the community about what sort of activities to expect in their locality.
6. This is a particular change from the current Grey District Plan approach – which does not list activities, but it reflects the current Buller and Westland Plan approaches – and also the requirements in the National Planning Standards.
7. This means that the TTPP is most different from the Grey District Plan – because specific activities are regulated.
8. There are some parts of the existing Plans that we know aren't working and it is also intended to address those issues – which has meant more regulation as a way to promote development that fits better with the needs of the West Coast community and the strategic direction of the Councils. A good example of this is the town centre provisions, which in Hokitika, Reefton and Greymouth have all been identified as, at least in part, not currently meeting the strategic direction and community needs for those areas.
9. An analysis of the overall stringency of the Plan has been undertaken.

DISCUSSION

10. Appendix One contains a detailed analysis of the major provisions of the plan that will have the greatest impact on the greatest number of landowners and ratepayers – the main zone rules, and the natural environment overlays. The Special Zone rules have not been looked at in detail, but in summary these are designed to be particularly enabling of the specific activity that they are targeted on. Generally (but not always) this means they are less stringent than the current plans.
11. Key points from this analysis are:
 - a. General residential zone:
 - i. The main changes in stringency in this zone are making it easier (but still requiring a resource consent) to develop higher density housing and allowing for a minor residential unit.
 - ii. The three current Plans have some major points of difference in their Residential Zone. So there are individual rules that are more or less stringent in each of the three districts.
 - iii. Possibly the most notable difference is the introduction of height limits in residential areas in Grey District, to align with the Buller and Westland approach. While in most instances the height in relation to boundary provisions effectively restrict the height of buildings in Grey residential areas, in locations such as lakeside frontages or corner sites, this would mean that 4 storey buildings would need a resource consent.
 - iv. Despite these differences generally it is considered that there is overall a similar level of stringency to the current plans – reflecting the general

technical team view that there were no particular problems which needed stronger regulation.

- b. Commercial zone (General areas):
 - i. There is a shift in what the plan will deliver in the zone – specifically a move away from vehicle focussed standards to people focussed.
 - ii. Removing the carparking requirements is a major reduction in stringency across the board, partly offset by urban design requirements.
 - iii. There is also a significant shift in the types of activities that can be undertaken in the zone. It is much easier to do apartment and residential development (above street level) – but it is more difficult to undertake industrial activities within the zone.
- c. Town Centre Zone :
 - i. There is a shift in what the plan will deliver in the zone – specifically a move away from vehicle focussed standards to people focussed.
 - ii. Removing the carparking requirements is a major reduction in stringency across the board, partly offset by urban design requirements.
 - iii. There is also a significant shift in the types of activities that can be undertaken in the zone. It is much easier to do apartment and residential development (above street level) – but more difficult to undertake industrial and yard based/trade activities within the zone.
- d. General Industrial Zone – There is a similar level of stringency to current plans – the main differences arise from creating a set of rules that consistently apply across the three districts.
- e. General Rural Zone:
 - i. There is overall a less stringent approach than the Westland and Buller Plans.
 - ii. Of particular note in the Westland Plan is currently a resource consent is required for all residential buildings – the TTPP removes that requirement.
 - iii. Because the Grey Plan does not operate in the in the same way – managing “effects” rather than “activities” it is harder to gauge the level of change, but the plan is definitely more stringent for some activities, though many activities should face a similar level of stringency to the current Grey Plan.
- f. Settlement Zone – there is overall a similar level of stringency compared with the Westland Plan. There is a greater mix compared with the Buller and Grey Rules with some activities facing a similar regulation but the plan is more stringent for some activities.
- g. Natural Environment Overlays
 - i. There is the same level of stringency for vegetation clearance beside a waterbody in all three districts and the current TTPP;
 - ii. There is a similar level of stringency for general native vegetation clearance with the Buller and Westland Plans. If this approach is used in Grey, it is more stringent than the current situation. This is the subject of a separate report on this agenda.
 - iii. There is a similar level of stringency for areas within Outstanding Natural Landscapes with the current Westland Plan. It is less stringent (in terms of the rules) in Buller – but much larger areas are affected. It is more stringent than the current Grey Plan.

NEXT STEPS

12. The consultation on the draft Plan represents an important opportunity for stakeholders to look at the Plan provisions as a whole and provide feedback around both specific issues and the overall approach and whether there are particular areas of the Plan where more review and refinement of provisions to better meet community needs is required.

APPENDIX ONE: Stringency Analysis

1) Activities Looked at By Zone

General Residential Zone

Activity	TTPP Key rules	Westland – Residential Mixed	Buller District Plan	Grey District Plan	Conclusion
Building a house and garage	1 unit/350m ² site, 10m height, recession planes, road setbacks 4.5m, site boundaries 1m, height 10m	Similar to TTPP rule except accessory building has max 3.5m height, a 4.5m rear yard is required. Minimum lot size 300m ²	Similar to TTP rule except two dwellings allowed per site	Similar to TTPP rule except no height limits	Similar stringency overall 1 dwelling/site is more stringent than the Buller Plan – see minor unit below
Building a minor dwelling	1 allowed/site	Not provided for = Non Complying Activity	2 dwellings allowed/site	Elderly persons housing allowed for minimum site size 200m ² max 65m ²	Less stringent in Westland and Grey, allowance for minor unit replaces the two dwellings/site in Buller so similar stringency . Note this rule is a key one in terms of ease of increasing housing supply
4 unit Medium density terrace development (smaller lot size than Permitted)	Discretionary	Discretionary minimum lot size 285m ² so most economic developments would probably fall into Non-complying	Non-complying	Discretionary	Less stringent
Apartment building	Discretionary	Non-complying	Non-complying	Discretionary	Less stringent
Setting up a home hairdressing business	Hours 7am-7pm weekdays, 8am-5pm weekends and public holidays, Max 4 heavy vehicle and 20 light vehicle/day	Same hours as TTPP Only 1 off site employee able to work there	Hours 7am-10pm weekdays, 8am-8pm weekends and public holidays,	Max 50 hours/week operating Hours 8am – 5pm Mon-Fri and 9am -12pm Sat and Sun	Similar stringency Buller and Westland Less stringent in Grey

Activity	TTPP Key rules	Westland – Residential Mixed	Buller District Plan	Grey District Plan	Conclusion
			Max 4 heavy vehicle and 30 light vehicle/day	Max 2 heavy vehicle and 20 light vehicles/day	
Running an AirBnB	Max 6 guests No heavy vehicle movements. Buller – homestay only	Discretionary Activity	Discretionary Activity	Permitted provided no arrivals/departures outside of hours of operation	Less stringent in Grey and Westland Similar stringency in Buller
Establishing a community hall	Permitted provided meets hours of operation and vehicle movements otherwise Restricted Discretionary	Discretionary Activity	Permitted provided meets hours of operation and vehicle movements otherwise Non-complying	Permitted provided meets hours of operation and vehicle movements otherwise Discretionary	Similar stringency in Buller and Grey Less stringent in Westland
Converting a building to a retirement home	Restricted Discretionary	Discretionary Activity	Permitted provided meets hours of operation and vehicle movements otherwise Non-complying (most likely to be Non-complying)	Permitted provided meets hours of operation and vehicle movements otherwise Discretionary (mostly likely to be Discretionary)	Less stringent
Motel business	Discretionary	Discretionary Activity	Probably Non-complying	Discretionary	Similar stringency
Papakāinga	Must meet height, setback and coverage rules	Controlled Activity	Not Provided For. Permitted if meet Residential dwelling Rules	Not Provided For. Permitted if meet Residential dwelling Rules	Less stringent
Sign	1 Permitted Sign 1m ²	1 Permitted Sign 1m ²	1 Permitted Sign 1.5m ²	Max 0.5m ² /site	Similar stringency
Earthworks	Max 250m ² /site outside of building platform and swimming pools	Not regulated	Not regulated in this zone	Not regulated	More stringent

Commercial Zone

Commercial Zone Activity	TTPP	Westland – Commercial Zone	Buller District Plan – Commercial Zone	Grey District Plan – Commercial and Industrial Environmental Area	Conclusion
New building	Height 12m, setback 3m from road, Landscaping required	Height 12m no setback from road no landscaping requirements, Carparking requirements – vary by activity	Height 15m, no setbacks from road, no landscaping requirements, carparking requirements – vary by activity	Height 20m, 2m landscaping strip required outside of Greymouth South, carparking requirements – vary by activity	Overall less stringent – landscaping requirements and setbacks but no carparking requirements
Restaurant business	Permitted	Permitted - 1 carparking space required per 5 people	Permitted - 1 carparking space required per 5 people	Permitted –carparking 5 spaces required per 100m ²	Less stringent. No carparking requirements.
Convert bookshop to cafe	Permitted	Permitted – may need more carparking to meet standards.	Permitted – may need more carparking to meet standards.	Permitted – may need more carparking to meet standards.	Less stringent. No carparking requirements
Trade store (yard + bulk retail)	Permitted subject to setbacks and landscaping.	Permitted - 1 carparking space required per 50m ² area	Permitted - 1 carparking space required per 30m ² area	Permitted –carparking 5 spaces required per 100m ²	Similar or less stringent – landscaping requirements and setbacks but no carparking requirements
Apartment building Residential dwelling	Permitted above ground floor, outdoor service space and living space minimum required, acoustic insulation required	Discretionary - 50m ² outdoor space/dwelling, 1 carparking space/bedroom	Permitted when accessory to a commercial activity or where a Residential use is the sole use of the site	Permitted when 1 unit/300m ² otherwise Discretionary	Less stringent.
Living above a shop	Permitted outdoor service space and living space minimum required, acoustic insulation required	Discretionary	Permitted	Discretionary	Less stringent

Commercial Zone Activity	TTPP	Westland – Commercial Zone	Buller District Plan – Commercial Zone	Grey District Plan – Commercial and Industrial Environmental Area	Conclusion
Car yard	Permitted (subject to setbacks and landscaping)	Permitted - 1 carparking space required per 50m ² building floor area	Discretionary	Permitted – carparking 5 spaces required per 100m ² . Outside Greymouth South would require 2m landscaping strip	Similar or less stringent – landscaping requirements and setbacks but no carparking requirements
Library	Permitted (subject to setbacks and landscaping)	Permitted – 1 carparking space required per 5 people,	Permitted - 1 carparking space required per 30m ² area	Permitted – carparking 5 spaces required per 100m ² . Outside Greymouth South would require 2m landscaping strip	Similar or less stringent
Office development – new building	Permitted (subject to setbacks, landscaping)	Permitted – 1 carparking space per 50m ² building floor area	Permitted - 1 carparking space required per 30m ² area	Permitted – carparking 5 spaces required per 100m ² . Outside Greymouth South would require 2m landscaping strip	Similar or less stringent
Motel business	Permitted (subject to setbacks, landscaping)	Permitted 1 carparking space required per 5 people	Permitted 1 carparking space required per 5 people	Permitted – carparking 5 spaces required per 100m ² . Outside Greymouth South would require 2m landscaping strip	Similar or less stringent
Window fabrication business	Non-complying	Permitted 1 carparking space required per 100m ² building floor area	Discretionary	Permitted – carparking 5 spaces required per 100m ² . Outside Greymouth South would require 2m landscaping strip	More stringent. Industrial areas have been split out into a separate zone.
Service station	Permitted (subject to setbacks and landscaping)	Permitted 1 carparking space required per 50m ² building floor area	Discretionary	Permitted – carparking 5 spaces required per 100m ² . Outside	Similar or less stringent

Commercial Zone Activity	TTPP	Westland – Commercial Zone	Buller District Plan – Commercial Zone	Grey District Plan – Commercial and Industrial Environmental Area	Conclusion
				Greymouth South would require 2m landscaping strip	
Sign	No limit on number. Maximum 3m ² of a building facade	No limit on number or size	Complex sign rules – different numbers allowed for different types of signs	No limit on number or size	Similar stringency in Westland and Grey Less stringent in Buller
Earthworks	Max 1000m ² /year outside of building platform	No regulation	Not regulated in this zone	Not regulated	More stringent

Town Centre Zone

Town Centre Zone Activity	TTPP	Westland – Commercial Zone	Buller District Plan - Commercial Zone (Main Street Frontage)	Grey District Plan – Commercial Environmental Area (Commercial Core)	Conclusion
New Building	Built to front of site, 50% ground floor display windows, verandah. Height max varies by town centre. Design guidelines for each centre	Verandah only design requirement 12m height	Built to front of site, verandah 15m height	Verandah only design requirement 20m height	More stringent
Restaurant business	Permitted	Permitted - 1 carparking space required per 5 people	Permitted - 1 carparking space required per 5 people	Permitted –carparking 5 spaces required per 100m ²	Less stringent – no carparking requirements
Convert bookshop to cafe	Permitted	Permitted – may need more carparking to meet standards.	Permitted – may need more carparking to meet standards.	Permitted	Less stringent – no carparking requirements

Town Centre Zone Activity	TTPP	Westland – Commercial Zone	Buller District Plan - Commercial Zone (Main Street Frontage)	Grey District Plan – Commercial Environmental Area (Commercial Core)	Conclusion
Trade store (yard + bulk retail)	Permitted in Greymouth provided meets design standards. Non-complying in Hokitika, Westport and Reefton	Permitted provided meets carparking and verandah requirements	Permitted if meets design standards.	Permitted provided meets carparking and verandah requirements	More stringent in Westland and Buller Similar stringency in Grey
Apartment building	Permitted above ground floor, outdoor service space and living space minimum required, acoustic insulation required	Discretionary- 50m ² outdoor space/dwelling, 1 carparking space/bedroom	Permitted above ground floor, must be commercial at street level.	Permitted when 1 unit/300m ² otherwise Discretionary	Less stringent
Living above a shop	Permitted in existing buildings provided waste, noise and separate entrance requirements met	Discretionary	Permitted	Discretionary	Less stringent
Car yard	Permitted in Greymouth provided meets design standards. Non-complying in Hokitika, Westport and Reefton	Permitted provided meets carparking and verandah requirements	Discretionary	Permitted provided meets carparking and verandah requirements	More stringent in Westland and Buller Similar stringency in Grey
Library	Permitted provided meets design standards	Permitted provided meets carparking and verandah requirements	Permitted provided meets design standards + carparking requirements	Permitted provided meets carparking and verandah requirements	Less stringent
Office development – new building	Permitted provided ground floor meets frontage and design guideline requirements	Permitted provided meets carparking and verandah requirements	Permitted provided meets design standards + carparking requirements	Permitted provided meets carparking and verandah requirements	Similar – no carparking requirements but more design requirements
Motel business	Permitted above street level otherwise Discretionary	Permitted provided meets carparking and verandah requirements	Permitted provided meets design standards + carparking requirements	Permitted provided meets carparking and verandah requirements	Similar stringency

Town Centre Zone Activity	TTPP	Westland – Commercial Zone	Buller District Plan - Commercial Zone (Main Street Frontage)	Grey District Plan – Commercial Environmental Area (Commercial Core)	Conclusion
Demolish a building	Permitted – provided landscaping if vacant >12 months and pedestrian weather cover provided	Permitted no conditions	Permitted no conditions	Permitted no conditions	More stringent
Window fabrication business	Non-complying	Permitted provided meets carparking and verandah requirements	Discretionary	Permitted provided meets carparking and verandah requirements	More stringent
Service station	Permitted in Greymouth provided meets design standards. Non-complying in Hokitika, Westport and Reefton	Permitted provided meets carparking and verandah requirements	Discretionary	Permitted provided meets carparking and verandah requirements	More stringent in Buller and Westland Similar Stringency in Grey
Sign	No limit on number Max 3m ² where affixed to a building	No limit on number or size	Complex sign rules – different numbers allowed for different types of signs	No limit on number or size	Similar stringency in Westland and Grey Less stringent than Buller
Earthworks	Max 1000m ² outside building platform	No regulation	Not regulated in this zone	Not regulated	More stringent

General Industrial Zone

General Industrial Zone Activity	TTPP	Westland – Industrial/ Commercial Zone	Buller District Plan - Industrial	Grey District Plan – Industrial Environmental Area	Conclusion
New buildings	Max height 20m, site coverage 80%, setbacks 5m from roads and rail, landscape strip, stormwater treatment	Max height 15m, no site coverage limit, no setbacks, no landscape requirements, no stormwater treatment, general carparking requirements 1 space per 100m ² floor area	Max height 35m provided meets recession planes (effectively means this height could only be allowed on a large site), site coverage 75%, setbacks 5m from road, stormwater treatment	Height 20m, 2m landscaping strip required, carparking requirements – vary by activity	Similar stringency
Restaurant business	Permitted if floor area <250m ²	Permitted - 1 carparking space required per 5 people	Permitted - 1 carparking space required per 5 people	Permitted – 5 carparking spaces/100m ²	Less stringent
Lunchbar	Permitted	Permitted - 1 carparking space required per 50m ² floor area	Permitted - 1 carparking space required per 30m ² floor area	Permitted – 5 carparking spaces/100m ²	Less stringent
Trade store (yard + bulk retail)	Permitted if floor area <250m ²	Permitted - 1 carparking space required per 50m ² floor area	Permitted - 1 carparking space required per 30m ² floor area	Permitted – 5 carparking spaces/100m ²	More stringent – but Light Commercial Zone provides for these land uses specifically
Service station	Permitted provided meets landscape, stormwater and setbacks and if retail floor area <250m ²	Permitted - 1 carparking space required per 50m ² floor area	Permitted provided meets setbacks, 1 carparking space required per 30m ² floor area	Permitted provided meets landscape and parking standards	
Residential dwelling	1 unit/site ancillary to industrial activity on the site, subject to acoustic design	Discretionary	Controlled where accessory to a Permitted Activity	Permitted when ancillary to industrial activity	Less stringent in Westland and Buller Similar stringency in Grey
Mechanic	Permitted provided meets landscape, stormwater and setbacks	Permitted - 1 carparking space required per 50m ² floor area	Permitted provided meets setbacks + 1 carparking space required per 50m ² floor area	Permitted provided meets landscape and parking standards	Similar stringency

Coal load out	Permitted provided dust is managed within zone boundary, landscape, setbacks, stormwater treatment	Permitted	Permitted provided meets setbacks and landscape screening requirements	Permitted provided meets landscape and parking standards	Similar stringency
Fish farm	Permitted, landscape, setbacks, stormwater treatment	Permitted - 1 carparking space required per 50m ² floor area	Permitted provided meets setbacks + 1 carparking space required per 50m ² floor area	Permitted provided meets landscape and parking standards	Similar stringency
Window fabrication business	Permitted, landscape, setbacks, stormwater treatment	Permitted- 1 carparking space required per 50m ² floor area	Permitted provided meets setbacks + 1 carparking space required per 50m ² floor area	Permitted provided meets landscape and parking standards	Similar stringency
Pastoral farming	Permitted	Permitted	Permitted	Permitted	Similar stringency
Fertilizer factory	Permitted provided dust managed at zone boundary, landscape, setbacks, stormwater treatment	Permitted- 1 carparking space required per 50m ² floor area	Permitted- 1 carparking space required per 50m ² floor area, landscape requirements for storage/service areas, vibration standards may apply also	Permitted provided meets landscape and parking standards	Similar stringency
Signs	No limit on number Max 3m ² when affixed to a building	No limit on number or size	Max 3m ² /site	No limit on number or size	Similar stringency
Earthworks	Permitted when ancillary to a Permitted Activity	Not regulated	Not regulated in this zone	Not regulated	More stringent

General Rural Zone

General Rural Zone Activity	TTPP	Westland – Rural Zone	Buller District Plan	Grey District Plan	Stringency
Building a 200m ² house and a 2 car garage	1 unit/20ha. Noise insulation by State Highway	Controlled Activity	2 dwellings per site. No minimum lot size	1 unit/1 ha. Noise insulation required by State Highway Kaiata Park	More stringent in Buller and Grey Less stringent in Westland
Building a minor dwelling	Up to 3 units/site	Discretionary Activity	2 dwellings per site. No minimum lot size	Discretionary Activity	Less stringent
Setting up a home hairdressing business	max 10 heavy/30 light vehicles per day	Discretionary Activity	Discretionary Activity	Max floor area 100m ² , max 20 heavy vehicles and 100 light vehicles/day	Less stringent in Westland and Buller Similar stringency in Grey
Running an AirBnB	Max 6 guests In Buller homestay only	Discretionary	Permitted (tourist related activity)	Permitted	Less stringent in Westland Similar stringency in Grey More stringent in Buller
New Community hall	Restricted discretionary – max 250m ² (existing halls Permitted)	Discretionary	Discretionary	Permitted if meets 100m ² max floor area	Less stringent
Converting a building to a retirement home	Depending on size – Restricted Discretionary or Discretionary	Discretionary	Discretionary	Permitted	Similar stringency in Buller and Westland More stringent in Grey
Motel business	Discretionary	Discretionary	Discretionary	Discretionary	Similar stringency
Indoor Chicken Farm	Restricted Discretionary	Discretionary	Restricted Discretionary	Permitted if meets Max building coverage 1500m ² , Max height 10m and max 20 heavy vehicles/day otherwise Discretionary	Less stringent in Westland Similar stringency in Buller More stringent in Grey

Large glasshouse operation	Permitted	Permitted	Permitted max building height 20m, max gross floor area/building is 500m ²	Permitted if meets Max building coverage 1500m ² , Max height 10m and max 20 heavy vehicles/day otherwise Discretionary	Similar stringency
Large herd home	Restricted Discretionary	Discretionary	Restricted Discretionary, Discretionary if greater than 500m ² would be Non-complying if floor area exceeded 1000m ²	Permitted if meets Max building coverage 1500m ² , Max height 10m and max 20 heavy vehicles/day otherwise Discretionary	Less stringent in Westland Similar stringency in Buller More stringent in Grey
Building products depot	Non-complying within 10km of Industrial Zone otherwise Discretionary	Discretionary	Discretionary	Discretionary	More stringent
Saleyards	Permitted	Discretionary	Permitted	Permitted if meets Max building coverage 1500m ² , Max height 10m and max 20 heavy vehicles/day otherwise Discretionary	Less stringent in Westland Similar Stringency in Buller and Grey
Helicopter helipad and servicing business	Restricted Discretionary	Discretionary	Discretionary	Discretionary	Less stringent in Buller and Westland More stringent in Grey
Fish farm	Restricted Discretionary	Discretionary	Restricted Discretionary	Permitted if meets Max building coverage 1500m ² , Max height 10m and max 20 heavy vehicles/day otherwise Discretionary	Less stringent
Farm Quarry	Permitted	Permitted	Permitted	Permitted	Similar stringency
Honey processing and sales	Permitted	Discretionary	Discretionary	Primary Processing Permitted Sales and secondary processing probably Permitted	Less stringent in Buller and Westland Similar stringency in Grey
Papakāinga	Permitted up to 5 units then Restricted Discretionary	Controlled	Non-complying	Subject to non-rural activity rules – probably Discretionary	Less stringent

Commercial quarry	Permitted if used for short time or only 2ha exposed otherwise Restricted Discretionary	Discretionary	Discretionary	Subject to non-rural activity rules – depending on size of operation would be Permitted or Discretionary	Less stringent in Buller and Westland Similar stringency in Grey
Fertilizer factory	Restricted Discretionary	Discretionary	Discretionary	Discretionary	Less stringent
Alluvial gold mine (<10ha)	Restricted Discretionary. If includes Vegetation clearance associated of more than 5000m ² Discretionay	Restricted Discretionary. If includes Vegetation clearance of more than 2000m ² from an area of native vegetation over 5ha in size or a wetland Discretionay	Restricted Discretionary. If includes Vegetation clearance associated of more than 5000m ² Discretionay	Unlikely to require consent. No specific Permitted Activity for mining, but unless it triggered noise, hours of operation or building height rules would be unlikely to require consent. Discretionary Activity Consent for vegetation clearance only required if in an Outstanding Natural Landscape a wetland or SNA.	Similar stringency in Buller and Westland More stringent in Grey.
Small alluvial gold mine (<1ha being mined at a time)	Permitted	Restricted Discretionary. If includes Vegetation clearance of more than 2000m ² from an area of native vegetation over 5ha in size or a wetland Discretionay	Restricted Discretionary. If includes Vegetation clearance associated of more than 5ha or of a wetland Discretionay		Less stringent in Buller and Westland Similar stringency in Grey
Proposal similar to Barrytown Mine	Restricted Discretionary	Restricted Discretionary	Restricted Discretionary	Discretionary (due to height, hours of operation and vehicle movements)	Similar stringency
Signs	1 sign per site max 2m ²	1 sign per site max 2m ²	Discretionary	1 sign per site max 2m ²	Similar stringency in Westland and Grey Less stringent in Buller
Earthworks	Permitted when ancillary to a Permitted Activity	Not regulated	Earthworks are Permitted when they are ancillary to a Permitted Activy	Not regulated	More stringent

Settlement Zone

Activity	TTPP	Westland – Small Settlement Zone	Buller District Plan – Residential Zone	Grey District Plan -Township Zone	Stringency
Building a dwelling and garage	1 unit/1000m ² unserviced, 1 unit/500m ² serviced	1 unit/300m ² (regardless of servicing)	2 dwellings/site (regardless of servicing)	1 unit/1000m ² unserviced, 1 unit/500m ² serviced	Similar stringency in Grey More stringent in Buller and Westland
Building a minor dwelling	1 unit per site	No provision. Non complying	2 dwellings/site (regardless of servicing)	No provision. Discretionary	Less stringent in Grey and Westland. Similar stringency in Buller
Papakainga	1 unit per 1000m ² where not serviced, can be clustered	Controlled	2 dwellings/site, up to 4 Discretionary, otherwise non-complying	Permitted if meets density requirements	Similar stringency
Setting up a home hairdressing business	Hours 7am-7pm weekdays, 8am-5pm weekends and public holidays, Max 4 heavy vehicle and 20 light vehicle/day	Same hours as TTPP. No vehicle limits but max 1 offsite employee	Hours 7am-10pm weekdays, 8am-8pm weekends and public holidays, Max 4 heavy vehicle and 30 light vehicle/day	Hours 6am to 10pm weekdays, 7am-7pm weekends Max 10 heavy vehicles and 30 light vehicles per day	Similar stringency in Westland More stringent in Buller and Grey
Running an AirBnB	Max 6 guests In Buller homestay only otherwise Restricted Discretionary	Discretionary	Discretionary	Discretionary	Less stringent
Establishing a community hall	New hall max 30 vehicle movements/day, existing halls no limits	Permitted	Permitted provided meets hours of operation and vehicle movements otherwise Non-complying	Permitted provided meets hours of operation and vehicle movements otherwise Discretionary	Less stringent
Converting a building to a retirement home	Restricted Discretionary	Discretionary	Permitted provided meets hours of operation and vehicle movements otherwise Non-complying	Permitted	Less stringent in Westland More stringent in Buller and Grey

Motel business	Restricted Discretionary	Discretionary	Non-complying	Discretionary	Similar Stringency
Trade store (yard + bulk retail)	Discretionary	Discretionary	Non-complying	Hours 6am to 10pm weekdays, 7am-7pm weekends Max 10 heavy vehicles and 30 light vehicles per day Otherwise Discretionary	Similar Stringency
Service station	Discretionary	Discretionary	Non-complying	Discretionary	Similar Stringency
Glasshouse development	Permitted – max ground floor area 350m ²	Permitted – max ground floor area 250m ²	Permitted – max ground floor area 250m ²	Permitted – max floor area is 150m ²	Less stringent
Indoor poultry	Discretionary	Discretionary	Non-complying	Permitted – max floor area is 150m ² , provided meets hours of operation and vehicle movements otherwise Discretionary	Similar stringency in Buller and Westland More stringent in Grey
Signs	1 sign max 2m ²	Max 2m ² /site	1 sign max 1.5m ²	Max size 3.0m ²	Similar stringency in Buller and Westland More stringent in Grey
Earthworks	Max 250m ² /12 months	Not regulated	Not regulated in this zone	Not regulated	More stringent

2) Activities within Key Overlays

In terms of the rules, overall the level of stringency is actually pretty similar. The main difference is the level of stringency for vegetation clearance in Grey District. And of course the area of land affected.

Activity	TTPP	Westland	Buller	Grey	Conclusion
Native vegetation clearance by the edge of stream/lake/wetland	Discretionary	Discretionary	Discretionary	Discretionary	Similar stringency
Other Native vegetation clearance	All Zones Permitted for range of activities Clearance of 5 ha of manuka/kanuka	Rural Zone only Permitted 5ha if not adjacent to DOC land or from a block 5ha or greater	Rural Character Area Permitted 5000m ² /site over 3 years and 5 ha of manuka/kanuka	Rural Zone only Permitted if not an SNA Discretionary if an SNA	Similar stringency in Westland and Buller. More stringent in Grey.

	Clearance of 5000m ² /site over 5 years	From 5ha block or next to DOC land 2000m ² /5 years Otherwise Discretionary	Natural Environments Character Area and Paparoa Character Area -all native vegetation clearance requires		
Activities in Outstanding Natural Landscapes	Earthworks, Buildings and Vegetation clearance have low thresholds before resource consent is required.	Because these areas are all vegetated – and part of larger blocks, a Discretionary Activity consent for clearance of more than 2000m ² /5 years is required. Once clearance is approved, residential dwellings would require a Controlled Activity consent.	Paparoa Character Area – 200m ² of vegetation clearance Permitted if ancillary to a Permitted Activity New buildings require resource consent Earthworks restricted to those ancillary to a Permitted Activity Natural Environments Character Area All vegetation clearance, earthworks and building requires a resource consent	Two specific ONLS areas: Vegetation clearance >100m ² Discretionary Activity Buildings >5m Discretionary Activity Remaining ONLS, where consent is triggered for another matter landscape is assessed.	More stringent in Grey (except for the two specific ONLS) More stringent in relation to building in Westland (but Similar Stringency for vegetation clearance) Less stringent in Buller (except there are larger areas affected)



Te Tai o Poutini PLAN

A combined district plan for the West Coast

Prepared for: Te Tai o Poutini Plan Committee
Prepared by: Lois Easton, Principal Planner
Date: November 2021
Subject: **Te Tai o Poutini Plan Draft Chapter Review – Natural Environment Values Chapter**

SUMMARY

This report gives an opportunity for the Committee to review draft provisions from Te Tai o Poutini Plan ahead of the full draft Plan coming to the Committee at the 16th December meeting.

The ninth set of provisions for review are the Natural Environment Values Chapter.

RECOMMENDATIONS

1. That the Committee receive the report
2. That the Committee provide feedback on the draft Natural Environment Values provisions for Te Tai o Poutini Plan.

INTRODUCTION

1. With the decision to fast track the notification of Te Tai o Poutini Plan (TTPP), there is a need to ensure that draft work developed is reviewed to ensure consistency and coherence in the Plan. Draft chapters are being brought to the Committee for review each month, ahead of the entire draft Plan coming to the Committee in December for adoption for consultation.
2. The ninth chapter for review is the Natural Environment Values chapter.
3. There are 4 parts of this chapter – Ecosystems and Biodiversity, Natural Features and Landscapes, Natural Character and Activities Adjacent to Waterbodies, and Public Access.
4. The proposed approach to Ecosystems and Biodiversity in the Grey District is the subject of a separate paper on this agenda. The draft provisions attached have been amended to reflect that altered proposed approach.
5. As previously identified, the outstanding landscape area boundaries are being reassessed. Due to the Auckland Covid lockdown, this reassessment has been delayed, but is expected to now be undertaken in January. This means the draft Plan would identify a “worst case scenario” in terms of Outstanding Natural Landscape areas, and there may be reductions in the extent as a result of the reassessment.

DRAFT PROVISIONS AND NEXT STEPS

6. The draft provisions have an overview, objectives and policies, and set of rules that apply in each overlay area.
7. Following any amendments sought by the Committee, these provisions will be incorporated into the Draft Te Tai o Poutini Plan.

DRAFT PROVISIONS

ECO

Ecosystems and Indigenous Biodiversity - Ngā Pūnaha Rauropi me te Kanorau Koiora

Overview

Biological diversity, or biodiversity, describes the variety and diversity of all life forms and the ecosystems they inhabit. Indigenous biodiversity is biodiversity that is native to New Zealand and relates to individual birds, plants, insects and other species and also includes the ecosystems where these species live, such as forests and sand dunes.

The West Coast/Tai o Poutini contains a significant amount of intact natural diversity by comparison with most other parts of New Zealand. Continuous tracts of lowland and coastal forests and freshwater and coastal wetlands cover large areas. In many places indigenous ecosystems and habitats extend unbroken from the mountains to the sea. 84% of the land area is under the management of the Department of Conservation. In total an estimated 90% of the West Coast/Tai o Poutini is covered in indigenous vegetation - compared with 24% nationally.

While the West Coast/Tai o Poutini is fortunate to have a wide range of diverse and intact ecosystems and vegetation types, there are some ecosystems and vegetation types not well represented in the protected areas network. These are generally ecosystems found in the lowland areas of the West Coast/Te Tai o Poutini. Alongside this, parts of the West Coast/Tai o Poutini include the last habitats or strongholds of some native species threatened with extinction.

Under the Act, the district and regional councils share responsibility for maintaining indigenous biodiversity. Te Tai o Poutini Plan is responsible for protecting and maintaining terrestrial (land-based) ecosystems, and the West Coast Regional Council is responsible for protecting and maintaining the non-terrestrial ecosystems (rivers, lakes, wetlands and the coast below mean high water springs). Poutini Ngāi Tahu also have cultural responsibilities as mana whenua and kaitiaki.

The Act requires Te Tai o Poutini Plan to manage indigenous biodiversity in two particular ways. Firstly, the control of any actual or potential effects of the use, development, or protection of land for the purpose of maintaining indigenous biodiversity. Secondly, it is required to recognise and provide for the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna.

Because of the extremely large land area covered by indigenous vegetation on the West Coast/Tai o Poutini, detailed assessment of each piece of vegetation for its significance has not been undertaken.

In the Grey District, an evaluation process has been underway for a number of years, and this has enabled 37 Significant Natural Areas to be identified within the District. The list of these Significant Natural Areas can be found in [Schedule Four](#) and they are also shown on the maps.

In the Buller and Westland Districts, where Significant Natural Areas have not yet been mapped, Te Tai o Poutini Plan has general vegetation clearance rules, with an expectation that an assessment against the regionally consistent significance criteria will be undertaken at the time of any resource consent.

