



# Te Tai o Poutini PLAN

*A combined district plan for the West Coast*

**Te Tai o Poutini Plan Committee Meeting  
To be held at the Arahura Marae  
1 Old Christchurch Rd, Arahura  
25 May 2021  
AGENDA**

<b>10.45</b>	Welcome and Apologies	<b>Chair</b>
	Confirm previous minutes	<b>Chair</b>
	Matters arising from previous meeting	<b>Chair</b>
<b>10.50</b>	Topics for Committee members to declare an interest in. Under discussion today are rules for: Sites of Significance to Māori Signs Mineral Extraction	<b>Chair</b>
<b>10.55</b>	Financial Report	<b>Project Manager</b>
<b>11.00</b>	Approach to Natural Hazards	<b>Senior Planner</b>
<b>11.30</b>	Approach to Landscape, Outstanding Natural Features and Natural Character	<b>Principal Planner</b>
<b>12.00</b>	Technical Report – Sites of Significance to Māori - Rules	<b>Principal Planner</b>
<b>12.15</b>	Technical Report – Signs Policies and Rules	<b>Principal Planner</b>
<b>12.30</b>	Lunch	
<b>1.00</b>	Technical Report – Mineral Extraction Rules	<b>Principal Planner</b>
<b>1.30</b>	Approach to Re-zoning	<b>Principal Planner</b>
<b>2.00</b>	Te Tai o Poutini Plan - Confidentiality of Information	<b>Project Manager</b>
<b>2.10</b>	Project Manager's Report	<b>Project Manager</b>
<b>2.20</b>	General Business	<b>Chair</b>
<b>2.30</b>	<b>Meeting Ends</b>	

## Meeting Dates for 2021

<b>June</b>	Tuesday 29	West Coast Regional Council
<b>July</b>	Monday 26	Grey District Council
<b>August</b>	Tuesday 31	Westland District Council
<b>September</b>	Tuesday 28	Te Tauraka Waka a Maui Marae
<b>October</b>	Friday 29	Buller District Council
<b>November</b>	Tuesday 30	West Coast Regional Council
<b>December</b>	Thursday 16	Grey District Council

## **THE WEST COAST REGIONAL COUNCIL**

### **MINUTES OF MEETING OF TE TAI O POUTINI PLAN COMMITTEE HELD ON 5 MAY 2021, AT THE OFFICES OF BULLER DISTRICT COUNCIL & VIA ZOOM, COMMENCING AT 09.00 A.M.**

#### **PRESENT:**

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

#### **IN ATTENDANCE:**

J. Armstrong (Project Manager), L. Easton, E. Bretherton (WCRC), P. Morris (GDC) via Zoom, S. Bastion (WDC) via Zoom, S. Mason (BDC), T. Jellyman (WCRC)

#### **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.

#### **APOLOGIES:**

**Moved** (Williams / Smith) *that the apologies from P. Madgwick be accepted.*

*Carried*

#### **CONFIRMATION OF MINUTES**

**Moved** (Becker / Coll Mclaughlin) *That the minutes of the meeting dated 23 March 2021, be confirmed as correct.*

*Carried*

#### **MATTERS ARISING**

There were no matters arising.

#### **Declarations of Interest**

The Chairman advised that the routine register of interests from Local Authorities will come through automatically to this committee.

Cr Coll McLaughlin advised that she is a Commercial Surveyor and deals with subdivisions.

Cr Coll McLaughlin stated that she worked on Plan Change 145 for the Buller District Plan, and worked with Buller Electricity and Buller District Council.

Mayor Cleine advised that he is a shareholder in Bathurst Resources.

F. Tumahai advised that he has recently been appointed as a Director to Bathurst Resources Ltd.

#### **Financial Report**

J. Armstrong spoke to this report and advised that WCRC has recently upgraded their financial processes and a new format is now in place. J. Armstrong stated that all individual numbers are correct but totals formulas did not transfer correctly. She stated this will be corrected for the next month.

J. Armstrong advised that budgeted expenditure should read \$461,333 and is higher than actual. She stated that it is hoped that there will be around \$6,000 left over for research as a lot of research is required before the Plan is notified.

J. Armstrong advised that legal advice for designations is being sought, and she is working with Chair on this. J. Armstrong offered to answer questions.

It was noted that the Chairman took a voluntary reduction in his salary over the Covid / lockdown period. Mayor Cleine thanked the Chairman for this.

Cr Roche stated that it looks as though the budget is ahead by around \$9,000. J. Armstrong stated that corrections to this final figure are expected.

**Moved** (Cleine / Roche)

1. *That the financial report is received.*
2. *That the Committee approves reallocation of any unspent budget in the 2021 / 22 financial year to research to enable fast tracking the GIS component of plan development.*

*Carried*

### **Technical Update: Infrastructure, Energy and Transport Rules**

E. Bretherton spoke to this report and advised that the report outlines draft permitted activity performance standards and rules for Infrastructure, Energy and Transport, and relevant definitions. She advised that the provisions form 'district wide' overlays. Cr Coll McLaughlin raised various matters relating to this report. E. Bretherton answered questions. Extensive discussion took place around the trimming of vegetation including for electricity line safety. It was agreed that it is important that the Plan allows for vegetation clearance and trimming and that it doesn't stand in the way of progress and that any new rules are fit for purpose.

E. Bretherton and L. Easton answered questions about car parking requirements including parking in areas such as Moana for boat trailer parking. It was confirmed that there are no car parking restrictions in the Plan.

It was confirmed that cycleways are part of the roading network, and some are funded by NZTA and maintained by councils.

Discussion took place on driveways, access ways, and bridleways. It was noted that the St James and Grey Valley areas have these and there could be more in the future.

**Moved** (Martin / Tumahai)

1. *That the Committee receives the report.*
2. *That the Committee provides feedback on the draft Permitted Activity performance standards and Rules for the district wide Infrastructure, Energy and Transport provisions.*

*Carried*

### **Technical Update: Airport Special Purpose Zone Draft Rules**

L. Easton spoke to this report. She advised that the zone is intended to apply to the major public airport, aerodrome and heliport facilities on the West Coast at Hokitika, Greymouth, Westport, Franz Josef and Karamea. She stated that the focus is to allow normal day to day functionality. L. Easton answered questions. She clarified the difference between an airport and an airdrome and answered questions relating to storage, landing fees, and grazing of land at airports. It was confirmed that the Plan will cover these type of activities. L. Easton stated that she will do further work on Policy 8. Mayor Smith stated that West Coast airports are quite different, and external income is important and any activity is important for the bottom line.

L. Easton explained noise contours to the meeting and advised a further paper on this will come to the next meeting.

**Moved** (Gibson / Birchfield)

1. *That the Committee receives the information.*
2. *That the Committee provides feedback on the draft Rules for the Airport Zone.*

*Carried*

## **Te Tai o Poutini Plan Historic Heritage Technical Update: Draft Rules and Performance Standards**

E. Bretherton spoke to this report. She answered questions and provided additional information. Further discussion took place and it was agreed that an appendix would be put into the Plan that assists with the interpretation of the rules, both for owners and Council staff.

Cr Coll McLaughlin drew attention to natural hazards section of the report and expressed concern about changes in the hazardscape that are yet to be identified.

The Chairman spoke of the relocation of statues. E. Bretherton stated these should be publicly notified if a monument or statue is to be moved. It was noted that P. Madgwick is very interested in this matter. Extensive discussion took place and it was agreed that there are around six monuments that would need to go through a public notification process. Cr Martin stated it is important to discuss and gain clarity on this important issue.

**Moved** (Martin / Smith)

1. *That the Committee receives the report.*
2. *That the Committee provides feedback on the draft rules for Historic Heritage.*

*Carried*

**The meeting adjourned at 10.18 a.m, for 15 minutes and reconvened 10.33 a.m.**

### **Technical Update: Subdivision Objectives and Policy**

L. Easton spoke to this report. She stated that subdivisions is a key matter for the TTPP.

L. Easton explained esplanades in detail. Growth and demand was discussed with Cr Coll McLaughlin stating the importance of parcels of lands being available and being able to meet growth and demand.

Further urban zone matters were discussed including ad hoc developments. Cr Coll McLaughlin expressed concern about urban zones in general. L. Easton stated this is a difficult area to consider and it places a level of commitment on district councils. Cr Coll McLaughlin stated that it is going to be so costly to do this well. Mayor Cleine asked if rules around the urban zone are more enabling of mass development. L. Easton advised that it is important to work through these important factors.

**Moved** (Roche / Becker)

1. *That the Committee receives the report.*
2. *That the Committee provides feedback on the wording of the draft Objectives and Policies for Subdivision.*

*Carried*

### **Technical Update: Earthworks Objectives and Policy**

L. Easton spoke to this report. She advised this is regulated in regional plans. Definitions of earthworks were clarified. It was noted that dams are regulated under the Building Act and require a building consent.

**Moved** (Gibson / Martin)

1. *That the Committee receives the report.*
2. *That the Committee provides feedback on the wording of the draft Objectives and Policies for Earthworks.*

*Carried*

### **Buller Coalfield Special Zone: Draft Objectives and Policy**

L. Easton spoke to this report. She advised that she is hoping to meet with DoC in July to work through this. L. Easton advised that there has been past discussion about establishing a special zone, similar to mineral extraction precinct. Cr Becker stated that GDC have requested that the southern Paparoa's are included.. S. Mason asked if this includes goldmining as well. L. Easton stated that it has been noted that Stockton is the largest coal mine in nz with a lot of activity. S. Mason stated that further contact with the technical team would be very helpful in this area.

Mayor Smith stated that Stockton produces coking coal and this is a very important resource. He would like Te Kuha included in the special zone. F. Tumahai suggested that the zone is extended to include the Denniston Plateau.

Discussion took place and it was agreed that anything with a mining licence should be covered. L. Easton stated that she is very aware of mining and the need to try to go into a draft plan with wide support from outside agencies such as DoC, LINZ, and Crown Minerals.

L. Easton answered questions. It was agreed. It was agreed that rules should allow for other types of rocks to be taken, and that having special zones would mean granite can be removed, and by products of coal mining can be used for other activities. Cr Birchfield agreed with Mayor Smith's comments.

Discussion took place on best practice. Mayor Smith asked who determines best practice. L. Easton advised that this kicks in when a resource consent is applied for. She stated that best practice is already happening on the West Coast, with operators doing a good job and there are lots of good examples of this on the West Coast. Cr Coll McLaughlin stated this is a policy and not a rule.

**Moved** (Becker / Roche)

1. *That the Committee receives the report.*
2. *That the Committee provides feedback on the wording of the draft Objectives and Policies for the Buller Coalfield Zone, noting that the Buller technical group require more input.*

*Carried*

### **Technical Update: Hospital Special Purpose Zone: Draft Rules**

L. Easton spoke to this report. She clarified matters relating to rest homes and medical centres, and advised that the Technical Team feel that this zone should be limited to major public facilities. S. Mason advised that there is only one hospital on the West Coast which is Te Nikau (Greymouth). Cr Coll McLaughlin asked if there is a process where there is a provision so that the provider could shift to an adjacent zone. L. Easton agreed to investigate this further, advised that it may need to be a Plan change.

Aged care / residential care was discussed and it was noted that this is all closely connected. Discussion took place on supported living and the importance of ensuring this is included.

Discussion took place on emergency evacuations via helicopter from medical centres, and the importance of ensuring that this is catered for. It was agreed users would be consulted on this. It was agreed that Rule 3 would be deleted from page 97. L. Easton stated that the Technical Team need to take another look at this issue as some locations may change.

It was also noted that large GP practices are often in residential areas and neighbours would need to be consulted with if they wish to expand. Concerns were expressed should medical centres be sold to the DHB.

**Moved** (Cleine / Tumahai)

1. *That the Committee receives the report.*
2. *That the Committee provides feedback on the draft Rules for the Hospital Zone.*

*Carried*

### **Project Manager's Report**

J. Armstrong spoke to her report and took it as read. She advised that the SNA fact sheet is now on TTPP's website and the WCRC's website.

J. Armstrong advised that good responses have been received on the unhosted visitor accommodation questionnaire.

J. Armstrong advised that a workshop will be held this afternoon to discuss possibilities for rezoning in Buller. A similar workshop, and field trip up the Grey Valley is to be arranged in May, with a workshop proposed in Westland in June or July.

J. Armstrong answered questions. S. Mason stated that there has not been additional TAT time factored into the BDC budget, as no further costs are wanted to be put on to ratepayers.

Cr Birchfield requested that a meeting with P. McKinnel is progressed.

J. Armstrong advised that a SNA update will be brought to June meeting and will include the draft desktop study. She confirmed that no field work is happening on private land currently. Mayor Smith is concerned about landowner's rights. Mayor Gibson spoke of the Shut the Gate campaign.

J. Armstrong stated that regarding SNA's there is no fencing or pest controls required and this shouldn't be adding an additional financial burden to landowners. It was agreed this would be further covered at the workshop.

**Moved** (Martin / Smith) *That the report is received.*

*Carried*

## GENERAL BUSINESS

There was no general business.

The meeting closed at 12.05 p.m.

The Chairman thanked everyone for their attendance.

## NEXT MEETING

The next meeting will be held at on Tuesday 25 May, at the Arahura Marae, commencing at 9.30 a.m.

.....  
Chairman

.....  
Date

## Action Points

- Workshop to be held on SNA's at next meeting.

## Meeting Dates for 2021

	Type of meeting	Day, Date and Time	Venue
<b>May</b>	In Person	Tuesday 25	Arahura Marae
<b>June</b>	In Person	Tuesday 29,	WCRC
<b>July</b>	In Person	Monday 26	Grey
<b>August</b>	In Person	Tuesday 31	Westland
<b>September</b>	In Person	Tuesday 28	Te Tauraka waka a Maui Marae
<b>October</b>	In Person	Friday 29	Buller
<b>November</b>	In Person	Tuesday 30	WCRC
<b>December</b>	In Person	Thursday, 16	Grey



# Te Tai o Poutini PLAN

*A combined district plan for the West Coast*

Prepared for: Te Tai o Poutini Plan Committee

Prepared by: Jo Armstrong

Date: 25 May 2021

Subject: Financial Report

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## **SUMMARY**

This report includes the financial statement to 31 March 2021, and a forecast of expected expenditure through to 30 June 2021.

Expenditure is tracking as planned, with no unexpected costs, and the possibility of a small positive balance at the end of the financial year.

## **RECOMMENDATION**

1. That the Committee receive the report

Jo Armstrong

**Project Manager**

## Discussion

1. The financial statement below shows that revenue and expenditure are tracking well for this time of year.

	March 2021 Report			
	ACTUAL	BUDGET	YEAR TO	BUDGET
	Year to Date	Year to Date	DATE	Full Year
			Variance	
<b>INCOME</b>				
Carry forward Credit Balance 19/20	46,042	50,000	(3,959)	100,000
Targeted Rate	191,477	187,500	3,977	250,000
General Rate Contribution - WCRC	112,500	112,500	0	150,000
	<b>\$ 350,019</b>	<b>350,000</b>	19	500,000
<b>EXPENDITURE</b>				
Employee costs	157,815	186,000	(28,185)	248,000
Consultant Planner	73,958	75,000	(1,042)	100,000
Governance	42,998	48,750	(5,752)	65,000
Research	93,627	75,000	18,627	100,000
Stakeholder Engagement	11,173	12,750	(1,577)	17,000
Communications Platforms	320	7,500	(7,180)	10,000
Legal Advice	99	1,500	(1,401)	2,000
Share of WRC Overhead	112,500	112,500	0	150,000
	<b>\$ 492,490</b>	519,000	- 26,510	692,000
<b>Net Surplus / (Deficit)</b>	(147,421)	(169,000)		(192,000)
<b>Borrowing requirement</b>	<b>\$ (147,421)</b>	<b>\$ (169,000)</b>		<b>192,000</b>



2. The variation in some of the expenditure items is explained below.
3. Research – Invoices for research undertaken come in unevenly throughout the year. We have received an invoice for \$15,387.75 relating to the current contract with Wildland Consultants. The Department of Conservation contribution to this project will cover this amount, but TTPP may need to temporarily cover this and any final Wildland payments if receipt of the DOC funding is delayed. No other invoices are expected apart from for any GIS work completed during June. Tenders are currently being sought for this work.

Research Budget	100,000.00
Paid to 28 February 2021	93,627.00
Balance	6,373.00
Invoices received awaiting payment	0.00
<b>Balance to 30 June 2021</b>	<b>6373.00</b>

7. Communications Platforms – TTPP pays one third of the cost for the Isovist e-planning platform (\$7,500). We are awaiting this invoice for the 2020/21 financial year. Some small adjustments to the TTPP website are also underway.
8. Legal advice - we have sought legal opinions on three matters. This work will be invoiced before 30 June 2021.
9. Employee costs – I have raised my concerns about the variation in this item. All salary costs should be spent smoothly over the financial year, and should be tracking to budget. Some work is underway by WCRC to rectify the apparent discrepancy between the budgeted and actual amounts. I have been informed that there may end up being an over spend in this area if WCRC change the employee costs they charge to individual work streams.
10. We plan to use any unspent 2020/21 budget on GIS services for the e-plan, as approved by this Committee on 5 May 2021.