Te Tai o Poutini Plan also encourages integrated management of indigenous biodiversity and supports landowners, local government, Poutini Ngāi Tahu and other biodiversity partners working together on a voluntary basis to maintain and enhance indigenous biodiversity, including methods such as legal protection and good land management.

Indigenous vegetation clearance in the Coastal Environment or adjacent to waterbodies

Where indigenous vegetation clearance is proposed within the [Coastal Environment](#) or riparian margins next to [rivers, lakes and wetlands](#) refer to these sections of the Plan for the Rules around this clearance.

Wetlands on the West Coast

The West Coast Regional Council Land and Water Plan identifies a list of Regionally Significant Wetlands. In accordance with the West Coast Regional Policy Statement, these areas are known as Significant Natural Areas. They are subject to regulation by the West Coast Regional Council under the National Environmental Standard for Freshwater Management - which also has regulations around how other wetlands can be managed.

Ecosystems and Indigenous Biodiversity Objectives	
ECO - O1	To protect areas of significant indigenous vegetation and significant habitats of indigenous fauna on the West Coast/Tai o Poutini.
ECO - O2	To provide for appropriate subdivision, use and development within areas of significant indigenous vegetation and significant habitats of indigenous fauna where the values of the area can be maintained or enhanced.
ECO - O3	To provide for tino rangatiratanga in relation to management of areas of significant indigenous vegetation and significant habitats of indigenous fauna where these are located on Poutini Ngāi Tahu land.
ECO - O4	To maintain the range and diversity of ecosystems and indigenous species found on the West Coast/Tai o Poutini.
Also the Strategic Objectives and Policies	
Ecosystems and Indigenous Biodiversity Policies	
ECO - P1	To identify areas of significant indigenous vegetation and fauna habitat: <ol style="list-style-type: none"> 1. In the Grey District these areas are identified in Schedule Four; 2. In the Buller and Westland Districts: <ol style="list-style-type: none"> i. Areas of significant indigenous vegetation and fauna habitat will be identified through the resource consent process; and ii. Identified areas of significant indigenous vegetation and fauna habitat will be added to Schedule Four as they are identified progressively through Plan Changes.
ECO - P2	Provide for subdivision, use and development within areas significant indigenous vegetation or significant habitats of indigenous fauna where:

	<ul style="list-style-type: none"> a. This is for a lawfully established activity; or b. It is for a Poutini Ngāi Tahu cultural purpose; or c. This is undertaken on Poutini Ngāi Tahu land in accordance with an Iwi/Papatipu Rūnanga Management Plan; or d. The activity has no more than minor adverse effects on the significant indigenous vegetation or fauna habitat.
ECO - P3	<p>Encourage the protection, enhancement and restoration of significant indigenous biodiversity by:</p> <ul style="list-style-type: none"> a. Allowing additional subdivision rights if an area of significant indigenous vegetation or significant habitat of indigenous fauna within the same property is legally protected as part of the subdivision; b. Promoting the creation of connections and ecological corridors between areas of significant indigenous biodiversity; c. Promoting the use of eco-sourced species from the relevant ecological district; d. Supporting opportunities for Poutini Ngāi Tahu to exercise their cultural rights and responsibilities as mana whenua and kaitiaki in restoring, protecting and enhancing areas of significant indigenous biodiversity; and e. Supporting initiatives by landowners, community groups and others to protect, restore and maintain areas of significant indigenous biodiversity.
ECO - P4	<p>Provide for eco-tourism activities that complement the protection and/or enhancement of areas of significant indigenous vegetation or significant habitats of indigenous fauna and contribute to the vitality and resilience of the District's economy and wellbeing of the community.</p>
ECO - P5	<p>Enable the use of Māori Purpose Zoned land with areas of indigenous vegetation and indigenous fauna habitat where land use and subdivision is consistent with tikanga and mātauranga Māori and minimises adverse effects on any significant values of the vegetation or fauna habitat.</p>
ECO - P6	<p>When assessing consents for subdivision, use and development avoid activities which will:</p> <ul style="list-style-type: none"> a. Prevent an indigenous species or community being able to persist within their natural range in the Ecological District; b. Result in a degradation of the threat status, significant loss of indigenous cover or disruption to ecological processes, functions or connections in land environments in category one or two of the Threatened Environment Classification; and c. Result in a reasonably measurable reduction in the local population of threatened taxa in the Department of Conservation Threat Categories 1 – 3a -nationally critical, nationally endangered and nationally vulnerable.
ECO - P7	<p>When assessing resource consents in areas of significant indigenous vegetation and significant habitats of indigenous fauna, consider the following matters:</p>

	<ul style="list-style-type: none"> a. Whether formal protection and active management of all or part of any area of significant indigenous vegetation or habitat will occur as part of the subdivision, use or development; b. The extent to which the proposed activity recognises and provides for Poutini Ngāi Tahu cultural and spiritual values, rights and interests; c. The cumulative effects of activities within or adjacent to any area of significant indigenous vegetation or habitat; d. The effects the activity may have on the introduction or spread of exotic weed species and pest animals both terrestrial and aquatic; e. The impact of the activity on the values of any area of significant indigenous vegetation or habitat, and how any potential impact could be avoided, remedied or mitigated; and f. The appropriateness of any biodiversity offsetting or compensation in accordance with Policy 9 to offset any residual adverse effects that remain after avoiding, remedying and mitigating measures have been applied.
ECO - P8	<p>Maintain indigenous habitats and ecosystems across the West Coast/Tai o Poutini by:</p> <ul style="list-style-type: none"> a. Maintaining and, where appropriate, enhancing or restoring the functioning of ecological corridors, linkages and wetlands; b. Minimising adverse effects on and providing access to areas of indigenous biodiversity which are significant to Poutini Ngāi Tahu; and c. Recognising the benefits of active management of indigenous biodiversity, including voluntary animal and plant pest and stock control and/or formal legal protection.
ECO - P9	<p>Provide for biodiversity offsets and compensation to manage residual adverse effects of an activity where:</p> <ul style="list-style-type: none"> a. The goal of the biodiversity offsets is no net loss and, preferably, a net gain of biodiversity; b. The conservation outcomes are measurable and positive; and c. The biodiversity offsets or compensation are in accordance with best practice, including but not limited to NZ Government guidance on biodiversity offsetting.

Ecosystems and Indigenous Biodiversity Rules

Note: There may be a number of Plan provisions that apply to an activity, building, structure and site. In some cases, consent may be required under rules in this Chapter as well as rules in other Chapters in the Plan. In those cases, unless otherwise specifically stated in a rule, consent is required under each of those identified rules. Details of the steps Plan users should take to determine the status of an activity are provided in [General Approach](#).

Permitted Activities

ECO - R1

All Zones: Indigenous vegetation clearance and disturbance

Activity Status Permitted

Where:

1. It is necessary for one of the following purposes:
 - i. The maintenance and repair of lawfully established tracks, fences, structures, buildings, network utilities or natural hazard mitigation activities;
 - ii. For the installation of temporary network activities following a regional or local state of emergency declaration;
 - iii. To prevent a serious threat to people, property, structures or services;
 - iv. To ensure the safe and efficient operation of any formed public road, rail corridor or access;
 - v. For the construction of new fences and traplines associated with Conservation Activities or to exclude stock or pest animals;
 - vi. To upgrade or create new public walking or cycling tracks up to 2.5m in width undertaken by the Council or its approved contractor;
 - vii. To comply with section 43 of the Fire and Emergency Act 2017;
 - viii. For construction or operation of an above ground network utility or the national grid;
 - ix. For establishment or operation of below ground utility lines and cables where:
 - a. The construction corridor does not exceed 3m in width; and
 - b. All machinery used in construction is cleaned and made free of weed material and seeds prior to entering the site; and
 - c. Rehabilitation of disturbed areas is undertaken following the completion of construction;
 - x. It is clearance for building, access, parking and manoeuvring areas where there is no practical alternative development area on the site; or
2. It is cultural harvest undertaken by Poutini Ngāi Tahu; or
3. It is on MPZ - Māori Purpose Zoned land and undertaken in accordance with an Iwi/Papatipu Rūnanga Management Plan; or
4. It is within an area subject to a QEII National Trust Covenant or Ngā Whenua Rahui Kawaneta, a Reserves or Conservation Act covenant or a Heritage covenant under the Heritage New Zealand/Pouhere Taonga Act and the vegetation disturbance is authorised by that legal instrument; or
5. It is the removal or clearance of manuka, kanuka and bracken only, which is under 15 years old not exceeding 5ha per site over any continuous three year period, subject to provision of notice to the relevant District Council at least 20 working days prior to the proposed clearance including:
 - a. Details of the location of the proposed clearance;
 - b. Area of the proposed clearance; and

Activity status where compliance not achieved: [Restricted Discretionary](#)

- c. Verification by documentary, photographic or other means that the vegetation is less than 15 years old; or
- 6. It is a maximum area of 5000m² per site, in total, over any continuous three year period.

Advice Notes:

- 1. Where clearance of mānuka, kānuka or bracken is proposed under Standard 6 of this rule, if proof that the vegetation is less than 15 years old is unavailable, then a resource consent will be required.
- 2. Where indigenous vegetation clearance is proposed within the [Coastal Environment](#) or within the [riparian margins of a waterbody](#) refer to these sections of the Plan for the Rules around this clearance.
- 3. Where indigenous vegetation clearance is proposed within a wetland this is also subject to rules within the NES - Freshwater which is administered by the West Coast Regional Council.

Controlled Activities

ECO - R2

Indigenous vegetation clearance or disturbance where this is in accordance with an approved plan or permit issued under the Forests Act 1949

Activity Status Controlled

Where:

- 1. The indigenous vegetation clearance and disturbance is in accordance with an approved Sustainable Forest Management Plan or permit or personal use approval issued by the Ministry for Primary Industries under the Forests Act 1949;
- 2. The indigenous vegetation clearance is outside of any Significant Natural Area identified in Schedule Four; and
- 3. The indigenous vegetation clearance is not located in an area of land environment of category one or two of the Threatened Environment Classification.

Matters of control are:

- a. The matters outlined in Policies [ECO - P6](#), [ECO - P7](#) and where relevant [NFL - P6](#);
- b. The protection of habitats of threatened or at risk species;
- c. Compliance with the terms of an approved Sustainable Forest Management Plan or permit or personal use approval issued by the Ministry for Primary Industries under the Forests Act 1949; and

Activity status where compliance not achieved: [Restricted Discretionary](#)

<p>d. The measures to avoid, remedy, or mitigate any adverse effects on any significant indigenous vegetation and significant habitats of indigenous fauna.</p>	
<p>ECO - R3/SUB - R7 Subdivision of land containing areas of significant indigenous vegetation or habitats of significant fauna</p>	
<p>Activity Status: Controlled Where:</p> <ol style="list-style-type: none"> 1. One new allotment with a minimum lot size of 4,000m² is created from the parent title, provided that in the GRZ - General Rural Zone there is a balance area remaining on the original title of at least 4 ha; and 2. The area of significant indigenous vegetation and/or significant habitat of indigenous fauna is legally protected in perpetuity by way of a conservation covenant pursuant to the Reserves Act 1977 or the Queen Elizabeth II National Trust Act 1977 and is contained within a single allotment; 3. The subdivision will not result in buildings or access ways being located within the identified area of significant indigenous vegetation and/or significant habitat of indigenous fauna or the need for clearance of significant indigenous vegetation to provide for future access to any site; and 4. Subdivision standards S2-S10 are complied with. <p>Matters of control are:</p> <ol style="list-style-type: none"> a. Subdivision layout, access, design, location and proximity of building platforms to areas of significant indigenous vegetation or significant habitat of indigenous fauna; b. Management of earthworks, including earthworks for the location of building platforms and access ways; c. The protection of habitats of threatened or at risk species; and d. The measures to minimise any adverse effects on: <ol style="list-style-type: none"> i. The significant indigenous vegetation and/or significant habitats of indigenous fauna; ii. The cultural significance to Poutini Ngāi Tahu. 	<p>Activity status where compliance not achieved: Restricted Discretionary</p>

Restricted Discretionary Activities	
ECO - R4	Indigenous vegetation clearance not meeting Rule ECO - R1
<p>Activity Status Restricted Discretionary Where:</p> <ol style="list-style-type: none"> This is not within a Significant Natural Area identified in Schedule 4, or an Outstanding Natural Landscape identified in Schedule Five. <p>Discretion is restricted to:</p> <ol style="list-style-type: none"> Effects on habitats of any threatened or protected species; Effects on the threat status of land environments in category one or two of the Threatened Environments Classification; Effects on ecological functioning and the life supporting capacity of air, water, soil and ecosystems; Effects on the intrinsic values of ecosystems; Effects on recreational values of public land; and The matters outlined in Policies ECO - P6 and ECO - P7. <p>Advice Note:</p> <ol style="list-style-type: none"> Where indigenous vegetation clearance is proposed within the Coastal Environment or riparian margin of a waterbody refer to these sections of the Plan for the Rules around this clearance. Where indigenous vegetation clearance is proposed within a wetland this is also be subject to rules within the NES - Freshwater which is administered by the West Coast Regional Council. 	<p>Activity status where compliance not achieved: Discretionary</p>
ECO - R5/SUB - R9	Subdivision of land containing areas of significant indigenous vegetation or habitats of significant fauna not meeting Rule ECO - R3
<p>Activity Status Restricted Discretionary Where:</p> <ol style="list-style-type: none"> Up to three allotments with a minimum lot size of 4,000m² are created from the parent title; The significant indigenous vegetation and/or significant habitat of indigenous fauna is legally protected in perpetuity by way of a conservation covenant pursuant to the Reserves Act 1977 or the Queen Elizabeth II National Trust Act 1977 and is contained within a single allotment; 	<p>Activity status where compliance not achieved: Discretionary</p>

<p>3. The subdivision will not result in buildings or access ways being located within the identified significant indigenous vegetation and/or significant habitat of indigenous fauna; and</p> <p>4. Subdivision standards S2-S10 are complied with.</p> <p>Discretion is restricted to:</p> <p>a. The extent to which the subdivision layout, access, allotment size and design and the location of building platforms may adversely impact the significant indigenous vegetation and/or significant habitat of indigenous fauna;</p> <p>b. Management of earthworks including earthworks for the location of building platforms and access ways;</p> <p>c. The protection of habitats of threatened or at risk species.</p> <p>d. The measures to minimise any adverse effects on:</p> <p>i. The significant indigenous vegetation and/or significant habitats of indigenous fauna; and</p> <p>ii. The particular cultural, spiritual and/or heritage values, interests or associations of importance to Poutini Ngāi Tahu as kaitiaki and mana whenua that are associated with the significant indigenous vegetation and/or significant habitats of indigenous fauna and the potential impact on those values, interests or association.</p>	
<p>Discretionary Activities</p>	
<p>ECO - R6</p>	<p>Indigenous vegetation clearance not meeting Rule ECO - R2 or Rule ECO - R4</p>
<p>Activity Status Discretionary</p> <p>Advice Note: Where assessing resource consents for indigenous vegetation clearance under this rule assessment against the policies of both the Ecosystems and Biodiversity Chapter and Natural Features and Landscapes Chapters will be required.</p>	<p>Activity status where compliance not achieved:</p> <p>N/A</p>
<p>ECO - R7/SUB - R14</p>	<p>Subdivision of land containing areas of significant indigenous vegetation or habitats of significant fauna not meeting Rule ECO - R5</p>
<p>Activity Status Discretionary</p> <p>Where:</p> <p>1. The significant indigenous vegetation and/or significant habitat of indigenous fauna is legally protected in perpetuity by way of a conservation covenant pursuant to the Reserves Act 1977, or the Queen Elizabeth II National Trust Act 1977 and is contained within a single allotment;</p>	<p>Activity status where compliance not achieved:</p> <p>Non-complying</p>

<p>2. The subdivision will not result in buildings or accessways being located within the identified significant indigenous vegetation and/or significant habitat of indigenous fauna; and</p> <p>3. Subdivision Standards S2 - S10 are complied with.</p>	
Non-complying Activities	
ECO - R8	Subdivision of land within an area of significant indigenous vegetation or habitat of significant fauna not meeting Rule ECO - R7
Activity Status Non-complying	Activity status where compliance not achieved: N/A
ECO - R9	Planting of Plant Pests identified in a West Coast Regional Pest Management Plan within an area of significant indigenous vegetation or habitat of significant fauna
Activity Status Non-complying	Activity status where compliance not achieved: N/A
ECO - R10	The intentional release or farming of Animal Pests identified in a West Coast Regional Pest Management Plan within an area of significant indigenous vegetation or habitat of significant fauna
Activity Status Non-complying	Activity status where compliance not achieved: N/A

NFL

Natural Features and Landscapes - Ngā Āhua me ngā Horanuku Aotūroa

Overview

The Natural Features and Landscapes chapter contains provisions that relate to the Outstanding Natural Features and Outstanding Natural Landscapes which are identified as overlays on the Planning Maps. The identification of these landscapes is in response to section 6(b) of the RMA, which requires outstanding natural features and landscapes to be protected from inappropriate subdivision, use and development.

These overlays apply to areas which have been assessed and identified as having high levels of scientific, biophysical, sensory or associative landscape values, which makes them outstanding. In almost all instances these areas are also bush covered and provide habitat for native fauna. The process supporting the identification of these overlays and the associated values is described in the West Coast Landscape and Natural Character Reports produced in 2013 and 2021.

The West Coast/Tai o Poutini Outstanding Natural Landscapes are identified in [Schedule Five](#) and Outstanding Natural Features are identified in [Schedule Six](#).

The rules in this chapter relate to earthworks, buildings, structures, plantation forestry and Māori Purpose Activities in Outstanding Natural Landscapes and Outstanding Natural Features.

It is important to note that in addition to the zone chapters, a number of Part 2: District-wide Matters chapters also contain provisions that may be relevant for certain activities within outstanding natural features and landscapes, including:

Ecosystems and Indigenous Biodiversity - the [Ecosystems and Indigenous Biodiversity Chapter](#) contains objectives, policies and rules relating to native vegetation clearance including that within outstanding natural features and landscapes.

Natural Character and Activities Adjacent to Waterbodies - the [Natural Character and Activities Adjacent to Waterbodies Chapter](#) contains the objectives, policies and rules relating to activities adjacent to waterbodies.

Coastal Environment - the [Coastal Environment Chapter](#) contains the objectives, policies and rules for all activities within the coastal environment overlay - including buildings and structures, earthworks and vegetation clearance.

Activities on the Surface of Water - objectives, policies and rules for activities undertaken on the surface of a lake or river (including jetties, pontoons, fish farms and boating activities), are found in the [Activities on the Surface of Water Chapter](#).

Natural Features and Landscapes Objective

NFL - O1

To protect the values of outstanding natural landscape and outstanding natural features on the West Coast/Tai o Poutini, while allowing subdivision, use and development where the values that make the landscape or feature outstanding can be maintained or enhanced.

Also the [Strategic Objectives and Policies](#)

Natural Features and Landscapes Policies

NFL - P1	<p>Allow activities within outstanding natural features and landscapes where they are for:</p> <ul style="list-style-type: none"> a. Existing land uses and lawfully established activities; b. Conservation activities; c. Recreational activities; d. Natural hazard mitigation activities; e. Generation of renewable energy; f. Operation of infrastructure; g. Poutini Ngāi Tahu uses; h. The alteration, maintenance or removal of existing buildings or structures; or i. They do not adversely affect the values that contribute to a natural feature or landscape being outstanding.
NFL - P2	<p>Control activities that have the potential to degrade those values contributing to outstanding natural features and outstanding natural landscapes by requiring activities and structures to be subject to an assessment of effects on values through the resource consent process.</p>
NFL - P3	<p>Avoid significant adverse effects on the values that contribute to outstanding natural features and outstanding natural landscapes in the first instance. Where significant adverse effects cannot be avoided, ensure that the adverse effects are remedied, mitigated or offset.</p>
NFL - P4	<p>Recognise that there are a number of settlements, farms and infrastructure located within outstanding natural landscapes or outstanding natural features and allow for new activities and existing uses in these areas where the values that contribute to the outstanding natural landscape or feature are not adversely affected.</p>
NFL - P5	<p>Require that new buildings, structures, indigenous vegetation clearance or earthworks within outstanding natural features or landscapes minimise any adverse visual effects by:</p> <ul style="list-style-type: none"> a. Ensuring the scale, design and materials of the building and/or structure are appropriate in the location; b. Using naturally occurring building platforms, materials and colour that blends into the landscape; and c. Limiting the prominence or visibility of buildings and structures including by integrating it into the outstanding natural feature or landscape.
NFL - P6	<p>Protect outstanding natural landscapes and outstanding natural features by considering the following matters when assessing proposals for land use and subdivision:</p>

	<ul style="list-style-type: none"> a. The scale of modification to the landscape; b. Whether the proposal is located within a part of the outstanding natural feature or outstanding natural landscape that has capacity to absorb change; c. Whether the proposal can be visually integrated into the landscape and whether it would break the skyline or ridgelines; d. The temporary or permanent nature of any adverse effects; e. The functional, technical or locational need of any activity to be sited in the particular location; f. Any historical, spiritual or cultural association held by Poutini Ngāi Tahu; g. Any positive effects the development has on the identified characteristics and qualities; h. Any positive effects at a regional and local level; and i. The measures proposed to mitigate the effects on the values and characteristics, including: <ul style="list-style-type: none"> i. The location, design and scale of any buildings or structures, or earthworks; ii. The intensity of any activity; and iii. The finish of any buildings or structures, including materials, reflectivity and colour; and landscaping and fencing.
NFL - P7	Enable the use of Māori Purpose Zoned land in outstanding natural landscapes and on outstanding natural features where land use and subdivision is consistent with tikanga and mātauranga Māori and minimises adverse effects on the outstanding values of the landscape or feature.
NFL - P8	Consider the incorporation of mātauranga Māori principles into the design, development and/or operation of activities in outstanding natural features and landscapes with cultural, spiritual and/or historic values, interests or associations of importance to Poutini Ngāi Tahu and opportunities for Poutini Ngāi Tahu to exercise their customary responsibilities as mana whenua and kaitiaki in respect of the feature or landscape.
Natural Features and Landscapes Rules	
<p>Note: There may be a number of Plan provisions that apply to an activity, building, structure and site. In some cases, consent may be required under rules in this Chapter as well as rules in other Chapters in the Plan. In those cases, unless otherwise specifically stated in a rule, consent is required under each of those identified rules. Details of the steps Plan users should take to determine the status of an activity are provided in General Approach.</p>	

Permitted Activities	
NFL - R1	Maintenance and repair of lawfully established buildings, structures, network utilities, fence lines, drains, roads, railway and tracks including associated earthworks within an Outstanding Natural Landscape or Outstanding Natural Feature
Activity Status Permitted Where: 1. Earthworks are the minimum required to undertake the activity.	Activity status where compliance not achieved: N/A
NFL - R2	Conservation Activities within an Outstanding Natural Landscape or Outstanding Natural Feature
Activity Status Permitted Where: 1. Earthworks are the minimum required to undertake the activity.	Activity status where compliance not achieved: N/A
NFL - R3	Natural hazard mitigation activities including associated earthworks in Outstanding Natural Landscapes
Activity Status Permitted Where: 1. The work does not involve modification of an Outstanding Natural Feature. Advice Note: For any natural hazard activity within Outstanding Natural Landscapes in the coastal environment, refer to the Coastal Environment Chapter .	Activity status where compliance not achieved: Controlled
NFL - R4	Demolition and removal of a structure within an Outstanding Natural Landscape or Outstanding Natural Feature
Activity Status Permitted Where: 1. Earthworks are the minimum required to undertake the activity.	Activity status where compliance not achieved: N/A

NFL - R5	Additions or alterations to buildings and structures within an Outstanding Natural Landscape or Outstanding Natural Feature
<p>Activity Status Permitted</p> <ol style="list-style-type: none"> The maximum height of buildings and structures above ground level is 5m; and Earthworks and indigenous vegetation clearance are the minimum required to undertake the activity. <p>Advice Note: Refer to Rule CE -R14 for additions or alterations to buildings and structures within Outstanding Natural Landscapes or Outstanding Natural Features in the Coastal Environment.</p>	<p>Activity status where compliance not achieved: Restricted Discretionary</p>
NFL - R6	Earthworks within an Outstanding Natural Landscape or Outstanding Natural Feature
<p>Activity Status Permitted Where:</p> <ol style="list-style-type: none"> This is ancillary to an infrastructure activity undertaken by a network utility operator in accordance with the Permitted Activity standards in Infrastructure Rule INF - R7; or The following standards a - c are complied with: <ol style="list-style-type: none"> The cut height or fill depth does not exceed one metre vertically; No more than 500m³ of earthworks are undertaken/12 month period/site; and The earthworks are undertaken outside of the Coastal Environment. <p>Advice Notes:</p> <ol style="list-style-type: none"> This rule does not apply to earthworks undertaken under NFL-R1, NFL -R3 or NFL - R7. 	<p>Activity status where compliance not achieved: Controlled</p> <p>Refer to the Coastal Environment Rules for Earthworks in Outstanding Natural Landscapes in the Coastal Environment</p>
NFL - R7	Māori Purpose Activities including earthworks within an Outstanding Natural Landscape or Outstanding Natural Feature
<p>Activity Status Permitted Where:</p> <ol style="list-style-type: none"> These are Poutini Ngāi Tahu activities, including cultural harvest of vegetation, mahinga kai, pounamu, aotea stone or rock; or 	<p>Activity status where compliance not achieved: Restricted Discretionary</p>

2. These are Māori Purpose Activities in the Māori Purpose Zone undertaken in accordance with an Iwi/Papatipu Rūnanga Management Plan that includes an assessment of, and mitigation of, impacts on the Outstanding Natural Landscape or Outstanding Natural Feature values.		
NFL - R8	Erection of a building or structure not otherwise provided for as a Permitted Activity within an Outstanding Natural Landscape	
Activity Status Permitted Where the structure is: <ol style="list-style-type: none"> 1. A fence; or 2. Associated with stock water reticulation including tanks, pipes and water troughs; or 3. For parks facilities or parks furniture in any Open Space Zone; or 4. For a network utility (including customer connections) in accordance with the Permitted Activity standards for Infrastructure in Rule INF - R7; or 5. For a small scale renewable energy generation activity with a maximum height above ground level of 5m; or 6. For agricultural pastoral and horticultural activities or any accessory building where: <ol style="list-style-type: none"> i. The maximum height is 3m above ground level; and ii. The gross floor area of any building does not exceed 100m². 		Activity status where compliance not achieved: Restricted Discretionary
Controlled Activities		
NFL - R9	Natural hazard mitigation activities to protect Critical Infrastructure not meeting Rule NFL - R3	
Activity Status Controlled Where: <ol style="list-style-type: none"> 1. These will not destroy any Outstanding Natural Feature or the values which make it Outstanding. Matters of control are: <ol style="list-style-type: none"> a. Any requirements for landscape evaluation; b. Managing effects on public access and natural character; c. Effects on the values that make the site Outstanding; d. Extent and design of earthworks; and e. Landscape measures. 		Activity status where compliance not achieved: Discretionary

Notification: Applications which will substantially modify an Outstanding Natural Feature will be notified to the Geosciences Society and may be publicly notified.	
NFL - R10	Earthworks within an Outstanding Natural Landscape or Outstanding Natural Feature not meeting Rule NFL -R6
<p>Activity Status Controlled Where:</p> <ol style="list-style-type: none"> 1. These are for: <ol style="list-style-type: none"> i. Walking/cycling tracks; ii. Roads, farm tracks or fences; iii. Installation of network utility infrastructure; or iv. Installation of a renewable energy generation facility; or v. Establishment of a building platform and access to a building site in an approved subdivision or for a residential building where there is no existing residential building on the property; vi. Protection of regionally or locally significant infrastructure from natural hazards; and 2. Earthworks are the minimum required to undertake the activity. <p>Discretion is restricted to:</p> <ol style="list-style-type: none"> a. Any requirements for landscape evaluation; b. Managing effects on public access and natural character; c. Effects on the values that make the site Outstanding; d. Extent and design of earthworks; and e. Landscape measures. <p>Advice Note: For earthworks within Outstanding Natural Features and Landscapes in the Coastal Environment refer to the Coastal Environment Rules.</p> <p>Restricted Discretionary Activities</p>	<p>Activity status where compliance not achieved: Discretionary</p>
NFL - R11	Māori Purpose Activities within an Outstanding Natural Landscape or Outstanding Natural Feature not meeting Rule NFL - R7
<p>Activity Status Restricted Discretionary Where:</p> <ol style="list-style-type: none"> 1. These are on land within a Māori Purpose Zone; and 	<p>Activity status where compliance not achieved: Discretionary</p>

<p>2. This includes earthworks and buildings associated with the activity.</p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> a. Any requirements for landscape evaluation; b. Managing effects on public access and natural character; c. Effects on the values that make the site Outstanding; d. Extent and design of earthworks; and e. Landscape measures. 	
<p>NFL - R12 Buildings or Structures and associated earthworks within an Outstanding Natural Landscape or Outstanding Natural Feature not meeting Permitted Activity rules.</p>	
<p>Activity Status Restricted Discretionary</p> <p>Where:</p> <ul style="list-style-type: none"> 1. This is an addition to an existing building or a building accessory to an existing building; or 2. The building is identified on an approved subdivision plan for the site or for a residential building where there is no existing residential building on the property; or 3. This is required for: <ul style="list-style-type: none"> i. A network utility; ii. A renewable energy generation activity; iii. An agricultural pastoral or horticultural activity; iv. A conservation activity; or v. A recreational activity in an Open Space Zone. <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> a. Any requirements for landscape evaluation; b. Managing effects on public access and natural character; c. Effects on the values that make the site Outstanding; d. Extent and design of earthworks; and e. Landscape measures. 	<p>Activity status where compliance not achieved: Discretionary</p>

Discretionary Activities	
NFL - R13	Afforestation with Plantation Forestry within an Outstanding Natural Landscape or Outstanding Natural Feature
Activity Status Discretionary	Activity status where compliance not achieved: N/A
NFL - R14	Buildings and Structures within Outstanding Natural Landscapes and Outstanding Natural Features not meeting Permitted, Controlled or Restricted Discretionary rules
Activity Status Discretionary	Activity status where compliance not achieved: N/A
NFL - R15	Earthworks and Natural Hazard Mitigation Activities within Outstanding Natural Landscapes and Outstanding Natural Features not meeting Permitted or Restricted Discretionary Rules
Activity Status Discretionary	Activity status where compliance not achieved:
Notification: Applications to destroy any Outstanding Natural Feature or the Values which make it Outstanding will always be Notified to the Geosciences Society of New Zealand and may be publicly notified.	N/A

Public Access - Te Āheinga Tūmatanui

The maintenance and enhancement of public access to and along the coastal marine area, lakes, and rivers is a matter of national significance provided for through the Resource Management Act.

Being able to access these areas is an important facet of our well-being providing opportunities for the re-establishment of cultural connection to waterbodies as well as supporting recreation and relaxation. This is recognised and provided for in the New Zealand Coastal Policy Statement and the West Coast Regional Council Regional Policy Statement.

The majority of the plan provisions to support this have been woven through other chapters including; [Poutini Ngāi Tahu](#), [Sites and Areas of Significance to Maori](#), [Subdivision](#), [Natural Character and Activities Adjacent to Waterbodies](#), [Activities on the Surface of the Water](#) and the [Coastal Environment](#).

Esplanade Reserves

Esplanade reserves can only be created through subdivision.

Esplanade strips and access strips can be created either through subdivisions, or at any other time by agreement between the land owner and Council. The creation of strips outside of subdivision uses the process set out in s235 RMA (for esplanade strips) or in s237B RMA (for access strips). However they are still most commonly created at the time of subdivision.

Objectives, policies, rule requirements, and matters for control or discretion for all of esplanade reserves, esplanade strips and access strips are located in the [Subdivision Chapter](#).

Objectives

PA - O1	To maintain and enhance customary and public access to and along the coastal marine area and waterbodies.
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Also the [Strategic Objectives and Policies](#)

Natural Character and Activities Adjacent to Waterbodies - Ngā Āhua me ngā Mahi ka Noho Hāngai ki ngā Hopua Wai

Overview

Waterbodies and their margins are an important part of the West Coast/Tai o Poutini. This chapter contains the provisions which manage the activities that occur on land adjoining waterbodies - streams, rivers, lakes and wetlands.

Waterbodies are connected and have important values, including for biodiversity, cultural or historical reasons.

Poutini Ngāi Tahu have a special relationship with the mauri of waterbodies, and ancestral, cultural, spiritual or historical associations with waterbodies. Many waterbodies in the West Coast/Tai o Poutini are identified as statutory acknowledgement areas. These waterbodies contain associated kāinga, pā, important sites for the gathering of kai, tauranga ika and specialised zones for various activities of high cultural value such as cleansing, iriiringa, food preparation and bathing, which continue to be vital to the wellbeing, livelihood and lifestyle of Poutini Ngāi Tahu.

Rivers, streams, lakes and wetlands have important ecological, natural character and hydrological values and they provide important habitat for native fish, birds and macroinvertebrate aquatic life.

The National Policy Statement for Freshwater Management 2020 (NPSFM) guides decision-making regarding the freshwater resources of New Zealand/Aotearoa. In particular the councils must have regard to its policies in consent decision-making.

Under the NPSFM, responsibility for managing wetlands lies with the West Coast Regional Council, which also looks at aspects such as water quality and flow within waterbodies.

The three district councils work with the West Coast Regional Council and Poutini Ngāi Tahu to ensure waterbodies are managed in an integrated way.

Cross references to other relevant Te Tai o Poutini Plan provisions

It is important to note that in addition to the zone chapters, a number of District Wide and Overlay chapters also contain provisions that may be relevant for waterbodies, including:

- **Public Access** - The [Public Access Chapter](#) contains provisions relating to the provision and maintenance of public access to waterbodies.
- **Subdivision** - The [Subdivision Chapter](#) contains provisions which manage subdivision and specific standards in relation the provision of esplanade reserves and strips, in particular SUB - S8.
- **Activities on the Surface of Water** - The [Activities on the Surface of Water Chapter](#) contains provisions that manage activities that occur on the surface of water.

Natural Character and Activities Adjacent to Waterbodies Objectives

NC - O1	To preserve the natural character of lakes, rivers and wetlands and their margins while providing for appropriate subdivision, use and development where adverse effects can be avoided or mitigated.
NC - O2	To recognise and provide for the relationship of Poutini Ngāi Tahu and their traditions, values and interests associated with the natural character of lakes, rivers and wetlands and their margins.
NC - O3	To provide for activities which have a functional or operational need to locate in lakes, rivers and wetlands or their margins in such a way that the impacts on natural character are minimised.