# 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: May 2021

Subject: **Te Tai o Poutini Plan: Issues and Options for Natural Hazards**

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### **SUMMARY**

This report outlines the issues to be considered in management of significant natural hazard risk on the West Coast. Options to manage these issues are detailed with pros, cons and recommended option.

### **RECOMMENDATIONS**

1. That the Committee receive the report.
2. That the Committee give direction on the approach to be taken for Natural Hazard in Te Tai o Poutini Plan.

Edith Bretherton

**Senior Planner**

## **INTRODUCTION**

1. This report outlines the issues in managing significant natural hazards on the West Coast and options for plan development in Te Tai o Poutini Plan (TTPP).

## **STATUTORY CONTEXT**

2. The statutory context for natural hazards is included in Appendix A. In summary
  - The management of significant risk for natural hazards is a s.6 matter of national importance under the Resource Management Act (RMA). This was added to the Act in 2016.
  - The Building Act, the Local Government Act and the Civil Defence and Emergency Management Act form part of the legislative framework.
  - The West Coast Regional Policy Statement (WC RPS) gives direction on management of natural hazards.
  - The New Zealand Coastal Policy Statement (NZCPS) gives direction on natural hazard management in the coastal environment.
  - There are numerous national instruments and guidance documents to consider.

## **NATURAL HAZARD ISSUES**

3. The existing district plan provisions are no longer fit for purpose. The current district plan provisions are included in Appendix B. Management of significant risk from natural hazards became a matter of national importance under the RMA after the plans became operative. Buller District Council (BDC) undertook Plan Change 139 to address this but did not issue decisions. Westland District Council (WDC) undertook Plan Change 7 to address the Alpine Fault hazard in Franz Josef, but the plan change was withdrawn at Appeals.
4. A strong theme from consultation to date is the lack of clarity and region wide consistency in our plans. There is a general understanding and acceptance of natural hazards, but frustration and anxiety about how and when they will be addressed.
5. The current plans use an activity-based approach. However, with management of natural hazards becoming a s.6 matter, and with the direction from the NZCPS, a risk-based approach is more appropriate. A risk-based approach is used in most second and third generation plans.
6. Data quality is improving which allows better modelling of natural hazards and their impacts. However, as this data is not able to be used to inform the current plan provisions, applicants are having to complete assessments, when it might not be necessary, and vice versa. This is ineffective and inefficient.
7. Impacts of climate change on natural hazards are not currently considered.
8. The current plans do not identify the following natural hazards:
  - Land stability and resultant landslides and debris flows, except in a small area of Greymouth,
  - The Alpine Fault and other active faults,
  - Flooding, except the Franz Josef flood overlay, no other areas are identified in RMA plans,
  - Coastal areas subject to flooding, erosion, inundation, storm surge and tsunami above mean high water springs,
  - Wildfire,
  - Liquefaction.

## **NATURAL HAZARD PROPOSED APPROACH**

### Use of a risk-based approach.

9. A risk-based approach is recommended as the most appropriate way to address significant natural hazard risk on the West Coast for the following reasons:
  - The West Coast has large areas that are sparsely populated or uninhabited, many small settlements and a few towns. The exposure to and risk level from natural hazards varies across these environments. Risk-based approaches allow for the consequence and likelihood of an event to be considered. It recognizes that some risk is inevitable and supports management of risk to acceptable levels.
  - Risk-based planning assessments address the effects on social, cultural and economic well-being, and on the environment. This allows for more robust planning decisions to be made. Currently plan provisions focus on the activity not the risk, meaning a

consent and hazard assessment is sometimes triggered when there is very limited risk, and vice versa. This is inefficient and ineffective.

- A strong feedback theme is the need to have a regionally consistent approach to Natural Hazard management, a risk based approach support this.
- Consistent with New Zealand Coastal Policy Statement (NZCPS), case law and approaches taken in other contemporary plans.

#### Key Definitions

10. Some key definitions which underpin the assessment of risk from active faults and tsunami relate to "Building Important Levels" and "Sensitive Activities".

11. The Building Act "Building importance levels" have been used as a basis for the building importance categories below.

*Building Importance Category 1. Buildings posing low risk to human life or the environment, or a low economic cost, should the building fail. These are typically small non-habitable buildings, such as sheds, barns, fences, pou, minor storage facilities, backcountry huts.*

*Building Importance Category 2. Building posing normal risk to human life or the environment, or a normal economic cost, should the building fail.*

*Building Importance Category 2a. is timber framed residential buildings only.*

*Building Importance Category 2b. other residential, commercial, and industrial buildings. All buildings and facilities except those listed in other importance categories.*

*Building Importance Category 3. Buildings of a higher level of societal benefit or importance, or with higher levels of risk-significant factors to building occupants. House large numbers of people, vulnerable populations, or occupants with other risk factors, or fulfil a role of increased importance to the local community or to society in general. Buildings where more than 300 people congregate, buildings where primary, secondary, or daycare facilities with a capacity over 250, buildings with tertiary or adult education facilities with a capacity over 500, healthcare facility with a capacity of 50 or more residents but not having surgery or emergency treatment facilities, jails and detention facilities, buildings for power generation, potable water treatment facilities, waste water treatment facilities, public utilities not included in level 4.*

*Building Importance Category 4. Hospitals and other healthcare facilities with surgery / emergency treatment facilities, fire, rescue, police stations, buildings intended to be used as emergency shelters, Marae, buildings used as communication or operations centres in emergency, other facilities required for emergency response. Power generating stations, hazardous or explosive material storage, aviation control tower, air traffic control centres, emergency aircraft hangars, fuel storage and major dams.*

12. Sensitive Activities means any:

- residential activity*
- visitor accommodation*
- community facility*
- education facility*
- uninhabited agricultural or horticultural activity including packing sheds, milking sheds, intensive agricultural activities and herd homes.*

### Active Fault Rupture and Avoidance Zones

13. The Alpine Fault is an extremely active fault, and when it does rupture will most likely result in at least a magnitude 8 earthquake. The Awatere, Clarence and Hope Faults also pose a significant threat due to their recurrence interval.
14. Due to the significance of the hazard, particularly from the Alpine Fault, “doing nothing” cannot be considered managing significant natural hazards. Communities have asked for certainty and consistency of management; investment cannot happen without this. Being in limbo with a known significant hazard is stymying development.
15. There are several options that can be considered in how to manage the significant natural hazard risk for the Alpine, Awatere, Clarence and Hope Faults. Using a buffer, either side of the identified fault line is recommended. As any fault rupture is likely to be of very high magnitude, using a number of buffers, with less restrictive rules with further distance from the fault may be the most appropriate way to manage the risk. Details of options are outlined in the below.

#### Option A

- Use buffer of 20m either side of the active faults.
- Within the buffer the following activities statuses for building categories would apply.
- Brownfield is a term for areas with existing development, greenfield for undeveloped. These terms would be added to the definitions.

	<b>Building Importance Category</b>				
	<b>1</b>	<b>2A</b>	<b>2B</b>	<b>3</b>	<b>4</b>
<b>New Buildings and Structures</b>	Permitted	Non Complying	Non Complying	Non Complying	Non Complying for brownfield Prohibited for greenfield
<b>Repairs and Maintenance and Alterations</b>	Permitted	Non Complying	Non Complying	Non Complying	Non Complying Prohibited for greenfield

- Pros and Cons of this option follow

<b>Pros</b>	<b>Cons</b>
<ul style="list-style-type: none"> <li>• Using a non-complying activity status does not remove the right to be there, but ensures any more development requires a rigorous consent process to keep people and property safe and reduce council liability.</li> <li>• Aligns with current guidance, and approaches taken by other councils.</li> <li>• Areas with the 1: 250 000 scale mapping are sparsely populated, the cost to undertake detailed mapping across the whole region would be substantial, and the risk outside of the settlements much reduced.</li> <li>• For the Awatare, Hope and Clarence a small portion is within the region, in mountainous areas, with very limited development. It would be both ineffective and inefficient to undertake detailed mapping for these faults.</li> </ul>	<ul style="list-style-type: none"> <li>• Due to the likely magnitude of ground shaking and deformation from the fault rupture, destruction will occur outside of this 20m buffer.</li> <li>• 20m may not be sufficient to manage the significance of the fault rupture.</li> </ul>

**Option B - Recommended**

- Use buffer of 20m, 50m, 100m, 150m and 200m either side of the active faults with cascading activity status.
- Within the buffers the activity the following activities statuses for building categories would apply.

Fault avoidance overlay width either side of fault	Building Importance Category				
	1	2A	2B	3	4
20m	Permitted	Non Complying	Non Complying	Non Complying	Non Complying for brownfield Prohibited for greenfield
50m	Permitted	Restricted Discretionary	Discretionary	Non Complying	Non Complying for brownfield Prohibited for greenfield
100m	Permitted	Restricted Discretionary	Discretionary	Non Complying	Non Complying for brownfield Prohibited for greenfield
150m	Permitted	Restricted Discretionary	Discretionary	Discretionary	Non Complying for brownfield Prohibited for greenfield
200m	Permitted	Restricted Discretionary	Restricted Discretionary	Discretionary	Non Complying for brownfield Prohibited for greenfield

- Pros and Cons of this option follow

Pros	Cons
<ul style="list-style-type: none"> <li>• Addresses some of the uncertainty about exact fault locations.</li> <li>• 20m unlikely to be sufficient to manage the significance of an Alpine Fault rupture. Cascading provisions away from fault lines allowing more development as risk reduces.</li> <li>• Uses a risk-based approach, consistent with statutory obligations.</li> <li>• Signals a caution area as well as an avoidance area to guide development.</li> </ul>	<ul style="list-style-type: none"> <li>• The wider buffers may not be sufficient.</li> </ul>

Option C

- Use a 200m buffer either side of active faults
- Within the 200m buffer either side of the active faults the following activity status for building categories would apply.

Fault avoidance overlay width either side of fault	Building Importance Category				
	1	2A	2B	3	4
200m	Permitted	Non Complying	Non Complying	Non Complying	Non Complying for brownfield Prohibited for greenfield

- Pros and Cons of this option follow

Pros	Cons
<ul style="list-style-type: none"> <li>• Technical experts such as GNS and Tonkin and Taylor reports suggest 140-190m.</li> </ul>	<ul style="list-style-type: none"> <li>• A buffer this wide may be excessive in rural areas with little or no development.</li> </ul>

Lake Tsunami

16. Lake tsunami can be triggered by a large amount of sediment entering the lake rapidly, such as a landslide or rock / ice fall. A large earthquake, such as one resulting from an Alpine Fault rupture is another potential source. Records have been found of lake tsunami in numerous locations. Due to the lack of warning, and potential large volume of water, lake tsunami is considered a significant risk for a range of locations on the West Coast such as Lake Haupiri due to its proximity to the Alpine Fault.

Option	Pros	Cons
<p><u>Option A - Recommended</u> Restrict development for sensitive activities at identified lakes where there is significant risk to communities proximate due to potential lake tsunami</p>	<p>The risk to the communities is potentially significant due to the recurrence interval of the Alpine Fault, and the physical landscape which provides nothing to attenuate a wave.</p> <p>Precautionary approach required when risk is unknown to fulfil statutory obligations</p>	<p>The level of risk is not known, and this approach may be excessively restrictive.</p>
<p><u>Option B</u> Restrict development around all lakes.</p>	<p>Most lakes are within the conservation estate. DOC is actively managing risk to visitors, and as such, are the most appropriate agency to consider the specific lake tsunami threat, and how to mitigate.</p>	<p>Lakes within the conservation estate may have huts proximate to them which could be considered sensitive activities as people might sleep there. However, not as sensitive as activities within the "sensitive activity" definition.</p> <p>This may be overly cautious and neither effective nor efficient.</p>

## Coastal tsunami

17. The NZCPS specifically requires the identification of tsunami hazards as part of natural hazard identification. National guidance on integrating tsunami inundation modelling in land use planning provides a decision tree. Tsunami modelling for evacuation planning was commissioned by the West Coast Regional Council Civil Defence Team.
18. The colours cascade with the colour spectrum, red being the highest risk, through to orange and yellow being the lowest level of identified risk. Images showing the extents for Westport, Greymouth and Hokitika are included below.

Option	Pros	Cons
<p><u>Option A</u> - <b>Recommended</b> Use "red zone" as overlay</p>	<ul style="list-style-type: none"> <li>• Generally avoiding development in the at-risk area, and where development does occur encouraging high-density development with medium to high rise buildings to enable vertical evacuation (this may include design standards), and low-density development will reduce the number of people and property at risk.</li> <li>• Consistent with NZCPS</li> </ul>	<p>This approach may not be sufficient to mitigate worse case scenarios, however, we are required to manage significant natural hazard risks through RMA plans.</p>
<p><u>Option B</u> Use yellow, orange and red zones as overlay with rule framework as per Option A</p>	<p>Will likely mitigate any tsunami hazard</p>	<p>Yellow line may be inappropriate for the West Coast as based on worst case scenarios. The recurrence intervals for worst case are up to 30,000 years. As the zones are based on worst case scenario modelling it may be that this is overly restrictive and is neither efficient nor effective.</p> <p>Distant source tsunami are more easily evacuated from. Ongoing debate as to whether Alpine Fault would trigger local tsunami</p> <p>Severe restriction of development along the coastal margin, and up the river valleys of the West Coast. All properties encompassed in yellow zone in Westport, Greymouth and Hokitika as well as extents up the river valley. Majority of properties encompassed in orange zone for Westport, Greymouth and Hokitika.</p>
<p><u>Option C</u> Leave Tsunami management to CDEM (Civil Defence Emergency Management) non-regulatory method</p>	<p>Failing to address tsunami across the region would mean we are not fulfilling our statutory obligations. NZCPS specifically requires tsunami risk to be addressed.</p> <p>CDEM are actively working with communities across the region to prepare for tsunami events.</p>	<p>CDEM and RMA planning methods should be complimentary.</p>



Coastal inundation and erosion including sea level rise and storm surge.

19. The West Coast coastline is subject to coastal erosion, storm surge and inundation at varying rates. Areas at risk from coastal hazards are identified in the 2016 West Coast proposed Regional Coastal Plan (WC pRCP). The identified hazard areas are being reviewed post Cyclone Fehi (2018) to understand if the areas identified as low risk (such as Orowaitai Lagoon and Hunt Beach) have changed. There is no landward extent of coastal hazard identified as the WCpRCP only extends to Mean High Water Springs.

<b>Option</b>	<b>Pros</b>	<b>Cons</b>
<p><u>Option A</u> Use 50/100/150/200m setback from the coast with more restrictive provisions the closer to the coast the proposal is.</p>	<ul style="list-style-type: none"> <li>• No modelling required</li> <li>• Onus on applicant to demonstrate significant natural hazard management</li> </ul>	<ul style="list-style-type: none"> <li>• Doesn't take into account sea level rise, storm surge, differences in contours.</li> <li>• Does not fulfil statutory obligation to identify coastal hazard areas.</li> <li>• Development in Westport, Greymouth and Hokitika township would need hazard assessments for most activities which is neither effective nor efficient.</li> <li>• Similar to current approach, which has resulted in consents being granted in areas which have since experienced high rates of erosion. This exposes council to liability issues.</li> </ul>
<p><u>Option B - Recommended</u> Undertake modelling to identify landward extent of coastal hazard areas. High risk areas would have restrictive provisions for new development and extensions to existing buildings, Medium risk areas would have less restrictive provisions, and Low Risk areas more enabling provisions. Modelling would consider sea level rise, storm surge, and contour of land.</p>	<ul style="list-style-type: none"> <li>• Fulfils statutory obligations and gives clarity to plan users.</li> <li>• Rules can be developed based on the level of risk rather than a blanket approach.</li> </ul>	<p>Model likely to be critiqued. Peer review of modelling suggested to ensure it is fit for purpose.</p>

Flooding

20. The West Coast is subject to very high annual levels of rain, and to very high intensities. Rivers are well connected to the coast with generally short steep paths. Westport, Greymouth and Hokitika are adjacent to large rivers and are subject to flood hazards. Franz Josef is also subject to a significant flood hazard. Many other settlements are also at risk from flooding, as are low lying rural areas.

21. Flooding is a hazard for which there is a large amount of case law and some national direction. The Building Code requires that areas in a 2% AEP flood plain (1 in 50 year flood) are managed.
22. A 1% AEP flood (1 in 100 year) is commonly used as the basis for land use controls in District Plans around the country and is a mandated minimum in the NZCPS and WCRPS.
23. Increasingly Councils are using a 0.5% AEP flood (1 in 200 year) -reflecting the likely impact of climate change in exacerbating flood events and levels.
24. There are several tools that can be used to manage flooding risk; setting minimum floor levels above flood water with freeboard, site design to ensure risk to structures is minimised and evacuation routes are maintained, requiring onsite detention and retention to slow delivery of floodwater to stormwater infrastructure, ensuring flowpaths are not blocked for example. In circumstances where floodwater is deep or moving swiftly it may be necessary to restrict new building. More restrictive rules would apply to a 1 in 50-year flood area than to a 1 in 100 year flood area.