Also the [Strategic Objectives and Policies](#)

Natural Character and Activities Adjacent to Waterbodies Policies

NC - P1	Minimise the adverse effects of activities on the natural character of the riparian margins of lakes, rivers and wetlands by ensuring that subdivision and land use maintains the elements, patterns and processes that contribute to their natural character.
NC-P2	Provide for indigenous vegetation removal and earthworks within riparian margins of lakes, rivers and wetlands where significant adverse effects on natural character are minimised and: <ul style="list-style-type: none"> a. It is for the purpose of natural hazard mitigation; or b. It is for the maintenance, repair and extension of public infrastructure; or c. It is for the establishment of renewable energy generation structures; or d. It is for Poutini Ngāi Tahu cultural purpose; or e. It is for the repair and maintenance of legally established structures; or f. The activity has a functional or operational need to be located adjoining a waterbody.
NC-P3	Provide for buildings and structures within riparian margins of lakes, rivers and wetlands where these: <ul style="list-style-type: none"> a. Have an operational or functional need for their location; and b. They are of a form and scale that will not detract from the natural character of the riparian area.
NC-P4	Provide for and encourage the restoration and enhancement of the natural character of the riparian margins of lakes, rivers and wetlands.
NC-P5	Reduction in public access to waterbodies can be considered when natural hazard mitigation works are required to protect communities from a significant natural hazard threat. When assessing proposals for natural hazard structures, effects on public access should be considered and ways to minimise them including:

- a. Provision of alternate access; and
- b. Provision of public amenity or opportunity for environmental benefit along the structure, provided that the physical integrity of the structure is maintained.

Natural Character and Activities Adjacent to Waterbodies Rules

Note: There may be a number of Plan provisions that apply to an activity, building, structure and site. In some cases, consent may be required under rules in this Chapter as well as rules in other Chapters in the Plan. In those cases, unless otherwise specifically stated in a rule, consent is required under each of those identified rules. Details of the steps Plan users should take to determine the status of an activity are provided in [General Approach](#).

Permitted Activities

NC - R1

Indigenous Vegetation Clearance and Earthworks within the Riparian Margin of a River, Lake or Wetland

Activity Status Permitted

1. Where this is for:
 - a. Fence lines; or
 - b. Maintenance, operation, minor upgrade and repair of network utilities in accordance with [Infrastructure Rule INF - R7](#);
 - c. Connections to wastewater, stormwater and reticulated network utility systems; or
 - d. Installation of an environmental monitoring and extreme weather event monitoring facility; or
 - e. Maintenance and repair of lawfully established structures; or
 - f. The construction of parks facilities, parks furniture or public access points within an Open Space and Recreation Zone; or
 - g. The establishment of a river crossing point up to 3m wide; or
 - h. Poutini Ngāi Tahu activities;
 - i. Activities on Māori Purpose Zoned land and undertaken in accordance with an Iwi/Papatipu Rūnanga Management Plan; or
 - j. Natural hazard mitigation activities undertaken by a statutory agency or their nominated contractor; and
2. The amount of indigenous vegetation clearance and earthworks is the minimum required to undertake the activity.

Activity status where compliance not achieved: [Discretionary](#)

Advice Note: Rules in other Overlay Chapters particularly Historic Heritage and Cultural Values, Hazards and Risks and Natural Features and Landscapes may also apply in these locations.

NC - R2	Buildings and Structures within the Riparian Margin of a River, Lake or Wetland	
Activity Status Permitted	<ol style="list-style-type: none"> 1. Where this is: <ol style="list-style-type: none"> a. Fence lines; b. Network utilities; c. Environmental monitoring facilities; d. Parks facilities and parks furniture within an Open Space and Recreation Zone; e. Natural hazard mitigation structures constructed by a statutory agency or their nominated contractor; or f. Stormwater discharge structures and water supply intake structures constructed in accordance with NZS 4404 Code of Practice for Land Development and Subdivision Infrastructure; or g. A structure within the riparian margin of an artificial lake or pond. <p>Advice Note: Rules in other Overlay Chapters - Historic Heritage and Cultural Values, Hazards and Risks and Natural Features and Landscapes may also apply in these locations.</p>	Activity status where compliance not achieved: Discretionary
Discretionary Activities		
NC - R3	Indigenous Vegetation Clearance, Earthworks, Buildings and Structures within the Riparian Margin of a River, Lake or Wetland not meeting the Permitted Activity Rules	
Activity Status Discretionary	<ol style="list-style-type: none"> 1. Where any new structure or addition to an existing structure within 5m of a lake does not increase the area of a building used for sensitive activities in relation to natural hazards. <p>Advice Note: The NES - Freshwater has extensive regulation around works that can be undertaken in or near any natural wetland. These rules are administered by the West Coast Regional Council and are not repeated in this Plan.</p>	Activity status where compliance not achieved: Non-complying
Non-complying Activities		
NC - R4	New buildings or additions to existing buildings within 5m of a lake not meeting Rule NC - R3	
Activity Status Non-complying		Activity status where compliance not achieved: N/A



Te Tai o Poutini PLAN

A combined district plan for the West Coast

Prepared for: Te Tai o Poutini Plan Committee
Prepared by: Lois Easton, Principal Planner
Date: November 2021
Subject: **Te Tai o Poutini Plan Draft Chapter Review – General District Wide Matters**

SUMMARY

This report gives an opportunity for the Committee to review draft provisions from Te Tai o Poutini Plan ahead of the full draft Plan coming to the Committee at the 16th December meeting.

The eleventh set of provisions for review are the General District Wide Matters.

RECOMMENDATIONS

1. That the Committee receive the report
2. That the Committee provide feedback on the draft General District Wide Matters provisions for Te Tai o Poutini Plan.

INTRODUCTION

1. With the decision to fast track the notification of Te Tai o Poutini Plan (TTPP), there is a need to ensure that draft work developed is reviewed to ensure consistency and coherence in the Plan. Draft chapters are being brought to the Committee for review each month, ahead of the entire draft Plan coming to the Committee in December for adoption for consultation.
2. The eleventh chapter for review is the General District Wide Matters chapter. The General Matters include:
 - Activities on the surface of waterbodies
 - Earthworks
 - Light
 - Coastal Environment
 - Noise
 - Signs
 - Temporary Activities

DRAFT PROVISIONS AND NEXT STEPS

3. The draft provisions have an overview, objectives and policies that apply across the topic. There is also a specific rule set for each topic.
4. A separate paper on this agenda discusses the Coastal Environment boundary and its implications, and the draft provisions, as they relate to the "General Coastal Environment", are also included with that paper.
5. Since the Committee last saw these topics, there have been significant amendments made as follows:
 - To the Activities on the Surface of Water provisions – to add additional waterbodies into the provisions around limiting motorised watercraft and commercial activities;
 - To the Temporary Activities rules to specifically allow for post-emergency temporary housing, and to include specific provisions on freedom camping by the state highway.
6. Following any amendments sought by the Committee, these provisions will be incorporated into the Draft Te Tai o Poutini Plan.

ASW

Activities on the surface of water - Ngā mahi ki te kārewa o te wai

Overview

In the District a range of activities occur on the surface of rivers, streams, lagoons and lakes. These include activities that have a functional need to locate on water surfaces such as jetties and piers, recreation activities like fishing and boating and cultural activities undertaken by Poutini Ngāi Tahu.

The provisions in this chapter manage the effects of activities on the surface of water. Many of the activities that occur on the surface of water have few effects (e.g. occasional recreational boating or sailing). Other, more permanent activities such as structures have potential to generate adverse effects which could compromise important water values (such as the natural character, ecological, cultural, amenity and recreational values of waterbodies).

Cross references to other relevant District Plan provisions

Many activities on the surface of water may also involve activities in the riparian margin of the adjacent riverbank or lakeside. Provisions for managing activities next to waterbodies are found in the [Natural Character and Activities Adjacent to Water Chapter](#).

Activities on the Surface of Water Objective

ASW - O1	The ecological, recreational, natural character, amenity and Poutini Ngāi Tahu values of the District's rivers, lakes and lagoons are protected from the adverse effects of activities on the surface of water.
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Also the [Strategic Objectives and Policies](#)

Activities on the Surface of Water Policies

ASW - P1	Enable the non-commercial use of non-motorised water craft on rivers lakes and lagoons where this does not conflict with Poutini Ngāi Tahu values in relation to their awa, roto and hāpua on the West Coast/Tai o Poutini.
ASW - P2	Enable the non-commercial use of motorised water craft on rivers lakes and lagoons on the West Coast where this does not impact significantly on natural character, ecosystem and biodiversity values, Poutini Ngāi Tahu values, public access or disruption of natural quiet.
ASW - P3	Provide for commercial activities on the surface of West Coast/Tai o Poutini rivers, lakes and lagoons provided that the activity does not create: a. Adverse effects on i. Significant natural heritage values including identified scheduled sites; ii. Cultural and spiritual values including sites of significance to Māori; iii. Poutini Ngāi Tahu values and in particular as relate to Makaawhio and Arahura River and on Lake Mahinapua; b. Significant adverse effects on i. Amenity values; or ii. Other recreational uses; and

c. Cumulative adverse effects with any other structures or activities on the surface of waterbodies.

Activities on the Surface of Water Rules

Note: There may be a number of Plan provisions that apply to an activity, building, structure and site. In some cases, consent may be required under rules in this Chapter as well as rules in other Chapters in the Plan. In those cases, unless otherwise specifically stated in a rule, consent is required under each of those identified rules. Details of the steps Plan users should take to determine the status of an activity are provided in [General Approach](#).

Permitted Activities

ASW - R1 Use of Non-motorised Watercraft for Non-commercial Use on the Surface of Rivers, Lagoons and Lakes

Activity Status Permitted

Where:

1. Any use of watercraft on Lake Mahinapua, Makaawhio River, Arahura River, Pouerua Hāpua/Saltwater Lagoon, Kaimata/New River is in accordance with any Iwi/Papatipu Rūnanga Management Plan for these awa, roto and hāpua.

Activity status where compliance not achieved: [Restricted Discretionary](#)

ASW - R2 Use of Motorised Watercraft for Non-commercial Use on the Surface of Rivers, Lagoons and Lakes

Activity Status Permitted

Where:

1. This does not occur on the surface of Lake Mahinapua, Makaawhio River, Arahura River, Kaimata/New River or Saltwater Lagoon (at Paroa) except as provided for in an Iwi/Papatipu Rūnanga Management Plan for these awa, roto and hāpua.

Advice Note:

1. Refer to Maritime New Zealand for Navigational Safety Rules under the Water Recreation Regulations. These include rules for boat speed and avoiding collisions on the water.

Activity status where compliance not achieved:
[Restricted Discretionary](#)

ASW - R3 Installation of Structures on the Surface of Artificial Lakes and Ponds

Activity Status Permitted

Activity status where compliance not achieved: N/A

ASW - R4 Installation of Structures on the Surface of Natural Waterbodies

<p>Activity Status Permitted</p> <p>Where:</p> <ol style="list-style-type: none"> 1. These are whitebait stands installed in accordance with West Coast Whitebait Fishing Regulations; or 2. These are temporary swimming platforms installed for a single swimming season; or 3. These are structures installed by Poutini Ngāi Tahu that are identified in an Iwi/Papatipu Rūnanga Management Plan for Arahura River, Makaawhio River, Lake Mahinapua, Saltwater Lagoon (at Paroa) or Kaimata/New River and have written approval of the relevant Poutini Ngāi Tahu rūnanga - Te Rūnanga o Ngāti Waewae or Te Rūnanga o Makaawhio. <p>Advice Note:</p> <ol style="list-style-type: none"> 1. Whitebait stands are primarily regulated by the West Coast Regional Council through the West Coast Regional Land and Water Plan. 		<p>Activity status where compliance not achieved: Controlled where standard 2 is not complied with. Discretionary where standards 1 and 3 are not complied with.</p>
<p>Controlled Activities</p>		
<p>ASW - R5</p>	<p>Permanent Swimming Platforms on the Surface of Natural Waterbodies</p>	
<p>Activity Status Controlled</p> <ol style="list-style-type: none"> 1. Where this does not occur in the Arahura River, Makaawhio River, Lake Mahinapua, Saltwater Lagoon (at Paroa) or Kaimata/New River. <p>Matters of control are:</p> <ol style="list-style-type: none"> a. Size, design and location of structure; b. Water safety measures; c. Compliance with any Iwi/Papatipu Rūnanga Management Plan; and d. Management of effects on natural character of the waterbody and its margins. 		<p>Activity status where compliance not achieved: Discretionary</p>
<p>Restricted Discretionary Activities</p>		
<p>ASW - R6</p>	<p>Commercial Activities on the Surface of Rivers, Lagoons and Lakes</p>	

Activity Status Restricted Discretionary

Where:

1. Any commercial activity on the Makaawhio River, Arahura River, Lake Mahinapua, Saltwater Lagoon (at Paroa) or Kaimata/New River is in accordance with an Iwi/Papatipu Rūnanga Management Plan and has written approval of the relevant Poutini Ngāi Tahu rūnanga - Te Rūnanga o Ngāti Waewae of Te Rūnanga o Makaawhio.

Discretion is restricted to:

- a. Effects on public access and recreational use of the waterbody;
- b. Effects on landscape, natural features or natural character of the waterbody and its margins;
- c. Effects on the amenity values or any adjacent residential activities;
- d. Effects on significant natural or historic heritage values including effects on scheduled sites or areas;
- e. Effects of noise on the natural character, ecological and amenity values; and
- f. Effects on Poutini Ngāi Tahu cultural values including access to mahinga kai and scheduled sites and areas.

Activity status where compliance not achieved: [Discretionary](#)**ASW - R7****Structures on the Surface of Natural Waterbodies not meeting Permitted or Controlled Activity Standards****Activity Status Restricted Discretionary**

Where:

1. These are not located on the surface of Lake Mahinapua, Makaawhio River, Arahura River Saltwater Lagoon (at Paroa) or Kaimata/New River except as provided for in an Iwi/Papatipu Rūnanga Management Plan for these awa, roto and hāpua.

Discretion is restricted to:

- a. Effects on public access and recreational use of the waterbody;
- b. Effects on landscape, natural features or natural character of the waterbody and its margins;
- c. Effects on the amenity values or any adjacent residential activities;
- d. Effects on significant natural or historic heritage values including effects on scheduled sites or areas; and
- e. Effects on Poutini Ngāi Tahu cultural values including access to mahinga kai and scheduled sites and areas.

Advice Note:**Activity status where compliance not achieved:** [Discretionary](#)

1. Activities which affect the bed of a waterbody are regulated by the West Coast Regional Council in the West Coast Regional Land and Water Plan.	
Discretionary Activities	
ASW - R8	Activities on the Surface of Water not meeting Permitted or Restricted Discretionary Rules.
Activity Status Discretionary	Activity status where compliance not achieved: N/A
Notification: Any activity not provided for in an Iwi/Papatipu Rūnanga Management Plan for Makaawhio River, Arahura River, Lake Mahinapua Saltwater Lagoon (at Paroa) or Kaimata/New River always be notified to the relevant Poutini Ngāi Tahu rūnanga and may be publicly notified.	

CE

Coastal Environment - Te Taiao o te Takutai

Overview

The West Coast/Tai o Poutini Coastline stretches from Kahurangi Point in the north of the Buller District to Awarua Point in south Westland - a distance of more than 500 kilometres. The natural character, landscape and biodiversity values of the coastal environment contribute to the distinctive and unique character of the West Coast/Tai o Poutini. The narrow strip of land between the mountains and the sea in the West Coast/Tai o Poutini means that most of the community lives on or near the coast - with three of the four major towns and many small settlements being located on the coast.

The Buller, Grey and Westland District Councils are responsible for managing activities on land - the landward side of Mean High Water Springs (MHWS) and the West Coast Regional Council is responsible for activities in the Coastal Marine Area - seaward of MHWS. Integrated management is needed to manage activities that cross the jurisdictional boundary between the regional and territorial authorities.

Approach to managing the coastal environment.

This chapter contains the overarching objective and policy framework and rules to protect and manage the natural character of the coastal environment, and provisions to manage activities within the Coastal Environment Overlay that may impact on the coastal environment's characteristics and values.

Te Tai o Poutini Plan must give effect to the New Zealand Coastal Policy Statement 2010 (NZCPS), which requires a strategic approach to managing development on the coast. Te Tai o Poutini Plan achieves this by identifying and mapping a Coastal Environment Overlay that recognises the extent and characteristics of the coastal environment where coastal natural character and coastal processes (including coastal erosion), influences or qualities are significant.

Natural Character, Landscape and Natural Features

Because of the very high natural values associated with the coastal environment in parts of the West Coast/Tai o Poutini, Te Tai o Poutini Plan also identifies areas within the coastal environment which are:

- High coastal natural character detailed in [Schedule Seven](#);
- Outstanding coastal natural character detailed in [Schedule Eight](#);

Alongside this there are outstanding natural landscapes in [Schedule Five](#) and outstanding natural features in [Schedule Six](#) identified in the coastal environment. Areas of outstanding natural character, outstanding natural landscape and outstanding natural features within the coastal environment are known as the Outstanding Coastal Environment Area.

Other parts of the coastal environment are more modified with relatively low natural character. The areas in and around the main coastal towns are identified in the Urban Coastal Environment Area. Areas which still retain some natural character, outside of the Urban Coastal Environment Area, are identified as the General Coastal Environment Area, and this is predominantly areas of settlements and farmland.

The New Zealand Coastal Policy Statement 2010 also requires Te Tai o Poutini Plan to identify coastal hazards and to manage subdivision, use and development within areas potentially affected by coastal hazards over a 100 year timeframe, including taking into account the effects of climate change.

The draft coastal natural hazard objectives and policies are included within this chapter, but at this time, the draft overlays and draft rules have not been included in this draft plan. Instead they are contained in a separate consultation document which will be the focus of consultation with affected communities in parallel with the draft Te Tai o Poutini Plan feedback process.

Other relevant Te Tai o Poutini Plan provisions

It is important to note that in addition to the provisions in this chapter and the underlying zone chapter, a number of Part 2: District-Wide Matters chapters also contain provisions that may be relevant for activities within the coastal environment, including:

- **Historic Heritage and Sites and Areas of Significance to Māori** - The coastal environment is of high significance to Poutini Ngāi Tahu, who have kaitiakitanga and rangatiratanga responsibilities in respect of it. Many [Statutory Acknowledgement Areas](#) are also within the coastal environment. The [Historic Heritage](#) and [Sites and Areas of Significance to Māori Chapters](#) contain objectives, policies and rules relating to the protection of these important cultural areas.
- **Ecosystems and Indigenous Biodiversity** - The [Ecosystems and Indigenous Biodiversity Chapter](#) contains objectives, policies and rules which are also relevant to the protection and maintenance of indigenous biological diversity in the coastal environment, and within the Urban and General Coastal Environment Areas.
- **Natural Features and Landscapes** - In addition to the provisions in the Coastal Environment Chapter which protect and manage the natural character of the coastal environment, the [Natural Features and Landscapes Chapter](#) contains objectives, policies which are also relevant to the the management of outstanding coastal features and landscapes.

- **Public Access** - The [Public Access Chapter](#) contains additional provisions relating to recreational and public access to and along the coastal environment, in particular relevant objectives and policies.

Coastal Environment Objectives	
CE - O1	To preserve the natural character, landscapes and biodiversity of the coastal environment while enabling people and communities to provide for their social, economic and cultural wellbeing in a manner appropriate for the coastal environment.
CE - O2	The relationship of Poutini Ngāi Tahu with their cultural values, traditions, interests and ancestral lands in the coastal environment is recognised and provided for and Poutini Ngāi Tahu are able to exercise tino rangatiratanga and kaitiakitanga.
CE - O3	To provide for activities which have a functional need to locate in the coastal environment in such a way that the impacts on natural character, landscape, natural features and biodiversity values are minimised.
CE - O4	To recognise and provide for the effects of climate change, and its influence on sea levels and the frequency and severity of natural hazards.
CE - O5	To reduce the risk to life, property and the environment from coastal natural hazards, thereby promoting the well-being of the community.
CE - O6	To only locate infrastructure within areas of significant coastal natural hazard risk where there is no reasonable alternative, and to design infrastructure so as not to exacerbate coastal natural hazard risk to people and property.
CE - O7	To ensure the role of hazard mitigation played by natural features including dunes and wetlands is recognised and protected.
CE - O8	To maintain the range and diversity of coastal ecosystems and indigenous species found on the West Coast/Tai o Poutini

Also the [Strategic Objectives and Policies](#)

Coastal Environment Policies

Identification of the Coastal Environment

CE - P1	<p>Identify and map a Coastal Environment overlay that recognises and provides for the extent of the coastal environment and different areas, elements or characteristics within it, including:</p> <ol style="list-style-type: none"> Areas where coastal processes, influences or qualities are significant; Elements and features that contribute to the natural character, landscape, visual qualities or amenity values; Areas along the coast and river mouths where coastal erosion and coastal inundation is likely, and within the wider coastal environment where there is a potential hazard risk should accelerated sea level rise occur; Historic heritage and Poutini Ngāi Tahu cultural areas or features; Areas of significant coastal vegetation and habitat of indigenous coastal species; and
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	f. The built environment and infrastructure which have modified the coastal environment.
<i>Natural Character, Natural Features and Landscape</i>	
CE - P2	<p>Preserve the natural character, natural features and landscape qualities and values of areas within the coastal environment that have:</p> <ul style="list-style-type: none"> a. Outstanding natural landscapes as described in Schedule Five; b. Outstanding natural features as described in Schedule Six; c. High coastal natural character as described in Schedule Seven; d. Outstanding coastal natural character as described in Schedule Eight; e. Other areas with natural character.
CE -P3	<p>Only allow new subdivision, use and development within areas of outstanding and high coastal natural character, outstanding coastal natural landscapes and outstanding coastal natural features where:</p> <ul style="list-style-type: none"> a. The elements, patterns, processes and qualities that contribute to the outstanding or high natural character or landscape are maintained; b. Significant adverse effects on natural character, natural landscapes and natural features are avoided; c. The development is of a size, scale and nature that is appropriate to the environment; or d. It is for a Poutini Ngāi Tahu cultural purpose.
CE -P4	<p>Provide for primary production activities within the outstanding and high natural character, outstanding natural landscapes and outstanding natural features within the coastal environment where:</p> <ul style="list-style-type: none"> a. These are existing lawfully established activities; or b. The use does not degrade the elements, patterns or processes that contribute to the outstanding or high values.
CE -P5	<p>Provide for buildings and structures within the coastal environment outside of areas of outstanding coastal natural character, outstanding natural landscape and outstanding natural features where these:</p> <ul style="list-style-type: none"> a. Are existing lawfully established structures; or b. Are of a size, scale and nature that is appropriate to the area; or c. Are in the parts of the coastal environment that have been historically modified by built development and primary production activities; or

	d. Have a functional or operational need to locate within the coastal environment.
CE - P6	<p>Recognise that there are existing settlements and urban areas located within the coastal environment of the West Coast/Tai o Poutini including parts of Westport, Greymouth and Hokitika and enable new subdivision, buildings and structures within and expansion of towns and settlements where:</p> <ul style="list-style-type: none"> a. These are located in areas already modified by built development or primary production activities, or b. Where located in unmodified areas, any adverse impact on natural character can be mitigated; c. In areas of outstanding or high natural character: <ul style="list-style-type: none"> i. Provide for lawfully established land uses and activities to continue; ii. Allow for other uses with a functional or operational need to locate in the coastal environment; iii. Allow for Poutini Ngāi Tahu cultural uses; iv. Minimise encroachment into unmodified areas of the coastal environment; and v. Ensure subdivision and development is of a scale and design where adverse effects on the elements, patterns and processes that contribute to natural character are minimised.
Public Access	
CE - P7	<p>Reduction in public access to the coastal environment can be considered when coastal hazard mitigation works are required to protect communities from a significant natural hazard threat. When assessing proposals for natural hazard structures effects on public access should be considered and ways to minimise them including:</p> <ul style="list-style-type: none"> a. Provision of alternate access; and b. Provision of public amenity or opportunity for environmental benefit along the structure, provided that the physical integrity of the structure is maintained.
Coastal Hazards	
CE - P8	Identify in coastal natural hazard overlays areas at significant risk from coastal natural hazards.
CE - P9	Where a coastal natural hazard has been identified, but the coastal natural hazard risk to people and communities is unknown, but potentially significant, apply a precautionary approach.

CE - P10	<ol style="list-style-type: none"> 1. Promote the use of natural features and appropriate risk management approaches in preference to hard engineering solutions in mitigating coastal natural hazard risks; while 2. Recognising that in some circumstances hard engineering solutions may be the only practical means of protecting existing communities and critical infrastructure.
CE - P11	<p>Coastal natural hazard assessment, management retreat locations and resource consent applications will consider the implicates of climate change. In particular the following matters should be considered:</p> <ol style="list-style-type: none"> a. Change in sea level; b. Altering of coastal processes; c. Increased inundation of low lying areas; d. Changes in local temperatures; e. Changes in rainfall patterns, and f. Increase in cyclonic storms.
CE - P12	<p>When assessing areas suitable for managed retreat, the following matters should be considered:</p> <ol style="list-style-type: none"> a. That the natural hazard risk of the area is less than the existing location, and b. The potential future need to protect the community and associated infrastructure by hazard mitigation works.
CE - P13	<p>In areas of severe coastal hazard risk avoid further development of sensitive activities.</p>
CE - P14	<p>In the coastal hazard overlays:</p> <ol style="list-style-type: none"> a. Avoid locating critical response facilities within the Tsunami Hazard overlay. b. Avoid development in the Coastal Severe Hazard unless it can be demonstrated: <ol style="list-style-type: none"> 1. That the activity has an operational and functional need to locate within the hazard area; and 2. That the activity incorporates mitigation of risk to life, property and the environment; and c. Allow development in the Coastal Alert overlay where: <ol style="list-style-type: none"> 1. Mitigation measures avoid risk to life, property and the environment; and 2. The risk to adjacent properties, activities and people is not increased as a result of the activity proceeding.
CE - P15	<p>When assessing the effects of activities in coastal natural hazard overlays consider:</p>

	<ul style="list-style-type: none"> a. The effects of coastal natural hazards on people and property; b. Technological and engineering mitigation measures; c. The location and design of proposed sites, buildings, vehicle access, earthworks and infrastructure in relation to coastal natural hazard risk; d. The clearance or retention of vegetation or other natural features to mitigate coastal natural hazard risk; e. The timing, location, scale and nature of any earthworks in relation to coastal natural hazard risk; f. The potential for the proposal to exacerbate coastal natural hazard risk, including transferring risk to any other site.; and g. Any significant adverse effects on the coastal environment of any proposed mitigation measures.
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Biodiversity

CE - P16	<p>Maintain indigenous coastal ecosystems and habitats across the West Coast/Tai o Poutini by:</p> <ul style="list-style-type: none"> a. Maintaining, and where appropriate enhancing or restoring the functioning of ecological corridors, linkages, dunes and indigenous coastal vegetation and wetlands; b. Minimising adverse effects on and providing access to areas of indigenous biodiversity which is significant to Poutini Ngāi Tahu; c. Restricting the modification or disturbance of coastal indigenous vegetation, dunes, estuaries and wetlands; and d. Recognising the benefits of active management of indigenous biodiversity, including voluntary pest and stock control and/or formal legal protection.
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Coastal Environment Rules

Note: There may be a number of Plan provisions that apply to an activity, building, structure and site. In some cases, consent may be required under rules in this Chapter as well as rules in other Chapters in the Plan. In those cases, unless otherwise specifically stated in a rule, consent is required under each of those identified rules. Details of the steps Plan users should take to determine the status of an activity are provided in [General Approach](#).

Permitted Activities within all parts of the Coastal Environment

CE - R1	Maintenance and repair of structures, network utilities, fence lines and tracks within the Coastal Environment	
Activity Status Permitted		Activity status where compliance not achieved: N/A
Where:		
1. Earthworks and indigenous vegetation clearance are the minimum required to undertake the activity.		

CE - R2 Conservation Activities within the Coastal Environment

<p>Activity Status Permitted Where:</p> <ol style="list-style-type: none"> 1. Earthworks and indigenous vegetation clearance are the minimum required to undertake the activity. 	<p>Activity status where compliance not achieved: N/A</p>
<p>CE - R3 Māori Purpose Activities including indigenous vegetation clearance and earthworks in the Coastal Environment</p>	
<p>Activity Status Permitted Where:</p> <ol style="list-style-type: none"> 1. These are: <ol style="list-style-type: none"> a. Poutini Ngāi Tahu activities, including cultural harvest of vegetation, mahinga kai, pounamu, aotea stone or rock; or b. Māori Purpose Activities undertaken within the Māori Purpose Zone undertaken in accordance with an Iwi/Papatipu Rūnanga Management Plan that includes an assessment of, and mitigation of, impacts on the coastal environment values, including, where relevant, natural character, natural landscape and natural features. 	<p>Activity status where compliance not achieved: Restricted Discretionary</p>
<p>CE - R4 Indigenous vegetation clearance in the Coastal Environment not otherwise provided for as a Permitted Activity</p>	
<p>Activity Status Permitted Where:</p> <ol style="list-style-type: none"> 1. The extent of indigenous vegetation disturbed and/or cleared per site does not exceed an area of 500m² in area per site in any five year period; and 2. The indigenous vegetation clearance does not occur in any area identified as a Significant Natural Area in Schedule Four. 	<p>Activity status where compliance not achieved: Restricted Discretionary</p>
<p>Permitted Activities within the Urban Coastal Environment Area</p>	
<p>CE - R5 Buildings and Structures, Earthworks and Indigenous Vegetation Clearance within the Urban Coastal Environment Area</p>	
<p>Activity Status Permitted Where:</p>	<p>Activity status where compliance not achieved: Relevant Zone Rules Apply. Relevant</p>

<ol style="list-style-type: none"> The buildings, structures and earthworks are a Permitted Activity within the relevant Residential, Industrial, Commercial and Mixed Use, Special Purpose or Open Space Zone; and The indigenous vegetation clearance is a Permitted Activity under Rule ECO - R1. <p>Advice Note: Where an activity is not Permitted within the Urban Coastal Environment, then the relevant Zone, Earthworks and Ecosystems and Indigenous Biodiversity rules apply.</p>	<p>Earthworks Rules Apply.</p> <p>Relevant Ecosystems and Indigenous Biodiversity Rules Apply.</p>
<p>Permitted Activities within the General Coastal Environment Area</p>	
<p>CE - R6</p>	<p>Building, Structures, Earthworks and indigenous vegetation clearance within the General Coastal Environment Area</p>
<p>Activity Status Permitted Where:</p> <ol style="list-style-type: none"> The building or structure is a Permitted Activity within the relevant Rural Zone, Special Zone or Open Space and Recreation Zone; The earthworks are a Permitted Activity within the relevant Rural Zone, Special Zone or Open Space and Recreation Zone; Maximum building height is 7m; The gross ground floor area is a maximum of 200m² per building; and The indigenous vegetation clearance is a Permitted Activity in Rule ECO - R1. 	<p>Activity status where compliance not achieved: Restricted Discretionary</p>
<p>Permitted Activities within the Coastal Hazard Overlay - Alert</p>	
<p>Refer to separate consultation document for draft rules around these natural hazards</p>	
<p>Permitted Activities within the Coastal Hazard Overlay - Severe</p>	
<p>Refer to separate consultation document for draft rules around these natural hazards</p>	
<p>Permitted Activities within the Coastal Tsunami Overlay</p>	
<p>Refer to separate consultation document for draft rules around these natural hazards</p>	
<p>Permitted Activities within the High Natural Character Overlay</p>	
<p>CE - R11</p>	<p>Buildings and Structures and associated earthworks and vegetation clearance in the Coastal Environment within the High Natural Character Overlay</p>
<p>Activity Status Permitted Where:</p> <ol style="list-style-type: none"> Within the Open Space and Recreation Zones, this is parks facilities or parks furniture; 	<p>Activity status where compliance not achieved: Restricted Discretionary</p>

<ol style="list-style-type: none"> 2. With the Māori Purpose Zone, these are Māori Purpose Activities; 3. These are required for the maintenance, operation, minor upgrade and repair of network utilities; 4. In all other zones: <ol style="list-style-type: none"> a. Any new building or structure is no more than 100m² ground floor area; b. Any addition increases the total footprint of the building or structure by no more than 50m²; c. The maximum height above ground level is for any building or structure is 7m; and 5. Earthworks and indigenous vegetation clearance are the minimum required to undertake the activity. 	
CE - R12 Maintenance, Alteration, Repair and Reconstruction of Natural Hazard Mitigation Structures and associated earthworks and indigenous native vegetation clearance in the Coastal Environment within the High Natural Character Overlay	
<p>Activity Status Permitted Where:</p> <ol style="list-style-type: none"> 1. The structure has been lawfully established; 2. Earthworks, land disturbance and indigenous vegetation clearance is the minimum required to undertake the activity; 3. There is no reduction in public access; 4. The materials used are the same as the original, or most significant material, or the closest equivalent; and 5. There is no change to more than 10% to the overall dimensions, orientation or outline of structure from that originally consented, or consented variation, and an assessment is provided by a suitably qualified professional confirming the effects are no greater than the originally consented or consented variation. 	<p>Activity status where compliance not achieved: Controlled</p>
CE - R13 Earthworks and indigenous vegetation clearance within the High Natural Character Overlay not otherwise provided for as a Permitted Activity	
<p>Activity Status Permitted Where:</p> <ol style="list-style-type: none"> 1. These are for walking/cycling tracks, roads, farm tracks or fences, installation of network utility infrastructure or establishment of a building platform and access to a building site in an approved subdivision or where there is no existing residential building on the site; and 2. Earthworks and vegetation clearance are the minimum required to undertake the activity. 	<p>Activity status where compliance not achieved: Restricted Discretionary</p>
Permitted Activities within the Outstanding Coastal Environment Area	

CE - R14	Additions and alterations to buildings in the Outstanding Coastal Environment Area
<p>Activity Status Permitted Where:</p> <ol style="list-style-type: none"> 1. The addition or alteration increases the footprint of the building or structure by no more than 50m²; 2. The maximum height of building and structures above ground level is 5m; and 3. Earthworks and indigenous vegetation clearance are the minimum required to undertake the activity. 	<p>Activity status where compliance not achieved: Restricted Discretionary</p>
CE - R15	Maintenance, Alteration, Repair and Reconstruction of Natural Hazard Mitigation Structures within the Outstanding Coastal Environment Area
<p>Activity Status Permitted Where:</p> <ol style="list-style-type: none"> 1. The structure has been lawfully established; 2. Earthworks, land disturbance and indigenous vegetation clearance is the minimum required to undertake the activity; 3. There is no reduction in public access; 4. The materials used are the same as the original, or most significant material, or the closest equivalent; and 5. There is no change to more than 10% to the overall dimensions or orientation of the consented structure, and an assessment is provided by a suitably qualified professional confirming the effects are no greater than the originally consented structure. 	<p>Activity status where compliance not achieved: Controlled</p>
CE - R16	Erection of a building or structure not otherwise provided for as a Permitted Activity in the Outstanding Coastal Environment Area
<p>Activity Status Permitted Where the structure is:</p> <ol style="list-style-type: none"> 1. A fence; or 2. Associated with stock water reticulation including tanks, pipes and water troughs; or 3. For a network utility (including customer connections); 4. For agricultural pastoral and horticultural activities or an accessory building; and <ol style="list-style-type: none"> i. The height of any building or structure does not exceed 5m above ground level; and ii. The gross floor area of any building does not exceed 100m²; and 	<p>Activity status where compliance not achieved: Restricted Discretionary</p>

5. The extent of indigenous vegetation disturbed and/or cleared per site to undertake the activity does not exceed an area of 100m ² in area.		
Controlled Activities		
CE - R17	Natural Hazard Mitigation Structures and Activities in the Coastal Environment not provided for as a Permitted Activity	
Activity Status Controlled Where: 1. These are to protect the coastal State Highway, Special Purpose Roads or other Critical Infrastructure. Matters of control are: <ol style="list-style-type: none"> Effects on habitats of any threatened or protected species; Effects on the threat status of land environments in category one or two of the Threatened Environments Classification; Effects on ecological functioning and the life supporting capacity of air, water, soil and ecosystems; Effects on the intrinsic values of ecosystems; Effects on recreational values of public land; Effects on Poutini Ngāi Tahu values; Landscape and visual effects; Effects on natural character and natural features; Location, dimensions and appearance of the structure; Effects on public access to the coast. 		Activity status where compliance not achieved: Restricted Discretionary except Discretionary where these are within the Outstanding Coastal Environment Area
Restricted Discretionary Activities		
CE - R18	Buildings and Structures, Earthworks and Vegetation Clearance in the General Coastal Environment Area not meeting Rule CE - R6	
Activity Status Restricted Discretionary Where: 1. Indigenous vegetation clearance is outside any Significant Natural Area identified in Schedule Four Discretion is restricted to:		Activity status where compliance not achieved: Discretionary

<ul style="list-style-type: none"> a. Any requirements for landscape evaluation; b. Effects on habitats of any threatened or protected species; c. Effects on the threat status of land environments in category one or two of the Threatened Environments Classification; d. The extent to which the site is visible from a road or public place; e. The effects on the natural character of the coast; f. The effects on Poutini Ngāi Tahu values; g. The effects on potential or current public access to the coast; h. Design and location of any buildings, structures or earthworks; i. Volume and area of earthworks; j. Area and location of any vegetation clearance; and k. Landscape measures. 	
CE - R19	Buildings and Structures and Earthworks and Vegetation Clearance in the Coastal Environment and within the High Natural Character Overlay not meeting Rule CE -R11
<p>Activity Status Restricted Discretionary Where:</p> <ul style="list-style-type: none"> 1. Indigenous vegetation clearance is outside any Significant Natural Area identified in Schedule Four <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> a. Any requirements for landscape evaluation; b. Effects on habitats of any threatened or protected species; c. Effects on the threat status of land environments in category one or two of the Threatened Environments Classification; d. The extent to which the site is visible from a road or public place; e. The effects on the natural character of the coast; f. The effects on potential or current public access to the coast; g. The effects on Poutini Ngāi Tahu values; h. Design and location of any buildings, structures or earthworks; i. Volume and area of earthworks; j. Area and location of any vegetation clearance; and 	<p>Activity status where compliance not achieved: Discretionary</p>

k. Landscape measures.	
CE - R20	Buildings and Structures and associated earthworks and indigenous vegetation clearance within an Outstanding Coastal Environment Area not meeting Permitted Activity Rules
<p>Activity Status Restricted Discretionary Where:</p> <ol style="list-style-type: none"> 1. This is outside any Significant Natural Area identified in Schedule Four; 2. This is an addition to an existing building or a building accessory to an existing building; or 3. The building is identified on an approved subdivision plan for the site or where there is no existing residential building on the site; or 4. This is required for: <ol style="list-style-type: none"> i. A network utility; ii. An agricultural pastoral or horticultural activity in a Rural Zone; iii. A conservation activity; or iv. A recreational activity in any Open Space Zone. <p>Discretion is restricted to:</p> <ol style="list-style-type: none"> a. Any requirements for landscape evaluation; b. Effects on habitats of any threatened or protected species; c. Effects on the threat status of land environments in category one or two of the Threatened Environments Classification; d. The extent to which the site is visible from a road or public place; e. Any effects on the values that make the site Outstanding; f. The effects on potential or current public access to the coast; g. The effects on Poutini Ngāi Tahu values; h. Design and location of any buildings, structures or earthworks; i. Volume and area of earthworks; j. Area and location of indigenous vegetation clearance; k. Landscape measures; and l. Where relevant, matters included within Policy NFL - P6. 	<p>Activity status where compliance not achieved: Discretionary</p>
CE - R21	Natural Hazard Mitigation Structures and Activities in the Coastal Environment not meeting Rule CE - R17

<p>Activity Status Restricted Discretionary Where:</p> <ol style="list-style-type: none"> 1. These are not within the Outstanding Coastal Environment Area or any Significant Natural Area identified in Schedule Four <p>Discretion is restricted to:</p> <ol style="list-style-type: none"> a. Any requirements for landscape evaluation; b. Effects on habitats of any threatened or protected species; c. Effects on the threat status of land environments in category one or two of the Threatened Environments Classification; d. The extent to which the site is visible from a road or public place; e. Any effects on the natural character of the coast; f. The effects on potential or current public access to the coast; g. The effects on Poutini Ngāi Tahu values; h. Design and location of any buildings, structures or earthworks; i. Volume and area of earthworks; j. Area and location of indigenous vegetation clearance; and k. Landscape measures. 	<p>Activity status where compliance not achieved: Discretionary</p>
<p>CE - R22 Earthworks and indigenous vegetation clearance within the Outstanding Coastal Environment Area not provided for as a Permitted Activity</p>	
<p>Activity Status Restricted Discretionary Where:</p> <ol style="list-style-type: none"> 1. These are for: <ol style="list-style-type: none"> i. Walking/cycling tracks; ii. Roads, farm tracks or fences; iii. Installation of network utility infrastructure; or iv. These are outside of any Significant Natural Area identified in Schedule Four and are for establishment of a building platform and access to a building site in an approved subdivision or where there is no existing residential building on the site; and 2. Earthworks and vegetation clearance are the minimum required to undertake the activity. 	<p>Activity status where compliance not achieved: Discretionary</p>

Discretion is restricted to:	
<ul style="list-style-type: none"> a. Any requirements for landscape evaluation; b. The extent to which the site is visible from a road or public place; c. Any effects on the values that make the site Outstanding; d. Effects on habitats of any threatened or protected species; e. Effects on the threat status of land environments in category one or two of the Threatened Environments Classification; f. The effects on Poutini Ngāi Tahu values; g. Design and location of any earthworks; h. Volume and area of earthworks; i. Area and location of vegetation clearance; j. Landscape measures to reduce the visual effects on the values of the Outstanding Natural Landscape or Feature; and k. Where relevant, matters included within Policy NFL - P6. 	
Discretionary Activities	
CE - R23	Natural Hazard Mitigation Structures and Activities in the Outstanding Coastal Environment Area not meeting Rule CE - R17
<p>Activity Status Discretionary Where:</p> <p>1. These will not destroy any Outstanding Natural Feature or the values which make it Outstanding.</p> <p>Advice Note: When assessing resource consents for natural hazard mitigation activities under this rule, assessment against the relevant Coastal Environment, Ecosystems and Indigenous Biodiversity, Natural Features and Landscapes policies will be required.</p>	<p>Activity status where compliance not achieved: Non-complying</p>
CE - R24	Afforestation with Plantation Forestry in the Outstanding Coastal Environment Area or any Significant Natural Area identified in Schedule Four in the Coastal Environment
<p>Activity Status Discretionary</p> <p>Advice Note: When assessing resource consents under this rule, assessment against the relevant Coastal Environment, Ecosystems and Indigenous Biodiversity, Natural Features and Landscapes policies will be required.</p>	<p>Activity status where compliance not achieved: N/A</p>

CE - R25	Buildings, Structures, Indigenous Vegetation Clearance and Earthworks in the Coastal Environment not meeting Permitted or Restricted Discretionary Rules	
Activity Status Discretionary Where: <ol style="list-style-type: none"> These will not destroy any Outstanding Natural Feature identified in Schedule Six or the values which make it Outstanding. Advice Note: When assessing resource consents under this rule, assessment against the relevant Coastal Environment , Ecosystems and Indigenous Biodiversity , Natural Features and Landscapes policies will be required.		Activity status where compliance not achieved: Non-complying
Non-complying Activities		
CE - R26	Activities in the Coastal Environment that would destroy any Outstanding Natural Feature or the values which make it Outstanding	
Activity Status Non-complying Notification: Applications to destroy any Outstanding Natural Feature or the Values which make it Outstanding will always be Notified to the Geosciences Society of New Zealand and may be publicly notified. Advice Note: When assessing resource consents for activities under this rule, assessment against both the Coastal Environment , and Natural Features and Landscapes policies will be required.		Activity status where compliance not achieved: N/A

EW

Earthworks - Te Huke Whenua

Overview

Earthworks are often an essential prerequisite for development. Earthworks are the physical works that modify land so that it can be used for living, business, and recreation purposes, farming and forestry and the construction and maintenance of infrastructure. The scope and scale of earthworks range from large bulk earthworks, which can alter the landform and its topography, to small and discrete areas of works most often associated with minor development.

Earthworks can adversely affect amenity values (visual, dust nuisance, noise and traffic) and result in changes to natural landforms. Earthworks can cause changes to the appearance and character of the neighbourhoods they are located in and can impact on people's experience of their environment.

Other relevant Te Tai o Poutini Plan provisions

In addition to the provisions in this chapter, earthworks and land disturbance are also subject to additional provisions in some zone chapters and a number of Part 2: District-Wide Matters chapters, including:

- **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 earthworks located within an overlay area (as identified in the planning maps) then the relevant overlay chapter provisions apply.
- **Earthworks Associated with Mineral Extraction** - the Zone Chapters have provisions in relation to mineral extraction and its ancillary activities including earthworks.

Other relevant regulations

A number of other regulatory and non-regulatory methods also manage the effects of earthworks. For instance, certain earthworks carried out as part of building work are subject to the New Zealand Building Code and may require a building consent under the Building Act 2004. Earthworks and land disturbance affecting archaeological sites may also require authorisation under the Heritage New Zealand Pouhere Taonga Act 2014.

Other earthworks may need additional resource consents from the West Coast Regional Council under the Regional Land and Water or Coastal Plans for the West Coast/Tai o Poutini, including earthworks that may result in silt or sediment contamination of water.

The National Environmental Standard for Plantation Forestry 2017 regulates earthworks for plantation forestry and these rules do not apply to those works.

Earthworks Objectives

EW - O1	To provide for earthworks to facilitate subdivision, use and development of the West Coast/Tai o Poutini's land resource, while ensuring that their adverse effects on the surrounding environment are avoided or mitigated.
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Also the [Strategic Objectives and Policies](#)

Earthworks Policies

EW - P1	Enable necessary earthworks for the subdivision, use and development of land, the provision of utilities, and hazard mitigation.
EW - P2	Manage earthworks to minimise impacts on landscape, amenity, natural features, water quality, cultural and heritage sites and the quality of the environment.
EW - P3	Require the use of accidental discovery protocols to mitigate the potential risk to earthworks to archaeological sites and sites of significance to Māori that are not identified in the Plan.
EW - P4	Protect critical infrastructure and natural hazard defences from the adverse effects of earthworks.

Earthworks Rules

Note: There may be a number of Plan provisions that apply to an activity, building, structure and site. In some cases, consent may be required under rules in this Chapter as well as rules in other Chapters in the Plan. In those cases, unless otherwise specifically stated in a rule, consent is required under each of those identified rules. Details of the steps Plan users should take to determine the status of an activity are provided in [General Approach](#).

Permitted Activities	
EW - R1	Earthworks General Standards
<p>All Permitted activities must comply with the following relevant standards.</p> <ol style="list-style-type: none"> 1. Earthworks must not exceed a maximum depth or height above ground level of 1.5m measured vertically within 1.5m of a boundary; 2. No earthworks are undertaken on any point on land with a slope gradient greater than 1 in 4 (25 degrees); 3. All fill must consist of cleanfill material; 4. No earthworks are undertaken on contaminated land; 5. Erosion and sediment control measures must be put in place to avoid sediment run-off from earthworks activities entering a Council reticulated network or into waterbodies; 6. No diversion of stormwater and overland flow shall occur beyond the site boundary and water must not be diverted to adjacent properties or the road; 7. No more than 6 months after earthworks are completed land disturbed is to be built on, sealed, landscaped or recontoured in a manner consistent with the surrounding land; 8. Any earthworks within the vicinity of overhead electric lines must comply with the New Zealand Electrical Code of Practice for Electrical Safety Distances (NZECP 34:2001); 9. No earthworks are to be undertaken on or within 10m of any public natural hazard defence structure unless under the written authority of the relevant local government agency; and 10. In the event of discovery of any sensitive or archaeological material that the Accidental Recovery Protocol outlined in Appendix Four must be followed. <p>Advice Note: Earthworks are also regulated by the West Coast Regional Council Land and Water Plan.</p>	
<p>Activity status where compliance not achieved: Restricted Discretionary</p>	
EW - R2	Earthworks - All Zones
<p>Activity Status Permitted</p> <p>Where</p> <ol style="list-style-type: none"> 1. The earthworks are not undertaken within a Overlay Chapter area; 2. All standards in Rule EW - R1 are complied with; and <ol style="list-style-type: none"> i. These are earthworks associated with the construction of an approved building platform and access; or ii. These are earthworks associated with an approved subdivision consent; or iii. These are earthworks including stockpiles required for network utility maintenance, operation, repair, upgrade, or installation of new network utilities including public roads; or iv. These are earthworks associated with installation of swimming pools; or 	
<p>Activity status where compliance not achieved: Restricted Discretionary</p>	

- v. The earthworks are for interments in a cemetery or urupā; or
- vi. The earthworks are test pits for geotechnical or contaminated land assessment where reinstated within 48 hours; or
- vii. The earthworks are for replacement or removal of fuel storage systems Permitted under the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health; or
- viii. They are earthworks within the Electricity and Distribution Yard where:
- ix. any earthworks must not exceed a depth or fill of 300mm; except
 - a. Earthworks for a network utility as part of an electricity transmission activity; and
 - b. Earthworks undertaken as part of agricultural or domestic cultivation, or repair, sealing or resealing of a road, footpath, driveway or farm track.

Advice Notes:

1. Rules in relation to earthworks in overlay areas can be found in the Overlay Chapters of this Plan.
2. Earthworks undertaken in areas of contaminated land are subject to the Rules in the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health.

EW - R3

Earthworks in the GRZ - General Rural Zone, RLZ - Rural Lifestyle Zone, any INZ - Industrial Zone, FUZ - Future Urban Zone, AIRPZ - Airport Zone, any OSRZ - Open Space and Recreation Zone and the MPZ - Māori Purpose Zone

Activity Status Permitted

Where:

1. All standards in [Rule EW - R1](#) are complied with; and
2. These are ancillary earthworks for:
 - i. A Permitted Activity, except that in the Rural Lifestyle Zone a maximum of 500m²/site of land is disturbed in any 12 month period; or
 - ii. An Energy Activity, Network Utility Operation or Transport Activity; and
3. Where the earthworks are undertaken within a Overlay Chapter area these meet the Permitted Activity standards for the relevant overlay chapter.

Activity status where compliance not achieved:

[Restricted Discretionary](#) where standard 1 is not met.
Refer to the relevant Overlay Chapter where standard 2 is not met.

EW - R4

Earthworks in any RESZ - Residential Zone, the NCZ - Neighbourhood Centre Zone or SETZ - Settlement Zone

Activity Status Permitted

Where:

Activity status where compliance not achieved:

[Restricted Discretionary](#)

<ol style="list-style-type: none"> 1. All standards in Rule EW - R1 are complied with; and 2. Where the earthworks are undertaken within a Overlay Chapter area these meet the Permitted Activity standards for the relevant overlay area; and 3. A maximum of 250m²/site of land is disturbed in any 12 month period; 4. A maximum of 200m³ of material is transported off site in any 12 month period; and 5. There is a maximum 1m change of existing ground level. <p>Advice Note: Rules in relation to earthworks in overlay areas can be found in the Overlay Chapters.</p>	
EW - R5 Earthworks in any Commercial and Mixed Use Zone, Scenic Visitor Zone, Hospital Zone or Stadium Zone	
<p>Activity Status Permitted Where:</p> <ol style="list-style-type: none"> 1. All standards in Rule EW - R1 are complied with; and 2. Where the earthworks are undertaken within a Overlay Chapter area these meet the Permitted Activity standards for the relevant overlay area; and 3. A maximum of 1000m²/site or land is disturbed in any 12 month period. <p>Advice Note: Rules in relation to earthworks in overlay areas can be found in the Overlay Chapters.</p>	<p>Activity status where compliance not achieved: Restricted Discretionary</p>
EW - R6 Earthworks in the BCZ - Buller Coalfield Zone and MINZ - Mineral Extraction Zone	
<p>Activity Status Permitted</p> <p>Advice Note: Mineral extraction activities and ancillary earthworks for these zones are managed in the respective zone chapters</p>	<p>Activity status where compliance not achieved: N/A</p>
Restricted Discretionary Activities	
EW - R7 Earthworks in the Electricity Transmission and Distribution Yard Not Meeting Rule EW - R2	
<p>Activity Status Restricted Discretionary</p> <p>Discretion is restricted to:</p> <ol style="list-style-type: none"> a. Effects on the operation, maintenance, upgrading and development of the National Grid; b. The risk to the structural integrity of the National Grid support structure (s); c. Any impact on the ability to access the National Grid; d. The risk of electrical hazards affecting public or individual safety and the risk of property damage; and 	<p>Activity status where compliance not achieved: N/A</p>

e. The outcome of any consultation with the owner and operator of the National Grid.	
EW - R8	Earthworks not meeting Permitted Activity standards outside of the Electricity Transmission and Distribution Yard
Activity Status Restricted Discretionary Discretion is restricted to: a. The impact on visual amenity, landscape character, outlook and privacy; b. Potential dust nuisance, sedimentation, land instability, contamination and erosion effects; c. The impact on the road network, of heavy vehicle and other vehicular traffic generated as a result of earthworks; d. The impact on stormwater infrastructure and any overland flow paths; and e. The impact on any natural hazards infrastructure and the effectiveness of its operation.	Activity status where compliance not achieved: N/A
Advice Note: Rules in relation to earthworks in overlay areas can be found in the Overlay Chapters.	

LIGHT

Light - Ngā Rama

Overview

Artificial outdoor lighting enables work, recreation, and entertainment activities to occur beyond normal daylight hours. It also enables night-time activities to be conducted safely and provides for site security. However, if outdoor lighting is poorly designed, controlled, located or orientated, it may adversely affect the amenity of neighbouring properties and light sensitive areas; result in a loss or reduction of views of the night sky; and potentially disturb wildlife. It may also affect human health and/or safety.

The provisions for artificial outdoor lighting provide for adequate lighting to support activities and site security, while minimising potential adverse effects.

Light Objectives

LIGHT - O1	Artificial outdoor lighting enables night-time work, rural productive activities, recreation activities, sport, entertainment activities, transportation and public health and safety.
LIGHT - O2	Artificial lighting is located, designed and operated to maintain the character and amenity values within zones, so that it does not adversely affect the health and safety of people, the safe operation of the transport network, the habitats and ecosystems of nocturnal native fauna and views of the night sky.

Also the [Strategic Objectives and Policies](#)

Light Policies

LIGHT - P1	Provide for the use of artificial lighting that:
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	<ul style="list-style-type: none"> a. allows people and communities to enjoy and use sites and facilities during night time hours and contributes to the security and safety of private and public spaces; b. maintains the character and amenity values of the zone and surrounding area; c. supports the social, cultural, and economic wellbeing or health and safety of people and communities, including road safety; d. minimises sky glow and light spill; and e. protects the health and well-being of people and ecosystems.
LIGHT - P2	Enable artificial outdoor lighting of short duration outside of daylight hours associated with temporary activities, and artificial outdoor lighting for the purpose of emergency response and public health and safety.
LIGHT - P3	Control the intensity, location and direction of any outdoor lighting to: <ul style="list-style-type: none"> a. ensure that any artificial outdoor lighting avoids conflict with existing light sensitive areas and uses; b. internalise light spill within the site where the outdoor lighting is located; c. avoid adverse effects on views of the night sky and intrinsically dark landscapes; d. avoid adverse effects on the significant habitats of light sensitive native fauna; and e. avoid adverse effects on the health and safety of people and communities in the surrounding area.

Light Rules

Note: There may be a number of Plan provisions that apply to an activity, building, structure and site. In some cases, consent may be required under rules in this Chapter as well as rules in other Chapters in the Plan. In those cases, unless otherwise specifically stated in a rule, consent is required under each of those identified rules. Details of the steps Plan users should take to determine the status of an activity are provided in [General Approach](#).

Permitted Activities

LIGHT - R1

All Zones: General Permitted Activity Standards

Where Activity Status is Permitted

All artificial outdoor lighting must:

1. Be oriented so that light is emitted away from any adjoining and adjacent properties;
2. Be oriented so that light is emitted away from any state highway or arterial or principal roads, or any oncoming traffic; and
3. If the outdoor artificial light is located within the Outstanding Coastal Natural Character Overlay it must:
 - a. be fully shielded;
 - b. be installed in a manner that precludes operation between 10pm and 7am the following day; and
 - c. have a colour corrected temperature of no greater than 3000K (warm white).

Activity Status Where Compliance Not Achieved:

[Restricted Discretionary](#)

<p>4. Where an activity is located on a site which adjoins or is separated by a road from a different zone, the activity on the site must meet the relevant zone standards for light for the adjoining zone at the zone boundary.</p> <p>Advice Notes:</p> <ol style="list-style-type: none"> 1. Lighting limits must be measured and assessed in accordance with AS/NZS 4282:2019 Control of the Obtrusive Effects of Outdoor Lighting. 2. Where conformance with the limits set out in the Rules in this chapter is to be determined by calculation, the calculation must be undertaken by a person who is professionally qualified and competent in the discipline of illuminating engineering. 3. Any calculation for the purposes of these Rules must be based on a maintenance factor of 1.0 (i.e. no depreciation shall be taken into account for reduction in light levels over time). 	
<p>LIGHT - R2 Artificial Outdoor Lighting in the TCZ - Town Centre, MUZ - Mixed Use, COMZ - Commercial, PORTZ - Port, HOSZ - Hospital, STADZ - Stadium, AIRPZ- Airport and all INZ - Industrial Zones</p>	
<p>Activity Status Permitted Activity Status Permitted Where:</p> <ol style="list-style-type: none"> 1. Outdoor artificial lighting must not exceed the following vertical or horizontal light levels: <ol style="list-style-type: none"> a. 7.00am – 10.00pm: 25 Lux; and b. 10.00pm – 7.00am: 5 Lux; <p>Measured 2m inside the boundary of any adjoining site or the closest window in the adjoining property, whichever is the closest.</p>	<p>Activity status where compliance not achieved: Restricted Discretionary</p>
<p>LIGHT - R3 Artificial Outdoor Lighting in the NOSZ - Natural Open Space Zone, SETZ - PREC 2 - Settlement Zone - Coastal Settlement Precinct, and in All Zones where the site falls within the Outstanding Coastal Natural Character Overlay</p>	
<p>Activity Status Permitted Where:</p> <ol style="list-style-type: none"> 1. Outdoor artificial lighting must not exceed the following vertical or horizontal light levels: <ol style="list-style-type: none"> a. 7.00am – 10.00pm: 2 Lux; and 	<p>Activity status where compliance not achieved: Restricted Discretionary</p>

- b. 10.00pm – 7.00am: 1 Lux - where this lightspill is from public road lighting installations only.

Measured at the boundary of the site.

LIGHT - R4 Artificial Outdoor Lighting in locations not provided for in Rule LIGHT - R2 or LIGHT - R3

Activity Status Permitted

Where:

- 1. Outdoor artificial lighting must not exceed the following vertical or horizontal light levels:
 - a. 7.00am – 10.00pm: 10 Lux; and
 - b. 10.00pm – 7.00am: 2 Lux;

Measured 2m inside the boundary of any adjoining site or the closest window in the adjoining property, whichever is the closest.

Activity status where compliance not achieved: [Restricted Discretionary](#)

Restricted Discretionary Activities

LIGHT - R5 Artificial Outdoor Lighting in any zone not meeting Permitted Activity Standards outside of the Outstanding Coastal Natural Character Overlay

Activity Status Restricted Discretionary

Where:

- 1. The artificial outdoor lighting is not located in the Outstanding Coastal Natural Character Overlay.

Discretion is restricted to:

- a. The number, placement, design, height, colour, orientation and screening of light fittings and light support structures;
- b. Effects on views to the night sky;
- c. Effects on visual amenity;
- d. Effects on the safety of the transport network;
- e. Effects on established uses and their operation;
- f. Effects on coastal natural character;
- g. Effects on native wildlife; and
- h. Any positive effects generated from the use of artificial lighting.

Activity status where compliance not achieved: [Discretionary](#)

Discretionary Activities

LIGHT - R6	Artificial Outdoor Lighting within the Outstanding Coastal Natural Character Overlay and not meeting the Permitted Activity Standards.
Activity Status Discretionary	Activity status where compliance not achieved: N/A

NOISE

Noise - Ngā Oro

Overview

The generation of noise is often a necessary part of many activities undertaken on the West Coast/Tai o Poutini. While it is important that such activities are able to operate, noise can result in potential adverse effects on people's health and wellbeing, and their enjoyment of the environment. Adverse effects associated with noise can vary depending on a number of factors, including frequency, timing, duration and characteristics of the noise, the distance between the source and receiver, and any reduction measures. The background sound level can influence the acceptability or annoyance of noise, and this can also vary throughout the West Coast/Tai o Poutini.

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

This Chapter controls the nature and timing of noise-generating activities, and manages new noise sensitive activities where these are located close to established noise-generating activities or zones which have or are expected to have elevated noise levels.

The provisions in this chapter apply to all other chapters within this Plan, unless otherwise specified.

Noise Objectives

NOISE - O1	The benefits of noise generating activities are provided for within a way that is compatible with the role, function and character of each zone and does not compromise community health, safety and wellbeing.
NOISE - O2	The function and operation of existing and permitted noise generating activities and community infrastructure are not compromised by adverse effects, including reverse sensitivity effects, from noise-sensitive activities.

Also the [Strategic Objectives and Policies](#)

Noise Policies

NOISE - P1	Enable the generation of noise when it is of a type, character, scale and level that is appropriate to the zone, having regard to:
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	<ul style="list-style-type: none"> a. the purpose, character and qualities of the zone that the activity is located in; b. the nature, frequency and duration of the noise generating activity; c. methods of mitigation; and d. the sensitivity of the surrounding environment.
NOISE - P2	<p>Require noise sensitive activities located in higher noise environments to be located and designed so as to minimise adverse effects on the amenity values and health and safety of occupants and minimise sleep disturbance from noise, while taking into account:</p> <ul style="list-style-type: none"> a. The type of noise generating activity; and b. Other noise sources in the area; and c. The nature and occupancy of the noise sensitive activity; and d. Mitigation measures, including acoustic insulation, screening and topography. <p>For the purpose of NOISE - P2 higher noise environments include:</p> <ul style="list-style-type: none"> 1. CMUZ - Commercial and mixed use zones; 2. INZ - Industrial zones, PORTZ - Port Zone, AIRPZ - Airport Zone, STADZ - Stadium Zone, BCZ - Buller Coalfield Zone, MINZ - Mineral Extraction Zone and HOSPZ - Hospital Zone; 3. Locations in close proximity to a State Highway and the Railway Corridor; and 4. Locations in close proximity to the Rifle Range Protection Overlay.
NOISE - P3	<p>Within the Airport Noise Control Boundary overlay avoid noise sensitive activities, unless noise mitigation measures are implemented that avoid sleep disturbance and minimise other adverse effects on the amenity values of occupants.</p>
NOISE - P4	<p>Ensure noise effects generated by an activity are of a type, scale and level that are appropriate for the predominant role, function and character of the receiving environment by having regard to:</p> <ul style="list-style-type: none"> a. type, scale and location of the activity in relation to any noise sensitive activities; b. hours of operation and duration of activity; c. the temporary or permanent nature of any adverse effects; and d. the ability to internalise and/or minimise any conflict with adjacent activities.

Noise Rules

Note: There may be a number of Plan provisions that apply to an activity, building, structure and site. In some cases, consent may be required under rules in this Chapter as well as rules in other Chapters in the Plan. In those cases, unless otherwise specifically stated in a rule, consent is required under each of those identified rules. Details of the steps Plan users should take to determine the status of an activity are provided in [General Approach](#).

Permitted Activities

NOISE - R1

General Standards

All activities must comply with the following relevant permitted activity standards.

Activity status where compliance not achieved: N/A

1. Noise levels arising from activities must be measured and assessed in accordance with the New Zealand Standard NZS 6801:2008 Acoustics - Measurement of environmental sound and the New Zealand Standard NZS 6802:2008 Acoustics - Environmental noise except where more specific requirements apply.
2. The noise from any construction work activity must be measured and assessed in accordance with the requirements of New Zealand Standard NZS6803:1999 Acoustics – Construction noise . Construction work is defined in New Zealand Standard NZS6803:1999 Acoustics – Construction noise.
3. The Noise standards do not apply to:
 - a. Intermittent residential activities, use of lawn mowers, vehicles, machinery or equipment operated and maintained in accordance with the manufacture’s specifications and used on an intermittent basis (e.g. spraying, harvesting, etc);
 - b. Any warning device or siren used by emergency services for emergency purposes (and routine testing and maintenance);
 - c. People noise at recreational activities, such as sporting events or the noise from children at school or daycare facilities. This does not include any amplified noise;
 - d. Vehicles being driven on a road (within the meaning of Section 2(1) of the Transport Act 1998), or within a site as part of or compatible with a normal residential activity;
 - e. Trains on rail lines (public or private) and crossing bells within road reserve, including at railway yards, railway sidings or stations. However, this exemption does not apply to the testing (when stationary), maintenance, loading or unloading of trains;
 - f. Any residential activity on the same site as a noise source being assessed;
 - g. Agriculture, horticulture and pastoral farming activities undertaken for a limited duration, including using agricultural vehicles, machinery or equipment used on a seasonal or intermittent basis, forestry planting and forestry harvesting in the General Rural and Rural Lifestyle zones;
 - h. Non-commercial motorised watercraft operating on the surface of waterbodies;
 - i. The use of generators and mobile equipment (including vehicles) for emergency purposes, including testing and maintenance not exceeding 2 weeks in duration, where they are operated by emergency services or lifeline utilities;
 - j. Activities at emergency service facilities associated with emergency response and emergency response training;

- k. Helicopters used for an emergency and as an air ambulance; and
- l. Impulsive sounds (such as hammering and bangs) and dog barking noise which are poorly assessed by reference to NZS 6802:2008 Acoustics Environmental Noise.

NOISE - R2

Emissions of Noise in All Zones

Activity Status Permitted

Where:

1. The noise is emitted from a Temporary Military Training Activity where:
 - a. Weapons firing and/or the use of explosives is notified to the Council, including details of the nature, duration and scale of activity, and any consultation that has been undertaken at least 10 working days prior to the activity occurring;
 - b. Weapons firing and/or use of explosives only occur:
 - i. between 7am and 7pm and achieve either a 500m minimum separation distance to, or peak sound pressure level of 95 dBC when measured at the site boundary; or
 - ii. between 7.00pm to 7.00pm, and achieve either a 1250m minimum separation distance to, or peak sound pressure level of 85 dBC when measured when measured at the site boundary.
2. The noise is emitted from an audible bird scaring device not used at a frequency of more than 12 events per hour;
3. The noise is emitted from a domestic or community scale wind turbine complying with the underlying zone noise standards of the zone and measurement is undertaken in accordance with section 7.7 of NZS 6808: 2010 Acoustics Wind Farm Noise.
4. The noise is from a helicopter landing area that meets the recommended limits and noise management provisions as set out in NZS 6807: 1994 Noise Management and Land Use Planning for Helicopter Landing Areas.
5. The noise is from a Temporary Activity where the temporary activity occurs between 7am and 10pm only, and if operating outside of these hours complies with the underlying noise standards of the zone.