Option	Pros	Cons
<p><u>Option A.</u> Apply a 1 in 50-year flood overlay to the towns and settlements.</p>	<p>Consistency with the Building Act in terms of area affected.</p> <p>Increase clarity for plan users.</p>	<p>The NZCPS and WC RPS require planning for at least 100 years, this is insufficient to meet our obligations.</p> <p>Failing to adequately plan will also affect values in the longer term and may impact life safety and council liability.</p>
<p><u>Option B.</u> As per Option A but apply a 1 in 100-year flood overlay to the towns and settlements.</p>	<p>This will fulfil our obligations under the NZCPS and the RPS.</p> <p>Communities will have greater clarity for the future.</p> <p>1 in 100 is not strictly required if not in the coastal environment, the coastal environment has not yet been defined. It is prudent and reasonable that Westport, Greymouth and Hokitika are considered in this as it is a precautionary approach and required by the RMA. It may be confusing for plan users as to why there are different time scale overlays in different areas.</p>	<p>Extent of flooding is most likely to be more widespread than under a 1 in 50, and this may impact properties values.</p>
<p><u>Option C - Recommended</u> Combine Option A and Option B and show 1 in 50 and 1 in 100 as separate overlays with more restrictive rules for the 1 in 50 year overlay.</p>	<p>This would allow greater nuancing of rules, with the longer time frames, that have more uncertainty being potentially more enabling.</p> <p>This will fulfil our obligations under the NZCPS and the RPS.</p> <p>Communities will have greater clarity for the future.</p>	<p>Potentially confusing for plan users having multiple flood overlays.</p>

<b>Option D</b> As per Option B but apply a 1 in 200-year flood overlay to the towns and settlements	This will fulfil our obligations under the NZCPS and the RPS.  Communities will have greater clarity for the future.	Greater uncertainty for larger events. May result in a planning regime which is excessively restrictive.
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#### Liquefaction

25. Liquefaction is the process which causes soil to behave like a liquid, rather than a solid, during an earthquake. Liquefaction usually only occurs in susceptible soils in moderate to strong ground shaking. Substantial damage to property can result.

26. A mapping project is currently underway, commissioned by Emergency Management to map the liquefaction prone areas for the region. The outputs are expected to be delivered in July 2021.

<b>Option</b>	<b>Pros</b>	<b>Cons</b>
<b>Option A - Recommended</b>  Status quo – liquefaction risk continue to be addressed through building consent	Due to the nature of the hazard – and the solutions being largely around foundation design, building consents are an effective way to manage the hazard.  Updated maps will allow this practice to continue with current information.	If liquefaction is found to be a significant hazard through the mapping project, we may not be fulfilling our statutory obligations
<b>Option B</b>  If areas of significant risk are identified, include specific provisions in TTPP for alterations and new buildings	All natural hazards addressed in TTPP, providing clarity for plan users and no unexpected further hazard requirements at building consent application.	May be inefficient and ineffective if hazard not significant and already addressed through building consent process.

#### Land slide, debris flow and rock fall overlay

27. The tectonic position, geology and physical geography of the West Coast means that slope instability is inevitable. Landslide hazard includes death or injury from falling / moving debris, and property damage from ground displacement, and falling / moving debris. Falls of debris or loose rocks from bluffs, glacier termini, riverbanks or coastal cliffs are potentially fatal hazards. Debris of large rock avalanches cause near- instant inundation and complete devastation of run out areas. Large scale damming of water courses may result from landslides, creating further hazard from dam break floods, debris flows and downstream sedimentation. Slope failure can be triggered by rainfall, co-seismic shaking, or may occur through vegetation changes / soil porosity / overburden.

Option	Pros	Cons
<p><b>Option A</b> Use existing technical reports to map overlay areas identified as at risk; Punakaiki, Greymouth and Franz Josef.</p> <p>Permitted activity could apply for repairs, maintenance and alterations where building footprint and habitable rooms are not increased. Restricted discretionary consent would be required, with geotechnical input, and hazard mitigation, such as bunds where suitable. Where the hazard cannot be mitigated, or if geotechnical input not provided a discretionary consent would be required.</p>	<p>Published technical reports to base provisions on.</p> <p>Failure to use hazard information is a liability failure.</p>	<p>Unlikely to be sufficient to mitigate the significance of the natural hazard risk from land instability. Risk from land instability is arguably a greater threat than coastal hazards as there is little opportunity to evacuate.</p> <p>Can be extremely costly to councils if development is allowed to happen in high-risk areas.</p>
<p><b>Option B - Recommended</b> Use Option A and undertake GIS modelling of region based on existing model held by WCRC (updating of parameters required)</p> <p>Similar rules to Option A are suggested but with rules extended to areas identified as being at risk.</p>	<p>Other areas where slope stability is likely to be a significant natural hazard risk will be highlighted.</p> <p>A geotechnical assessment ensures significant risk is understood, and managed.</p> <p>Applicants having to undertake Geotechnical assessments for areas that are not at risk. Conversely, if geotechnical input is not sought, and a collapse happens, there is potential for loss of life, and significant damage to property.</p>	<p>Applicants having to undertake Geotechnical assessments for areas that are not at risk. Conversely, if geotechnical input is not sought, and a collapse happens, there is potential for loss of life, and significant damage to property.</p>

#### Wildfire

14. Fire Emergency New Zealand has undertaken a risk assessment for the West Coast Region. This comprehensive report and associated GIS files have been shared with WCRC. A risk matrix is used to understand what values are at risk from fire, and associated hazards.
15. The wildfire hazard is widespread. However, when applying a risk matrix, there are only isolated pockets of high risk. Due to high rainfall it may be perceived that there is no significant fire risk on the West Coast. Some activities and land cover increase risk due to their nature. For example, pakahi are peat wetlands, peat is a fuel source, and has been the source of significant wildfires globally.

<b>Option</b>	<b>Pros</b>	<b>Cons</b>
<u>Option A</u> - <b>Recommended</b> Show two highest risk levels in overlays.	This will address the significant risk as required.	Plan users may think there is no risk in areas not included in overlays.
<u>Option B</u> Show all risk categories	This would ensure that fire is consistently considered	May not be effective or efficient as it is not a significant risk in most instances.

**NEXT STEPS**

- 28. Direction from the Committee is sought on the approach for addressing the issues.
- 29. Objectives and Policies, with Rule Options will be brought back to this committee for direction later this year.
- 30. Natural Hazard overlays will continue to be developed, and will be brought to this committee later this year.

## Appendix A

### Natural Hazards Regulatory and Policy direction

The Regulatory framework was analysed to identify the higher order documents relevant to these provisions. Guidance documents from Central Government were also reviewed.

#### Local Government Act 2002 (LGA)

The LGA provides the obligations and powers of local government and the general framework under which they must operate. Section 10 states that the purpose of the LGA is to enable democratic local decision-making that meets the current and future needs of communities in terms of infrastructure, services and regulatory performance in a cost-effective manner.

Section 11A(d) directs that in performing its role, local government shall have particular regard to the avoidance and mitigation of natural hazards. It is under the LGA that the Long Term Plan (LTP) is prepared by local authorities, which must cover a period of at least 10 years and provide for integrated and coordinated decision-making. It provides a description of local authority activities, which can include actions to manage the effects of natural hazards and climate change.

#### Resource Management Act 1991 (RMA)

The management of significant risk from natural hazards is a matter of national importance (s.6). This elevation highlights the impacts from recent events and the national direction to manage significant risk. Particular regard (s7.i) of the effects of climate change are also required. Concurrently the potential impacts on iwi must also be considered (s.8). s.106 specifically pertains to subdivision consents and requires the consideration of natural hazards when assessing proposals.

#### Building Act 2014

The Building Act has a different role to the RMA, and provisions in the Building Act do not replace the responsibility of Councils to act under the RMA, The Building Act concerns a building's construction and the safety and integrity of the structure. Therefore, relying solely on the Building Act to address the adverse effects of natural hazards is not effective. Councils need to consider and develop a policy response in their district plans, with the Building Act being one of the methods that can help avoid or mitigate the risk. The primary purpose of the natural hazard provisions of the Building Act is to ensure consideration is given to how building work affects natural hazards and impacts on the land or other property.

The natural hazard provisions exist so that the risk to the land can be recognised, the effect of the building work considered, and steps taken to mitigate those risks and effects. Where the risks and effects cannot be sufficiently mitigated then the provisions recognise that it may nevertheless be acceptable to build on the land and require notification of the risk on the title to the land and provide councils with immunity (on the basis that the owner is knowingly building on land affected by the natural hazard of inundation for example). Placing a notice on the title ensures that future purchasers and other interested parties are aware that the land is subject to a natural hazard.

Under the Building Act, all building work must comply with the mandatory Building Code 1992. The Building Code sets out a series of minimum performance criteria for buildings. However, no existing technology will prevent damage to buildings caused by some natural hazards – for example coastal erosion, crushing by a landslide or being sited across a fault, meaning significant damage can occur even if the Building Code is complied with.

#### Civil Defence Emergency Management Act (CDEMA) 2002

The four West Coast councils have significant statutory responsibilities for Civil Defence Emergency Management.

The purpose of CDEMA, relevant to Natural Hazard District Planning are:

- Improve and promote the sustainable management of hazards in a way that contributes to the social, economic, cultural and environmental well-being and safety of the public and the protection of property,
- Encourage and enable communities to achieve acceptable levels of risk by identifying risks and applying risk reduction management practices,
- Provide for planning and preparation for emergencies and for response and recovery in the event of an emergency.

One of the key functions of Civil Defence Management Groups is to identify and understand local hazards and risks and implement cost effective risk reduction measures. Ongoing work by the natural hazards and civil defence team will also feed into Te Tai o Poutini Plan process.

### National Instruments

#### *New Zealand Coastal Policy Statement*

Several policies relate to natural hazard provisions in TTPP. Policy 3 requires the identification of areas of significant coastal hazards within the coastal environment. Policy 24 requires areas potentially affected by coastal hazards for at least 100 years with assessment matters. Policy 25 directs avoidance of residential development away from hazard areas, and for infrastructure where practicable, and discourages hard protection structures. Policy 26 requires provision and recognition of natural defences against hazards. Policy 27 is a framework of strategies for protecting existing significant development.

#### *National Planning Standards*

The following aspects of the National Planning Standards are relevant to this topic / issue: The National Planning Standards direct that local authorities must implement the District Wide Matters Standard, including a Hazards and Risks heading.

If matters relating to natural hazards (except coastal hazards) are to be addressed in the plan, they must be located in the Natural hazards chapter under the Hazards and Risks heading.

The Natural Hazards chapter must include cross references to any coastal hazard provisions in the Coastal Environment chapter, located under the General district-wide matters heading.

The Coastal Environment chapter must set out provisions for implementing the local authority's functions and duties in relation to coastal hazards and provide cross-references to any other specific coastal provisions that may be located within other chapters. All the objectives and over half of the policies relating to coastal hazards are those that apply to natural hazards more widely. So that provisions to implement these objectives and policies are located in the same chapter as the objectives and policies they give effect to, the provisions relating to coastal hazards are therefore located in the natural hazards chapter, with a cross reference to this chapter located in the overview of the coastal environment chapter.

#### *National Guidance documents*

National guidance has been reviewed and considered.

### Regional Direction

#### *West Coast Regional Policy Statement*

The West Coast Regional Policy Statement (RPS) Chapter 11 Natural Hazards and Chapter 9 Coastal Environment have a significant bearing on the implementation of Section 6 of the RMA. TTPP is required to give effect to the RPS.

#### *Chapter 9 – Coastal Environment*

*The significant issues in relation to the management of the coastal environment for the West Coast region are:*

*Issue 2. Enabling appropriate subdivision, use, and development of the coastal environment while reducing the risk of harm to people, property, and infrastructure from natural hazards in the coastal environment.*

*Objective 3. Ensure that any new subdivision, use or development allowed in the coastal environment has appropriate regard to the level of coastal hazard risks.*

*Objective 4. Ensure that coastal hazard risks potentially affecting existing development are managed so as to enable the safety, and social and economic wellbeing of people and communities*

*Policy 4. Where new subdivision, use or development in the coastal environment may be adversely affected by coastal hazards, adopt a risk management approach taking into account, where applicable:*

- a). Official, nationally recognised guidelines for sea level rise;*
- b) The type and life-cycle of the proposed development, including whether it is (i.e. short-term, long term, or permanent);*
- c) Whether the predicted impacts are likely to have material or significant consequences;*
- d) The acceptability of those potential consequences, given their likelihood; and,*

*e) Whether there are suitable options to avoid increasing the risk of harm from coastal hazards, and whether future adaptation options are feasible.*

*Policy 5. Coastal hazard risks should be assessed over at least a 100 year timeframe.*

*Policy 6. In areas of significant existing development likely to be affected by coastal hazards, a range of options for reducing coastal hazard risk should be assessed. This should include recognition that hard protection structures may be the only practical means to protect people, property, and infrastructure.*

## *Chapter 11 – Natural Hazards*

*The significant issues in relation to the management of the natural hazards for the West Coast are:*

*1. Natural hazards, particularly flooding and earthquake, have the potential to create significant risk to human life, property, community and economic wellbeing on the West Coast.*

*2. Increasing public awareness of, and planning for, natural hazards is required for communities to become more resilient.*

*3. Subdivision, use and development can contribute to natural hazard risk.*

*Objective 1. The risks and impacts of natural hazard events on people, communities, property, infrastructure and our regional economy are avoided or minimised.*

*Policy 1. Reduce the susceptibility of the West Coast community and environment to natural hazards by improving planning, responsibility and community awareness for the avoidance and mitigation of natural hazards.*

*Policy 2. New subdivision, use and or development should be located and designed so that the need for hazard protection works is avoided or minimised. Where necessary and practicable, further development in hazard-prone areas will be restricted.*

*Policy 3. Avoid or mitigate adverse effects on the environment arising from climate change by recognising and providing for the development and protection of the built environment and infrastructure in a manner that takes into account the potential effects of rising sea levels and the potential for more variable and extreme weather patterns in coming decades.*

*Policy 4. The appropriateness of works and activities designed to modify natural hazard processes and events will be assessed by reference to:*

*a) The levels of risk and the likely increase in disaster or risk potential;*

*b) The costs and benefits to people and the community;*

*c) The potential effects of the works on the environment; and*

*d) The effectiveness of the works or activities and the practicality of alternative means, including the relocation of existing development or infrastructure away from areas of natural hazard risk.*

### *West Coast Natural Hazard Strategy*

The West Coast Natural Hazard Strategy acknowledges several challenges; policy vacuum, legacy development, imperfect information, small rating base and affordability of options, competing demands for resources, readiness to discuss relocation as a future option, and unknown when the next hazard event will happen, and what it will be.

### *West Coast Regional Land Transport Strategy*

The West Coast Draft Regional Land Transport Plan 2021-2031 has been reviewed. A key direction from that is Objective 1 – Resilience – a transport network that can better cope with unknown stresses, natural disasters and the impact of climate change. The narrative details the impact of storms on the roading network, including flooding, erosion, slips and rockfall. The impacts of warming seas and rising sea levels will exacerbate these issues. The high seismic risk due to proximity to the Alpine Fault is also highlighted.

### *Other*

Natural Hazard publications held by the West Coast Regional Council have been reviewed. Technical input to the withdrawn Westland District Council Plan Change 7 has also been reviewed. The GNS guides to the areas contained within the region have also been consulted.



## Appendix B – Current District Plan Provisions

<b>Buller (plan change 138)</b>	<b>Grey</b>	<b>Westland</b>
<p><i>Objective 1. Avoiding and Mitigating Natural Hazards</i> To avoid or mitigate the adverse effects of natural hazards upon human life, infrastructure, property and the natural environment.</p> <p><i>Objective 2. Westport Township Development</i> To ensure the development of Westport township recognises and mitigates against the effects of potential flood hazard from the Buller River.</p> <p><i>Policy 1. Information on Natural Hazards</i> Areas where natural hazards represent a significant threat to human health, the safety of individuals and communities and / or to buildings or infrastructure shall be identified as information becomes available and this information shall be used in consideration of applications for resource consent.</p> <p><i>Policy 2. Adequate assessment of Natural Hazard Risk</i> Where the Council does not possess sufficient information concerning a potential natural hazard risk to site, to require an applicant for resource consent to adequately assess the level of this risk and to provide a site assessment in terms of the specific natural of and likely effects on their property, where the Council has reason to believe that this is necessary.</p>	<p><i>Objective 1.</i> The adverse effects of natural hazard son people, property and the environment are avoided, or mitigated.</p> <p><i>Policy 1</i> To adopt an integrated approach to minimising the potential adverse effects of natural hazards on the community.</p> <p><i>Policy 2</i> To gather and make available information regarding natural hazards to assist resource management decisions.</p> <p><i>Policy 3</i> Development should not occur in areas that are prone to natural hazards, unless the applicant has shown adequate avoidance or mitigation of natural hazards.</p> <p><i>Policy 4</i></p>	<p><i>Objective.</i> Rules for the avoidance and mitigation of natural hazards have been incorporated into the District Plan given that severe hazards post a significant threat to the built resource and infrastructure of the District and people and communities.</p>

<p><i>Policy 3. Protection from Natural Hazards</i> Where a natural hazard is likely to impact adversely upon human health and / or safety, property and / or infrastructure, development must not occur unless adequate avoidance or mitigation of natural hazards can be demonstrated.</p> <p><i>Policy 4. Flood Prone Areas of Westport</i> New buildings in areas of Westport township, on land prone to high flood risk, shall be located or constructed to mitigate, to an acceptable level the risks associated with flooding.</p> <p><i>Policy 5. Coastal Hazards</i> To manage subdivision, development of buildings and structures within the Coastal Environment on land which may be susceptible to coastal erosion or inundation unless the activity can demonstrate:</p> <ol style="list-style-type: none"> <li>a). There will be a significant community benefit</li> <li>b). There is a functional requirement for the proposed location;</li> <li>c). The activity would not adversely affect the Natural Character of the Coastal Environment;</li> <li>d). It is relocatable; or</li> <li>e). That it will not increase the susceptibility of other nearby properties to natural hazards.</li> </ol>	<p>An assessment by an appropriately qualified person will be required, where appropriate, for resource consent applications.</p> <p>Grey DC have also</p> <ul style="list-style-type: none"> <li>• Taken into account natural hazards in zoning decisions around Greymouth and Cobden.</li> <li>• Included fault lines on planning maps</li> </ul>	<p>WDC have also undertaken</p> <ul style="list-style-type: none"> <li>• Identification of a coastal erosion zone at Hokitika.</li> <li>• Identification of a general and severe flood hazard zone on the Waiho River and at Franz Josef.</li> <li>• Consideration of natural hazards as part of subdivision consents</li> </ul>
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# 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: 25 May 2021  
Subject: **Technical Update – Outstanding Natural Landscape, Outstanding Natural Features, Outstanding Natural Character**

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## **SUMMARY**

This report gives an update on the technical work being undertaken on three key components of Natural Heritage matters – landscape, natural character and natural features and discusses how these could be managed through Te Tai o Poutini Plan.