Activity status where compliance not achieved: [Restricted Discretionary](#)

NOISE - R3

Acoustic Insulation Requirements for New Buildings for Use by a Noise Sensitive Activity and Additions to Existing Buildings for Use by a Noise Sensitive Activity

Activity Status Permitted

Where:

1. The building will be used by a Noise sensitive activity is located within:
 - i. 80m of a State Highway with a speed limit of 70kph or greater; or

Activity status where compliance not achieved:
[Restricted Discretionary](#)

<ul style="list-style-type: none"> ii. 40m of a State Highway with a speed limit of less than 70kph; or iii. 40m of a Railway Line; or iv. 100m of a Rifle Range Protection Area identified in the Rifle Range Protection Area overlay; or v. The 50 dBA Noise Control boundary of Franz Josef Heliport; or vi. The 55 dBA Noise Control boundary of the Westport or Hokitika Airports or Greymouth or Karamea Aerodrome; or vii. Any CMUZ - Commercial and Mixed Use Zone, INZ - Industrial Zone or AIRPZ - Airport Zone, PORTZ - Port Zone, STADZ - Stadium Zone, HOSZ - Hospital Zone, BCZ - Buller Coalfield Zone or MINZ - Mineral Extraction Zone; <p>2. The building or addition to a building is designed, sited and constructed to ensure the internal noise levels for buildings used by sensitive activities shall not exceed 35 dB LAeq (1 hour) inside bedrooms or 40 dB LAeq (1 hour) inside other habitable spaces; and</p> <p>3. This standard is achieved with the windows open unless adequate alternative ventilation that complies with the Building Code is provided.</p>	
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NOISE - R4	Emission of Noise in the RESZ - Residential Zones and NOSZ - Natural Open Space Zone
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<p>Activity Status Permitted Where:</p> <ul style="list-style-type: none"> 1. Noise generated by any activity shall not exceed the following noise limits at any point within any other site in the RESZ - Residential Zones and NOSZ - Natural Open Space Zone: <ul style="list-style-type: none"> a. 7am to 7pm Monday to Friday and 8am - 5pm weekends and public holidays: 55dB LAeq b. 7pm - 7am Monday to Friday and 5pm to 8am weekends and public holidays: 45 dB LAeq c. 7pm - 7am all days - 70 dB LAFmax 	<p>Activity status where compliance not achieved: Restricted Discretionary</p>
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NOISE - R5	Emission of Noise in the GRUZ - General Rural Zone, RLZ - Rural Lifestyle Zone, SETZ - Settlement Zone, MPZ - Māori Purpose Zone, FUZ - Future Urban Zone, SARZ - Sport and Recreation Zone and OSZ - Open Space Zone.
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<p>Activity Status Permitted Where:</p> <ul style="list-style-type: none"> 1. Noise generated by any activity shall not exceed the following noise limit at any point within any other site in the GRZ - General Rural Zone, RLZ - Rural Lifestyle Zone, SETZ - Settlement Zone, MPZ - Māori Purpose Zone, FUZ - Future Urban Zone, SARZ - Sport and Recreation Zone and OSZ - Open Space Zone: <ul style="list-style-type: none"> a. 7am to 10pm Monday to Friday and 8am - 8pm weekends and public holidays: 55dB LAeq b. 10pm - 7am Monday to Friday and 8pm to 8am weekends and public holidays: 45 dB LAeq 	<p>Activity status where compliance not achieved: Restricted Discretionary</p>
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c. 10pm - 7am all days - 75 dB L_{AFmax}	
NOISE - R6 Emission of Noise in all CMUZ - Commercial and Mixed Use Zones, HOSZ - Hospital Zone, STADZ - Stadium Zone and SETZ - PREC2 - Settlement Zone - Settlement Centre Precinct.	
Activity Status Permitted Where: 1. Noise generated by any activity shall not exceed the following noise limit at the site boundary with any RESZ - Residential Zone: a. 6am to 11pm Monday to Friday and 7am - 10pm weekends and public holidays: 55dB L_{Aeq} b. 11pm - 6am Monday to Friday and 10pm to 7am weekends and public holidays: 45 dB L_{Aeq} c. 11pm - 6am all days - 75 dB L_{AFmax}	Activity status where compliance not achieved: Restricted Discretionary
NOISE - R7 Emission of Noise within the GIZ - General Industrial and LIZ - Light Industrial Zone	
Activity Status Permitted Where: 1. Noise generated by any activity shall not exceed the following noise limit at the site boundary with any RESZ - Residential Zone: a. 7am to 10pm Monday to Friday and 7am - 10pm weekends and public holidays: 60dB L_{Aeq} b. 10pm - 7am Monday to Friday and 10pm to 7am weekends and public holidays: 45 dB L_{Aeq} c. 10pm - 7am all days - 75 dB L_{AFmax}	Activity status where compliance not achieved: Restricted Discretionary
NOISE - R8 Emission of Noise within the PORTZ - Port Zone and HIZ - Heavy Industrial Zone	
Activity Status Permitted Where: 1. The maximum noise generated from activities is measured in accordance with NZS 6809: 1999 Acoustics Port Noise Management and Land Use Planning; 2. Noise generated by any activity shall not exceed the following noise limit at the site boundary within any RESZ - Residential Zone: a. 10pm - 7am Monday to Friday and 10pm to 7am weekends and public holidays: 45dB L_{Aeq} b. 10pm - 7am all days: 75 dB L_{AFmax}	Activity status where compliance not achieved: Restricted Discretionary

NOISE - R9**Emission of Noise within the AIRPZ - Airport Zone****Activity Status Permitted**

Where:

1. Noise from aircraft operations at Hokitika and Westport Airports and Greymouth and Karamea Aerodromes must be measured and assessed in accordance with NZS 5805: 1992 Airport Noise Management and Land Use Planning;
2. Noise from helicopter operations at Franz Josef Heliport must be measured and assessed in accordance with NZS 6807: 1994 Noise Management and Land Use Planning for Helicopter Landing Areas;
3. The maximum noise levels from aircraft engine testing at any point within the boundary of a site within a RESZ - Residential Zone, MPZ - Māori Purpose Zone or RURZ - Rural Zone shall not exceed:
 - a. on any day 7.00 am to 10.00 pm exceed 55 dB L_{Aeq} (9 hour)
 - b. on any day 10.00 pm to 7.00 am not exceed 45dB L_{Aeq} (9 hours) and 75 dB L_{Amax} ; and
4. The maximum noise generated from aircraft/helicopter operations at Hokitika Airport and Franz Josef Heliport over any 90 continuous days, shall not exceed:
 - a. At Franz Josef Heliport:
 - i. 50 dB L_{dn} at or beyond the outer control air noise boundary shown on the planning maps; and
 - ii. 60 dB L_{dn} at or beyond the air noise boundary shown on the planning maps.
 - b. At Hokitika Airport:
 - i. 55 dB L_{dn} at or beyond the outer control air noise boundary shown on the planning maps; and
 - ii. 65 dB L_{dn} at or beyond the air noise boundary shown on the planning maps.
5. Standard 4 above does not apply to:
 - a. Aircraft landing or taking off in an emergency; and
 - b. Aircraft using the Airport as a planned or essential alternative to landing at another scheduled airport; and
 - c. Emergency flights required to rescue persons from life threatening situations or to transport patients, human organs or medical personnel in medical emergency situations; and
 - d. Flights required to meet the needs of a national or civil defence emergency declared under the Civil Defence Act 1983; and
 - e. Flights certified by the Minister of Defence as necessary for reasons of National Security in accordance with Section 4 of the Act; and
 - f. Aircraft undertaking firefighting duties; and
 - g. Military aircraft movements; and
 - h. Aircraft using the Airport in preparation for and participation in air shows.

Activity status where compliance not achieved:[Restricted Discretionary](#)

<p>6. In order to audit compliance with this standard, noise level monitoring must be carried out for a minimum of three months every five years with the resulting report forwarded to the Council within one month of that monitoring being completed.</p>	
<p>NOISE - R10 Emission of Noise within the BCZ - Buller Coalfield Zone and MEZ - Mineral Extraction Zone</p>	
<p>Activity Status Permitted Where:</p> <ol style="list-style-type: none"> 1. The maximum noise generated from activities does not exceed the following limit at the site boundary of any RESZ - Residential Zone or within 20m of any residential building located in any RURZ - Rural Zone, FUZ - Future Urban Zone or MPZ - Māori Purpose Zone: <ol style="list-style-type: none"> a. 7am to 10pm Monday to Friday and 7am - 10pm weekends and public holidays: 55dB L_{Aeq} b. 10pm - 7am Monday to Friday and 10pm to 7am weekends and public holidays: 45 dB L_{Aeq} c. 10pm - 7am all days - 75 dB L_{AFmax} 	<p>Activity status where compliance not achieved: Restricted Discretionary</p>
<p>Restricted Discretionary Activities</p>	
<p>NOISE - R11 Emission of Noise not meeting Permitted Activity Standards</p>	
<p>Activity Status Restricted Discretionary</p> <p>Discretion is restricted to:</p> <ol style="list-style-type: none"> a. Ambient noise levels and any special character noise from any existing activities, the nature and character of any changes to the sound received at any receiving site and the degree to which such sounds are compatible with the surrounding activities; b. The level, hours of operation, duration and nature of the noise; c. The primary purpose and the frequency of use of the activity; d. Proximity and nature of nearby activities and the adverse effects they may experience from the noise; e. Effects on character and amenity values on the surrounding environment; and f. Effects on the health and wellbeing of people; g. The temporary or permanent nature of any adverse effects; h. Any noise reduction measures. <p>Notification: Applications to exceed noise standards at the boundary of a site will always be notified to adjacent affected neighbours and may be publicly notified.</p>	<p>Activity status where compliance not achieved: N/A</p>

NOISE -R12	New Buildings for Use by a Noise Sensitive Activity and Additions to Existing Buildings for Use by a Noise Sensitive Activity not meeting Acoustic Insulation Requirements of Rule NOISE - R3
Activity Status Restricted Discretionary	Activity status where compliance not achieved: N/A
Discretion is restricted to:	
<ul style="list-style-type: none"> a. The provision of a report from an acoustic specialist which provides evidence that the level of acoustic insulation is appropriate to ensure the amenity of present and future residents of the site b. The impact of any sensitive activity that does not provide the required acoustic insulation on the ability of existing or future permitted business activities to operate or establish without undue constraint. 	

SIGN

Signs - Ngā Tohu

Overview

Signs are an important method of providing community, consumer and destination information and safety messages and traffic controls. They range in a wide range type and scale including large bill boards; free standing signs, signs attached to or painted onto buildings, illuminated and/or moving signs and digital displays.

Signs are generally anticipated in commercially focused areas such as the Town Centre Zone and Neighbourhood Centre Zone, Settlement Centre Precinct and in the General Industrial Zone , where they are used to advertise products and services that are available on the site on which the sign is located. However, if not carefully managed, signs have the potential to cause visual clutter and undermine the character and amenity values of an area.

To ensure signs are compatible with an area, their scale, number, illumination, motion and placement are matters that are managed though Te Tai o Poutini Plan. This chapter contains the provisions that control signs and includes provisions which manage signage that advertises services or products which are not directly related to or associated with the activity undertaken on the site upon which the sign is located.

The District Plan does not, however, seek to control official signs, or compulsory, warning and information signs within road reserves which are managed by the roading or territorial authority.

Other relevant District Plan provisions

It is important to note that in addition to the zone chapters, other Part 2: District-wide Matters chapters may contain provisions that are relevant to signs, in particular the specific Overlay Chapters referred to within this chapter such as [Historic Heritage](#) and [Sites and Areas of Significance to Māori](#).

Signs Objective

SIGN - O1	Signs contribute to the social, cultural and economic wellbeing of the West Coast/Tai o Poutini while: <ul style="list-style-type: none"> 1. supporting the needs of business, infrastructure and community activities; 2. maintaining or enhancing the character and amenity values of the surrounding area; and 3. maintaining public safety.
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Also the [Strategic Objectives and Policies](#)

Signs Policies

SIGN - P1	Enable a diversity of sign types that provide for effective communication of government, business and community information and whilst maintaining public safety, access needs and the overall character of the area.
SIGN - P2	Ensure the landscape, natural character and amenity values of residential areas, settlements, rural areas, open space and outstanding natural landscapes are protected from adverse visual and amenity effects from large areas or numbers of signs.
SIGN - P3	Ensure that signs do not adversely affect traffic safety of motorists, cyclists, pedestrians and other road users, or obstructing roads or footpaths.
SIGN - P4	Enable temporary signage subject to meeting basic activity and built form standards
SIGN - P5	Ensure signs relating to a particular activity or/use of land or buildings on the site are located at the site of that activity, land or building.
SIGN - P6	To support the use of bilingual signage and the use of traditional Poutini Ngāi Tahu place names within the District.

Signs Rules

Note: There may be a number of Plan provisions that apply to an activity, building, structure and site. In some cases, consent may be required under rules in this Chapter as well as rules in other Chapters in the Plan. In those cases, unless otherwise specifically stated in a rule, consent is required under each of those identified rules. Details of the steps Plan users should take to determine the status of an activity are provided in [General Approach](#).

Permitted Activities - All Zones

SIGN - R1	General Permitted Activity Performance Standards - All Zones	
Where Activity Status is Permitted		Activity status where compliance not achieved: Restricted Discretionary
All signs must:		
<ul style="list-style-type: none"> 1. Not project over the road or be located within a transport corridor; 2. Not obstruct the line of sight of any corner, bend, intersection or vehicle or rail crossing; 3. Not obstruct, obscure or impair the view of any traffic or railway sign or signal; 4. Not physically obstruct or impede traffic, trains or pedestrians; and 5. Not resemble or be likely to be confused with any traffic sign or signal; 		

<p>6. Not have:</p> <ul style="list-style-type: none"> i. Reflective materials, ii. Flashing, revolving or intermittent light, iii. Sound effects, or iv. Animated, trivisual, inflatable or aerial components; <p>7. Not be affixed to vehicles or trailers and parking in a location visible from a public place. This does not apply to advertising incidental to the primary use of the vehicle or trailer;</p> <p>8. Comply with the height requirements for buildings in the relevant zone;</p> <p>9. Not be of a colour or size which could be confused with a traffic signal;</p> <p>10. Comply with the following minimum lettering size:</p> <ul style="list-style-type: none"> i. 100mm where facing any road with a posted speed limit of <50 kph ii. 150mm where facing any road with a posted speed limit of 50-70 kph iii. 175 mm where facing any road with a posted speed limit of 71-80 kph iv. 200mm where facing any road with a posted speed limit of >80 kph; and <p>11. Comply with the following separation distances between signs where these are located within 10 metres of a road:</p> <ul style="list-style-type: none"> i. 60m separation distances between signs facing a road with a posted speed limit of <70kph ii. 70m separation distances between signs facing a road with a posted speed limit of 71-80 kph iii. 80m separation distances between signs facing a road with a posted speed limit of >80 kph. <p>Advice Note: Any sign located within the road corridor of a State Highway may require approval from NZTA – Waka Kotahi as the landowner and network utility operator.</p>	
<p>SIGN - R2 Traffic and Railway Signs - All Zones</p>	
<p>Activity Status Permitted Where:</p> <ul style="list-style-type: none"> 1. The sign is required by NZTA - Waka Kotahi and is located within a road reserve; or 2. The sign is required by NZ Railways Corporation/Kiwirail and is located within a rail corridor; or 3. The sign is required by the Council and is located within a road reserve or road corridor for a formed legal road. 	<p>Activity status where compliance not achieved: Controlled</p>
<p>SIGN - R3 Official Signs - All Zones</p>	
<p>Activity Status Permitted Where:</p>	<p>Activity status where compliance not achieved: Controlled</p>

<ol style="list-style-type: none"> 1. The sign is required to meet legislative requirements such as health and safety legislation; or 2. The sign provides information relating to public safety or wayfinding, such as equipment use, property entrances or for security purposes, and is no larger than is reasonably necessary to convey the information; and 3. All performance standards of Rule SIGN- R1 are complied with. 	
SIGN - R4 Temporary Signs - All Zones	
<p>Activity Status Permitted Where:</p> <ol style="list-style-type: none"> 1. These are for community events and the sign is erected no earlier than 6 months before the event and is removed within 7 days of the event; or 2. These are for temporary activities and the sign is erected no earlier than 1 month before the activity and is removed within 7 days of the activity; or 3. These are for construction sites and the sign is erected no earlier than 6 months before the event and is removed within 7 days of the event; or 4. These are for land/premises for sale or lease and once the property is sold or let the sign is removed within 7 days; or 5. These are for electioneering where the sign is erected no more than 9 weeks before the election to which it relates and is removed within 1 day of the election day, unless otherwise required by statute; and 6. There is a maximum of one sign per road frontage; 7. The maximum sign face area is 3m²; 8. The maximum height from ground level is 4m; and 9. All performance standards for Rule SIGN - R1 are complied with. 	<p>Activity status where compliance not achieved: Restricted Discretionary</p>
SIGN - R5 Community Signs - All Zones	
<p>Activity Status Permitted Where:</p> <ol style="list-style-type: none"> 1. There is a maximum of one sign per site; 2. The maximum sign face area is 2m²; 3. The maximum height measured from ground level is 4m; and 	<p>Activity status where compliance not achieved: Restricted Discretionary</p>

4. All performance standards for Rule SIGN - R1 are complied with.		
SIGN - R6	Signs not visible from a road, publicly accessible space, RESZ - Residential, SETZ - Settlement or OSRZ - Open Space and Recreation Zone - All Zones	
Activity Status Permitted Where:	<ol style="list-style-type: none"> 1. These are located on private land; or 2. These are located indoors. 	Activity status where compliance not achieved: N/A
SIGN - R7	Interpretation signs on the site of a Scheduled Feature in Schedules 1-4 or Schedule 6 - All Zones	
Activity Status Permitted Where:	<ol style="list-style-type: none"> 1. The maximum sign face area of each sign is 3m²; 2. The maximum sign height measured from ground level is 4m; and 3. Performance standards for Rule SIGN - R1 are complied with. <p>Advice Note: For signs located on or within Scheduled features compliance with the relevant rules for earthworks, buildings and structures may mean a resource consent is required.</p>	Activity status where compliance not achieved: Restricted Discretionary
SIGN - R8	Footpath Signs - All Zones	
Activity Status Permitted Where:	<ol style="list-style-type: none"> 1. The sign is placed on the footpath immediately in front of the premises to which it relates; 2. A consistent 2m wide clear space for pedestrians on the footpath is maintained; 3. The sign is removed from the footpath at the completion of the day's trading and not returned until the start of the next day's trading; 4. The sign is not displayed or attached to any public structure or traffic control device in a public place; and 5. All performance standards for Rule SIGN - R1 are complied with. 	Activity status where compliance not achieved: Restricted Discretionary
SIGN - R9	Verandah Signs - All Zones	

<p>Activity Status Permitted Where:</p> <ol style="list-style-type: none"> 1. The sign is under the verandah, on top of the verandah or within the verandah fascia; 2. The sign relates to an activity occurring on the site; 3. All performance standards for Rule SIGN - R1 are complied with; 4. There is a maximum of one under-verandah, one verandah fascia sign and one above verandah sign per premises per road frontage; 5. Any under-verandah sign must: <ol style="list-style-type: none"> a. provide a clearance of at least 2.5m from the footpath to the bottom of the sign; b. have a maximum height of 0.6m and a maximum depth of 0.25m; c. be setback 0.5m from the kerb of the road; and d. be mounted at right angles to the kerblines. 6. Any sign on a verandah fascia must be contained entirely within the verandah fascia; 7. Any sign above the verandah must: <ol style="list-style-type: none"> a. Not exceed 1.2m in height above the fascia; b. Not project beyond the face of the verandah; and c. Be setback 0.5m from the kerb of the road 	<p>Activity status where compliance not achieved: Restricted Discretionary</p>
<p>Permitted Activities - Specific Zones</p>	
<p>SIGN - R10 Signs in the MPZ - Māori Purpose Zone</p>	
<p>Activity Status Permitted Where:</p> <ol style="list-style-type: none"> 1. These are erected with the approval of the relevant Poutini Ngāi Tahu Rūnanga; and 2. All performance standards for Rule SIGN - R1 are complied with. 	<p>Activity status where compliance not achieved: Restricted Discretionary</p>
<p>SIGN - R11 Signs in the AIRPZ - Airport Zone</p>	
<p>Activity Status Permitted Where:</p> <ol style="list-style-type: none"> 1. These are erected by the airport/aerodrome/heliport controlling authority and relate to the purpose of the zone; and 	<p>Activity status where compliance not achieved: Restricted Discretionary</p>

2. All performance standards for Rule SIGN - R1 are complied with.		
SIGN - R12	Signs in RESZ - Residential Zones	
Activity Status Permitted Where:	<ol style="list-style-type: none"> 1. The sign relates to an activity occurring on the site; 2. There is a maximum of one sign per site; 3. There is a maximum sign face of 1m²; and 4. All performance standards for Rule SIGN - R1 are complied with. 	Activity status where compliance not achieved: Discretionary
SIGN - R13	Signs in the SETZ - Settlement Zone	
Activity Status Permitted Where:	<ol style="list-style-type: none"> 1. This is not located in a SETZ - PREC2 - Settlement Centre Precinct or a SETZ - PREC3 -Coastal Settlement Precinct 2. The sign relates to an activity occurring on the site or an adjoining site; 3. There is a maximum of one sign per site; 4. There is a maximum sign face of 2m²; and 5. All performance standards for Rule SIGN - R1 are complied with. 	Activity status where compliance not achieved: Restricted Discretionary
SIGN - R14	Signs in the SETZ - PREC 3- Settlement Zone - Coastal Settlement Precinct	
Activity Status Permitted Where:	<ol style="list-style-type: none"> 1. The sign relates to an activity occurring on the site; 2. There is a maximum of one sign per site; 3. There is a maximum sign face of 1m²; and 4. All performance standards for Rule SIGN - R1 are complied with. 	Activity status where compliance not achieved: Discretionary
SIGN - R15	Signs in the GRZ - General Rural Zone, RLZ - Rural Lifestyle Zone, FUZ - Future Urban Zone, MINZ - Mineral Extraction Zone and BCZ - Buller Coalfield Zone	

<p>Activity Status Permitted Where:</p> <ol style="list-style-type: none"> 1. The sign relates to an activity occurring on the site or an adjoining site; 2. There is a maximum of one sign per road frontage of the site; 3. There is a maximum sign face of 2m²; and 4. All performance standards for Rule SIGN - R1 are complied with. 	<p>Activity status where compliance not achieved: Restricted Discretionary</p>
<p>SIGN - R16 Signs in any OSRC - Open Space and Recreation Zone or the STADZ - Stadium Zone</p>	
<p>Activity Status Permitted Where:</p> <ol style="list-style-type: none"> 1. The sign is located in an OSRZ - Open Space and Recreation Zone; and 2. The sign is ancillary to a conservation, recreation or community activity; or 3. The sign is for commercial sponsorship of a recreation activity and where is located in an OSRZ - Open Space and Recreation Zone will not be visible beyond the site; and 4. All performance standards for Rule SIGN - R1 are complied with. 	<p>Activity status where compliance not achieved: Restricted Discretionary</p>
<p>SIGN - R17 Signs in any CMUZ - Commercial and Mixed Use Zone, any INZ -Industrial Zone, the PORTZ - Port Zone or a SETZ - PREC2- Settlement Centre Precinct</p>	
<p>Activity Status Permitted Where:</p> <ol style="list-style-type: none"> 1. Signs must relate to an activity occurring on the site; 2. Signs are not directed towards residential or rural areas; 3. Signs attached to the structure or face of the building must be a maximum of 10% of the area of the building facade or 3m², whichever is the lessor; and 4. All performance standards for Rule SIGN - R1 are complied with. 	<p>Activity status where compliance not achieved: Restricted Discretionary</p>
<p>Controlled Activities</p>	
<p>SIGN - R18 Traffic and railway signs and Official signs not meeting Rule SIGN - R1 or SIGN - R3 - All Zones</p>	
<p>Activity Status Controlled</p>	<p>Activity status where compliance not achieved: N/A</p>

Matters of control are:		
<ul style="list-style-type: none"> a. The location of the sign; b. The size and height of the sign; and c. The management of effects on road and footpath user safety. 		
Restricted Discretionary Activities		
SIGN - R19	Signs which do not meet Permitted Activity standards not subject to Rule SIGN - R18	
Activity Status Restricted Discretionary		Activity status where compliance not achieved: Discretionary
Where:		
<ul style="list-style-type: none"> 1. The sign is not located in a RESZ - Residential Zone or a SETZ - PREC 2 - Coastal Settlement Precinct; and 2. The sign is not located in, on or within a Scheduled Natural or Cultural feature identified in Schedules 1 - 6. 		
Discretion is restricted to:		
<ul style="list-style-type: none"> a. The location of the sign; b. The design materials and appearance of the sign and/or support structure and their effects on visual amenity; c. The size and height of the sign; d. For temporary signs, the length of time the sign is in place; e. Effects on road and footpath user safety; and f. The relationship of the sign with existing signage on the site and in the surrounding area. 		
Notification: Where a sign faces a state highway and do not meet the Performance Standards in Rule SIGN - R1 then the application will be Limited Notified to Waka Kotahi - NZTA and may be publicly notified.		
Discretionary Activities		
SIGN - R20	Signs which do not meet Permitted Activity standards and are located in a RESZ - Residential Zone	
Activity Status Discretionary		Activity status where compliance not achieved: N/A
SIGN - R21	Signs which do not meet Permitted Activity standards and are located in a SETZ - PREC 3 -Coastal Settlement Precinct.	

Activity Status Discretionary		Activity status where compliance not achieved: N/A
SIGN - R22	Signs which do not meet Permitted Activity standards and are located in, on or within a scheduled feature located in Schedules 1-4 or Schedule 6.	
Activity Status Discretionary		Activity status where compliance not achieved: N/A
Notification: Applications for signs on sites and areas of significance to Māori will always be notified to the relevant rūnanga and may be publicly notified.		

TEMP

Temporary Activities - Ngā Mahi Taupua

Temporary events and uses such as, concerts, parades, festivals, meetings, or exhibitions occur on a regular basis throughout the West Coast and contribute to the community. Alongside this temporary buildings are often associated with larger construction works. The temporary nature of such activities generally minimises the adverse effects the event may have on the surrounding environment. Consequently, many events and activities of short duration are tolerated by parts of the community, while other members enjoy what the event has to offer.

To ensure that the number, scale and intensity of temporary events and uses does not increase to a level beyond which the effects are more than of a temporary duration and have more than a minor effect, the following objectives, policies and rules intend to manage the effects of temporary activities and uses and their operations.

In addition to community focused events, military and emergency management services training exercises are also provided for within the Plan with a set of clear parameters to ensure any adverse effects are minimised and temporary in duration.

Temporary camping adjacent to the State Highway is also a matter which is regulated in these provisions. That is because this land is not subject to the Freedom Camping Bylaws of the three District Councils.

Temporary Activities Objective

TEMP - O1	To provide for temporary activities where they contribute to social, economic and cultural wellbeing of the West Coast.
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Also the [Strategic Objectives and Policies](#)

Temporary Activities Policies

TEMP - P1	Enable temporary construction and demolition activities while minimising their adverse effects on amenity values of adjacent sites
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TEMP - P2	Enable temporary military and emergency management training activities adverse effects on amenity values and the environment are minimised.
TEMP - P3	Enable a wide range of temporary events on the West Coast recognising their positive contribution to community wellbeing
TEMP - P4	Ensure that freedom camping activities undertaken in the State Highway road corridor are managed in a manner consistent with freedom camping in other parts of the relevant district.
Temporary Activities Rules	
Note: There may be a number of Plan provisions that apply to an activity, building, structure and site. In some cases, consent may be required under rules in this Chapter as well as rules in other Chapters in the Plan. In those cases, unless otherwise specifically stated in a rule, consent is required under each of those identified rules. Details of the steps Plan users should take to determine the status of an activity are provided in General Approach .	
Permitted Activities	
TEMP - R1	Temporary and Military Training Activities and Emergency Management Training
Activity Status Permitted Where: <ol style="list-style-type: none"> 1. These are for a maximum of 31 days per year; 2. No permanent structures are erected; and 3. No earthworks requiring a resource consent under the Earthworks or overlay chapter rules are undertaken. 	Activity status where compliance not achieved: Restricted Discretionary
TEMP - R2	Temporary Buildings and Structures Ancillary to Construction and Demolition Activity
Activity Status Permitted Where: <ol style="list-style-type: none"> 1. These are removed within 1 month of the activity ceasing; 2. The building or structure is located on the same site as the construction or demolition activity; 3. Relevant zone Setback standards are met where the activity adjoins any Residential or Settlement Zone; 4. The building or structure is on the same site as the construction or demolition activity; and 5. Any temporary building is no more than 50m² in gross floor area where this adjoins a residential zone. 	Activity status where compliance not achieved: Restricted Discretionary
TEMP - R3	Temporary Motorsport Activities
Activity Status Permitted Where:	Activity status where compliance not achieved: Restricted Discretionary

<ol style="list-style-type: none"> 1. There are no ancillary buildings or structures; 2. Notice of the activity is provided to the relevant district council a minimum of 30 days prior to the event; and 3. The event occurs for a maximum of 3 days at one site in any one calendar year. <p>Advice Note:</p> <ol style="list-style-type: none"> 1. It is the organiser's obligation to contact the relevant road controlling authority (New Zealand Transport Agency - Waka Kotahi) if the activity is accessed from a State Highway, and the relevant District Council (if accessed from any other roads) to arrange an appropriate traffic management plan to avoid traffic safety hazards being generated from the activity. 	
TEMP - R4 Temporary Residential Buildings Post Emergency Declaration	
<p>Activity Status Permitted Where:</p> <ol style="list-style-type: none"> 1. These are established following a Local or Regional State of Emergency declaration; 2. Notice of the activity is provided to the relevant district council prior to the temporary residential building being established; 3. Any temporary residential building is removed with 24 months of being established on the site; 4. A single temporary residential building is located on any property less than 500m² in size; and 5. Where multiple emergency residential buildings are located on the same site, then relevant zone Setback standards are met where the activity adjoins any Residential or Settlement Zone. 	<p>Activity status where compliance not achieved: Restricted Discretionary</p>
TEMP - R5 Freedom camping on land adjacent to the State Highway network	
<p>Activity Status Permitted Where:</p> <ol style="list-style-type: none"> 1. This is in locations identified and signposted by Waka Kotahi - New Zealand Transport Authority or the relevant District Council as a designated Responsible Camping Site or Freedom Camping Site; 2. Freedom camping at any one location or within 500m of the same location is limited to no more than two consecutive nights, and no more than 10 nights per 30-day period; and 	<p>Activity status where compliance not achieved: Restricted Discretionary</p>

3. Freedom camping is limited to Certified Self-Contained Vehicles in accordance with NZS 5465:2001.		
TEMP - R6	Other Temporary Activities and Buildings	
Activity Status Permitted Where: <ol style="list-style-type: none"> 1. These are aircraft or helicopter movements; or 2. Community markets occur a maximum of 1 day/week at any one site; or 3. For other activities and events: <ol style="list-style-type: none"> a. These are for a maximum of 3 times in any one year at one site; b. These only occur for a maximum of 3 consecutive days at any site; c. In all zones except the Open Space and Recreation Zones the relevant Permitted Activity NOISE and LIGHT standards are met; and d. In the Open Space and Recreation Zones a temporary activity may exceed the zone Permitted Activity NOISE and LIGHT standards on a site on one occasion in a 3 month period and for a maximum of 3 days. 		Activity status where compliance not achieved: Restricted Discretionary
Restricted Discretionary Activities		
TEMP - R7	Temporary Military Training Activities and Emergency Services Training not meeting Permitted Activity Standards	
Activity Status Restricted Discretionary Discretion is restricted to: <ol style="list-style-type: none"> a. Effects on outlook, shading, loss of privacy and amenity to any nearby residential properties; b. Location and design; c. Traffic safety; d. Dust and sediment control; and e. Ground stability. 		Activity status where compliance not achieved: N/A
TEMP - R8	Temporary Buildings and Structures Ancillary to a Construction Activity not meeting Permitted Activity Standards	
Activity Status Restricted Discretionary Discretion is restricted to:		Activity status where compliance not achieved: N/A

<ul style="list-style-type: none"> a. Effects on outlook, shading, loss of privacy and amenity to any nearby properties; and b. Location and design. 	
TEMP - R9 Other Temporary Activities and Buildings not meeting Permitted Activity Standards	
<p>Activity Status Restricted Discretionary</p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> a. Traffic safety; b. Dust and sediment control; c. Ground stability; and d. Visual amenity from neighbouring properties and public places. <p>Advice Note:</p> <ol style="list-style-type: none"> 1. It is the organiser's obligation to contact the relevant road controlling authority (New Zealand Transport Agency - Waka Kotahi) if the activity is accessed from a State Highway, and the relevant District Council (if accessed from any other roads) to arrange an appropriate traffic management plan to avoid traffic safety hazards being generated from the activity. 	<p>Activity status where compliance not achieved: N/A</p>



Te Tai o Poutini PLAN

A combined district plan for the West Coast

Prepared for: Te Tai o Poutini Plan Committee
Prepared by: Lois Easton, Principal Planner
Date: November 2021
Subject: **Te Tai o Poutini Plan Draft Chapter Review – Subdivision and Financial Contributions**

SUMMARY

This report gives an opportunity for the Committee to review draft provisions from Te Tai o Poutini Plan ahead of the full draft Plan coming to the Committee at the 16th December meeting.

The tenth set of provisions for review are the Subdivision and Financial Contributions provisions.

RECOMMENDATIONS

1. That the Committee receive the report
2. That the Committee provide feedback on the draft Subdivision and Financial Contributions provisions for Te Tai o Poutini Plan.

INTRODUCTION

1. With the decision to fast track the notification of Te Tai o Poutini Plan (TTPP), there is a need to ensure that draft work developed is reviewed to ensure consistency and coherence in the Plan. Draft chapters are being brought to the Committee for review each month, ahead of the entire draft Plan coming to the Committee in December for adoption for consultation.
2. The tenth chapter for review is the Subdivision chapter. Financial contributions are also part of this chapter.

DRAFT PROVISIONS AND NEXT STEPS

3. The draft provisions have an overview, objectives, policies and rules for each topic.
4. Following any amendments sought by the Committee, these provisions will be incorporated into the Draft Te Tai o Poutini Plan.

FC

Financial Contributions - Ngā Rourou Pūtea

Overview

This section of Te Tai o Poutini Plan contains the objectives, policies and rules for financial contributions for infrastructure and to offset adverse effects on the environment of the West Coast/Tai o Poutini.

Currently the three District Councils on the West Coast/Tai o Poutini use financial contributions under the RMA as the sole mechanism to provide for the costs and impacts of development on Council infrastructure and these draft provisions have been developed on the basis of that approach continuing.

However, the District Councils are exploring the potential to move to a Development Contributions regime under the Local Government Act, 2002 (LGA). This is unlikely to be introduced prior to the proposed TTPP being publicly notified. However if the Councils do introduce Development Contributions under the LGA then these provisions will be amended by Variation or Plan Change to reflect the updated regime.

Financial Contributions Objectives

FC - O1	Through the use of financial contributions, the West Coast/Tai o Poutini's infrastructure is able to meet the demands generated by subdivision, land-use and development so that it does not adversely affect natural and physical resources, or compromise the quality of service provided to existing users.
FC - O2	To ensure that new activities and development contributes fairly and equitably towards the costs of avoiding, remedying, mitigating or offsetting adverse effects on the environment and infrastructure resources of the West Coast/Tai o Poutini.

Also the [Strategic Objectives and Policies](#)

Financial Contributions Policies

FC - P1	To require financial contributions as a condition of subdivision, development and land use consents to remedy or mitigate adverse effects created by the need to create, extend or upgrade public infrastructure, reserves and community facilities as a result of the subdivision, use or development.
FC - P2	Financial contributions shall be applied in a fair and equitable manner that: a. Is financially transparent; b. Reflects the adverse effects and demand on services and facilities generated by the subdivision, land use or development; c. Is complementary to the Council's other financial management policies; and d. Takes into account any costs incurred in taking, holding and allocating the financial contributions.
FC - P3	Financial contributions may be taken in the form of cash, land, works or a combination of these in discussion with the applicant but at the final discretion of the Council.

FC - P4	Where land is provided by way of a financial contribution to ensure that such land shall be suitable for the intended use bearing in mind the community to be served.
FC - P5	To use financial contributions in money to provide additional capacity, and to meet the need for community infrastructure and facilities that arise from the activity. This shall include roading, streetscape improvements, shared pathways, vehicle parking, EV charging spaces, service lanes, water supply, wastewater, stormwater, parks, reserves, recreation facilities and community facilities.
FC - P6	To provide for offsetting or compensation for environmental effects, including those on significant natural areas, outstanding landscapes and historic heritage, where these cannot be avoided, remedied or mitigated and the activities have specific spatial location requirements such as mineral extraction and infrastructure.

Financial Contribution Rules

FC -R1 Financial Contributions as Conditions of Consent

<ol style="list-style-type: none"> 1. A condition may be imposed on a subdivision or land use consent to require the applicant, including network utility operators and/or requiring authorities, to make a financial contribution for the following purposes: <ol style="list-style-type: none"> i. The mitigation of potential adverse effects arising from the activity; ii. Securing environmental compensation generating positive effects to offset any adverse effects of the subdivision, use or development that cannot be avoided, remedied or otherwise mitigated; iii. Providing and/or upgrading public network utility services and transport infrastructure; iv. Providing and/or upgrading public reserves and community facilities; and 2. No financial contribution is payable for: <ol style="list-style-type: none"> 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. 3. Where roading or three waters infrastructure upgrades or extensions necessary to meet the requirements of the proposed land-use, development or subdivision are proposed in the relevant District Council's Long Term Plan, but the proposed land-use, development or subdivision requires that the planned works be undertaken earlier than planned for in the Long Term Plan, then the Council will require the developer to meet the full cost of the upgrades and extensions including interest on loans subject to the following: <ol style="list-style-type: none"> i. Council may, at its discretion, and guided by its financial strategy, agree to contribute to the funding at the time the infrastructure is required by the proposed land-use, subdivision or development; ii. Agreements shall be made in writing between the developer and the Council, and shall state the amount of the financial contribution and timing of any payments to be made; 	
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- iii. In the event that the Council does not contribute to the funding at that time, the developer will be reimbursed by the Council;
- iv. Agreed reimbursement will be made at no later than at the time the extension or upgrade would otherwise have been undertaken as set out in Council's Long Term Plan; and
- v. Reimbursement will not include interest additional to that which would have been payable by the Council, had the upgrades or extensions been undertaken at the time proposed in the Long Term Plan.

FC - R2

Nature of Financial Contributions

1. Financial contributions may, at Council's discretion, take the form of money or land or works or any combination of money, land and works;
2. Financial contributions shall not be imposed on a use, development or subdivision for the same purpose as a development contribution that is required, or has already been paid in relation to that use, development or subdivision;
3. Where a financial contribution is, or includes the payment of money, the Council may specify any one or more of the following in the conditions of the resource consent;
 - a. The amount to be paid by the consent holder;
 - b. How the payment is to be made, including whether payment is to be made by instalment and whether bonding or security can be entered into;
 - c. When the payment is to be made:
 - i. In the case of subdivision, generally before uplifting the section 224 certificate;
 - ii. In the case of land use, at the time of issuing of the resource consent;
 - d. If the amount of the payment is to be adjusted to take account of inflation and if so, how the amount is to be adjusted; and
 - e. Whether any penalty is to be imposed for default in payment and if so, the amount of the penalty or formula by which the penalty is to be calculated.
4. Where a financial contribution is, or includes land, the Council may specify any one or more of the following in the conditions of the resource consent:
 - a. The location and area of the land;
 - b. The state the land is to be in before vesting in or transferring to the Council; and
 - c. The purpose of the land if it is to be classified under the Reserves Act 1977, or the general purpose of the land.
5. When and how the land is to be vested in, or transferred to the Council or other infrastructure provider. In the case of subdivision consent the land shall be vested on the deposit of the survey plan under section 224 of the Act, or transferred as soon as legal certificate of title is available; and

6. Where any land is to be vested in Council or other infrastructure provider as part of a financial contribution a registered valuer shall determine its market value at the date on which the resource consent (imposing the financial contribution condition) commenced under section 116 of the Resource Management Act 1991.

For the purposes of this rule, 'market value' has the same meaning as defined in the International Valuation Standard, as adopted by Australian Property Institute 2008 and Property Institute of New Zealand 2009, which is as follows:

'Market Value is the estimated amount for which a property should exchange on the date of valuation between a willing buyer and a willing seller in an arm's length transaction, after proper marketing, wherein the parties had each acted knowledgeably, prudently and without compulsion.'

This rule does not apply to land that is to be vested in Council as a financial contribution in circumstances where the value of the land does not need to be determined.

FC - R3

Calculation of Financial Contributions - Roads

1. The maximum contribution required for the development, maintenance and upgrading of roads that serve a subdivision, land use or development shall be 100% of the estimated cost.
2. Where a development or subdivision will generate traffic effects that require the sealing, widening or upgrading of a road, the financial contribution shall be calculated as the cost of upgrading the road to the required level of service specified in the relevant District Council's Subdivision and Development Infrastructure Technical Requirements Code that is directly attributable to the development or subdivision or where no such Code exists, the standard required by NZS 4404:2010 Land Development and Subdivision Infrastructure.
3. Financial contributions for roading will be calculated in accordance with the following formulae based on the number of new allotments created:
 - i. Financial contribution for subdivision - based on number of new allotments created:

Contribution = Cost of forming or upgrading road to the nearest Allotment boundary of the site + Cost of upgrading road along the frontage of the site

$$C_p = \frac{D_1 \times R_c \times L_g}{L_e + L_g} + \frac{D_2 \times R_c}{2}$$

Where

C_p = Value of contribution (\$)

D₁ = Length of road (km) required to be upgraded to the closest boundary of the site

D2 = Length of road frontage (km) along the application site. If the development is on both sides of the road the length along both frontages shall be added together.

Le = Total number of existing allotments fronting to the road to be upgraded measured as D1

Lg = Number of new allotments created in the proposed subdivision

Rc = Cost (\$/km) of improving the affected section of road to the level required as determined by the predicted traffic volume and road hierarchy.

ii. Financial Contribution for Land-use and Development - Based on traffic generation:

Contribution = Cost of upgrading road to the nearest boundary of the site multiplied by the total traffic to be generated by the proposal + cost of upgrading road along the frontage of the site

$$C_p = \frac{D_1 \times R_c \times T_g}{T_e + T_g} + \frac{D_2 \times R_c}{2}$$

Where

Cp = Value of contribution (\$)

D1 = Length of road (km) required to be upgraded to the closest boundary of the site

D2 = Length of road frontage (km) along the application site. If the development is on both sides of the road the length along both frontages shall be added together.

Te = Total amount of traffic currently using this road (as vehicles per day, AADT)

Tg = Total amount of traffic generated by the development (as vehicles per day, AADT)

Rc = Cost (\$/km) of improving the affected section of road to the level required as determined by the predicted traffic volume and road hierarchy.

FC - R4

Full Cost Financial Contribution for Roads

1. The following roads which are at capacity for their structure are unable to accommodate additional loadings. The financial contribution for these roads shall be the full cost to accommodate the additional loadings and to bring the road up the relevant District Council's Subdivision and Development Infrastructure Technical Requirements Code standard for its place in the road hierarchy or where no such Code of Practice exists, the standards in NZS 4404:2010 Land Development and Subdivision Infrastructure.
2. This rule applies to the following roads:

i. **xxxx**

FC - R5

Financial Contributions for Vehicle Parking

1. A financial contribution for vehicle parking may be required where the on - site accessible parking, on - site bicycle parking, on - site trailer/boat parking or EV charging requirements cannot be achieved as required for the activity in the zone in accordance with the [Transport Performance Standards](#). The financial contribution will be charged based on the following formula for each accessible, trailer/boat park or EV charging site and for every 5 bicycle parks not provided.

Contribution = value of land required + Cost of construction

$$C_p = (VI \times A) + (D \times A)$$

Where:

C_p = Value of contribution (\$)

VI = Value of 35m² of land in the vicinity of the off-site vehicle parking area as determined by an independent registered valuer

A = Number of vehicle parks required to make up the on-site shortfall where 5 bicycle parks equate to 1 carpark

D = cost of construction of 35m² of parking area to a permanent asphaltic concrete or concrete surface, including earthworks, pavement, kerbing, drainage, electricity connection and charge station for EV charging and marking determined either by an independent cost assessment or from the current Construction Price Index.

2. The financial contributions taken by the Council in lieu of the on-site vehicle parking shall be used to provide, upgrade or extend public vehicle parking/EV charging in the vicinity of the location from which it is collected. It may also be used to contribute towards the cost of vehicle parking/EV charging facilities that have already been constructed.

3. The Council may reduce the value or waive the contribution in one or more of the following circumstances:

- i. The Council has not provided or does not intend to provide additional off-site vehicle parking/EV charging in the vicinity of the site;
- ii. The Council has provided vehicle parking/EV charging or intends to do so, but this has been or will be funded through a different funding source in Council's Long Term Plan, such as user fees and charges; or
- ii. The site contains a Historic Heritage resource scheduled in this plan and the reduction will enable the continued use of the building and support its protection or conservation.

FC - R6

Financial Contribution for Service Lanes

1. Where the District Plan indicates the formation and vesting of land for the purpose of a service lane, or the upgrading of a service lane, a development or subdivision of the land shall include a condition requiring the land to be formed to the standards specified in the relevant District Council's Subdivision and

Development Infrastructure Technical Requirements Code or where no such Code exists, NZS 4404:2010 Land Development and Subdivision Infrastructure.

FC - R7

Financial Contribution for Water Supply

1. Financial contributions may be required to ensure a supply of:
 - i. Potable drinking water for human consumption (complying with the NZ Standard for Drinking Water);
 - ii. Water for industrial and commercial activities;
 - iii. Water for fire fighting and irrigation; and
 - iv. Where proposed allotments, sites or buildings are intended for human habitation or occupation.
2. The maximum contribution required for the development and upgrading of water supply infrastructure that serve a subdivision, land use or development shall be 100% of the estimated cost. Reticulation shall be designed and constructed to meet the relevant District Council's Subdivision and Development Infrastructure Technical Requirements Code, or where no such Code of Practice exists, NZS 4404:2010 Land Development and Subdivision Infrastructure.
3. Where an existing potable drinking water supply is available and has adequate capacity for meeting the needs of the proposed activity the financial contribution shall be the full and actual costs of providing all the necessary reticulation to serve the proposed allotments, sites and buildings.
4. Where no supply is available, or the capacity of the supply is inadequate, the financial contribution shall be the full and actual costs of providing a supply and/or increasing the capacity, if necessary, together with the cost of reticulation within the subdivision or land use.

FC - R8

Financial Contribution for Wastewater Treatment and Disposal

1. Financial contributions may be required to maintain the health and public safety and amenity of inhabitants or occupants and to protect the natural environment from harmful disposal of wastewater where new allotments, sites or buildings are intended for human habitation or occupation.
2. The maximum contribution required for the development and upgrading of wastewater disposal infrastructure that serve a subdivision, land use or development shall be 100% of the estimated cost. Reticulation shall be designed and constructed to meet the relevant District Council's Subdivision and Land Development Infrastructure Technical Requirements Code, or where no such Code exists, NZS 4404:2010 Land Development and Subdivision Infrastructure.
3. Where an existing wastewater treatment system is available and has adequate capacity for meeting the needs of the proposed activity the financial contribution shall be the full and actual costs of providing all the necessary reticulation to connect the proposed allotments, sites and buildings.
4. Where no wastewater system is available, or the capacity of the supply is inadequate, the financial contribution shall be the full and actual costs of disposal and/or increasing the capacity, including design

and investigation, acquiring sufficient land for on-site land based treatment and disposal of wastewater likely from the activities on the site, together with the cost of reticulation within the subdivision or land use.

FC - R9

Financial Contribution for Stormwater Treatment and Disposal

1. Financial contributions may be required to prevent damage and loss of property and amenity from uncontrolled run-off and to protect the natural environment from harmful disposal of stormwater where new allotments, roads and/or other impervious surface are created by subdivision or land use and create a need for stormwater disposal and/or treatment.
2. The maximum contribution required for the development and upgrading of stormwater treatment and disposal infrastructure that serve a subdivision, land use or development shall be 100% of the estimated cost. Stormwater reticulation and any stormwater treatment devices shall be designed and constructed to meet the relevant District Council's Subdivision and Development Infrastructure Technical Requirements Code, or where no such Code exists, NZS 4404:2010 Land Development and Subdivision Infrastructure.
3. Where an existing stormwater piped outfall or stormwater treatment system is available and has adequate capacity for meeting the needs of the proposed activity the financial contribution shall be the full and actual costs of providing for the conveyance of stormwater to the outfall or treatment system.
4. Where there is no stormwater piped outfall or treatment system (and treatment is required), or the capacity of the piped outfall or treatment system is inadequate, the financial contribution shall be the full and actual costs of providing for the treatment and disposal and/or increasing the capacity, together with the cost of reticulation within the subdivision or land use.

FC - R10

Financial Contribution for Reserves and Community Facilities

1. 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 area created.
2. The maximum contribution shall be required as follows:
 - i. 7.5% of the additional allotments at the time of subdivision consent (either in cash or land equivalent, at Council's discretion) except that in the case of subdivisions where allotments are greater than 4000 m², the value of the rural allotment for this purpose shall be the proportional value of a house site of 1,000m² within each allotment;
 - ii. Cash equivalent of the value of 20m² of land for each additional residential unit created, at the time of building consent, less any contribution made at the time of previous subdivision within the preceding five years; and

<p>iii. Cash equivalent of the value of 4m² of land for each additional 100m² of net, non-residential building floor area created, at the time of building consent, less any contribution made at the time of previous subdivision within the preceding five years.</p>	
<p>FC - R11 Financial Contribution for Shared Pathways</p>	
<p>1. The maximum contribution required for the development and upgrading of shared pathways that serve a subdivision, land use or development shall be 100% of the estimated cost.</p> <p>2. Where a development or subdivision will generate effects that require the creation or upgrading of a footpath, walkway or cycleway access, the financial contribution shall be calculated as the cost of building or upgrading the pedestrian/cycle access to the required level of service specified in the relevant District Council's Subdivision and Development Infrastructure Technical Requirements Code that is directly attributable to the development or subdivision or where no such Code exists, the standard required by NZS 4404:2010 Land Development and Subdivision Infrastructure.</p>	
<p>FC - R12 Financial Contribution for Mitigation, Offsetting and Compensation for Adverse Environmental Effects on Natural Landscape Values or Biodiversity Values</p>	
<p>1. The maximum financial contribution for mitigation, offsetting or compensation for adverse environmental effects on outstanding natural landscape values, areas of significant indigenous vegetation or areas of significant habitat of indigenous fauna will be the amount of money needed to fully mitigate, offset or compensate (or any combination of these three) any adverse environmental effects that cannot otherwise be avoided, remedied or mitigated.</p> <p>2. In assessing the level of financial contribution required for biodiversity offsetting and compensation the principles in Policy ECO - P9 will be adhered to.</p>	

SUB
Subdivision - Te Wawaetanga
Overview

Subdivision is the process of dividing an allotment or building into one or more additional lots or units, or changing an existing boundary location. The way an allotment is subdivided, including its size and shape, is important as it not only determines the quality and character of development, but it also impacts on adjacent sites and the future use of land. Subdivision affects the natural and physical environment and introduces long-term development patterns that cannot be easily changed.

Subdivision will be assessed against Te Tai o Poutini Plan objectives, policies, rules and standards and any relevant development plans.

Subdivision of land that contains an identified feature will be subject to additional provisions- and assessment against the objectives and policies in the relevant Overlay chapter. Subdivision applications involving identified features may need to be accompanied by expert reports to assess the effect of the subdivision on the identified feature.

Māori land is exempt from the subdivision provisions of the Act. It is primarily controlled by the Te Ture Whenua Māori Act 1993 and administered by the Māori Land Court.

Subdivision Objectives	
SUB - O1	Subdivision achieves patterns of land development that are compatible with the purpose, character and qualities of each zone.
SUB - O2	Subdivision occurs in locations and at a rate that: <ol style="list-style-type: none"> a. Is supported by the capacity of infrastructure networks, or provides for infrastructure facilities and networks that are sufficient to accommodate growth and development; b. Facilitates the operation of critical infrastructure; c. Provide for the health, wellbeing and safety of the West Coast/Tai o Poutini community; d. Provides for growth and expansion of West Coast/Tai o Poutini settlements and businesses; and e. Are resilient to natural hazards..
SUB - O3	Subdivision design and development protects significant natural, ecological, historical and Poutini Ngāi Tahu features and resources and responds to the physical characteristics and constraints of the site and surrounding environment.
SUB - O4	Subdivision within the FUZ - Future Urban Zone does not result in the fragmentation of sites that would compromise the potential of land within the FUZ - Future Urban Zone to accommodate integrated and serviced urban development.
SUB - O5	Esplanade reserves and strips created through subdivision contribute to the protection of identified significant natural heritage and Poutini Ngāi Tahu values, provide natural hazard mitigation, support good water quality and provide for public access to and along rivers and the coastal marine area.

Also the [Strategic Objectives and Policies](#)

Subdivision Policies	
SUB - P1	Enable subdivision that creates allotments that: <ol style="list-style-type: none"> a. Are consistent with the purpose, character, and qualities of the applicable zone; b. Maintains the integrity of the zone with lot sizes and dimensions sufficient to accommodate intended land uses; c. Minimise natural hazard risk to people's lives and properties; and d. Have legal and physical access to each allotment created by the subdivision.

<p>SUB - P2</p>	<p>Ensure subdivision is appropriately serviced and integrated with existing or planned infrastructure that is provided in an efficient, integrated and co-ordinated manner by ensuring:</p> <ul style="list-style-type: none"> a. Infrastructure networks have sufficient capacity to accommodate the additional development, and requiring any necessary upgrades to be completed at the time of subdivision; b. Infrastructure is installed at the time of subdivision, except for on-site infrastructure that cannot be determined until the allotment is developed; c. Sufficient provision has been made for legal and physical access to each allotment created by the subdivision; d. Provision of safe and efficient vehicle access; e. Adequate provision for open space and reserves, including pedestrian and cycle linkages; f. Drinking water compliant with New Zealand Drinking Water Standards; g. Adequate water supply for firefighting; h. Treatment and safe disposal of stormwater that does not result in increased flooding and erosion risk; i. Treatment and safe disposal of wastewater with a preference for land-based treatment where no reticulated network is in place; j. Supply of electricity and telecommunications using a method that is appropriate to the type of development, location and character of the area including off-grid supply / wireless /satellite where deemed reasonable by the Council; k. Connections are made to wastewater, water supply and stormwater systems where they are available and there is capacity; and l. Where new community infrastructure is developed, that there is adequate provision for ongoing maintenance either by the vesting of the infrastructure in the relevant Council, or in the case of papakāinga developments, that an ongoing hapū entity may be responsible for maintenance; m. In all RESZ - Residential, INZ - Industrial and CMUZ - Commercial and Mixed Use Zones requiring: <ul style="list-style-type: none"> i. Roads to a sealed standard; ii. Underground reticulation of services; iii. Sealed footpaths; iv. Streetlights in urban areas; and n. Financial contributions are provided where additional or upgraded network utility infrastructure is required to service development. <p>Advice Note: The standards for road construction can be found in Appendix One: Transport Performance Standards.</p>
<p>SUB - P3</p>	<p>Provide for the subdivision of land within or containing riparian margins, outstanding natural features and landscapes, the coastal environment, significant natural areas, sites and areas of significance to Poutini Ngāi Tahu or historic heritage settings, where it can be demonstrated that the design and layout of allotments and the location of any building platforms will:</p> <ul style="list-style-type: none"> a. Not compromise the identified characteristics and values of the Overlay Chapter it is located within; and

	<ul style="list-style-type: none"> b. Achieve the relevant objectives and policies for the Overlay Chapter.
SUB - P4	<p>Manage significant risks from natural hazards by restricting subdivision that:</p> <ul style="list-style-type: none"> a. Creates new or exacerbates existing natural hazards including coastal hazards, erosion, slippage, subsidence, falling debris, fault rupture, severe ground shaking or flooding; or b. Results in adverse effects on the stability of land and buildings; and c. Does not provide safe, flood free and stable building platforms at the time of subdivision.
SUB - P5	<p>Avoid subdivision within the FUZ - Future Urban Zone that may result in one or more of the following:</p> <ul style="list-style-type: none"> a. The efficient and effective operation of the local and wider transport network being compromised; b. The need for significant upgrades, provisions or extensions to the reticulated wastewater, reticulated water supply or stormwater networks, or other infrastructure in advance of integrated urban development; c. The efficient provision of infrastructure being compromised; d. Reverse sensitivity effects when urban development occurs; e. Reverse sensitivity effects on existing rural activities or infrastructure; or f. Fragmentation of sites in a manner that may compromise the appropriate form or nature of future urban development.
SUB - P6	<p>Avoid subdivision:</p> <ul style="list-style-type: none"> a. In the RURZ - Rural Zones that could result in the creation of an unplanned new settlement; b. Where detached minor residential units in RURZ - Rural Zones become legally separated from the main residential unit thereby creating cumulative effects on rural character and productivity; c. Where this could create significant reverse sensitivity issues in relation to the MINZ - Mineral Extraction Precinct; d. In the Coastal environment outside of areas that are already modified unless adverse effects on the natural character of the coastal environment can be avoided or mitigated; and e. In areas of significant risk of natural hazards, where this is for the purposes of accommodating and/or servicing people and communities.
SUB - P7	<p>Allow subdivision in the RESZ - Residential Zones that does not comply with the minimum lot design and parameters when:</p> <ul style="list-style-type: none"> a. The site size and configuration is appropriate for development intended by the zone; b. The subdivision design maintains residential character and amenity; and

	<p>c. It can be demonstrated that it is consistent with the quality and types of development envisaged by RESZ - Residential Zone Objectives and Policies and any residential or medium density housing design guides in place for the zone.</p>
SUB - P8	<p>To require esplanade reserves or esplanade strips for allotments of less than 4 ha in order to enable public access, reduce natural hazard risk, and contribute to the protection of natural character and biodiversity values, except that the width of the esplanade reserve or strip may be varied from 20 metres or waived if:</p> <ol style="list-style-type: none"> The natural values warrant a wider or narrower esplanade strip or esplanade reserve; or Topography, or the siting of any building or other feature, renders the 20-metre width inadequate or excessive; or The protection of Sites of Significance to Māori or other taonga requires an esplanade reserve or esplanade strip of greater or lesser width than 20 metres; or The protection or enhancement of biodiversity values or water quality requires an esplanade reserve or esplanade strip of greater or lesser than 20 metres; or The land is within a natural hazard area of where there is an identified risk from one or more natural hazards (such as coastal erosion); or The costs of the provision and maintenance of a 20-metre-wide esplanade reserve or esplanade strip are more than the potential public benefits of the purposes of esplanade reserves or strips.

Also the relevant policies for the particular zone and any overlays in which the subdivision occurs.

Subdivision Rules

Note: There may be a number of Plan provisions that apply to an activity, building, structure and site. In some cases, consent may be required under rules in this Chapter as well as rules in other Chapters in the Plan. In those cases, unless otherwise specifically stated in a rule, consent is required under each of those identified rules. Details of the steps Plan users should take to determine the status of an activity are provided in [General Approach](#).

Permitted Activities

SUB - R1 **General Residential Zone and General Rural Zone - Boundary adjustments**

<p>Activity Status Permitted Where:</p> <ol style="list-style-type: none"> The boundary adjustment does not alter: <ol style="list-style-type: none"> The permitted activity status of any existing permitted activities occurring on the allotments and/or the ability of an existing permitted activity to continue to comply as a permitted activity under the rules and standards in this Plan; The extent or degree to which any consented or otherwise lawfully established activity occurring on the allotments does not comply with a rule or standard in this Plan; and 	<p>Activity status where compliance not achieved: Controlled</p>
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<ul style="list-style-type: none"> c. The ability of an existing permitted activity (including on adjacent lots) to continue to comply with the Plan. 2. No new roading or access points are required; 3. No new Council services are required; and 4. In the GRZ - General Rural Zone the boundary adjustment does not result in additional potential for residential units as a permitted activity. 	
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SUB - R2	All Zones - Subdivision for a public network utility
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<p>Activity Status Permitted Where:</p> <ul style="list-style-type: none"> 1. Any new lot created is solely for a public network utility which is either a Permitted Activity under the Energy Chapter, Infrastructure Chapter or Transport Chapter or is approved as a result of a land use consent; 2. Any existing buildings comply with the relevant zone Permitted Activity standards; 3. No new roading or access points are required; and 4. No new Council services are required. 	<p>Activity status where compliance not achieved: Controlled</p>
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Controlled Activities	
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SUB - R3	All Zones - Boundary Adjustments
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<p>Activity Status Controlled Where:</p> <ul style="list-style-type: none"> 1. These are not Permitted Activities under Rule SUB - R1; 2. All Subdivision Standards are complied with; and 3. The existing or proposed buildings must either: <ul style="list-style-type: none"> a. Comply with all permitted activity standards relevant to the zone and any overlays and a building consent must have been issued for any proposed buildings; or b. Be subject to an approved resource consent for any non-compliances. <p>Matters of control are:</p> <ul style="list-style-type: none"> a. The design and layout of allotments, and the ability to accommodate permitted and/or intended land uses; b. The design and provision of access; 	<p>Activity status where compliance not achieved: Discretionary</p>
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<ul style="list-style-type: none"> c. The provision, design and construction of infrastructure and services; d. Effects of development phase works on the surrounding area; and e. Protection, maintenance or enhancement of natural features and landforms, historic heritage, sites of significance to Māori, archaeological sites or any other identified features. 	
SUB - R4	All Zones - Subdivision for a Public Network Utilities, Access or Reserves
<p>Activity Status Controlled Where:</p> <ol style="list-style-type: none"> 1. The Subdivision is not a Permitted Activity under Rule SUB - R2 <p>Matters of control are:</p> <ul style="list-style-type: none"> a. The size, design and layout of allotments for the purpose of public network utilities, reserves or access; b. Legal and physical access to and from allotments; c. Protection, maintenance or enhancement of natural features and landforms, waterbodies, indigenous vegetation, historic heritage, sites of significance to Māori, archaeological sites or identified features; d. Where relevant, compliance with Subdivision Standards. 	<p>Activity status where compliance not achieved: N/A.</p>
SUB - R5	Subdivision to create allotment(s) in all RESZ - Residential Zones, CMUZ - Commercial and Mixed Use Zones, INZ - Industrial Zones, SVZ - Scenic Visitor Zone or PORTZ - Port Zones
<p>Activity Status Controlled Where:</p> <ol style="list-style-type: none"> 1. This is not within a Significant Natural Area as identified in Schedule Four subject to Rule SUB - R7; 2. This is not within an area of: <ol style="list-style-type: none"> i. High or Outstanding Coastal Natural Character as identified in Schedules Seven and Eight; ii. Outstanding Natural Landscape as identified in Schedule Five; iii. Outstanding Natural Feature as identified in Schedule Six; iv. Sites and Areas of Historic Heritage as identified in Schedule One; v. Sites of Significance to Māori as identified in Schedule Three; or vi. Any Natural Hazard overlay; 3. All Subdivision Standards are complied with; 	<p>Activity status where compliance not achieved: Restricted Discretionary where 2 is not complied with Discretionary 3-5 is not complied with.</p>

4. The subdivision is in general accordance with any development plan in place for the site [[link to development plans](#)]

Matters of control are:

- a. The design and layout of allotments, and the ability to accommodate permitted and/or intended land uses;
- b. The design and provision of roads, pedestrian and cycle ways; and
- c. The design and provision of access;
- d. The provision of infrastructure and services for drinking water, wastewater and stormwater, telecommunications and energy;
- e. The adequacy of water supply for firefighting;
- f. Any requirements arising from meeting the relevant District Council's Subdivision and Development Infrastructure Technical Requirements Code, or where no such Code exists, NZS 4404:2010 Land Development and Subdivision Infrastructure;
- g. The provision of easements;
- h. The provision of local purpose reserves;
- i. The requirement for financial contributions as outlined in [Rules FC – R1 to FC – R12](#);
- j. Effects of development phase works on the surrounding area;
- k. Effects on Poutini Ngāi Tahu values, notable trees or historic heritage within or adjacent to the site;
- l. The provision of esplanade reserves or strips, and the need for access to be provided to any esplanade reserve or strip created;
- m. The extent to which any land identified as contaminated is safe for habitation; and
- n. Natural hazards or geotechnical constraints.
- o. Management of construction effects, including traffic movements, hours of operation, noise, earthworks and erosion and sediment control; and
- p. Management of potential reverse sensitivity effects on existing land uses, including network utilities, rural activities or significant hazardous facilities.

SUB - R6

Subdivision to create allotment(s) in any RURZ - Rural Zone or MPZ - Māori Purpose Zone

Activity Status Controlled

Where:

- 1. This is not within a Significant Natural Area as identified in [Schedule Four](#) and subject to Rule [SUB - R7](#);
- 2. This is not within an area of:
 - i. High or Outstanding Coastal Natural Character as identified in Schedules [Seven](#) and [Eight](#);

Activity status where compliance not achieved:

[Restricted Discretionary](#) where 2 is not complied with
[Discretionary](#) where 3-5 is not complied with

- ii. Outstanding Natural Landscape as identified in [Schedule Five](#);
 - iii. Outstanding Natural Feature as identified in [Schedule Six](#);
 - iv. Sites and Areas of Historic Heritage as identified in [Schedule One](#);
 - v. Sites of Significance to Māori as identified in [Schedule Three](#); or
 - vi. Any Natural Hazard overlay;
3. All [Subdivision Standards](#) are complied with; and
4. Subdivision in the MPZ - Māori Purpose Zone is in accordance with an Iwi/Papatipu Rūnanga Management Plan for the site.

Matters of control are:

- a. The size, design, shape, location and layout of allotments;
- b. Efficient use of land and compatibility with rural character and the role, function and predominant character of the Rural or Māori Purpose Zone in which the subdivision is located;
- c. Any requirements arising from meeting the relevant District Council's Subdivision and Development Infrastructure Technical Requirements Code, or where no such Code exists, NZS 4404:2010 Land Development and Subdivision Infrastructure;
- d. The provision of infrastructure and services for drinking water, wastewater and stormwater, telecommunications and energy;
- e. The adequacy of water supply for firefighting;
- f. The requirement for financial contributions as outlined in [Rules FC – R1 to FC – R12](#);
- g. Effects on Poutini Ngāi Tahu values or notable trees within or adjacent to the site;
- h. The provision of esplanade reserves or strips, and the need for access to be provided to any esplanade reserve or strip created;
- i. Management of any effects on the production value of any highly productive land or high value soils such as those located at Karamea and Totara Flat;
- j. Management of construction effects, including traffic movements, hours of operation, noise, earthworks and erosion and sediment control; and
- k. Management of potential reverse sensitivity effects on existing land uses, including network utilities, rural activities or significant hazardous facilities.

SUB - R7/ECO - R3

Subdivision of Land Containing an Area of Significant Indigenous Biodiversity

Activity Status Controlled

Where:

Activity status where compliance not achieved:

<ol style="list-style-type: none"> 1. One new allotment with a minimum lot size of 4,000m² is created from the parent title, provided that in the GRZ - General Rural Zone there is a balance area remaining on the original title of at least 4 ha; and 2. The area of significant indigenous vegetation and/or significant habitat of indigenous fauna is legally protected in perpetuity by way of a conservation covenant pursuant to the Reserves Act 1977 or the Queen Elizabeth II National Trust Act 1977 and is contained within a single allotment; 3. The subdivision will not result in buildings or access ways being located within the identified area of significant indigenous vegetation and/or significant habitat of indigenous fauna or the need for clearance of significant indigenous vegetation to provide for future access to any site; and 4. Subdivision standards S2-S10 are complied with. <p>Matters of control are:</p> <ol style="list-style-type: none"> a. Subdivision layout, access, design, location and proximity of building platforms to areas of significant indigenous vegetation or significant habitat of indigenous fauna; b. Management of earthworks, including earthworks for the location of building platforms and access ways; c. The protection of habitats of threatened or at risk species; and d. The measures to minimise any adverse effects on: <ol style="list-style-type: none"> i. The significant indigenous vegetation and/or significant habitats of indigenous fauna; ii. The cultural significance to Poutini Ngāi Tahu. 	<p>Restricted Discretionary where 1. is not complied with and Discretionary where 2-4 are not complied with.</p>
SUB - R8 Subdivision of Land that contains or is within the Electricity Transmission and Distribution Yard	
<p>Activity Status Controlled Where:</p> <ol style="list-style-type: none"> 1. This is not within a Significant Natural Area as identified in Schedule Four and subject to Rule SUB - R7; 2. This is not within an area of: <ol style="list-style-type: none"> i. High or Outstanding Coastal Natural Character as identified in Schedules Seven and Eight; ii. Outstanding Natural Landscape as identified in Schedule Five; iii. Outstanding Natural Feature as identified in Schedule Six; iv. Sites and Areas of Historic Heritage as identified in Schedule One; v. Sites of Significance to Māori as identified in Schedule Three; or vi. Any Natural Hazard overlay; 3. All Subdivision Standards are complied with; and 	<p>Activity status where compliance not achieved: Restricted Discretionary where 1 is not complied with Discretionary where 2 is not complied with Non-complying where 3-6 is not complied with</p>

4. Subdivision in the MPZ - Māori Purpose Zone is in accordance with an Iwi/Papatipu Rūnanga Management Plan for the site.
5. All [Subdivision Standards](#) are complied with;
6. Any allotment created can contain a 15x15m area of land which:
 - i. Is located entirely outside of the Electricity Transmission and Distribution Yard
 - ii. Has reasonable physical and legal access; and
 - iii. Could accommodate a building which can comply with all Permitted Activity standards for the Zone it is located in.
7. The subdivision maintains any existing access to Electricity Transmission and Distribution Yard;
8. Written documentation is provided that demonstrates consultation has occurred with the Electricity Transmission Operator including any response from the operator; and
9. The minimum lot size for any allotment that contains any part of the Electricity Transmission Corridor shall be 1ha.