There is considerable overlap across these overlay areas - and there is also likely to be substantial overlap with Significant Natural Areas and Natural Hazard areas, particularly in the coastal environment.

The report outlines a proposed hierarchical approach to meeting the national and regional direction around these matters.

## **RECOMMENDATIONS**

1. That the Committee receive the report
2. That the Committee provide feedback on the proposed approach to Outstanding Natural Landscape, Outstanding Natural Features and Natural Character in Te Tai o Poutini Plan.

Lois Easton  
**Principal Planner**

## INTRODUCTION

1. The management of natural heritage 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. The Committee has previously provided feedback on an overall approach to this through draft Strategic Objectives for Natural Heritage.
3. The draft Strategic Objectives are attached at Appendix One.
4. These draft Objectives recognise that protection of values does not automatically mean that no activities can occur in the areas where these values are found and provide the overarching framework to guide the development of the detailed provisions for natural heritage matters.
5. This report looks specifically at three natural heritage "matters of national importance" under the RMA and the overall approach to how they are managed in Te Tai o Poutini Plan. These are:
  - a. *The preservation of the natural character of the coastal environment, wetlands, lakes and rivers and their margins and the protection of them from inappropriate subdivision, use, and development and*
  - b. *the protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development:*

## CONTEXT

6. There are a number of key matters considered in developing the approach to these matters for Te Tai o Poutini Plan. An analysis of the key policy context and drivers is included in Appendix Two.

### Coastal Environment

7. The requirements of both the New Zealand Coastal Policy Statement and the West Coast Regional Policy Statement are contained in Appendix Two and discussed in Appendix Three. Te Tai o Poutini Plan is required to give effect to these instruments.
8. A key matter therefore will be extent of the Coastal Environment and the presence of Outstanding Natural Landscapes and Features and Outstanding Natural Character found in these areas. Land use activities in the settlement of Punakaiki and the current Paparoa Character Area, in particular, are likely to be very restricted as a consequence of the direction in these higher order documents.

### Location of Outstanding Natural Features, Outstanding Natural Landscape and areas of Outstanding Natural Character

9. As part of the preparation of the Regional Coastal Plan, the West Coast Regional Council commissioned Brown NZ Ltd to identify areas of Outstanding Natural Landscape and Outstanding Natural Character. The three District Councils also contributed to this work, enabling an assessment of the entire West Coast lands and coastal marine area to be undertaken.
10. The maps from this assessment are shown in Appendix Four. Key things to note are:
  - a. Landscape
    - a. Virtually the entirety of the Department of Conservation administered lands are identified as an Outstanding Natural Landscape.
    - b. Additionally, an estimated 50,000 hectares of bush covered private and Māori owned land is identified within the Outstanding Natural Landscape – principally in coastal areas, but also around Lake Brunner and inland Buller.

#### Natural Character

11. The areas identified as having Outstanding Natural Character are almost identical to those which are Outstanding Natural Landscapes – perhaps not surprisingly as it is the outstanding natural character which is the major component of the landscape values. The further impact of the outstanding natural character identification therefore is likely to be relatively small.
12. There are also large areas of the coastal environment identified as High Natural Character. The impact of this on coastal areas could be significant. As discussed in

3 and 4 above, the direction for management of the coastal environment is very restrictive.

13. It is of particular note that in the assessment of some locations, the Brown report specifically identifies that farming/pastoral activity, and some coastal structures and buildings do not detract from the high or even outstanding natural character identification. This sends a signal that development within these areas is possible, and that the focus should be on managing the effects on the natural character.
14. Work is underway in identifying the Coastal Environment boundary however the zoning work to date has been undertaken with strong awareness that some development possibilities have been signalled by Brown. The draft work done on the Settlement Zone – Coastal Settlement Precinct reflects that understanding.
15. In addition, both the Buller and Westland District Plans (where most of the Outstanding and High Natural Character areas are) are already very mindful of the coastal environment and have dedicated and relatively prescriptive existing provisions.

#### Accuracy of Mapping of Outstanding Natural Landscapes and Outstanding/High Natural Character

16. The Brown NZ Ltd landscape study was undertaken during 2013 – 8 years ago. Since that time some development and modification of some areas has occurred, and mapping technology has improved. As part of the research funding for the 2021-2022 financial year review of key boundaries and refinement of this work is proposed. This is expected to reduce the private land area affected by the Outstanding Natural Landscape identification in some locations.

#### Natural Character of Rivers, Wetlands and Lakes

17. The Brown NZ Ltd work did also include an assessment of Outstanding and High Natural Character areas around rivers, wetlands and lakes.
18. As with the Coastal Environment it is all natural character – not just Outstanding or High Natural Character, of rivers wetlands and lakes that the NZCPS and WCRPS require to be protected from inappropriate subdivision use and development.
19. These areas are identified associated with large waterbodies and river systems (e.g., the Grey and Buller rivers) and lakes (e.g., Lake Brunner, Lake Haupiri). As with the coastal environment, almost all of these areas fall within identified Outstanding Natural Landscapes, and Department of Conservation administered land.

#### Outstanding Natural Features

20. In terms of identifying areas of Outstanding Natural Features the Geoscience Society of NZ Best Practice Guide is being applied to assess the features identified in the Geopreservation Inventory. The draft Schedule is expected to be ready by September. Many likely Outstanding Natural Features are within Outstanding Natural Landscapes and/or the DOC estate. There are some however on private land. The general approach is proposed to identify and schedule Outstanding Natural Features that are of National or International Significance. However where Outstanding Natural Features are in the coastal environment, regionally significant features may need to be also identified.

### **PROPOSED APPROACH TO LANDSCAPE, NATURAL FEATURES AND NATURAL CHARACTER IN TE TAI O POUTINI PLAN**

21. The approach proposed builds on the direction provided by the draft Strategic Objectives already developed.
22. The focus is on protecting the values, processes and features that define these matters, recognising that change and development can be accommodated and that the greatest priority for protection is those identified priority areas in the Coastal Environment.
23. It should also be acknowledged that because the areas identified as Outstanding are almost always vegetated, that areas identified as part of the Significant Natural Areas assessment are in many instances also likely to fall within the Outstanding Natural

Landscape/Outstanding Natural Character identification. In other words, these matters all layer on top of each other largely affecting the same properties – and in particular the DOC administered lands.

24. In the Coastal Environment and around river flood plains in particular natural hazards must also be added to this list of layers.
25. Analysis of the different draft layers and the implications of this will be undertaken prior to bringing draft Rules back to the Committee. However, the following table sets out a possible approach which recognises a hierarchy of protection.

<b>Location</b>	<b>Values</b>	<b>Proposed Approach</b>
Coastal Environment	Outstanding Natural Features	<b>Very high</b> degree of protection. Focus on earthworks.
	Outstanding Natural Landscape	<b>Very high</b> degree of protection. Focus on earthworks, vegetation clearance and structures. Rules recognise that change can be accommodated, and the focus is on protecting the values and avoiding adverse effects on those things that make the landscape outstanding.
	Outstanding and High Natural Character	<b>Very high</b> degree of protection. Inclusion of additional assessment criteria where other Overlays (SNAs, Outstanding Natural Landscape, Outstanding Natural Features, Natural Hazards) are in place. Specific rules where no other overlays are in place. These may be located in the zone provisions (e.g., Coastal Settlement Precinct).
	Natural character/natural features not identified as outstanding or high	<b>Moderate</b> degree of protection – focus on significant adverse effects. Inclusion of assessment criteria where other overlays (e.g., Natural Hazards) in place. Use of a general coastal setback for earthworks, vegetation clearance and structures (similar to current plans) where a resource consent would be required. Rules recognise that change can be accommodated. General approach of directing new coastal development towards areas where these values have already been affected.
Outside of the Coastal Environment	Outstanding Natural Features	<b>High</b> degree of protection. Focus on earthworks
	Outstanding Natural Landscape	<b>High</b> degree of protection. Focus on earthworks and vegetation clearance. Rules recognise that change can be accommodated, and the focus is on protecting the values and avoiding <b>significant</b> adverse effects on those things that make the landscape outstanding.
	Natural character of rivers, lakes, wetlands and their margins	<b>Moderate</b> degree of protection – focus on significant adverse effects. Inclusion of assessment criteria where other overlays (e.g., Natural Hazards) in place. Use of general riparian setbacks (similar to current District Plans) for earthworks and structures where a resource consent would be required. Rules recognise that change can be accommodated.

**NEXT STEPS**

26. Feedback from the Committee on the draft approach is sought. The next step will be to draft the detailed Objectives, Policies and Rules for these matters and bring them back to the Committee for discussion.

## Appendix One: Draft Natural Heritage Strategic Objectives

<b>Natural Heritage Strategic Objectives</b>	
<b>NH - 01</b>	To ensure that the rights interests and values of Poutini Ngai Tahu to natural heritage areas and features are protected and provided for and that the ability to exercise kaitiakitanga and tino rangatiratanga is maintained and enhanced.
<b>NH - 02</b>	To protect areas of significant natural heritage on the West Coast while recognising: <ul style="list-style-type: none"><li>• the substantial contribution that is made by the existence of conservation land in protecting significant areas, habitats and features</li><li>• the need to support the ethic of stewardship and enable positive effects of the conservation estate on achieving the requirements of the RMA</li></ul>
<b>NH - 03</b>	To clearly identify: <ul style="list-style-type: none"><li>• unique and important natural heritage areas and features on the West Coast; and</li><li>• areas where subdivision, use and development to enable community economic, cultural and social wellbeing can be sustainably managed.</li></ul>

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



## **Appendix Two: Analysis of Key Policy and Drivers for Management of Outstanding Natural Landscapes and Features and Natural Character**

### **BACKGROUND**

1. 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:*

*(a) the preservation of the natural character of the coastal environment, wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development:*

*(b) the protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development:*

### **NATIONAL AND REGIONAL DIRECTION**

#### **New Zealand Coastal Policy Statement Direction 2010**

2. 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 landscape, natural features and natural character. These are outlined in Appendix Three.
3. 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.

#### **West Coast Regional Policy Statement 2020**

4. Chapter 7A of the West Coast Regional Policy Statement (WCRPS) contains the provisions on natural character, Chapter 7B the provisions on landscapes and natural features and Chapter 9 contains the provisions on the Coastal Environment. Key matters to note follow.
5. In relation to natural character:
  - The RPS identifies that regionally consistent criteria should be used to identify the elements, patterns, processes and qualities of natural character.
  - It is the elements, patterns, processes and qualities of natural character that it seeks to protect.
  - It identifies that there are different levels of importance or significance of natural character (local or regional – but not “high” or “outstanding”).
  - Cumulative effects are a specific concern
  - Only activities with no more than minor adverse effects on natural character are specifically provided for.
6. In relation to landscape and natural features
  - The RPS identifies that regionally consistent criteria should be used to identify the elements, patterns, processes and qualities of natural character.
  - It is the values that contribute to a natural feature or landscape being outstanding that it seeks to protect.
  - Cumulative effects are a specific concern
  - Only activities that have no more than minor adverse effects on natural landscapes and features are specifically provided for.
7. In relation to the coastal environment:
  - It is indigenous biodiversity, not just significant indigenous biodiversity which is to be protected.
  - It is natural character, natural features and natural landscapes not just those that are significant or outstanding which are to be preserved or protected.
  - Appropriate subdivision use and development within the coastal environment is anticipated.
  - 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 in the natural hazards work Edith is leading.

- There is a specific requirement to identify “high” and “outstanding” coastal natural character in district plans.
  - 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.
  - 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.
8. In a nutshell these RPS provisions, which TTPP must give effect to, create a very high bar for activities within the Coastal Environment, but outside of this, in relation to rivers, lakes and wetlands the focus is on protecting processes, patterns and qualities of natural character.

### **West Coast Regional Coastal Plan**

9. The Regional Coastal Plan became operative in 2000 and is currently under review. While it does consider natural landscape, natural features and natural character, the extent of the activities managed by the Regional Coastal Plan end at Mean High Water Springs. Adverse effects of activities in the coastal marine area that occur on landward landscapes, features and natural character are managed by the Coastal Plan. Te Tai o Poutini Plan will manage activities in the area landwards of the Mean High Water Spring, so it is not affected by the provisions in the Regional Coastal Plan.
10. The Proposed Regional Coastal Plan (pRCP) takes a similar approach to the current Coastal Plan as regards the extent of area covered. However, the pRCP has accompanying technical reports and schedules identifying and mapping coastal Outstanding Natural Features and Landscapes and coastal Outstanding Natural Character Areas based work undertaken by Brown NZ Ltd.

### **National Planning Standard Requirements**

11. The National Planning Standards require separate chapters for Natural Character, and Natural Features and Landscapes. They also require a separate chapter for the Coastal Environment – which will need to interface with the above chapters, as well as the Natural Hazards and Ecosystems and Indigenous Biodiversity Chapters. Undoubtedly quite a lot of cross referencing will be required as we work out what provisions sit where.

### **CURRENT DISTRICT PLAN PROVISIONS**

12. The three District Plans all contain provisions aimed at specifically protecting the natural character of the landward part of the coastal environment, wetlands, lakes and rivers and their margins
13. All three Councils have substantive policies.
14. All three Councils consider natural character in assessment criteria in resource consents,
15. In Buller the Paparoa Special Character Area has specific policy and rules to support retention of natural character.
16. In Westland there are policies that directs subdivision and development within the coastal environment to areas that are already significantly modified.
17. All three Councils have riparian setbacks for vegetation clearance and land disturbance: 10m against streams >3m, 25m of wetlands (0.25ha in Grey and Buller and >2ha in Westland), and 20m of lakes
18. All three Councils have coastal setbacks - Buller 50m in the Paparoa Character Area and 150m in the Rural Zone, Grey 100m in most zones except residential, Westland 150m in the Rural Zone.

19. In terms of Landscape, Grey is the only Plan to identify specific outstanding landscapes (described but unmapped), the other two plans have policy criteria to identify outstanding landscapes.

## **WHERE ARE THE WEST COAST OUTSTANDING NATURAL LANDSCAPES AND OUTSTANDING NATURAL FEATURES?**

### **2013 Landscape and Natural Character Study**

20. In 2013 the three district councils and the regional council commissioned Stephen Brown of Brown NZ Ltd to undertake a Natural Character and Outstanding Landscape and Natural Features study for the region, of coastal and inland areas [West Coast Region Landscape Study 2013 and West Coast Region Natural Character Study 2013]. This work applied a common (regionally consistent) criteria to identifying areas of outstanding and high natural character, and outstanding and high natural landscapes.
21. The criteria for the Natural Character assessments were:
- Biophysical Factors:*  
Landforms (Geomorphology/Geology)  
Vegetation Type, Cover and Patterns  
Sea/ Estuarine/ River/ Wetland Water Bodies  
Land Uses/ Activities/ Structure  
Habitat Values  
Natural Processes
- Perceptual Values*  
Wildness/Wilderness/ Remoteness  
Experiential attributes  
Context/ Setting  
Transient/ Dynamic values  
Night-time values
22. The criteria for the Landscape Assessments were:
- Perceptual/Aesthetic Values*  
2D Patterns (Composition) and 3D Spatial Structure  
Vividness/Expressiveness/Legibility  
Dynamic/Transient Values  
Landmarks/Key Views  
Coherence/Unity
- Associative Values*  
Naturalness/Endemic Value (distinctive NZ/ West Coast Sense of Place)  
Tangata Whenua Values/Associations  
Historical/Heritage Associations
23. Detailed maps and descriptions of the areas identified were developed and are contained in Appendix Four. A detailed methodology report has also been prepared.
24. Generally the maps show that the majority of the areas of Outstanding Natural Landscapes and Outstanding/High Natural Character fall within the DOC administered lands. The largest areas of private land in Outstanding Natural Landscapes are located at:
- Little Wanganui
  - Westport Hinterland
  - Lewis Pass
  - Coal Creek/Brunner Coal Field
  - Haupiri/Lake Brunner area
  - Arahura Valley [this is a very large area]
  - Upper Hokitika River

- Kakapotahi/Fergusons
  - Harihari Dry Creek
  - Lake Wahapo
  - Okarito
25. Generally in these locations the boundary of the outstanding landscape follows the vegetation line. There has been development and modification of these areas since 2013 (particularly in Buller and Grey). A review of the boundaries of these areas is recommended prior to inclusion within Te Tai o Poutini Plan.