Matters of control are:

- a. The size, design, shape, location and layout of allotments;
- b. Efficient use of land and compatibility with the role, function and predominant character of the Zone in which the subdivision is located;
- c. Where relevant consistency with the NZS 4404 Code of Practice for Land Development and Subdivision infrastructure;
- d. The provision of infrastructure and services for drinking water, wastewater and stormwater, telecommunications and energy;
- e. The adequacy of water supply for firefighting;
- f. The requirement for financial contributions as outlined in [Rules FC – R1 to FC – R12](#);
- g. Effects on Poutini Ngāi Tahu values or notable trees within or adjacent to the site;
- h. The provision of esplanade reserves or strips, and the need for access to be provided to any esplanade reserve or strip created;
- i. Management of any effects on the production value of any highly productive land or high value soils such as those located at Karamea and Totara Flat;
- j. Management of construction effects, including traffic movements, hours of operation, noise, earthworks and erosion and sediment control; and
- k. Management of potential reverse sensitivity effects on existing land uses, including network utilities, rural activities or significant hazardous facilities.

Restricted Discretionary Activities

SUB - R9/ECO-R4	Subdivision of Land Containing an Area of Significant Indigenous Biodiversity not meeting Rule SUB – R7
<p>Activity Status Restricted Discretionary Where:</p> <ol style="list-style-type: none"> 1. Up to three allotments with a minimum lot size of 4,000m² are created from the parent title; 2. The significant indigenous vegetation and/or significant habitat of indigenous fauna is legally protected in perpetuity by way of a conservation covenant pursuant to the Reserves Act 1977 or the Queen Elizabeth II National Trust Act 1977 and is contained within a single allotment; 3. The subdivision will not result in buildings or access ways being located within the identified significant indigenous vegetation and/or significant habitat of indigenous fauna; and 4. Subdivision standards S2-S10 are complied with. <p>Discretion is restricted to:</p> <ol style="list-style-type: none"> a. The extent to which the subdivision layout, access, allotment size and design and the location of building platforms may adversely impact the significant indigenous vegetation and/or significant habitat of indigenous fauna; b. Management of earthworks including earthworks for the location of building platforms and access ways; c. The protection of habitats of threatened or at risk species. d. The measures to minimise any adverse effects on: <ol style="list-style-type: none"> i. The significant indigenous vegetation and/or significant habitats of indigenous fauna; and ii. The particular cultural, spiritual and/or heritage values, interests or associations of importance to Poutini Ngāi Tahu as kaitiaki and mana whenua that are associated with the significant indigenous vegetation and/or significant habitats of indigenous fauna and the potential impact on those values, interests or association. 	<p>Activity status where compliance not achieved: Discretionary</p>
SUB - R10	Subdivision of Land in Areas of Historic Heritage Overlay or Sites of Significance to Māori Overlay
<p>Activity Status Restricted Discretionary Where:</p> <ol style="list-style-type: none"> 1. The site is outside of the Coastal Environment; and 2. All Subdivision Standards are complied with. <p>Discretion is restricted to:</p>	<p>Activity status where compliance not achieved: Discretionary</p>

<ul style="list-style-type: none"> a. Ensuring the values for which the heritage resource or area is scheduled or identified in Te Tai o Poutini Plan are maintained and protected; b. Ensuring sufficient land is provided around the heritage resource to protect associated heritage values; c. Measures used to minimise obstruction of views of the heritage resource from adjoining public spaces that may result from any future land use or development; d. Whether there is any adverse effects on a Notable Tree, that has any associated heritage or Poutini Ngāi Tahu values; and e. The size, design, shape, location and layout of allotments; f. Whether the allotments are of a size that will continue to provide the heritage resource with a suitable setting to maintain the associated heritage or Poutini Ngāi Tahu values. g. The provision of infrastructure and services for drinking water, wastewater and stormwater, telecommunications and energy; h. The adequacy of water supply for firefighting; i. The requirement for financial contributions as outlined in Rules FC – R1 to FC – R12; j. The provision of esplanade reserves or strips, and the need for access to be provided to any esplanade reserve or strip created. <p>Notification:</p> <ul style="list-style-type: none"> 1. Applications to subdivide a lot with a Site or Area of Significance to Māori identified in Schedule Three will always be notified to the relevant rūnanga and may be publicly notified. 2. Applications to subdivide a lot with a Historical Heritage feature will always be notified to Heritage New Zealand - Pouhere Taonga and may be publicly notified. 	
<p>SUB - R11 Subdivision of Land within the Outstanding Natural Landscape identified in Schedule Five or Outstanding Natural Feature identified in Schedule Six</p>	
<p>Activity Status Restricted Discretionary Where:</p> <ul style="list-style-type: none"> 1. The area has not been identified as an Area of Significant Biodiversity subject to Rules SUB - R8, SUB - R9 or SUB -R14; and 2. The site is outside of the Coastal Environment; and 3. All Subdivision Standards are complied with. 	<p>Activity status where compliance not achieved: Discretionary</p>

<p>Discretion is restricted to:</p> <ul style="list-style-type: none"> a. Ensuring that landscape or natural feature values within the overlay for which the area or feature is scheduled are maintained; b. The size, design, shape, location and layout of allotments; c. The provision of infrastructure and services for drinking water, wastewater and stormwater, telecommunications and energy; d. The adequacy of water supply for firefighting; e. The requirement for financial contributions as outlined in Rules FC – R1 to FC – R12; and f. The provision of esplanade reserves or strips, and the need for access to be provided to any esplanade reserve or strip created. 	
<p>SUB - R12 Subdivision of Land within the FUZ - Future Urban Zone</p>	
<p>Activity Status Restricted Discretionary Where:</p> <ul style="list-style-type: none"> 1. All Subdivision Standards are complied with. <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> a. The size, design, shape, location and layout of allotments; b. The extent to which the subdivision will be consistent with the Objectives and Policies for the Future Urban Zone; c. Where relevant consistency with the NZS 4404 Code of Practice for Land Development and Subdivision infrastructure; d. The provision of infrastructure and services for drinking water, wastewater and stormwater, telecommunications and energy; e. The adequacy of water supply for firefighting; f. The requirement for financial contributions as outlined in Rules FC – R1 to FC – R12; g. Effects on Poutini Ngāi Tahu values or notable trees within or adjacent to the site; h. The provision of esplanade reserves or strips, and the need for access to be provided to any esplanade reserve or strip created; i. Management of construction effects, including traffic movements, hours of operation, noise, earthworks and erosion and sediment control; and 	<p>Activity status where compliance not achieved: Non-complying</p>

j. Management of potential reverse sensitivity effects on existing land uses, including network utilities, rural activities or significant hazardous facilities.	
Discretionary Activities	
SUB -R13	Subdivision to create allotment(s) in the Hospital, Stadium, Mineral Extraction, Buller Coalfield and Airport Special Purpose Zones or in the Māori Purpose Zone where no Iwi/Papatipu Rūnanga Management Plan is in place.
Activity Status Discretionary Where: <ol style="list-style-type: none"> All Subdivision Standards are complied with; and The subdivision is in general accordance with any development plan in place for the site. 	Activity status where compliance not achieved: Non-complying
SUB -R14/ECO - R7	Subdivision of Land within an Area of Significant Indigenous Biodiversity that does not meet Controlled or Restricted Discretionary Standards
Activity Status Discretionary Where: <ol style="list-style-type: none"> The significant indigenous vegetation and/or significant habitat of indigenous fauna is legally protected in perpetuity by way of a conservation covenant pursuant to the Reserves Act 1977, or the Queen Elizabeth II National Trust Act 1977 and is contained within a single allotment; The subdivision will not result in buildings or accessways being located within the identified significant indigenous vegetation and/or significant habitat of indigenous fauna; and Subdivision Standards S2 - S10 are complied with. 	Activity status where compliance not achieved: Non-complying
SUB - R15	Subdivision of land within the Coastal Environment subject to a Outstanding Natural Landscape, Outstanding Natural Feature, High Coastal Natural Character, Historic Heritage or Sites and Areas of Significance to Māori Overlay
Activity Status Discretionary Where: <ol style="list-style-type: none"> No new allotments are proposed within Outstanding Coastal Natural Character areas as identified in Schedule Eight; No new allotments are proposed within any Severe Natural Hazard Overlay; and 	Activity status where compliance not achieved: Non-complying

3. All Subdivision Effects Standards are complied with.		
Notification:		
<ol style="list-style-type: none"> 1. Applications to subdivide a lot with a Site or Area of Significance to Māori will always be notified to the relevant rūnanga and may be publicly notified. 2. Applications to subdivide a lot with a historical heritage feature will always be notified to Heritage New Zealand Pouhere Taonga and may be publicly notified. 		
SUB - R16	Subdivision of Land which would otherwise be a Controlled or Restricted Discretionary Activity, Where One or More of the Subdivisions Effects Standards are Not Complied With	
Activity Status Discretionary Where:	<ol style="list-style-type: none"> 1. This is not in an Overlay area subject to Rules SUB - R14, SUB - R15, SUB - R18 or SUB - R20; 2. This is not the subdivision of a minor residential unit from the principal dwelling in the GRZ - General Rural Zone; and 3. This is not the subdivision of units within a papākainga development or within the GRZ - PREC 1 - Community Living Precinct where the minimum lot sizes for the relevant zone are not met. 	Activity status where compliance not achieved: Non-complying where 2 or 3 are not complied with.
SUB -R17	Subdivision in any Open Space and Recreation Zone	
Activity Status Discretionary		Activity status where compliance not achieved: N/A
SUB - R18	Subdivision of Land in any Natural Hazard Overlay	
Activity Status Discretionary Where:	<ol style="list-style-type: none"> 1. All building platforms and associated access for each site a located wholly outside the spatial extent of the Severe Natural Hazard Overlay; and 2. All Subdivision Standards are complied with. 	Activity status where compliance not achieved: Non-complying
SUB - R19	Subdivision within the Airport Noise Control Overlay	

Activity Status Discretionary		Activity status where compliance not achieved: N/A
Non-complying Activities		
SUB - R20	Subdivision within the Outstanding Coastal Natural Character Overlay	
Activity Status Non-complying		Activity status where compliance not achieved: N/A
SUB - R21	Subdivision of land within any Natural Hazard Overlay not meeting Rule SUB -R18	
Activity Status Non-complying		Activity status where compliance not achieved: N/A
SUB - R22	Subdivision within 250m of the MINZ - Mineral Extraction Zone and BCZ - Buller Coalfield Zone	
Activity Status Non-complying Where:		Activity status where compliance not achieved: N/A
<ol style="list-style-type: none"> 1. Any new allotment created will result in a residential building being sited within 250m of MINZ - Mineral Extraction or BCZ - Buller Coalfield Zoned land. 		
SUB - R23	Subdivision of land not subject to another Rule in this Plan	
Activity Status Non-complying		Activity status where compliance not achieved: N/A
Subdivision Standards		
SUB - S1	Minimum Lot Sizes for each allotment	
<ol style="list-style-type: none"> 1. Each allotment, including the balance allotment must meet the following minimum lot size: <ol style="list-style-type: none"> a. General Residential Zone 350m²; b. Large Lot Residential Zone 1000m²; c. Medium Density Residential Zone 200m²; and d. Neighbourhood Centre Zone 350m²; e. Settlement Zone, Settlement Zone – Coastal Settlement Precinct and Settlement Zone – Settlement Centre Precinct 1000m² in unsewered areas and 500m² in sewerred areas; 		

- f. Settlement Zone – Rural Residential Precinct 4000m²;
- g. Rural Lifestyle Zone 1 hectare;
- h. General Rural Zone 20 hectares; and
- i. Future Urban Zone 20 hectares.

SUB - S2	Requirements for building platforms for each allotment
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1. Each allotment must provide a stable, flood free building area suitable for building foundations in accordance with the requirements of the New Zealand Building Code - Acceptable Solution B1/AS4 Approved Document B1/4: Structure Foundations.
2. On sites less than 4ha in size, an indicative building platform on each allotment must be identified in subdivision applications and:
 - a. Must allow the buildings to comply with the standards for a permitted activity in the underlying zone under this District Plan; and
 - b. Must not include any area of land to be used for access or for the disposal of wastewater or stormwater; and
 - c. Must be outside of any area identified in a Natural Hazard overlay.

SUB - S3	Water Supply
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1. Where a connection to a District Council or Community reticulated water supply system is available, all new allotments must be provided with a connection at the boundary and net boundary where access is shared (including firefighting water supply).
2. Where a connection to a District Council or Community reticulated water supply system is unavailable, all new allotments must be provided with access to a self-sufficient potable water supply (including firefighting water supply).

Advice Notes:

1. SNZ PAS 4509 New Zealand Fire Service Firefighting Water Supplies Code of Practice should be consulted when determining the most appropriate design for firefighting water supply. Fire and Emergency New Zealand is available to assist with this.
2. Where water is to be taken from ground or surface water, resource consent from West Coast Regional Council may be required.

SUB - S4	Stormwater
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1. All allotments must provide the means for disposal of stormwater from the roof of all buildings and all impervious or potentially impervious surfaces, including, but not limited, to structures, compacted soils and sealed surfaces.
2. Where a connection to a District Council or Community stormwater management system is available, all new allotments must be provided with a connection at the boundary or net boundary where access is shared.
3. Where a connection to a District Council or Community stormwater management system is not available, the applicant shall demonstrate that stormwater will be disposed of in such a way that surface flooding of adjacent properties and roads will not be exacerbated.
4. Where the means of stormwater disposal is to ground, that area shall not be subject to instability, slippage or inundation, or used for the disposal of wastewater.

5. Where the stormwater discharge is from industrial land or large areas of impervious surface, the applicant shall demonstrate that sufficient treatment is undertaken that adverse effects on freshwater and the receiving environment will be mitigated.

Advice Note: If stormwater disposal to a river, stream or lake is proposed then a resource consent may be required from West Coast Regional Council.

SUB - S5

Wastewater

1. All allotments must provide the means for disposal of wastewater from all potential land uses that could be established on the respective allotments.
2. Where a connection to a District Council or Community wastewater management system is available, all new allotments must be provided with a connection at the boundary or the net boundary where access is shared.
3. Where a connection to a District Council or Community wastewater management system is not available, the applicant shall demonstrate that wastewater will be disposed of in a sanitary manner within the net site area of the allotment with no direct discharge to water.

Advice Note: On site wastewater disposal systems may require a resource consent from the West Coast Regional Council.

SUB - S6

Transport and Access

1. All allotments must be provided with vehicular access to a road by way of a vehicle access point, driveway or right of way in accordance with the Te Tai o Poutini Plan Transport Standards **[insert link]**
 2. In all zones any vehicle rights of way or crossings shall be constructed in accordance with the Te Tai o Poutini Plan Transport Standards **[insert link]**
 3. All new roads and upgrades of existing roads shall be constructed in accordance with:
 - i.
1.
 - i. The relevant District Council's Subdivision and Development Infrastructure Technical Requirements Code, or where no such Code exists, NZS 4404:2010 Land Development and Subdivision Infrastructure.

Advice Note: SNZ PAS 4509 New Zealand Fire Service Firefighting Water Supplies Code of Practice shall be consulted to ensure compliance with the access way dimensions required for fire appliances for developments where a fire appliance is not able to reach either the residential house or the source of firefighting water supply from the public road.

SUB - S7

Energy Supply

1. For all new allotments electricity services must be provided to the boundary of each new lot or the applicant shall demonstrate that electricity services are able to be provided by alternative means.
2. At the time of subdivision, sufficient land for transformers and any associated ancillary services must be set aside. For a subdivision that creates more than 15 lots, consultation with energy network utility operators may be required.
3. All necessary easements for the protection of energy network utility services must be duly granted and reserved.

SUB - S8	Telecommunications
<ol style="list-style-type: none"> 1. For all new allotments telecommunication services must be provided to the boundary of each new lot or the applicant shall demonstrate that telecommunication services are able to be provided by alternative means. 2. At the time of subdivision, sufficient land for telecommunications, transformers and any associated ancillary services must be set aside. For a subdivision that creates more than 15 lots, consultation with telecommunications network utility operators may be required. 3. All necessary easements for the protection of telecommunications network utility services must be duly granted and reserved. 	
SUB - S9	Requirement for Esplanade Reserves or Esplanade Strips
<ol style="list-style-type: none"> 1. An esplanade reserve or esplanade strip shall be provided where any subdivision creates an allotment smaller than 4ha where that allotment adjoins any of: <ol style="list-style-type: none"> a. The coastal marine area; b. A lake; or c. The bank of a river whose bed has an average width of 3m. 	
SUB - S10	Easements for Any Purpose
<p>Easements shall be provided where necessary for:</p> <ol style="list-style-type: none"> 1. Public works and utility services; 2. Easements in gross where a service or access is required by the district council; 3. Easements in respect of other parties in favour of nominated allotments or adjoining Certificates of Title; 4. Service easements, whether in gross or for private purposes, with sufficient width to permit maintenance, repair or replacement. Centre line easements shall apply when the line is privately owned; 5. Easements for any of the following purposes: <ol style="list-style-type: none"> i. Accessways, whether mutual or not; ii. Stormwater, wastewater disposal, water supply, utilities; iii. Party walls and floor/ceilings; or iv. Other utilities. 	
SUB - S11	Point Strips
<ol style="list-style-type: none"> 1. Point strips shall be provided where in the course of subdivision a new road is constructed and vested that will or could provide frontage to other land. In this instance an agreement is entered into by the first subdivider with the Council, to ensure the benefiting owner pays a fair share towards the cost of providing the frontage road. The point strip agreement sets the amount to be paid, which will be updated from the date of signature of the agreement by the Consumers Price Index. 2. Point strips may also be required where access to any road would be unsafe. 	

3. A point strip of no less than 100mm in width shall be created along the State Highway 7 frontage of any new allotment, or balance allotment created within the Kaiata Park development area and fronting State Highway 7 including any allotment created to contain the wetland area. Such point strip shall vest in Her Majesty the Queen for Use in Connection with a road (point strip).



Te Tai o Poutini PLAN

A combined district plan for the West Coast

Prepared for: Te Tai o Poutini Plan Committee
Prepared by: Lois Easton, Principal Planner
Date: November 2021
Subject: **Te Tai o Poutini Plan Draft Chapter Review – Open Space and Recreation Zones**

SUMMARY

This report gives an opportunity for the Committee to review draft provisions from Te Tai o Poutini Plan ahead of the full draft Plan coming to the Committee on the 16th December meeting.

The eighth set of provisions for review are the Open Space and Recreation Zones.

RECOMMENDATIONS

1. That the Committee receive the report
2. That the Committee provide feedback on the draft Open Space and Recreation Zone provisions for Te Tai o Poutini Plan.

INTRODUCTION

1. With the decision to fast track the notification of Te Tai o Poutini Plan (TTPP), there is a need to ensure that draft work developed is reviewed to ensure consistency and coherence in the Plan. Draft chapters are being brought to the Committee for review each month, ahead of the entire draft Plan coming to the Committee in December for adoption for consultation.
2. The ninth chapter for review is the Open Space Zones chapter. Open Space Zones cover much of the Department of Conservation (DOC) administered land on the West Coast, as well as Council owned parks and reserves. Some privately owned sites, such as the Omoto Speedway, are also included within the zones. The Open Space Zones are:
 - Natural Open Space Zone – this zone has been applied to areas of the DOC estate legally identified as wildlife reserves, nature reserves and ecological areas.
 - Sport and Recreation Zone – this zone has been applied to sports fields, raceways, golf courses and other active recreation areas
 - Open Space Zone – this “general” zone has been applied to most areas of DOC estate and Council parks and reserves.
3. It should be noted that parts of the DOC Estate – Stewardship Land areas have not been zoned an Open Space and Recreation Zone. Areas outside of the Te Wāhipounamu World Heritage Area, that have no specific notation (i.e. are just held under the Conservation Act) have usually been zoned General Rural Zone. Where there is a specific activity or purpose for the site within a settlement context, another, settlement related zone may also have been used.

DRAFT PROVISIONS AND NEXT STEPS

4. The draft provisions have an overview, objectives and policies that apply across the zones. There is also a specific rule set for each Open Space and Recreation Zone.
5. Following any amendments sought by the Committee, these provisions will be incorporated into the Draft Te Tai o Poutini Plan.

DRAFT PROVISIONS

OSRZ

Open Space and Recreation Zones - Objectives and Policies - Ngā Mokowā Pōaha me ngā Takiwā Hākinakina - Ngā Whāinga me ngā Kaupapa Here

Overview

There are a range of open spaces in the West Coast/Tai o Poutini districts that are covered by the OSRZ - Open Space and Recreation Zones. The three Councils own reserves and open spaces generally for local community use. There are a number of community organisations that own and operate open spaces such as race courses and golf clubs. The Department of Conservation, administers 84% of the land on the West Coast under the Conservation Act.

These Objectives, Policies and Rules apply to all three types of open space, however the Department of Conservation is exempt under the Resource Management Act from being required to meet these on land it administers. Concessionaires and other organisations undertaking activities on Department of Conservation administered land are however required to work within the Te Tai o Poutini Plan framework.

There are three Open Space and Recreation Zones.

The **NOSZ - Natural Open Space Zone** is where the Plan recognises and provides for open spaces that contain high natural and ecological values. The Zone is made up of the most significant open space and reserves where natural values predominate such as Nature Reserves, Scientific Reserves, Wilderness Areas and Specially Protected Areas as well as other areas of public conservation land identified with very high natural values.

A low level of development and built form is anticipated within this zone to retain the natural/biodiversity values within natural open space areas.

The **OSZ - Open Space Zone** is open spaces that are used predominantly for a range of passive and active leisure and recreational activities, along with limited associated facilities and structures. The

majority of the public conservation estate administered by the Department of Conservation falls within this zone, including the National Parks. At a district level the open spaces vary in size from small neighbourhood parks to large parks where people can enjoy activities such as walking and cycling, skateboarding, swimming, surfing, camping and kicking a ball around. Some of these open spaces are located near waterbodies and the coast, others are in towns and settlements and others form an important part of the West Coast walkway and cycleway network. These open spaces include civic spaces, playgrounds, land with community facilities, cemeteries, campgrounds, esplanades, nohoanga sites, historic reserves and scenic reserves.

The nature of the West Coast, with its extensive mineral deposits, combined with 84% of the land area being located in public conservation estate, means that provision is also made for mineral extraction within the Open Space Zone.

The **SARZ - Sport and Active Recreation Zone** is open space areas for a range of sport and recreation activities, including organised sport and recreation for local, district-wide and regional communities. This zone applies in parks, sports grounds and multi-sport facilities. Such areas will normally have associated buildings such as club rooms, changing sheds or toilet facilities.

Activities and uses on publicly owned land are required to obtain permission (such as a lease or a licence) from the relevant administering authority. This is in addition to any requirements under Te Tai o Poutini Plan and the RMA. All activities will also have regard to any relevant reserve management plans or National Park management plans and legislation (Reserves Act 1977 and the Conservation Act 1991).

OSRZ - Open Space and Recreation Zones Objectives	
OSRZ - O1	Development and activities should complement the functions and values of the particular open space and the surrounding environment. Where appropriate open space accommodates a range of functions.
OSRZ - O2	Where subdivision occurs, sufficient provision is made for the additional community need for open space.

Also the [Strategic Objectives and Policies](#)

OSRZ - Open Space and Recreation Zones Policies	
OSRZ - P1	Open space should be developed and used in accordance with any relevant operative Reserves Act or Conservation Act Management Plan.
OSRZ - P2	Open space may accommodate recreational, cultural, natural, heritage and amenity values and functions where this fits with the purpose of the open space and its classification under any relevant Act.
OSRZ - P3	Buildings and structures should be designed and sited to be compatible with the function and predominant purpose of the open space and fit within the character and amenity of the surrounding area.
OSRZ - P4	Commercial activities may be appropriate on some open spaces where this is either identified in a Reserves Act or Conservation Act Management Plan, or where it has a link with the open space and recreation resource.
OSRZ - P5	Provide for commercial recreation activities that maintain the quality of the open space and recreation experience of people using the open space, having particular regard to the scale, intensity and cumulative effects of commercial recreation activities.
OSRZ - P6	Recognise that many open spaces have wāhi tapu, taonga and other significant values for Poutini Ngāi Tahu, and ensure that these are managed in collaboration with iwi and hapū.
OSRZ - P7	Promote the protection and enhancement of existing natural heritage values having regard to the relevant OSRZ - Open Space and Recreation Zone and the opportunities for enhancement of these on the site.

OSRZ - P8	Provide for indoor and outdoor organised sports, active recreation, recreation facilities, community activities, accessory activities and associated buildings and structures having regard to the relevant OZRZ - Open Space and Recreation Zone.
OSRZ - P9	Provide for the range of purposes where compatible with the open space values including: <ul style="list-style-type: none"> a. The ongoing operation and appropriate management of cemeteries; b. Camping opportunities at rivers, lakes and coastal areas where this is compatible with the values of the open space; c. Gravel and shingle extraction for roading networks; d. Quarries for rock for protection works; e. Mineral extraction of resources where these are limited in their location; f. Water supply and drainage networks where this supports local community needs; g. Network utility infrastructure where this is unable to be located on other land due to land availability or physical constraints.
OSRZ - P10	Subdivision and new development should provide for the open space needs generated by the development either through direct provision of land and works, or through a financial contribution. This includes: <ul style="list-style-type: none"> a. Additional neighbourhood parks including waterfront areas, walkways and cycleways needed as a result of additional household and visitor accommodation growth; b. Additional recreation areas to enhance recreational opportunities and the visual amenity of the built environment; and c. Development of existing land set aside for neighbourhood parks and recreation areas.
OSRZ - P11	Provide for mineral extraction activities within the OSZ - Open Space Zone where: <ul style="list-style-type: none"> a. Impacts on open space and recreation values of the site are minimised; b. This is provided for within any Open Space Management Plan for the area; c. Adverse effects on open space and recreation values are mitigated, remedied, offset or compensated; d. Sites are rehabilitated at the end of the mineral extraction activity to enable the land to be used for an appropriate activity.

NOSZ

Natural Open Space Zone - Te Takiwā Pōaha Aotūroa

Overview

The purpose of the NOZ - Natural Open Space Zone is to recognise and provide for open spaces that contain high natural, ecological and landscape values. The zone also applies to a variety of parks and reserves, coastal and riverside esplanade reserves, scenic reserves, local purpose reserves and recreation reserves.

This zone also applies to large areas of public conservation land - national parks, scientific reserves, wilderness areas, specially protected areas and important ecological areas.

Natural Open Space has a high degree of biodiversity requiring recognition, maintenance and/or enhancement.

These are spaces that the community value and areas where people can relax and enjoy recreation and leisure activities such as walking and cycling, fishing, picnicking, and boating. Some of these spaces are used for cultural and customary activities, such as gathering mahinga kai, and are rich in historic heritage and cultural heritage values.

A low level of development and built form is anticipated within this zone to retain the natural/biodiversity values within natural open space areas.

Activities and uses on publicly owned land are required to obtain permission (such as a lease or a licence) from the relevant administering authority. This is in addition to any requirements under Te Tai o Poutini Plan and the RMA. All activities will also have regard to any relevant reserve management plans, national park management plans or national legislation (Reserves Act 1977 or Conservation Act 1987).

NOSZ - Natural Open Space Zone Rules

Note: There may be a number of Plan provisions that apply to an activity, building, structure and site. In some cases, consent may be required under rules in this Chapter as well as rules in other Chapters in the Plan. In those cases, unless otherwise specifically stated in a rule, consent is required under each of those identified rules. Details of the steps Plan users should take to determine the status of an activity are provided in [General Approach](#).

Permitted Activities

NOSZ - R1

Park Facilities and Park Furniture

Activity Status Permitted

Where:

1. The maximum building height above ground level is 5m;
2. Masts, poles, aerials and pou whenua must not exceed 7m in height;
3. The maximum gross floor area is 100m²;
4. Buildings are setback a minimum 4.5m from road boundaries; and

Activity status where compliance not achieved: [Restricted Discretionary](#)

<p>5. No building shall project beyond a building envelope defined by a recession plane as outlined in Appendix Two to commence 2.5m above any Residential Zone or Settlement Zone boundary except where neighbour's written approval is provided. This standard does not apply to:</p> <ul style="list-style-type: none"> i. Road boundaries; ii. Antennas, aerials, satellite dishes (less than 1m in diameter), chimneys, flues and architectural features (e.g. finials, spires) provided these do not exceed the recession plane by more than 3m vertically; and iii. Solar panels and solar water heaters provided these do not exceed the height in relation to boundary plane by more than 0.25m vertically. 	
<p>NOSZ - R2 Education and research facilities directly related to the open space area</p>	
<p>Activity Status Permitted Where:</p> <ol style="list-style-type: none"> 1. All performance standards for Rule NOSZ - R1 are complied with. 	<p>Activity status where compliance not achieved: Restricted Discretionary</p>
<p>NOSZ - R3 Conservation Activities, Recreation Activities and Poutini Ngāi Tahu Activities</p>	
<p>Activity Status Permitted Where:</p> <ol style="list-style-type: none"> 1. All performance standards for Rule NOSZ - R1 are complied with. 	<p>Activity status where compliance not achieved: Restricted Discretionary</p>
<p>NOSZ - R4 Temporary Campgrounds</p>	
<p>Activity Status Permitted Where:</p> <ol style="list-style-type: none"> 1. Written notification to the Council of the activity is provided prior to the activity commencing; and 2. Camping activity is restricted to 10 days per calendar year. <p>Advice Note: Temporary Campgrounds may also be required to comply with the Camping Ground Regulations 1985 administered by the relevant District Council.</p>	<p>Activity status where compliance not achieved: N/A</p>
<p>NOSZ - R5 Residential Activities</p>	

<p>Activity Status Permitted Where:</p> <ol style="list-style-type: none"> 1. This is ancillary to a conservation activity or recreation activity; and 2. All performance standards for Rule NOSZ - R1 are complied with. 	<p>Activity status where compliance not achieved: Discretionary</p>
<p>NOSZ - R6 Retail Activities</p>	
<p>Activity Status Permitted Where:</p> <ol style="list-style-type: none"> 1. This is ancillary to a recreation activity or a conservation activity; and 2. Performance Standards for Rule NOSZ - R1 are complied with. 	<p>Activity status where compliance not achieved: Discretionary</p>
<p>Restricted Discretionary Activities</p>	
<p>NOSZ - R7 Community Facilities</p>	
<p>Activity Status Restricted Discretionary</p> <p>Discretion is restricted to:</p> <ol style="list-style-type: none"> a. Design, position and location of the building; b. Landscape treatment; c. Vehicle access and parking design and location; and d. Management of effects on natural character, landscape, historical and cultural values and biodiversity values. 	<p>Activity status where compliance not achieved: N/A</p>
<p>NOSZ - R8 Vehicle access and carparking areas</p>	
<p>Activity Status Restricted Discretionary Where:</p> <ol style="list-style-type: none"> 1. This is ancillary to activities Permitted in Rules NOSZ - R1 - NOSZ -R6. <p>Discretion is restricted to:</p> <ol style="list-style-type: none"> a. Landscape measures; 	<p>Activity status where compliance not achieved: Non-complying</p>

	<ul style="list-style-type: none"> b. Compliance with transport standards; c. Vehicle access and parking design and location; and d. Management of effects on natural character, landscape, historical and cultural values and biodiversity values. 	
NOSZ - R9	Recreational Activities, Conservation Activities, Education and Research Activities, Poutini Ngāi Tahu Activities, Parks Facilities and Parks Furniture not meeting Permitted Activity rules	
Activity Status Restricted Discretionary		Activity status where compliance not achieved: N/A
Discretion is restricted to:		
<ul style="list-style-type: none"> a. Design, position and location of any buildings; b. Landscape measures; c. Vehicle access and parking design and location; and d. Management of effects on natural character, landscape, historical and cultural values and biodiversity values. 		
Discretionary Activities		
NOSZ - R10	Retail and Residential Activities not meeting Permitted Standards	
Activity Status Discretionary		Activity status where compliance not achieved:
Where:		Non-complying
1. These are ancillary to a recreation activity or conservation activity.		
NOSZ - R11	New Cemeteries and Urupā	
Activity Status Discretionary		Activity status where compliance not achieved: N/A
NOSZ - R12	Campgrounds	
Activity Status Discretionary		Activity status where compliance not achieved: N/A
Non-complying Activities		
NOSZ - R13	Retail Activities and Residential Activities not meeting Permitted or Discretionary Activity Standards	

Activity Status Non-complying	Activity status where compliance not achieved: N/A
NOSZ - R14	Vehicle access and Carparking not meeting Rule NOSZ - R18
Activity Status Non-complying	Activity status where compliance not achieved: N/A
NOSZ - R15	Commercial Activities not provided for in another Rule
Activity Status Non-complying	Activity status where compliance not achieved: N/A
NOSZ - R16	Mineral Extraction Activities
Activity Status Non-complying	Activity status where compliance not achieved: N/A
NOSZ - R17	Industrial Activities or any other Activity not provided for in another Rule
Activity Status Non-complying	Activity status where compliance not achieved: N/A

OSZ

Open Space Zone - Te Takiwā Pōaha

Overview

The purpose of the OSZ - Open Space Zone is to provide open spaces that are used predominantly for a range of passive and active leisure and recreational activities, along with limited associated facilities and structures. The West Coast/Tai o Poutini open spaces vary in size from small neighbourhood parks to large sized parks where people can enjoy activities such as walking and cycling, skateboarding, swimming, surfing, camping and kicking a ball around. Some of these open spaces are located near waterbodies and the coast, others are in urban neighbourhoods and others form an important part of the district's shared pathway network.