### **Outstanding Natural Features Best Practice Guidance 2019**

26. In 2019 the Geosciences Society published a Best Practice Guide for Outstanding Natural Features. This considers that these are a separate entity to landscape (a common approach taken in Regional and District Plans nationally), and proposes the following definition: "a natural landform, physical system, or exposure of geological material that has outstanding geoscience, scenic/aesthetic, tourism, recreational, community and/or educational values or rarity. A natural landform feature is a distinct and clearly legible entity that is generally smaller than a "natural landscape", which has a broader range of physical, ecological, cultural and perceptual values".
27. The guide also contains criteria for the assessment of outstanding natural features and guidance on their identification for assessment.

### **OTHER COUNCIL APPROACHES**

28. A review of how other Councils have managed these issues has been undertaken – with an emphasis on recent plans, and localities where there are similar situations with large areas of publicly owned land and significant areas of outstanding landscapes.
29. Some key things which this review identifies are that:
- Outstanding Natural Landscapes and Outstanding Natural Features are included in all modern plans
  - Some Districts such as Queenstown Lakes and Mackenzie have nearly their whole districts located within areas of Outstanding Landscape and have developed very detailed provisions to enable development to still occur – this includes things such as design standards, colour controls and material controls. Both the Queenstown Lakes and Mackenzie Landscape provisions have been the subject of extensive Environment Court litigation – this may also have been a substantial factor in the detail of their provisions.
  - Districts such as Southland, Tasman and Marlborough also have extensive areas of Outstanding Landscapes but the nature of the landscape (bushy rather than open) may assist with mitigating visual impacts of development. They have lesser reliance on very detailed policy provisions.
  - There's quite a variable approach to natural character of freshwater bodies. Generally, all Councils require some degree of setback -the current setbacks in the West Coast District Plans are at the less restrictive end of the spectrum but not really out of step with these.
  - Some Councils specifically have extra provisions for particularly significant waterbodies e.g., Nelson (scheduled waterbodies) and Timaru (specified particular rivers).
  - All the Council plans reviewed had a high degree of restriction of activities in the Coastal Environment.
  - Most differentiate between "normal" coastal areas and those with high or outstanding natural character – in these areas restrictions are even greater. Non-complying activities for anything beyond maintenance or minor work is common.

## **Appendix Three: New Zealand Coastal Policy Statement and West Coast Regional Policy Statement: Relevant Objectives and Policies**

### **1. New Zealand Coastal Policy Statement 2010**

#### **Objective 2**

To preserve the natural character of the coastal environment and protect natural features and landscape values through:

- recognising the characteristics and qualities that contribute to natural character, natural features and landscape values and their location and distribution;
- identifying those areas where various forms of subdivision, use, and development would be inappropriate and protecting them from such activities; and
- encouraging restoration of the coastal environment.

#### **Objective 3**

To take account of the principles of the Treaty of Waitangi, recognise the role of tangata whenua as kaitiaki and provide for tangata whenua involvement in management of the coastal environment by:

- recognising the ongoing and enduring relationship of tangata whenua over their lands, rohe and resources;
- promoting meaningful relationships and interactions between tangata whenua and persons exercising functions and powers under the Act;
- incorporating mātauranga Māori into sustainable management practices; and
- recognising and protecting characteristics of the coastal environment that are of special value to tangata whenua.

#### **Objective 6**

To enable people and communities to provide for their social, economic, and cultural wellbeing and their health and safety, through subdivision, use, and development, recognising that:

- the protection of the values of the coastal environment does not preclude use and development in appropriate places and forms, and within appropriate limits;
- some uses and developments which depend upon the use of natural and physical resources in the coastal environment are important to the social, economic and cultural wellbeing of people and communities;
- functionally some uses and developments can only be located on the coast or in the coastal marine area;
- the coastal environment contains renewable energy resources of significant value;
- the protection of habitats of living marine resources contributes to the social, economic and cultural wellbeing of people and communities;
- the potential to protect, use, and develop natural and physical resources in the coastal marine area should not be compromised by activities on land;
- the proportion of the coastal marine area under any formal protection is small and therefore management under the Act is an important means by which the natural resources of the coastal marine area can be protected; and
- historic heritage in the coastal environment is extensive but not fully known, and vulnerable to loss or damage from inappropriate subdivision, use, and development.

#### **Policy 13: Preservation of 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.

**Policy 14: Restoration of natural character**

Promote restoration or rehabilitation of the natural character of the coastal environment, including by:

- a. identifying areas and opportunities for restoration or rehabilitation;
- b. providing policies, rules and other methods directed at restoration or rehabilitation in regional policy statements, and plans;
- c. where practicable, imposing or reviewing restoration or rehabilitation conditions on resource consents and designations, including for the continuation of activities; and recognising that where degraded areas of the coastal environment require restoration or rehabilitation, possible approaches include:
  - i. restoring indigenous habitats and ecosystems, using local genetic stock where practicable; or
  - ii. encouraging natural regeneration of indigenous species, recognising the need for effective weed and animal pest management; or
  - iii. creating or enhancing habitat for indigenous species; or
  - iv. rehabilitating dunes and other natural coastal features or processes, including saline wetlands and intertidal saltmarsh; or
  - v. restoring and protecting riparian and intertidal margins; or
  - vi. reducing or eliminating discharges of contaminants; or
  - vii. removing redundant structures and materials that have been assessed to have minimal heritage or amenity values and when the removal is authorised by required permits, including an archaeological authority under the Historic Places Act 1993; or
  - viii. restoring cultural landscape features; or
  - ix. redesign of structures that interfere with ecosystem processes; or
  - x. decommissioning or restoring historic landfill and other contaminated sites which are, or have the potential to, leach material into the coastal marine area.

**Policy 15: Natural Features and Natural Landscapes**

To protect the natural features and natural landscapes (including seascapes) of the coastal environment from inappropriate subdivision, use, and development:

- a. avoid adverse effects of activities on outstanding natural features and outstanding natural landscapes in the coastal environment; and
- b. avoid significant adverse effects and avoid, remedy, or mitigate other adverse effects of activities on other natural features and natural landscapes in the coastal environment; including by:
- c. identifying and assessing the natural features and natural landscapes of the coastal environment of the region or district, at minimum by land typing, soil characterisation and landscape characterisation and having regard to:

- i. natural science factors, including geological, topographical, ecological and dynamic components;
  - ii. the presence of water including in seas, lakes, rivers and streams;
  - iii. legibility or expressiveness – how obviously the feature or landscape demonstrates its formative processes;
  - iv. aesthetic values including memorability and naturalness;
  - v. vegetation (native and exotic);
  - vi. transient values, including presence of wildlife or other values at certain times of the day or year;
  - vii. whether the values are shared and recognised;
  - viii. cultural and spiritual values for tangata whenua, identified by working, as far as practicable, in accordance with tikanga Māori; including their expression as cultural landscapes and features;
  - ix. historical and heritage associations; and
  - x. wild or scenic values;
- d. ensuring that regional policy statements, and plans, map or otherwise identify areas where the protection of natural features and natural landscapes requires objectives, policies and rules; and
  - e. including the objectives, policies and rules required by (d) in plans.

## **2. West Coast Regional Policy Statement 2020**

### **7 A. Natural Character**

#### **OBJECTIVES**

1. Protect the natural character of the region’s wetlands, and lakes and rivers and their margins, from inappropriate subdivision, use and development.
2. Provide for appropriate subdivision, use and development to enable people and communities to maintain or enhance their economic, social and cultural wellbeing.

#### **POLICIES**

1. Use regionally consistent criteria to identify the elements, patterns, processes and qualities of the natural character of wetlands, and lakes and rivers and their margins.
2. Protect the elements, patterns, processes and qualities that together contribute to the natural character of wetlands, and lakes and rivers and their margins from inappropriate subdivision, use and development.
3. When determining if an activity is appropriate, the following matters must be considered:
  - a) The degree and significance of actual or potential adverse effects on the elements, patterns, processes and qualities that contribute to natural character;
  - b) The value, importance or significance of the natural character at the local, or regional level;
  - c) The degree of naturalness;
  - d) The potential for cumulative effects to diminish natural character, and the efficacy of measures proposed to avoid, remedy or mitigate such effects; and
  - e) The vulnerability of the natural character to change, and its capacity to accommodate change, without compromising its values.
4. Allow activities which have no more than minor adverse effects on natural character.

### **7B. Natural features and landscapes**

#### **OBJECTIVES**

1. Protect the region’s outstanding natural features and outstanding natural landscapes from inappropriate subdivision, use and development.
2. Provide for appropriate subdivision, use and development on, in or adjacent to outstanding natural features and outstanding natural landscapes to enable people and communities to maintain or enhance their economic, social and cultural wellbeing.

## **POLICIES**

1. Use regionally consistent criteria to identify outstanding natural features and outstanding natural landscapes.
2. Protect the values which together contribute to a natural feature or landscape being outstanding, from inappropriate subdivision, use and development.
3. When determining if an activity is appropriate, the following matters must be considered:
  - a) Whether the activity will cause the loss of those values that contribute to making the natural feature or landscape outstanding;
  - b) The extent to which the outstanding natural feature or landscape will be modified or damaged including the duration, frequency, magnitude or scale of any effect;
  - c) The irreversibility of any adverse effects on the values that contribute to making the natural feature or landscape outstanding;
  - d) The resilience of the outstanding natural feature or landscape to change;
  - e) Whether the activity will lead to cumulative adverse effects on the outstanding natural feature or landscape;
4. Allow activities in outstanding natural features and outstanding natural landscapes which have no more than minor adverse effects.

## **9. Coastal Environment**

### **OBJECTIVES**

1. Within the coastal environment:
  - a) Protect indigenous biological diversity;
  - b) Preserve natural character, and protect it from inappropriate subdivision, use and development; and
  - c) Protect natural features and natural landscapes from inappropriate subdivision, use and development.
2. Provide for appropriate subdivision, use and development in the coastal environment to enable people and communities to maintain or enhance their economic, social, and cultural wellbeing.
3. Ensure that any new subdivision, use or development in the coastal environment has appropriate regard to the level of coastal hazard risks.
4. Ensure that coastal hazard risks potentially affecting existing development are managed so as to enable the safety, and social and economic wellbeing of people and communities.

### **POLICIES**

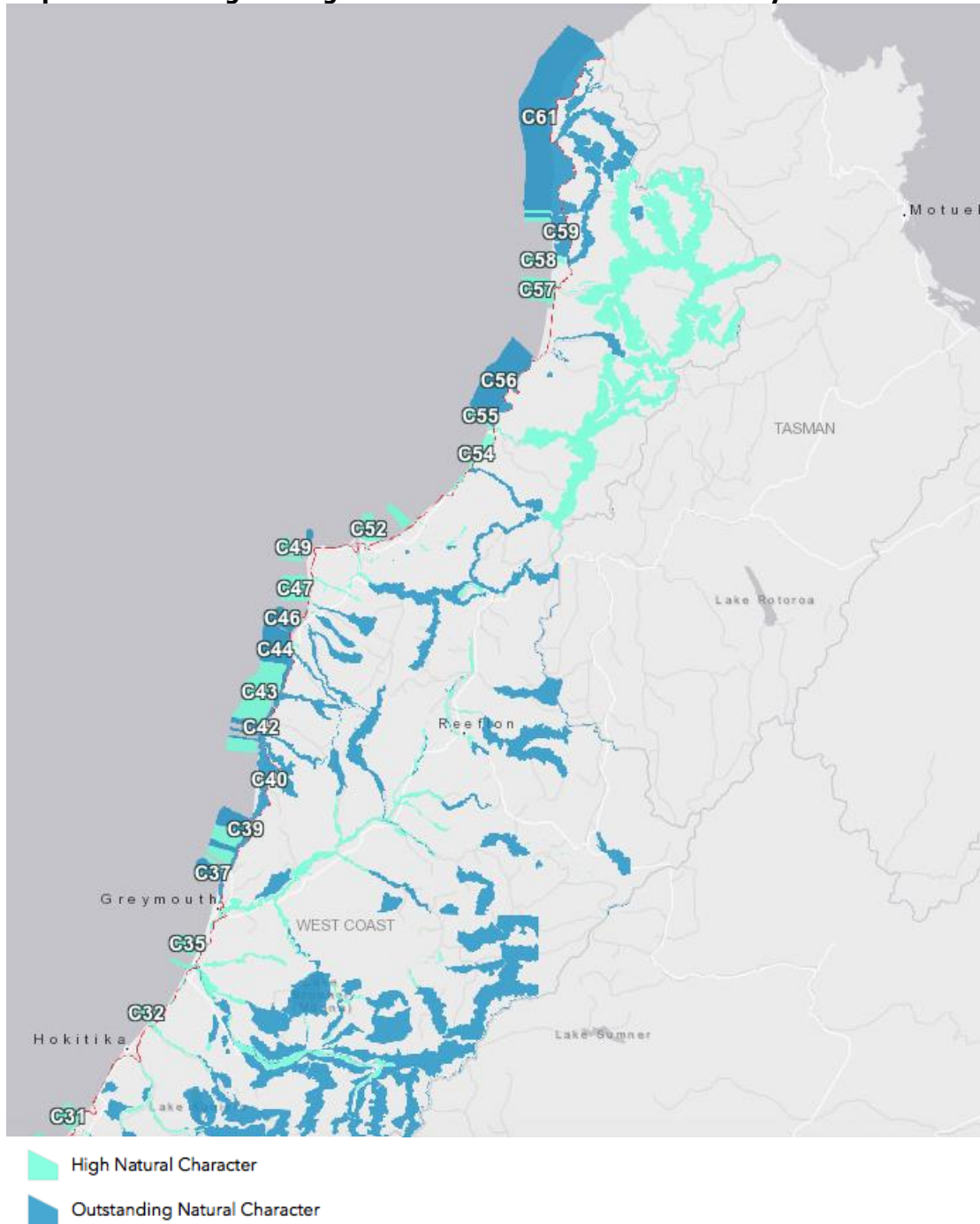
1. Within the coastal environment protect indigenous biological diversity, and natural character, natural features and natural landscapes from inappropriate subdivision, use and development by:
  - a) Identifying in regional and district plans areas of significant indigenous biological diversity, outstanding and high natural character and outstanding natural features and landscapes, recognising the matters set out in Policies 11, 13 and 15 of the NZCPS;
  - b) **Avoiding adverse effects on significant indigenous biological diversity, areas of outstanding natural character and outstanding natural landscapes and features;** and
  - c) **Avoiding** significant adverse effects and avoiding, remedying or mitigating other adverse effects on indigenous biological diversity, natural character, natural features and natural landscapes;
2. (1) In the case of the National Grid, operation, maintenance or minor upgrading of existing National Grid infrastructure shall be enabled.  
(2) In the case of the National Grid, following a route, site and method selection process and having regard to the technical and operational constraints of the network, new development or major upgrades of the National Grid shall seek to avoid adverse effects, and otherwise remedy or mitigate adverse effects on areas of significant indigenous vegetation and significant habitats of indigenous fauna, outstanding natural features and landscapes, and areas of high and outstanding natural character located within



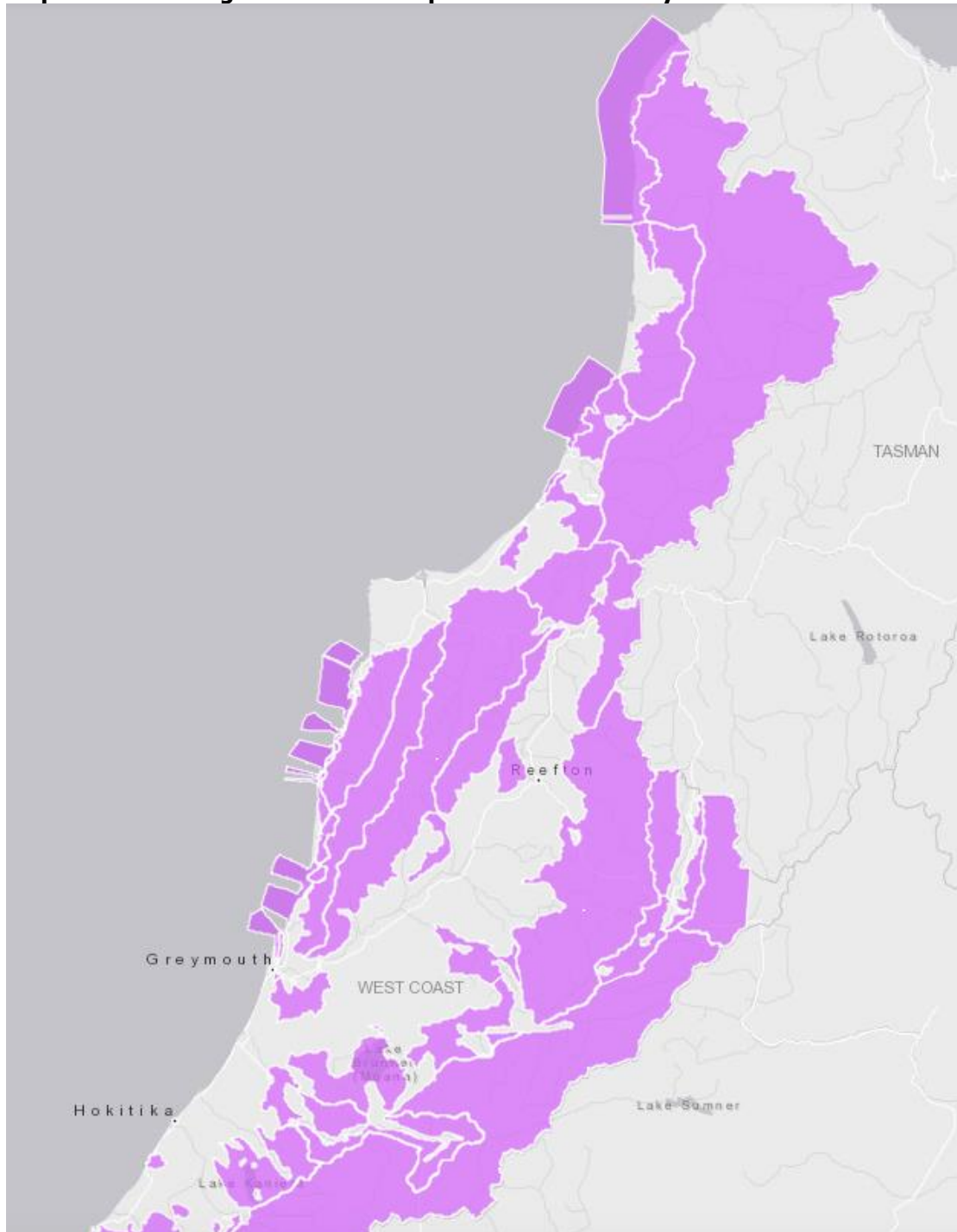
- the coastal environment. In some circumstances, adverse effects on the values of those areas must be avoided.
3. Provide for subdivision, use or development in the coastal environment:
    - a) Which maintains or enhances the social, economic and cultural well-being of people and communities;
    - b) Which:
      - i. Requires the use of the natural and physical resources in the coastal environment; or
      - ii. Has a technical, functional or operational requirement to be located within the coastal environment;
    - c) Recognising that minor or transitory effects associated with subdivision, use and development may not be an adverse effect within those areas described in Policy 1.b).
    - d) By allowing subdivision, use and development where the adverse effects are no more than minor within those areas described in Policy 1.c).
    - e) By allowing lawfully established activities to continue provided the adverse effects are the same or similar in scale, character or intensity.
  4. Provide for new and existing renewable electricity generation activities in the coastal environment, including by having particular regard to:
    - a) The need to be located where the renewable energy resource is available;
    - b) The technical, functional or operational needs of renewable electricity generation activities.
  5. To give effect to Objective 2 of Chapter 3 of this RPS, manage land and water use in the coastal environment in a way that avoids significant adverse effects (other than those arising from the development, operation, maintenance, or upgrading of RSI and local roads) and avoids, remedies or mitigates other adverse water quality effects on sites that are significant to Poutini Ngāi Tahu, including the following:
    - a) Estuaries, hāpua lagoons, and other coastal wetlands; and
    - b) Shellfish beds and fishing areas.
  6. Where new subdivision, use or development in the coastal environment may be adversely affected by coastal hazards, adopt a risk management approach taking into account, where applicable:
    - a) Official, nationally recognised guidelines for sea level rise;
    - b) The type and life-cycle of the proposed development, including whether it is short-term, long term, or permanent;
    - c) Whether the predicted impacts are likely to have material or significant consequences;
    - d) The acceptability of those potential consequences, given their likelihood; and
    - e) Whether there are suitable options to avoid increasing the risk of harm from coastal hazards, and whether future adaptation options are feasible.
  7. Coastal hazard risks should be assessed over at least a 100 year timeframe.
  8. In areas of significant existing development likely to be affected by coastal hazards, a range of options for reducing coastal hazard risk should be assessed.
  9. Consider opportunities for the restoration or rehabilitation of natural character.

**Appendix Four: Maps showing identified Outstanding Natural Landscapes and Outstanding/High Natural Character areas as identified by Brown NZ Ltd (2013)**

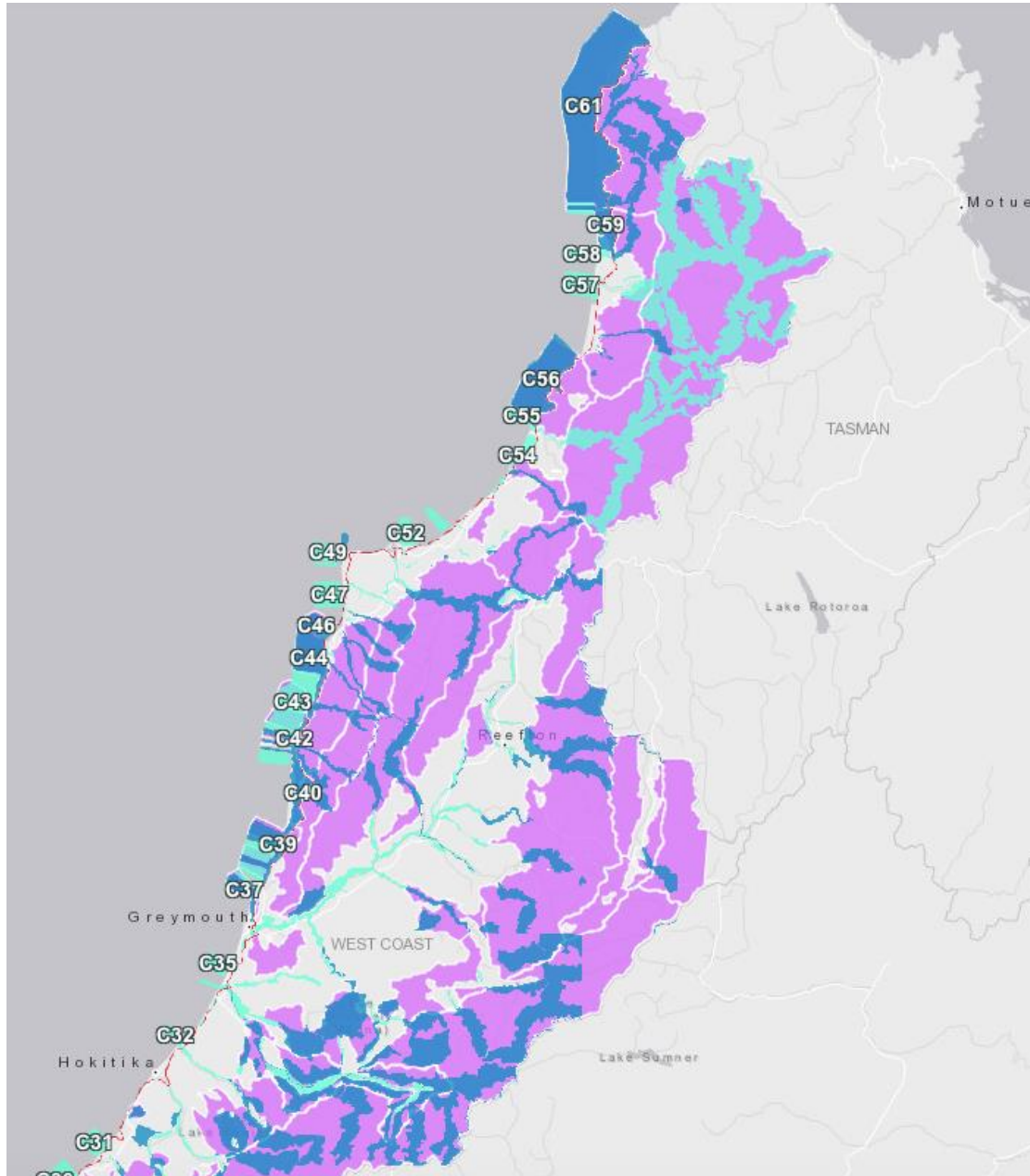
**Map 1: Outstanding and High Natural Character – Buller and Grey Districts**



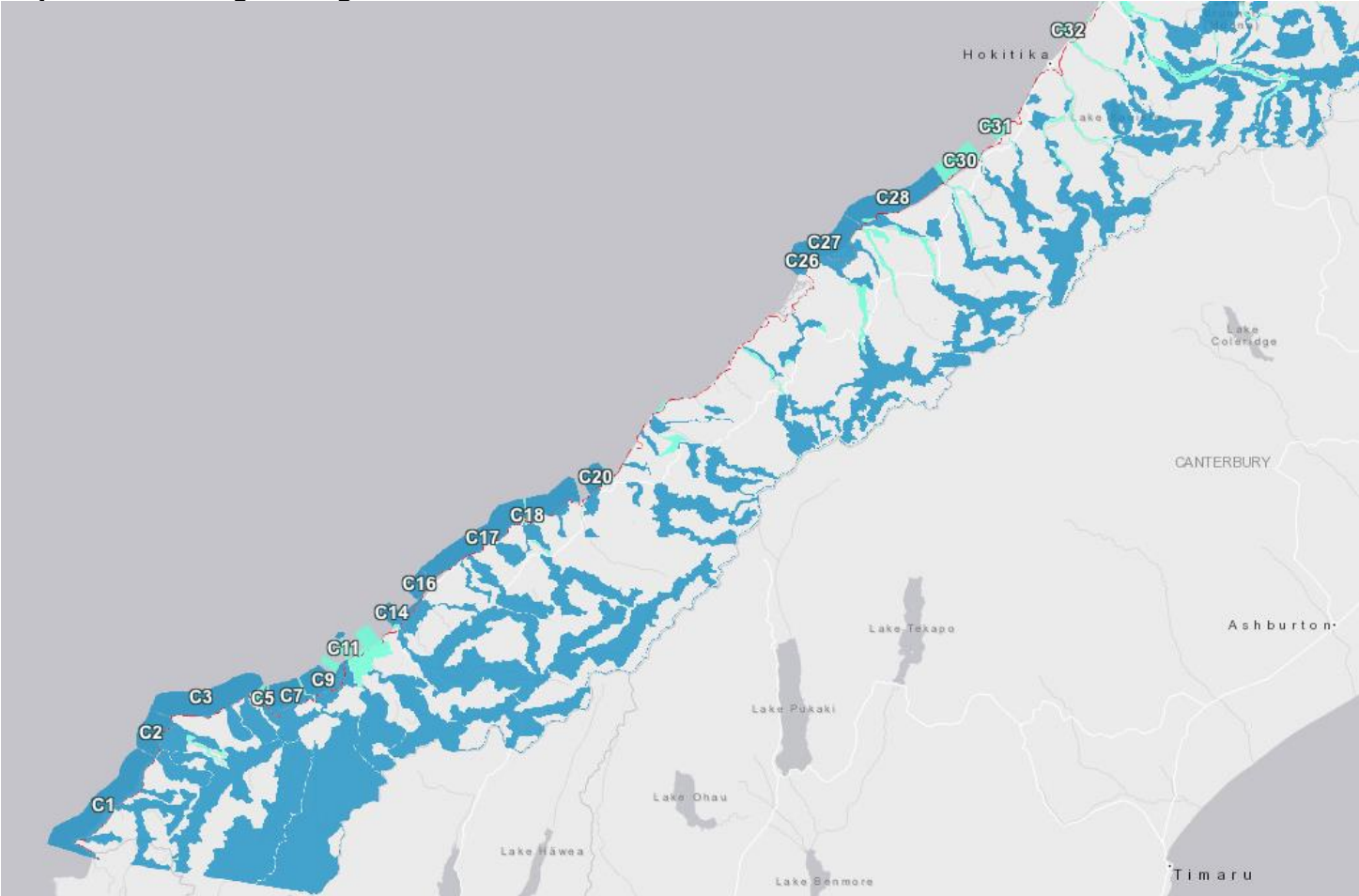
**Map 2: Outstanding Natural Landscapes – Buller and Grey Districts**



**Map 3: Combined Outstanding Natural Landscapes, Outstanding Natural Character and High Natural Character – Buller and Grey Districts**