The zone includes civic spaces, land with community facilities, cemeteries, campgrounds and nohoanga sites. Historic reserves and large areas of public conservation land fall within this zone. Grazing is sometimes undertaken within these areas for land management purposes.

These public open spaces are generally more open, with less built features and contribute to an attractive living environment for people on the West Coast/Tai Poutini. They can also have important natural and historic heritage values.

Activities and uses on publicly owned land are required to obtain permission (such as a lease or a licence) from the relevant administering authority. This is in addition to any requirements under Te Tai o Poutini Plan and the RMA. All activities will also have regard to any relevant reserve management plans and legislation (Reserves Act 1977 or Conservation Act 1990).

OSZ - Open Space Zone Rules

Note: There may be a number of Plan provisions that apply to an activity, building, structure and site. In some cases, consent may be required under rules in this Chapter as well as rules in other Chapters in the Plan. In those cases, unless otherwise specifically stated in a rule, consent is required under each of those identified rules. Details of the steps Plan users should take to determine the status of an activity are provided in [General Approach](#).

Permitted Activities

OSZ - R1

Park Facilities and Park Furniture

Activity Status Permitted

Where:

1. The maximum building height above ground level is 7m;
2. The maximum gross floor area is 100m²;
3. Buildings are setback:
 - i. 4.5m from the road boundary; and
 - ii. 3m from any RESZ - Residential Zone or SETZ - Settlement Zone boundary.
4. External storage is screened by a 1.8m fence or landscaping so that it is not visible from any adjoining residential zone boundary;

Activity status where compliance not achieved: [Controlled](#)

<ol style="list-style-type: none"> 5. Fences, walls and retaining walls are a maximum 2m height above ground level and not used for advertising or any other purpose other than a fence, retaining wall or wall; 6. No building shall project beyond a building envelope defined by a recession plane as outlined in Appendix Two to commence 2.5m above any RESZ - Residential Zone or SETZ - Settlement Zone boundary except where neighbour's consent is provided to the Council. This standard does not apply to: <ol style="list-style-type: none"> i. Road boundaries; ii. Antennas, aerials, satellite dishes (less than 1m in diameter), chimneys, flues and architectural features (e.g. finials, spires) provided these do not exceed the recession plane by more than 3m vertically; and iii. Solar panels and solar water heaters provided these do not exceed the height in relation to boundary plane by more than 0.25m vertically. 	
OSZ - R2	Conservation Activities, Recreation Activities and Poutini Ngāi Tahu Activities
<p>Activity Status Permitted Where:</p> <ol style="list-style-type: none"> 1. All performance standards for Rule OSZ - R1 are complied with. 	<p>Activity status where compliance not achieved: Restricted Discretionary</p>
OSZ - R3	Community Facilities
<p>Activity Status Permitted Where:</p> <ol style="list-style-type: none"> 1. All performance standards for Rule OSZ - R1 are complied with; 2. The community facility: <ol style="list-style-type: none"> i. Is provided for within an Open Space Management Plan for the site; or ii. Was lawfully established at the time of notification of the Plan; and 3. Hours of operation are limited to: <ol style="list-style-type: none"> i. 7am to 10pm Sunday - Thursday; ii. 7am to 12pm midnight Friday and Saturday; except iii. No restriction on hours is in place for up to 12 days per calendar year. 	<p>Activity status where compliance not achieved: Restricted Discretionary</p>
OSZ - R4	Clubrooms
<p>Activity Status Permitted Where:</p>	<p>Activity status where compliance not achieved:</p>

<ol style="list-style-type: none"> 1. All performance standards for Rule OSZ - R1 are complied with; 2. The clubrooms: <ol style="list-style-type: none"> i. Are provided for within an Open Space Management Plan for the site; or ii. Were lawfully established at the time of notification of the Plan; and 3. Hours of operation are limited to: <ol style="list-style-type: none"> i. 7am to 10pm Sunday - Thursday; ii. 7am to 12pm midnight Friday and Saturday; except iii. No restriction on hours is in place for up to 12 days per calendar year. 	Restricted Discretionary
OSZ - R5 Education and research facilities directly related to the open space area	
<p>Activity Status Permitted Where:</p> <ol style="list-style-type: none"> 1. All performance standards for Rule OSZ - R1 are complied with; 2. The education or research facility is provided for within an Open Space Management Plan for the site; and 3. Hours of operation are restricted to 7am to 7pm Monday to Sunday and including public holidays. 	<p>Activity status where compliance not achieved: Restricted Discretionary</p>
OSZ - R6 Campgrounds	
<p>Activity Status Permitted Where:</p> <ol style="list-style-type: none"> 1. All performance standards for Rule OSZ - R1 are complied with. 	<p>Activity status where compliance not achieved: Restricted Discretionary</p>
OSZ - R7 Retail Activities	
<p>Activity Status Permitted Where:</p> <ol style="list-style-type: none"> 1. This is ancillary to a recreation activity or a conservation activity; 2. No more than 25% of any building is allocated to the retail activity; 3. Hours of operation are restricted to 7am to 7pm Monday to Sunday and including public holidays; and 4. All performance standards for Rule OSZ - R1 are complied with. 	<p>Activity status where compliance not achieved: Restricted Discretionary</p>

OSZ - R8	Residential Activities	
Activity Status Permitted Where:	<ol style="list-style-type: none"> 1. This is ancillary to a recreation activity or a conservation activity or to provide a caretaker unit for a park facility; and 2. All performance standards for Rule OSZ - R1 are complied with. 	Activity status where compliance not achieved: Restricted Discretionary
OSZ - R9	Vehicle Access and Car Parking Areas	
Activity Status Permitted Where:	<ol style="list-style-type: none"> 1. The vehicle access or carparking is provided for within an Open Space Management Plan for the site; and 2. All relevant Transport Standards in Appendix One are complied with. 	Activity status where compliance not achieved: Restricted Discretionary
OSZ - R10	Cemeteries and Urupā	
Activity Status Permitted Where:	<ol style="list-style-type: none"> 1. This is a cemetery or urupā lawfully established at the date of notification of the Plan; and 2. All performance standards for Rule OSZ - R1 are complied with. 	Activity status where compliance not achieved: Restricted Discretionary
OSZ - R11	Mineral Prospecting and Mineral Exploration	
Activity Status Permitted Where:	<ol style="list-style-type: none"> 1. This is authorised under a prospecting or exploration permit from NZPAM; 2. Notice is provided to the relevant District Council Consent Authority 5 working days ahead of work being undertaken; 3. Where areas are to be disturbed, topsoil shall be stripped and stockpiled and then replaced over the area of land disturbed as soon as possible and no later than 3 months after the disturbance has occurred; 4. The site shall be rehabilitated generally to its original condition; and 	Activity status where compliance not achieved: Restricted Discretionary

5. All stripped material (including vegetation, soil and debris) is deposited or contained in such a manner that it does not enter any waterbody or cause the destruction of habitat.		
OSZ - R12	Agricultural, Horticultural or Pastoral Activities	
Activity Status Permitted Where: <ol style="list-style-type: none"> 1. All performance standards for Rule OSZ - R1 are complied with; and 2. The activity does not include: <ol style="list-style-type: none"> a. Intensive indoor primary production; or b. Stock sale yards. 		Activity status where compliance not achieved: Discretionary
Controlled Activities		
OSZ - R13	Park Facilities and Park Furniture not meeting Rule OSZ - R1	
Activity Status Controlled Matters of control are: <ol style="list-style-type: none"> a. Design, position and location of any buildings; b. Landscape measures; c. Vehicle access and parking design and location; and d. Management of effects on natural character, landscape, historical and cultural values and biodiversity values. 		Activity status where compliance not achieved: N/A
Restricted Discretionary Activities		
OSZ - R14	Recreational Activities, Conservation Activities, Education and Research Activities, Clubrooms, Poutini Ngāi Tahu Activities and Campgrounds not meeting Permitted Activity rules	
Activity Status Restricted Discretionary Discretion is restricted to: <ol style="list-style-type: none"> a. Design, position and location of any buildings; b. Landscape measures; c. Hours of Operation; 		Activity status where compliance not achieved: N/A

<ul style="list-style-type: none"> d. Vehicle access and parking design and location; and e. Management of effects on natural character, landscape, historical and cultural values and biodiversity values. 	
OSZ - R15 Residential Activities not meeting Rule OSZ - R8	
<p>Activity Status Restricted Discretionary Where:</p> <ul style="list-style-type: none"> 1. This is ancillary to a conservation or recreation activity or to provide a caretaker unit for a campground. <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> a. Design, position and location of any buildings; b. Landscape measures; c. Management of effects on conservation or recreation activities; d. Vehicle access and parking design and location; and e. Management of effects on natural character, landscape, historical and cultural values and biodiversity values. 	<p>Activity status where compliance not achieved: Discretionary</p>
OSZ - R16 Retail Activities not meeting Rule OSZ - R7	
<p>Activity Status Restricted Discretionary Where:</p> <ul style="list-style-type: none"> 1. This is ancillary to a conservation or recreation activity. <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> a. Design, position and location of any buildings; b. Landscape measures; c. Hours of Operation; d. Management of effects on conservation or recreation activities; e. Vehicle access and parking design and location; and f. Management of effects on natural character, landscape, historical and cultural values and biodiversity values. 	<p>Activity status where compliance not achieved: Non-complying</p>
OSZ - R17 Vehicle Access and Carparking not meeting Rule OSZ - R9	

<p>Activity Status Restricted Discretionary Where:</p> <ol style="list-style-type: none"> This is ancillary to an activity being undertaken in the Open Space Zone. <p>Discretion is restricted to:</p> <ol style="list-style-type: none"> Landscape measures; Management of effects on conservation or recreation activities; Vehicle access and parking design and location; and Management of effects on natural character, landscape, historical and cultural values and biodiversity values. 	<p>Activity status where compliance not achieved: Non-complying</p>
<p>OSZ - R18 Cemeteries and Urupā not meeting Rule OSZ - R10</p>	
<p>Activity Status Restricted Discretionary</p> <p>Discretion is restricted to:</p> <ol style="list-style-type: none"> Landscape measures; Management of effects on conservation or recreation activities; Vehicle access and parking design and location; and Management of effects on natural character, landscape, historical and cultural values and biodiversity values. 	<p>Activity status where compliance not achieved: N/A</p>
<p>OSZ - R19 Mineral Extraction Activities not meeting Rule OSZ - R11</p>	
<p>Activity Status Restricted Discretionary Where:</p> <ol style="list-style-type: none"> The activity does not occur within an Outstanding Natural Landscape, Outstanding Natural Feature, an area of significant indigenous vegetation or significant indigenous fauna habitat, a Historic Heritage site, or a Site of Significance to Māori. <p>Discretion is restricted to:</p> <ol style="list-style-type: none"> Impacts on conservation and recreation activities; Management of access, parking, traffic generation and transport of minerals from the site; 	<p>Activity status where compliance not achieved: Discretionary</p>

<ul style="list-style-type: none"> c. Noise, glare, light, dust, blasting and vibration management; d. Hours of operation; e. Hazardous substances and waste management; f. Historic and cultural heritage requirements; g. Extent and design of earthworks and indigenous vegetation clearance; h. Effects on any threatened fauna or their habitats; i. Design and location of ancillary buildings, structures and infrastructure; j. Landscape measures; k. Overburden management; l. Monitoring, reporting and community liaison requirements; m. Financial contributions and any requirement for bonds; and n. Site rehabilitation and mine closure requirements. 	
OSZ - R20 Agricultural, Horticultural and Pastoral Activities not meeting Rule OSZ - R12	
<p>Activity Status Restricted Discretionary Where:</p> <p>1. This is ancillary to a conservation, recreation, research or education activity.</p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> a. Design, position and location of any buildings; b. Landscape measures; c. Management of effects on conservation or recreation activities; d. Vehicle access and parking design and location; and e. Management of effects on natural character, landscape, historical and cultural values and biodiversity values. 	<p>Activity status where compliance not achieved: Non-complying</p>
Discretionary Activities	
OSZ - R21 Residential Activities not meeting Rule OSZ - R14	
<p>Activity Status Discretionary</p>	<p>Activity status where compliance not achieved: N/A</p>
OSZ - R22 Mineral Extraction Activities not meeting Rule OSZ - R19	

Activity Status Discretionary	Activity status where compliance not achieved: N/A
Advice Note: When assessing resource consent applications for mineral extraction activities assessment against Policies RURZ - P20 , RURZ - P22 , RURZ - P23 , RURZ - P24 and RURZ - P26 should also be undertaken.	
Non-complying Activities	
OSZ - R23	Retail Activities not meeting the Permitted or Restricted Discretionary Rules
Activity Status Non-complying	Activity status where compliance not achieved: N/A
OSZ - R24	Vehicle Access and Carparking not meeting the Permitted or Restricted Discretionary Rules
Activity Status Non-complying	Activity status where compliance not achieved: N/A
OSZ - R25	Industrial Activities, Commercial Activities other than Retail
Activity Status Non-complying	Activity status where compliance not achieved: N/A
OSZ - R26	Agricultural, Horticultural or Pastoral Activities not meeting the Permitted or Restricted Discretionary Rules
Activity Status Non-complying	Activity status where compliance not achieved: N/A
OSZ - R27	Any Other Activity not provided for as a Permitted, Controlled, Restricted Discretionary or Discretionary Activity.
Activity Status Non-complying	Activity status where compliance not achieved: N/A

SARZ
Sport and Active Recreation Zone - Te Takiwā Hākinakina
Overview

The purpose of the SARZ - Sport and Active Recreation Zone is to provide open space areas for a range of sport and recreation activities, including organised sport and recreation for local, district-wide and regional communities. This zone applies in parks, sports grounds and multi-sport facilities. Such areas will normally have associated buildings such as club rooms, changing sheds or toilet facilities. These spaces are areas where people can also enjoy informal exercise and leisure activities.

Sport and active recreation areas are predominantly characterised by large open space areas with associated buildings and facilities that vary in scale depending on the sport and recreation activities that take place there. It is generally accepted that the level of development in this zone is higher than other OSRZ - Open Space and Recreation Zones and that the sport and recreation activities that are anticipated to take place in this zone can generate noise, light and traffic effects in surrounding neighbourhoods.

Activities and uses on publicly owned land are required to obtain permission (such as a lease or a licence) from the Council as the administering authority. This is in addition to any requirements under Te Tai o Poutini Plan and the RMA. All activities will also have regard to any relevant reserve management plan and legislation (Reserves Act 1977).

SARZ - Sport and Active Recreation Zone Rules

Note: There may be a number of Plan provisions that apply to an activity, building, structure and site. In some cases, consent may be required under rules in this Chapter as well as rules in other Chapters in the Plan. In those cases, unless otherwise specifically stated in a rule, consent is required under each of those identified rules. Details of the steps Plan users should take to determine the status of an activity are provided in [General Approach](#).

Permitted Activities

SARZ - R1	Park Facilities and Park Furniture
<p>Activity Status Permitted Where:</p> <ol style="list-style-type: none"> 1. The maximum building height above ground level is 10m; 2. Masts, poles, aerials and pou whenua must not exceed 7m in height; 3. The maximum gross floor area is 200m²; 4. Buildings are setback: <ol style="list-style-type: none"> i. 4.5m from the road boundary; and ii. 3m from any Residential Zone or Settlement Zone boundary. 5. External storage is screened by a 1.8m fence or landscaping so that it is not visible from any adjoining residential zone boundary; 	<p>Activity status where compliance not achieved: Controlled</p>

<p>6. Fences, walls and retaining walls are a maximum 2m height above ground level and not used for advertising or any other purpose other than a fence, retaining wall or wall;</p> <p>7. No building shall project beyond a building envelope defined by a recession plane as outlined in Appendix Two to commence 2.5m above any Residential Zone or Settlement Zone boundary except where neighbour's consent is provided to the Council.</p> <p>This standard does not apply to:</p> <ul style="list-style-type: none"> i. Road boundaries; ii. Antennas, aerials, satellite dishes (less than 1m in diameter), chimneys, flues and architectural features (e.g. finials, spires) provided these do not exceed the recession plane by more than 3m vertically; and ii. Solar panels and solar water heaters provided these do not exceed the height in relation to boundary plane by more than 0.25m vertically. 	
SARZ - R2	Conservation Activities, Recreation Activities and Poutini Ngāi Tahu Activities
<p>Activity Status Permitted Where:</p> <ul style="list-style-type: none"> 1. All performance standards for Rule SARZ - R1 are complied with. 	<p>Activity status where compliance not achieved: Restricted Discretionary</p>
SARZ - R3	Community Facilities
<p>Activity Status Permitted Where:</p> <ul style="list-style-type: none"> 1. All performance standards for Rule SARZ - R1 are complied with; 2. The community facility is: <ul style="list-style-type: none"> i. Provided for within an Open Space Management Plan for the site; or ii. Was lawfully established at the time of notification of the Plan; and 3. Hours of operation are limited to: <ul style="list-style-type: none"> i. 7am to 10pm Sunday - Thursday; ii. 7am to 12pm midnight Friday and Saturday; except iii. No restriction on hours is in place for up to 12 days per calendar year. 	<p>Activity status where compliance not achieved: Restricted Discretionary</p>
SARZ - R4	Clubrooms

<p>Activity Status Permitted Where:</p> <ol style="list-style-type: none"> 1. All performance standards for Rule SARZ - R1 are complied with; and 2. The clubrooms: <ol style="list-style-type: none"> i. Are provided for within an Open Space Management Plan for the site; or ii. Were lawfully established at the time of notification of the Plan; and 3. Hours of operation are limited to: <ol style="list-style-type: none"> i. 7am to 10pm Sunday - Thursday; ii. 7am to 12pm midnight Friday and Saturday; except iii. No restriction on hours is in place for up to 12 days per calendar year. 	<p>Activity status where compliance not achieved: Restricted Discretionary</p>
SARZ - R5	Education and research facilities directly related to the open space area
<p>Activity Status Permitted Where:</p> <ol style="list-style-type: none"> 1. All performance standards for Rule SARZ - R1 are complied with; and 2. The facilities is identified in a relevant Open Space Management Plan for the site. 	<p>Activity status where compliance not achieved: Restricted Discretionary</p>
SARZ - R6	Retail Activities
<p>Activity Status Permitted Where:</p> <ol style="list-style-type: none"> 1. This is ancillary to a recreation activity or a conservation activity; 2. No more than 25% of any building is allocated to the retail activity; 3. Hours of operation are restricted to 7am to 7pm Monday to Sunday and including public holidays; and 4. All performance standards for Rule SARZ - R1 are complied with. 	<p>Activity status where compliance not achieved: Restricted Discretionary</p>
SARZ - R7	Residential Activities
<p>Activity Status Permitted Where:</p> <ol style="list-style-type: none"> 1. This is ancillary to a recreation activity or a conservation activity; and 	<p>Activity status where compliance not achieved: Restricted Discretionary</p>

<p>2. All performance standards for Rule SARZ - R1 are complied with.</p>	
<p>SARZ - R8 Vehicle Access and Carparking Areas</p>	
<p>Activity Status Permitted Where:</p> <ol style="list-style-type: none"> 1. The vehicle access or carparking is provided for within an Open Space Management Plan for the site; and 2. All relevant Transport Standards in Appendix One are complied with. 	<p>Activity status where compliance not achieved: Restricted Discretionary</p>
<p>SARZ - R9 Grandstands</p>	
<p>Activity Status Permitted Where:</p> <ol style="list-style-type: none"> 1. The grandstand is provided for within an Open Space Management Plan for the site; and 2. The grandstand is setback: <ol style="list-style-type: none"> i. 4.5m from the road boundary; and ii. 3m from any Residential Zone or Settlement Zone boundary.; 3. The grandstand shall not project beyond a building envelope defined by a recession plane as outlined in Appendix Two to commence 2.5m above any Residential Zone or Settlement Zone boundary. 	<p>Activity status where compliance not achieved: Restricted Discretionary</p>
<p>SARZ - R10 Mineral Prospecting and Mineral Exploration</p>	
<p>Activity Status Permitted Where:</p> <ol style="list-style-type: none"> 1. This is authorised under a prospecting or exploration permit from NZPAM; 2. Notice is provided to the relevant District Council Consent Authority 5 working days ahead of work being undertaken; 3. Where areas are to be disturbed, topsoil shall be stripped and stockpiled and then replaced over the area of land disturbed as soon as possible and no later than 3 months after the disturbance has occurred; 4. The site shall be rehabilitated generally to its original condition; and 5. All stripped material (including vegetation, soil and debris) is deposited or contained in such a manner that it does not enter any waterbody or cause the destruction of habitat. 	<p>Activity status where compliance not achieved: Discretionary</p>

Controlled Activities	
SARZ - R11	Park Facilities and Park Furniture not meeting Rule SARZ - R1
Activity Status Controlled Matters of control are: <ol style="list-style-type: none"> a. Design, position and location of any buildings; b. Landscape measures; c. Vehicle access and parking design and location; and d. Management of effects on natural character, landscape, historical and cultural values and biodiversity values. 	Activity status where compliance not achieved: N/A
Restricted Discretionary Activities	
SARZ - R12	Recreational Activities, Conservation Activities, Community Facilities, Education and Research Activities, Clubrooms, Grandstands and Poutini Ngāi Tahu Activities not meeting Permitted Activity rules
Activity Status Restricted Discretionary Discretion is restricted to: <ol style="list-style-type: none"> a. Design, position and location of any buildings; b. Landscape measures; c. Hours of Operation; d. Vehicle access and parking design and location; and e. Management of effects on natural character, landscape, historical and cultural values and biodiversity values. 	Activity status where compliance not achieved: N/A
SARZ - R13	Residential Activities not meeting Rule SARZ - R7
Activity Status Restricted Discretionary Where: <ol style="list-style-type: none"> 1. This is ancillary to a conservation or recreation activity or to provide a caretaker unit for a campground. Discretion is restricted to: <ol style="list-style-type: none"> a. Design, position and location of any buildings; 	Activity status where compliance not achieved: Non-complying

<ul style="list-style-type: none"> b. Landscape measures; c. Hours of Operation; d. Management of effects on conservation or recreation activities; e. Vehicle access and parking design and location; and f. Management of effects on natural character, landscape, historical and cultural values and biodiversity values. 	
SARZ - R14 Retail Activities not meeting Rule SARZ - R6	
<p>Activity Status Restricted Discretionary Where:</p> <ul style="list-style-type: none"> 1. This is ancillary to a conservation or recreation activity. <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> a. Design, position and location of any buildings; b. Landscape measures; c. Hours of Operation; d. Management of effects on conservation or recreation activities; e. Vehicle access and parking design and location; and f. Management of effects on natural character, landscape, historical and cultural values and biodiversity values. 	<p>Activity status where compliance not achieved: Non-complying</p>
SARZ - R15 Vehicle Access and Carparking not meeting Rule SARZ - R8	
<p>Activity Status Restricted Discretionary Where:</p> <ul style="list-style-type: none"> 1. This is ancillary to an activity being undertaken in the Sport and Active Recreation Zone. <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> a. Landscape measures; b. Management of effects on conservation or recreation activities; c. Vehicle access and parking design and location; and d. Management of effects on natural character, landscape, historical and cultural values and biodiversity values. 	<p>Activity status where compliance not achieved: Non-complying</p>

Discretionary Activities		
SARZ - R16	Mineral Extraction Activities not Meeting Rule SARZ - R10	
Activity Status Discretionary		Activity status where compliance not achieved: N/A
Non-complying Activities		
SARZ - R17	Residential Activities not meeting the Permitted or Restricted Discretionary Rules	
Activity Status Non-complying		Activity status where compliance not achieved: N/A
SARZ - R18	Retail Activities not meeting the Permitted or Restricted Discretionary Rules	
Activity Status Non-complying		Activity status where compliance not achieved: N/A
SARZ - R19	Vehicle Access and Carparking not meeting the Permitted or Restricted Discretionary Rules	
Activity Status Non-complying		Activity status where compliance not achieved: N/A
SARZ - R20	Any other activity not provided for as a Permitted, Controlled, Restricted Discretionary or Discretionary Activity	
Activity Status Non-complying		Activity status where compliance not achieved: N/A



Project Manager Update

1 October 2021 – 31 October 2021

Prepared By: **Jo Armstrong**
Date Prepared: **31 October 2021**

Accomplishments this Period

- The planning team have been working on the following topics:
 - Natural Hazards
 - Definitions
 - Community Living Precinct
 - Coastal Environment
 - Mineral Extraction
 - Overlays
 - Rifle Ranges
 - Stringency comparison of TTPP with current district plans
- All papers are discussed with, and modified by, the Technical Advisory Team before coming to the Committee.
- The continuing Level 3 lockdown in Auckland has impacted the ability of our consultants to deliver results on time for work on high coastal hazard areas and residual flooding risks. It is very unlikely that we will have this research in time to include it in the draft e-plan format. This will result in us developing a companion booklet to the Draft Plan, which will include the most up to date hazards maps with brief explanations. All Natural Hazards provisions will be in the booklet, which will be published alongside the draft, to enable people to see the whole suite of overlays, and provide feedback.
- The first round of the individual council and iwi workshops looking at the draft natural hazards overlays has been completed. A second round is scheduled for prior to our November meeting – now happening on 2 December.
- After your discussion about the economic benefits of mining to the West Coast, Development West Coast were contacted to provide their most up to date information on this. Both DWC and Minerals West Coast have provided some information. The Planning Team recommends that an economic study is sought on the benefits of including separate mineral extraction zones in TTPP versus minerals provisions in the general rural zone only. This will be discussed again once we have feedback on the Draft Plan, and can better determine if it is needed.
- We continue to receive correspondence from individuals and lobby groups which Rex or I have replied to as usual.

- A TTPP update was presented at the West Coast Regional Council Resource Management Committee meeting on 12 October.
- The contract with Pokeka Poutini Ngai Tahu Limited has been signed.
- We are now holding the November meeting at Grey District Council on 2 December. This change is to accommodate the second round of natural hazards workshops.
- The meeting at Te Tauraka Waka a Maui Marae at Bruce Bay is being planned for March 2022.

Plans for Next Period

- Policy work on topics mentioned above will continue
- 15 November is the cut off for additions in the e-plan. There is a lot to complete and tidy up before then
- User testing of the e-plan will begin on 16 November
- On-going natural hazards work to incorporate research results, and compilation of a companion document to accompany the e-plan
- TTPPC meeting on Thursday 2 December at Grey District Council from 10.00 – 2.00
- TAT meeting on 12 November will be via Zoom.

Key Issues, Risks & Concerns

- Ongoing COVID lockdown in Auckland is negatively impacting contractors working on projects for us, and has delayed research and some draft plan content.

Item	Action/Resolution	Responsible	Completion Date
Not getting key stakeholder buy-in	Contact and meet with them individually. Plan stakeholder workshops and on-going engagement process	Project Manager	Ongoing
Not producing a proposed plan in a timely manner	Set achievable milestones and monitor/report progress. Identify additional expertise and/or capacity	Project Manager Planning Team	30 June 2022
Decision makers can't agree	Get agreement on pieces of work prior to plan completion	Chairman	Ongoing
Budget insufficient for timely plan delivery	Work with TTPPC to recommend budget, and with WCRC to raise rate to achieve deliverables	Project Manager TTPP Committee CE WCRC	Annually Jan/Feb
Project extended due to reduced 2020/21 budget	Ensure 2021/22 research budget is sufficient to complete all remaining research required for robust Plan	Project Manager TTPP Committee CE WCRC	30 June 2022
Changes to national legislation	Planning team keep selves, Committee and Community updated on changes to legislation and the implications for TTPP	Project Manager Planning Team	Ongoing
Staff safety at public consultation	Committee members to proactively address & redirect aggressive behavior towards staff	TTPP Committee	Ongoing
National emergencies such as Covid-19 lock down	Staff and Committee ensure personal safety and continue to work remotely as able. Work with contractors to expedite work.	Project Manager TTPP Committee	Ongoing
Committee delay or reduce scope of required research	Committee ensure timely research is enabled	TTPP Committee	Ongoing
Time and Cost of Appeals Process	Realistic budget set for best case costs. Awareness that contentious issues such as SNAs, Natural hazards and landscape provisions could see an extended appeals process, increasing costs to reach operative plan status	TTPP Committee TTPP Steering Group Project Manager	Ongoing

Item	Action/Resolution	Responsible	Completion Date
Fast track budget insufficient to meet new timing for Proposed Plan notification by 31 July 2022	Project Manager to report monthly on whether anticipated expenditure for the remainder of the period is on track to be met by the allocated budget	Project Manager TTPP Committee	31 July 2022
Insufficient capacity for council and iwi technical staff to input fully into Draft and Proposed Plans	Planning Team provide outline of needs for technical input. TTPP Steering Group determine best delivery of technical services	Project Manager TTPP Steering Group	30 June 2022
Unable to meet 31 July 2022 notification date	Keep Committee informed of delays and investigate mitigation options	Project Manager TTPP Steering Group	31 July 2022
Risk of confidential, unverified or draft information being made public, negatively impacting development of TTPP (financially and/or time line) along with the outcomes for the West Coast	Ensure Committee members adhere to Standing Orders	Committee Chair	Ongoing

Status

Overall	
Schedule	Work programme revised and achieving on schedule, but capacity of researchers to deliver to earlier timeframe uncertain
Resources	Staff capacity stretched under fast track
Scope	Deliver efficient, effective and consistent Te Tai o Poutini Plan

Schedule

Stage	Target Completion	Revised Fast Track Completion	Comments
Complete project initiation documentation	30-Apr-19	19-July-2019	TTPPC approved
Identify and contact key stakeholders	03-May-19	Ongoing	Connection made with all key stakeholders and started a second round of contact with other interested parties
Contract senior planning consultant	01-Aug-19	29-July-2019	Contract in place 29/7/19 -30/6/20
Recruit permanent senior planner	30-Sep-19	7-Sep-2019	Started at WCRC on 14 October 2019
Set up Te Tai o Poutini Plan website and communications package	30-Sep-19	30 Nov- 2019	Development complete. Available at www.ttp.westcoast.govt.nz
Set planning milestones	31-Oct-19	30 Aug-2019	Presented at August 2019 TTPPC meeting
Hold key stakeholder workshop for Settlements section	28-Feb-20	23 Oct and 21 Nov 2019	Greymouth and Hokitika, then Westport
Hold Community information meetings	31-Mar-20	16-27 Mar 20 and 24-22 Sep 2020	Roadshow in March 2020 and opportunities to coincide with council-community meetings and local events Outcome of Roadshow to be presented to May TTPPC meeting
Hold key stakeholder workshops for Infrastructure section	30-Apr-20	31-Jul-20	Greymouth and Hokitika, then Westport. Delayed due to Covid-19 Lockdown
Draft Provisions (Issues, Objectives, Policy and Rules)	31-May-20	31-May-20	For presentation to May TTPPC meeting

Stage	Target Completion	Revised Fast Track Completion	Comments
for Urban Areas developed			
Workshop discussion with environmental interests re biodiversity provisions	30-Jul-20	31-Aug-20	Delayed due to Covid-19 Lockdown
Draft Provisions (Issues, Objectives, Policy and Rules) for Rural Zones and Settlement Zones developed	31 – Aug-20	31-Aug-20	For presentation to August TTPPC meeting
Hold key stakeholder workshops for mining and extractive industries	31-Aug-20	31-Jul-20	Due to work programme changes during Covid-19 lockdown
Historic Heritage Workshops	31-Aug-20	31-Aug-20	
Conclude TTPP Roadshow	30 –Sep-20	30-Sep-20	Postponed due to COVID-19
Workshop with agricultural interests re biodiversity provisions	30-Oct-20	28 October 2020	
On Hold - Contact with landowners re SNA assessment, landowner meetings			To discuss potential SNAs and seek permission if we do field assessments.
On Hold - Field work for SNA assessments			Begin with drive-by evaluation prior to possible property assessment at owner invitation
Zoning changes proposed	31-Dec-21	30 September 2021	Specific zone change proposals will come to the Committee through 2021
Targeted stakeholder consultation on draft provisions of Te Tai o Poutini Plan	30-May-22	30 September 2021	Targeted consultation with stakeholders on draft provisions with the aim of addressing concerns at this more informal stage
Iwi review of draft Te Tai o Poutini Plan	30-July-22	20 November 2021	This is in addition to hui and consultation throughout the development process and is a mandatory step
Full “ Draft ” Te Tai o Poutini Plan to Committee	30-Sep-22	16 December 2021	A draft Plan will not have legal status, but will show all the cumulative decisions of the Committee
Targeted Consultation on “ Draft ” Te Tai o Poutini Plan	Oct-22	11 March 2022	Targeted consultation – industry and interest groups meetings. Draft Plan also available for wider community feedback, and community drop-in sessions. Note that while we will be seeking feedback on the “Draft” Plan, some work will still be being undertaken and would feed into the final “Proposed Plan”, not this pre-notification draft.
Amendment of “ Draft ” Plan to “Proposed Plan” provisions	30-Nov-22	30 June 2022	Feedback to Committee on results of Exposure Draft consultation, any legal opinions on contentious provisions and final decisions.
Notify Te Tai o Poutini Plan	30-Aug-23	14 July 2022	This will be the “ Proposed ” Plan
Submissions on Te Tai o Poutini Plan	30-Oct-23	30 September 2022	40 working days for submissions is the legal requirement
Local Body Elections	30-May-22	October 2022	
Further Submissions	30–Feb-24	30 November 2022	Submissions must be summarised and published and then there is a 20 working day period for further submissions [this part of the process may no longer be required depending on RMA reform progress]
Hearings Te Tai o Poutini Plan	31-August-24	28 April 2023	Indicative time only
Decisions Te Tai o Poutini Plan	30-Sep-24	31 October 2023	Indicative time only
Appeal Period	30-June-25	30 November	Indicative time only. Any parts of the Plan not

Stage	Target Completion	Revised Fast Track Completion	Comments
		2023	appealed are completely operative from the end of the Appeal Period.
Ongoing Decision Making for TTPP	November 2025 onward	November 2023 onward	TTPPC is a permanent Committee. Once they have adopted the Plan their ongoing role includes monitoring implementation and the need for any amendments; and undertaking amendments and reviews, or ensuring these are undertaken, as required.
Appeals and Mediation Te Tai o Poutini Plan	Oct-25	April 2024	Indicative time only.
Environment or High Court [Fast Track Process]	2026	2024-2025	Indicative time only.



Te Tai o Poutini PLAN

A combined district plan for the West Coast