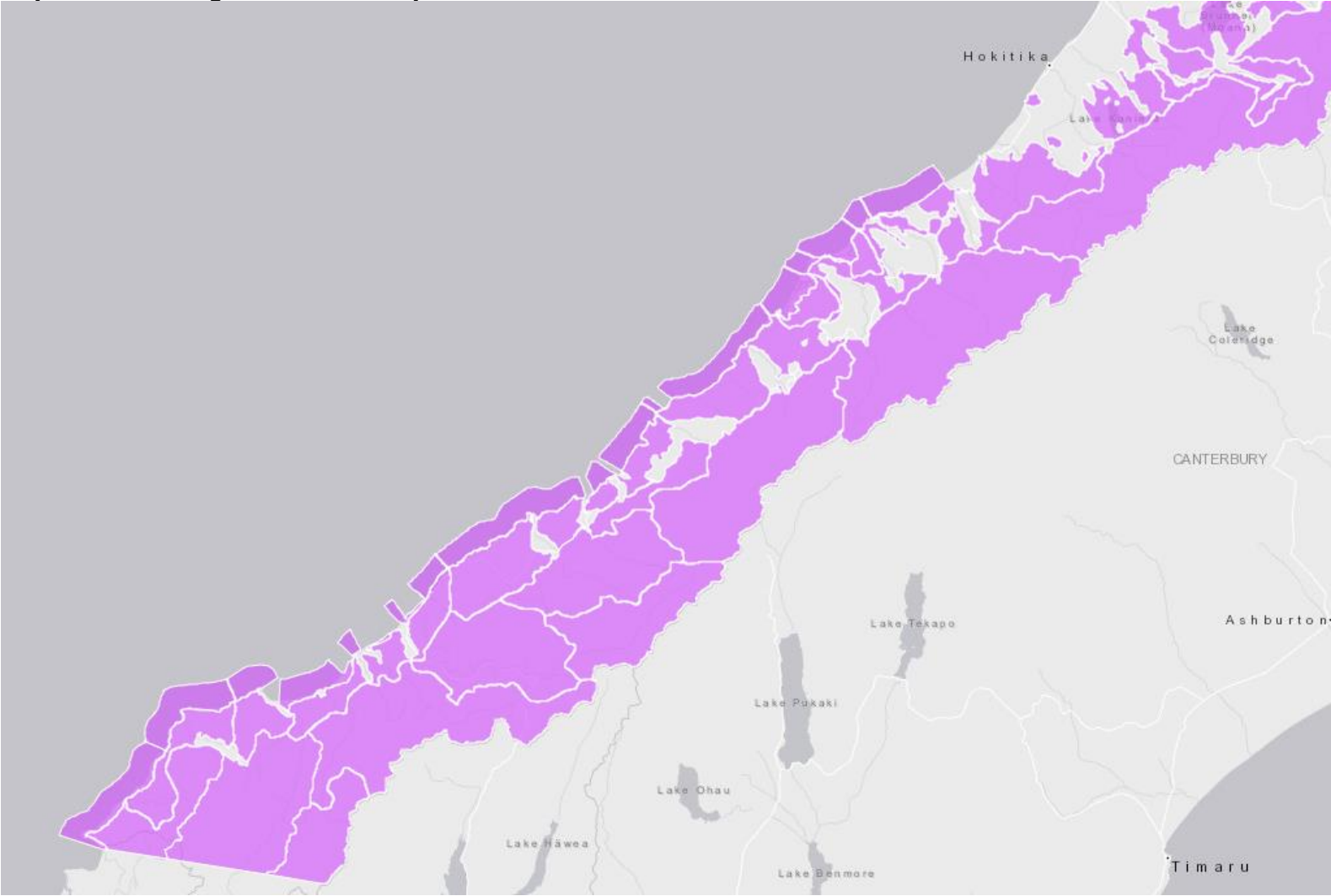


Map 4: Outstanding and High Natural Character – Westland District

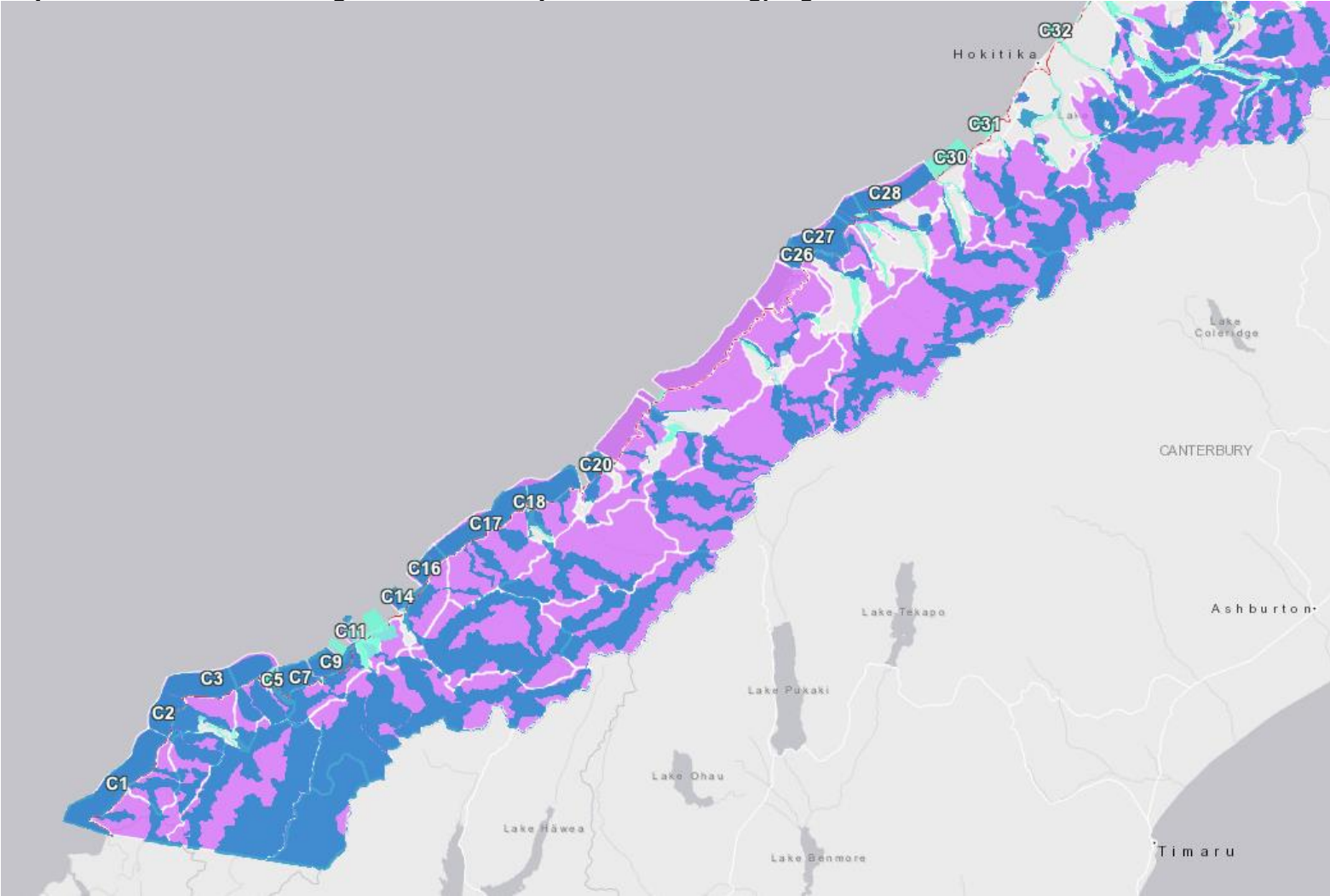


- High Natural Character
- Outstanding Natural Character

**Map 5: Outstanding Natural Landscape Westland District**



**Map 6: Combined Outstanding Natural Landscape and Outstanding/High Natural Character Westland District**





Prepared for: Te Tai o Poutini Plan Committee  
Prepared by: Lois Easton, Principal Planner  
Date: May 2021  
Subject: **Technical Update Sites of Significance to Māori: Draft Rules**

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### **SUMMARY**

This report gives an update on the technical work being undertaken on draft Rules for Sites of Significance to Māori in Te Tai o Poutini Plan.

Sites of Significance to Māori is required as a separate overlay chapter within the National Planning Standards. There is a significant piece of work for Poutini Ngāi Tahu in identifying their significant sites.

Proposed draft Rules provided for Sites of Significance to Māori are outlined in the report.

### **RECOMMENDATIONS**

1. That the Committee receive the report.
2. That the Committee provide feedback on the wording of the draft Rules for Sites of Significance to Māori.

Lois Easton  
**Principal Planner**



## INTRODUCTION

1. This report gives an update on the technical work being undertaken on draft Rules for Sites of Significance to Māori in Te Tai o Poutini Plan (TTPP).
2. Sites of Significance to Māori is required as a separate overlay chapter within the National Planning Standards. This is separate from Historic Heritage, although some sites will also fall within the definition of Historic Heritage under the Resource Management Act, as they are wāhi tapu and wāhi taonga.
3. There is a significant piece of work currently underway for Poutini Ngāi Tahu in identifying their significant sites.
4. Draft Objectives and Policies were discussed by the Committee at the February meeting and the amended drafts are contained in Appendix One.
5. Proposed draft Rules have now been developed and are provided for the Sites of Significance to Māori and are outlined in the report.

## RULE DEVELOPMENT

6. Information assessed and considered as part of developing the draft Rules is contained in Appendix Two. As a general summary the approach has been similar to that taken with Historic Heritage – providing for maintenance of existing structures located on the sites, but otherwise putting in place resource consent requirements that ensure that significant adverse effects or destruction of the sites is avoided.
7. A summary of the draft rules is contained in the table below - the full draft Rules are contained in Appendix Three.

### Permitted Activities

Activity	Proposed Sites of Significance to Māori Permitted Activity Standard
Land disturbance/destruction of site	Earthworks permitted for: <ul style="list-style-type: none"> <li>• burials at ūrupa &amp; archaeological survey;</li> <li>• installing fence posts and replacement of poles for utilities – where existing fence/overhead line</li> <li>• maintaining roads/tracks</li> <li>• other earthworks in a caution overlay (ie in an area where a “silent file site” is located – subject to written approval by Poutini Ngāi Tahu</li> </ul>
Grazing	Permitted on most sites, unless specifically identified as inappropriate in the schedule
Structures	Maintenance, demolition/removal or alterations permitted where this does not result in land disturbance
Indigenous vegetation clearance	Permitted when undertaken by Poutini Ngāi Tahu whanui for customary purposes
Temporary Events	Poutini Ngāi Tahu cultural events Permitted
Collection of Pounamu and Aotea by Poutini Ngāi Tahu	Permitted for Poutini Ngāi Tahu – any Aotea is only to be collected by Ngāti Māhaki whanui

### Resource Consent Requirements Activities Requiring Resource Consent

Effect Being Managed	Summary of draft Sites of Significance to Māori Rule
Work on Network Utility structures that disturbs land	Controlled Activity <ul style="list-style-type: none"> <li>• Where land has been previously disturbed</li> <li>• For customer connections</li> </ul>

	<ul style="list-style-type: none"> <li>Trimming/removal of trees to protect the structure or remove electrical hazards</li> </ul> <p>Otherwise Discretionary Activity</p>
Removal of kōiwi (human remains)	<p>Controlled Activity</p> <ul style="list-style-type: none"> <li>Where at significant risk of destruction by natural hazards</li> </ul> <p>Otherwise Non-complying</p>
All other earthworks and land disturbance	<p>Discretionary Activity</p> <ul style="list-style-type: none"> <li>Provided these are not on ancestral maunga or ūrupa</li> </ul> <p>Otherwise non-complying</p>
All other buildings and structures	<p>Discretionary Activity</p> <ul style="list-style-type: none"> <li>Provided these are not on ancestral maunga</li> </ul> <p>Otherwise non-complying</p>
Fossicking/mineral extraction of Pounamu/Aotea by anyone other than Poutini Ngāi Tahu whanui	<p>Discretionary Activity</p> <ul style="list-style-type: none"> <li>Where in accordance with a Pounamu Management Plan/Aotea Management Plan prepared by Poutini Ngāi Tahu and written consent is provided</li> </ul> <p>Otherwise Prohibited</p>
Activities not meeting Permitted Activity standards not covered by another rule	<p>Discretionary</p>
Destruction of a Scheduled Site	<p>Non complying</p>
Plantation forestry on a site	<p>Non complying</p>
Landfills, waste disposal facilities, hazardous facilities, intensive indoor primary production, wastewater treatment plants or disposal facilities, new cemeteries or crematoria on a site	<p>Non complying</p>

## NEXT STEPS

- This paper outlines the draft Rules for Sites of Significance to Māori. Because work is still underway identifying all the sites, including any cultural landscapes, there is some uncertainty about the extent of their application.
- Once the identification of sites and cultural landscapes is complete a further review and discussion with Poutini Ngāi Tahu will be undertaken to ensure rules are appropriate.

## APPENDIX ONE: Draft Objectives and Policies for Sites of Significance to Māori

Sites and Areas of Significance to Māori Objectives	
<b>SASM - O1</b>	Sites and cultural landscapes of significance to Poutini Ngāi Tahu are recognised and identified and Poutini Ngāi Tahu are actively involved in decision making that affects their values.
<b>SASM - O2</b>	Poutini Ngāi Tahu are able to access, maintain and use areas and resources of cultural value within identified sites and cultural landscapes.
<b>SASM - O3</b>	The values of significant Poutini Ngāi Tahu sites and cultural landscapes are protected from subdivision, use and development and inappropriate modification, demolition or destruction.
Sites of Significance to Māori Policies	
<b>SASM - P1</b>	Protect Poutini Ngāi Tahu cultural landscapes from adverse effects of subdivision, use and development while enabling their values to be enhanced through ongoing Poutini Ngāi Tahu access and use.
<b>SASM - P2</b>	Work with Poutini Ngāi Tahu to identify and list sites of significance to Poutini Ngāi Tahu in Schedule xxx and on Overlays xxx, and protect the identified values of the sites and areas.
<b>SASM - P3</b>	Upon accidental discovery of kōiwi (skeletal remains) or urupā ensure that the Accidental Discovery Protocol is followed.
<b>SASM - P4</b>	Recognise and provide for the exercise of rangatiratanga and kaitiakitanga by Poutini Ngāi Tahu in decisions made in relation to identified sites and areas of significance in Schedule xxx and Overlays xxx.
<b>SASM - P5</b>	Where an activity is proposed within any wāhi tapu, wāhi taonga or wai tapu area identified in Schedule xxx or Overlay xxx ensure that: <ul style="list-style-type: none"> <li>a. Engagement with Poutini Ngāi Tahu occurs to ensure that effects of the activity on the values of the site or area are understood;</li> <li>b. Where necessary a cultural monitor or archaeologist is on site when activity is undertaken;</li> <li>c. An accidental discovery protocol is adopted for any earthworks;</li> <li>d. Any adverse effects on identified values are avoided, unless it can be demonstrated that due to the functional needs of the activity it is not possible to avoid all adverse effects; and</li> <li>e. Any residual effects that cannot be practicably avoided are mitigated in a way that protects, maintains or enhances the values of the site or area.</li> </ul>
<b>SASM - P6</b>	Where the exact location of a wāhi tapu, wāhi taonga or wai tapu is not identified in Schedule xxx – then any activity which may impact on the wāhi tapu, wāhi taonga or wai tapu must receive prior written approval from Poutini Ngāi Tahu, or a resource consent will be required.
<b>SASM - P7</b>	Recognise the significance to Poutini Ngāi Tahu of the wāhi tapu, wāhi taonga and wai tapu areas listed in Schedule xxx and protect the identified values of these areas by avoiding adverse effects on cultural values of the following activities in, or in close proximity to, wāhi tapu, wāhi taonga or wai tapu areas; <ul style="list-style-type: none"> <li>a. Mining and quarrying other than Poutini Ngāi Tahu collection of Pounamu and Aotea;</li> <li>b. Landfills and waste disposal facilities, hazardous facilities and offensive industries;</li> <li>c. Incompatible rural industry;</li> <li>d. Intensive primary production;</li> <li>e. Cemeteries and crematoria; and</li> </ul>

	f. Wastewater treatment plants and disposal facilities.
<b>SASM - P8</b>	Require that activities within identified sites and areas of significance to Poutini Ngāi Tahu that support taonga species and mahinga kai resources as identified in Schedule xxxx: <ul style="list-style-type: none"> <li>a. Avoid significant adverse effects on indigenous habitats and waterbodies;</li> <li>b. Enable the maintenance and enhancement of these areas;</li> <li>c. Maintain and where appropriate improve access for Poutini Ngāi Tahu to these areas.</li> </ul>
<b>SASM - P9</b>	Only allow subdivision of land adjacent to water bodies and the coast that are wāhi tupuna and are identified as having mahinga kai values in Schedule xxx where the subdivision is designed to maintain or enable access to the coast and riparian margins for the purpose of gathering mahinga kai.
<b>SASM - P10</b>	Within the Pounamu and Aotea Management overlay, enable rangatiratanga and kaitiakitanga by Poutini Ngāi Tahu and avoid the disturbance or removal of this resource by non-hapū members.
<b>SASM - P11</b>	Promote the provision or development of access for Poutini Ngāi Tahu to the identified sites and areas of significance to Poutini Ngāi Tahu listed in <a href="#">Schedule xxx</a> , including through: <ul style="list-style-type: none"> <li>a. formal arrangements, such as co-management, joint management or relationship agreements, easements and land covenants, or access agreements; and/or</li> <li>b. informal arrangements or understandings between landowners and local Poutini Ngāi Tahu hapū and/or marae.</li> </ul>
<b>SASM - P12</b>	Where there is a high risk of significant damage to a site of significance to Māori from natural hazards and where the relevant hapū authority is supportive, allow for activities to translocate materials or preserve the taonga tuku iho of the site of significance to Māori.
<b>SASM - P13</b>	Protect and maintain sites and areas of significance to Māori from inappropriate activities by: <ul style="list-style-type: none"> <li>a. ensuring identified sites and areas of significance to Māori are not disturbed, destroyed, removed and/or visually encroached upon; and</li> <li>b. requiring activities on, or in proximity to sites and areas of significance to Māori to avoid adverse effects on cultural, spiritual and/or heritage values, interests or associations of importance to tangata whenua.</li> </ul>
<b>SASM - P15</b>	Restrict buildings, structures, forestry, network utility structures, roading, mining and earthworks on the upper slopes and peaks of ancestral maunga as identified in Schedule xxxx.
<b>SASM - P16</b>	Enable activities in sites and areas of significance to Poutini Ngāi Tahu included in Schedule xxx where the cultural and spiritual values of the site or area are protected. This includes: <ul style="list-style-type: none"> <li>a. Maintenance and restoration;</li> <li>b. Alterations to existing buildings and structures;</li> <li>c. Maintenance and repair or upgrading of existing network utility structures;</li> <li>d. Customary harvest and other cultural practices in accordance with tikanga;</li> <li>e. Small-scale earthworks for burials within an existing urupā;</li> </ul>

	f. Animal grazing where identified values are maintained.
<b>SASM - P17</b>	<p>Only allow subdivision of sites or areas of significance listed in Schedule xxx where it can be demonstrated that:</p> <ol style="list-style-type: none"> <li>The values identified in Schedule xxx are maintained and protected;</li> <li>Sufficient land is provided around the site or area listed Schedule xxx to protect identified values;</li> <li>The remainder of the site is of a size which continues to provide it with a suitable setting to the values identified Schedule xxx; and</li> <li>Practical mechanisms are incorporated to maintain or enhance the ability of Poutini Ngāi Tahu to access and use the site or area of significance for karakia, monitoring, customary activities and ahi kā roa.</li> </ol>
<b>SASM - P18</b>	<p>Only allow any other use and development on sites and areas of significance in Schedule xxx where it can be demonstrated that the identified values of the site or area are protected and maintained, having regard to:</p> <ol style="list-style-type: none"> <li>Whether there are alternative methods, locations or designs that would avoid or reduce the impact on the values associated with the site or area of significance;</li> <li>Outcomes articulated by Poutini Ngāi Tahu through an assessment of environmental effects, cultural impact assessment or iwi planning documents;</li> <li>The potential to enhance the values of the site of significance and the relationship of Poutini Ngāi Tahu with their taonga, appropriate to the scale and nature of the proposal;</li> <li>How values of significance to Poutini Ngāi Tahu, including tikanga, kaitiakitanga and mātauranga Māori may be incorporated; and</li> <li>Any practical mechanisms to maintain or enhance the ability of Poutini Ngāi Tahu to access and use the site or area of significance for karakia, monitoring, customary activities and ahi kā roa.</li> </ol>
<b>SASM - P19</b>	Avoid the demolition or destruction of sites and areas of significance included in <a href="#">Schedule xxx</a> .

## APPENDIX TWO: Key Matters Considered in Developing Rules

### OVERALL APPROACH

1. In terms of Sites of Significance to Māori, some of these will be identified on the Heritage New Zealand Pouhere Taonga (Pouhere Taonga) schedules, although many will not. Those sites which are both archaeological (pre 1900) and are identified to be of significance to Poutini Ngāi Tahu or other iwi, are proposed to be included in the Sites of Significance to Māori. Whether they are also included specifically in the Archaeological Schedule will depend on their archaeological merit. Regardless of whether it is scheduled in TTPP, if a site is deemed an archaeological site, then Pouhere Taonga approval is required for any modification of the site.
2. There is provision for notable trees of cultural significance, and separate papers have been prepared. As for archaeological sites, again a notable tree may well sit within a wider cultural landscape or site. Therefore, it is proposed that culturally significant notable trees be identified in both the Notable Trees section and the Sites of Significance to Māori section.
3. There are many wāhi tapu, wāhi toanga and other sites that are significant to Poutini Ngāi Tahu that are not currently recorded on any Council system. TTPP represents an opportunity to address that.
4. Where there is a desire for information not to be publicly available, it is important that there is a mechanism to ensure that the site is still protected. In these instances, it is propose to adopt the approach used by other Councils of identifying a 200m radius area in the general location of the site to which the rules apply and calling this a wāhi tapu overlay. That is combined with a Permitted Activity – whereby if the hapū certify in writing that the site itself will not be affected, activities can proceed. If the site would be affected, then resource consent would be required.

### DEVELOPMENT OF RULES

5. In terms of development of Rules the major effects which need to be managed depend on the type of Site or Area of Significance. The table below considers the key activities and effects.

Type of Site	Activities with the potential to impact the site's values
Wāhi taonga - Specific locations e.g. pā, kainga, pounamu collection sites, spawning grounds for fish, nesting areas for birds, freshwater springs	<ul style="list-style-type: none"> <li>• Earthworks, Buildings and Structures, forestry<sup>1</sup>, intensive stock grazing, mining, - can all physically damage the site</li> <li>• Subdivision – could divide a site leading to risk of damage by e.g. fencing, associated earthworks and poor management</li> <li>• Damage from natural hazards</li> <li>• Visual encroachment</li> <li>• Wastewater and stormwater management</li> </ul>
Wāhi tapu – sacred sites including: <ul style="list-style-type: none"> <li>• old pa sites, excavations and middens (pā tawhito)</li> <li>• old burial grounds and caves (rua kōiwi and ana tūpāpaku)</li> <li>• places where baptismal rites were performed and repository for placenta (wāhi whenua)</li> <li>• current cemeteries (urupā)</li> </ul>	<ul style="list-style-type: none"> <li>• Earthworks, Buildings and Structures, forestry, intensive stock grazing, mining, - can all physically damage the site</li> <li>• Subdivision – could divide a site leading to risk of damage by e.g. fencing, associated earthworks and poor management:</li> <li>• Vegetation clearance</li> <li>• Vehicle access</li> <li>• Other physical access by non Poutini Ngāi Tahu</li> <li>• Damage from natural hazards</li> <li>• Visual encroachment</li> </ul>

<sup>1</sup> Note that matters of cultural and historical heritage are not subject to the provisions in the National Environmental Standard for Forestry and TTPP is able to regulate forestry in any way deemed appropriate to manage its effects on these activities.

<ul style="list-style-type: none"> <li>• battlefields (wāhi pakanga)</li> <li>• sacred rocks, trees or springs (ngā toka, rakau tapu)</li> <li>• water courses, swamps, lakes and their edges (waipuna, awa, roto)</li> <li>• places imbued with the mana of chiefs or tupuna</li> </ul>	<ul style="list-style-type: none"> <li>• Wastewater and stormwater management</li> </ul>
<p>Mahinga kai sites and locations for taonga species</p>	<ul style="list-style-type: none"> <li>• Earthworks, Buildings and Structures, forestry, intensive stock grazing, mining, - can all physically damage the site</li> <li>• Vegetation clearance (including forestry)</li> <li>• Damage from natural hazards</li> <li>• Wastewater and stormwater management</li> <li>• Subdivision could have positive benefits – e.g. by creating access arrangements for Poutini Ngāi Tahu</li> </ul>
<p>Maunga</p> <ul style="list-style-type: none"> <li>• mountains which embody the creation stories and whakapapa of Poutini Ngāi Tahu</li> </ul>	<ul style="list-style-type: none"> <li>• Buildings, structures, forestry, network utility structures, roading, mining and earthworks on the upper slopes and peaks</li> </ul>
<p>Cultural Landscapes</p>	<p>As above for the specific sites/areas within the cultural landscape but also there is a need for the recognition of the cultural landscape as a living cultural landscape through measures such as:</p> <ul style="list-style-type: none"> <li>• Using wāhi ingoa (original place names)</li> <li>• Recognising Whakapapa (e.g. by use of mana whenua ancestral names)</li> <li>• Retaining views of maunga and specific sites and landmarks of cultural significance in the landscape</li> <li>• Retaining the tradition and values of ara tawhito (traditional trails)</li> <li>• Ensuring iwi/hapū mandated design professionals and artists are engaged in the expression of local narratives and culture in new buildings and structures</li> <li>• Enabling the continuation – or re-engagement with a cultural activities in the location</li> <li>• Application of Mātauranga Māori in decision making around land use, design and location of activities</li> </ul>
<p>Pounamu/Aotea Overlay</p>	<ul style="list-style-type: none"> <li>• Fossicking in rivers and for pounamu and Aotea by other than members of Poutini Ngāi Tahu (in the case of Aotea by other than members of Ngāti Mahaki ki Makaawhio)</li> <li>• Pounamu and Aotea extraction by other than members of Poutini Ngāi Tahu (in the case of Aotea by other than members of Ngāti Mahaki ki Makaawhio)</li> </ul>

6. In developing the draft rules until the work is completed in identifying and categorising sites it is a little uncertain. However as a draft measure it is suggested to adopt a categorisation approach as follows:

- Categorise and identify wāhi tapu, wāhi taonga, mahinga kai and maunga sites in the schedule.
  - Apply the rules to a 50m radius from the marker of the site on the maps (the marker will be placed at the GIS reference for the centre of the site).
  - If this 50m radius does not cover all the site, an area (rather than point locator) will be identified on the map.
  - Where the exact location of a wāhi tapu isn't appropriate to be identified include these within a Wāhi Tapu Caution Overlay – which will cover an area with a general caution.
7. At this stage, without having identified the Cultural Landscapes it is not easy to develop any specific Cultural Landscape provisions and this will need to be undertaken once an understanding of the landscapes and their extent has been gained.



<b>Permitted Activities</b>	
<b>SASM - R1</b>	<b>Grazing of Animals on Sites and Areas in Schedule xxxA - Sites and Areas of Significance to Māori</b>
<b>Activity Status Permitted</b>	<b>Activity status where compliance not achieved: N/A</b>
<b>SASM - R2</b>	<b>Earthworks on Sites and Areas in Schedule xxx - Sites and Areas of Significance to Māori</b>
<b>Activity Status Permitted</b>  1. Where these are earthworks associated with: <ol style="list-style-type: none"> <li>Burials at existing urupā; or</li> <li>Archaeological survey by Heritage New Zealand - Pouhere Taonga or authorised representatives; or</li> <li>Installing fence posts and the replacement of poles for overhead network utility lines provided the area of land disturbed is limited to what is necessary to maintain an existing fence along its existing alignment and does not involve installation or digging of new post holes; or</li> <li>Maintaining roads/tracks within the footprint or modified ground compromised by the existing road/track; and</li> </ol> 2. An Accidental Discovery Protocol commitment has completed and submitted to Council at least 2 weeks prior to the commencement of any earthworks.	<b>Activity status where compliance not achieved: Discretionary</b>
<b>SASM - R3</b>	<b>Demolition, removal of, or alterations to a structure on Sites and Areas in Schedule xxx - Sites and Areas of Significance to Māori</b>
<b>Activity Status Permitted</b> Where: <ol style="list-style-type: none"> <li>No land disturbance is involved;</li> <li>There is no change to the size, location or design of the structures foundation or building footprint occupied by the structure;</li> <li>All Zone Permitted Activity standards are complied with.</li> </ol>	<b>Activity status where compliance not achieved: Restricted Discretionary</b>
<b>SASM - R4</b>	<b>Indigenous vegetation clearance on Sites and Areas in Schedule xxx - Sites and Areas of Significance to Māori</b>

<b>Activity Status Permitted</b>		<b>Activity status where compliance not achieved:</b> Discretionary
Where:  1. This is carried out by Poutini Ngāi Tahu whanui for customary purposes		
<b>SASM - R5</b>	<b>Temporary events on Sites and Areas in Schedule xxx-Sites and Areas of Significance to Māori</b>	
<b>Activity Status Permitted</b>		<b>Activity status where compliance not achieved:</b> Discretionary
Where:  1. These are Poutini Ngāi Tahu cultural events in accordance with tikanga		
<b>SASM - R6</b>	<b>Collection of Pounamu and Aotea by Poutini Ngāi Tahu whanui within the Pounamu - Aotea Overlay</b>	
<b>Activity Status Permitted</b>		
Where: 1. Any collection of Aotea stone is only undertaken by Ngāti Māhaki ki Makaawhio whanui		
<b>Advice Note:</b> Under the Pounamu Vesting Act all pounamu is owned by Poutini Ngāi Tahu		
<b>SASM - R7</b>	<b>Earthworks, Buildings or Structures in the Wāhi Tapu Caution Overlay</b>	
<b>Activity Status Permitted</b>		<b>Activity status where compliance not achieved:</b> Discretionary
Where:  1. Evidence is provided by the person undertaking the activity at least 14 days before the activity will occur of written confirmation from the Ngāi Tahu rūnanga - Ngāti Waewae and/or Ngāti Māhaki ki Makaawhio, that the activity will not impact on any wāhi tapu within the overlay; or 2. The work is in accordance with an Iwi/Hapū Management Plan.		
<b>Controlled Activities</b>		
<b>SASM - R8</b>	<b>Maintenance, Repair and Upgrading of Network Utility Structures on or within 50m of Sites and Areas in Schedule xxx - Sites and Areas of Significance to Māori</b>	

<p><b>Activity Status Controlled</b> Where:</p> <ol style="list-style-type: none"> <li>1. The work is in area that has previously been disturbed by the network utility; and <ol style="list-style-type: none"> <li>a. for the maintenance, repair and upgrading of above ground structures any earthworks involves no more than 0.3m<sup>2</sup> to a maximum depth of 450mm at the base of the above ground structure; and</li> <li>b. for underground structures, a maximum area of 10m<sup>2</sup> or a maximum volume of 5m<sup>3</sup> of land; or</li> </ol> </li> <li>2. The work is installing customer connections to an existing network, provided that any associated earthworks are limited to the extent that is necessary to install the connection; or</li> <li>3. The work is the trimming or removal of trees or vegetation for the purpose of protecting the integrity of a structure or is otherwise undertaken in accordance with the Electricity (Hazards from Trees) Regulations 2003; and</li> <li>4. Evidence is provided by the person undertaking the activity at least 14 days before the activity will occur of written confirmation from the Ngā Tahu rūnanga - Ngāti Waewae and/or Ngāti Māhaki ki Makaawhio, that the activity will not impact on any wāhi tapu within the overlay; and</li> <li>5. All underlying Zone Standards are complied with.</li> </ol> <p><b>Matters of control are:</b></p> <ol style="list-style-type: none"> <li>a. Area and depth of earthworks for above ground structures;</li> <li>b. Area and volume of earthworks for underground structures;</li> <li>c. Extent of earthworks for new customer connections;</li> <li>d. Extent of any vegetation trimming or removal</li> <li>e. Implementation of any advice received from mana whenua on ways to manage the effects on cultural values of the proposed maintenance works.</li> </ol> <p><b>Advice Note:</b> This rule does not apply to the National Grid which is subject to the rules in the NES-Electricity Transmission.</p>	<p><b>Activity status where compliance not achieved:</b> Discretionary</p>
<p><b>SASM - R9      Removal and Reinterment of Kōiwi from sites and areas in Schedule xxx - Sites and Areas of Significance to Māori and within the Wāhi Tapu Caution Overlay</b></p>	
<p><b>Activity Status Controlled</b> Where:</p>	<p><b>Activity status where compliance not achieved:</b> Non Complying</p>

<ol style="list-style-type: none"> <li>1. The site where the kōiwi are located is at significant risk of destruction due to natural hazards.</li> <li>2. Written agreement from the relevant rūnanga and Heritage New Zealand Pouhere Taonga for the relocation of the kōiwi is provided.</li> </ol> <p><b>Matters of control are:</b></p> <ol style="list-style-type: none"> <li>a. Method of kōiwi relocation;</li> <li>b. Relocation site;</li> <li>c. Conditions set by the relevant rūnanga;</li> <li>d. Conditions set by Heritage New Zealand Pouhere Taonga;</li> <li>e. Any relevant matter of tikanga</li> </ol>	
<b>Discretionary Activities</b>	
<b>SASM -R10</b>	<b>Earthworks on or within 50m of Sites and Areas in Schedule xxx - Sites and Areas of Significance to Māori and within the Wāhi Tapu Caution Overlay not meeting Permitted or Controlled Activity Standards.</b>
<p><b>Activity Status Discretionary</b> Where:</p> <ol style="list-style-type: none"> <li>1. These are not located on ancestral maunga or ūrupa identified in Schedule xxxx</li> </ol> <p><b>Notification:</b> Applications for earthworks on sites and areas of significance to Māori will always be notified to the relevant rūnanga and may be publicly notified.</p>	<p><b>Activity status where compliance not achieved:</b> Non-complying</p>
<b>SASM - R11</b>	<b>Buildings and structures on sites and areas in Schedule xxx- Sites and Areas of Significance to Māori and within the Wāhi Tapu Caution Overlay not meeting Permitted or Controlled Activity Standards.</b>
<p><b>Activity Status Discretionary</b> Where:</p> <ol style="list-style-type: none"> <li>1. These are not located on ancestral maunga identified in Schedule xxxx</li> </ol>	<p><b>Activity status where compliance not achieved:</b> Non-complying</p>

<b>Notification:</b> Applications for buildings and structures on sites and areas of significance to Māori will always be notified to the relevant rūnanga and may be publicly notified.		
<b>SASM - R12</b>	<b>Fossicking or mineral extraction of Pounamu or Aotea by anyone other than Poutini Ngāi Tahu whanui in the Pounamu - Aotea Overlay area.</b>	
<b>Activity Status Discretionary</b> Where: <ol style="list-style-type: none"> <li>1. This is in accordance with a Pounamu Management Plan prepared by Ngāti Waewae or Ngāti Māhaki ki Makaawhio; or</li> <li>2. This is in accordance with an Aotea Management Plan prepared by Ngāti Māhaki ki Makaawhio; and</li> <li>3. Written consent for the activity is provided by the relevant hapū authority.</li> </ol> <b>Advice Note:</b> Under the Pounamu Vesting Act all pounamu is owned by Poutini Ngāi Tahu. <b>Notification:</b> Applications for extraction of pounamu or aotea within the Pounamu - Aotea Overlay area will always be notified to the relevant Poutini Ngāi Tahu rūnanga and may be publicly notified.		<b>Activity status where compliance not achieved:</b> Non-complying
<b>SASM - R13</b>	<b>Any Activity not meeting Rules SSAM - R1- R8</b>	
<b>Activity Status Discretionary</b> Where: <ol style="list-style-type: none"> <li>1. These are not activities subject to Rules SSAM - R10 to R12 or SSAM - R14 to R17.</li> </ol> <b>Notification:</b> Applications for activities on sites and areas of significance to Māori will always be notified to the relevant rūnanga and may be publicly notified.		<b>Activity status where compliance not achieved:</b> N/A
<b>Non-complying Activities</b>		
<b>SASM - R14</b>	<b>Destruction or demolition of a site identified in Schedule xxxx - Sites and Areas of Significance to Māori</b>	
<b>Activity Status Non-complying</b>		
<b>Notification:</b> Applications will always be notified to the relevant rūnanga and may be publicly notified.		

<b>SASM - R15</b>	<b>Plantation forestry or planting of shelterbelts or woodlots on or within 50m of sites and areas in Schedule xxx- Sites and Areas of Significance to Māori</b>
<b>Activity Status Non-complying</b>	
<b>Notification:</b> Applications will always be notified to the relevant rūnanga and may be publicly notified.	
<b>SASM - R16</b>	<b>Landfills, waste disposal facilities, hazardous facilities, intensive indoor primary production, wastewater treatment plants or disposal facilities, new cemeteries or crematoria on or within 50m of sites and areas in Schedule xxx- Sites and Areas of Significance to Māori</b>
<b>Activity Status Non-complying</b>	
<b>Notification:</b> Applications will always be notified to the relevant rūnanga and may be publicly notified.	
<b>SASM - R17</b>	<b>Any activity not meeting the Permitted, Controlled or Discretionary Activity rules on or within 50m of sites and areas in Schedule xxx - Sites and Areas of Significance to Māori.</b>
<b>Activity Status Non-complying</b>	
<b>Notification:</b> Applications will always be notified to the relevant rūnanga and may be publicly notified.	
<b>Prohibited Activities</b>	
<b>SASM - R18</b>	<b>Fossicking or mineral extraction of Pounamu or Aotea by anyone other than Poutini Ngāi Tahu whanui in the Pounamu - Aotea Overlay area not meeting Rule SSAM - R12</b>
<b>No application for resource consent will be accepted for this activity</b>	



# 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: 25 May 2021  
Subject: **Technical Update - Signs Provisions**

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## **SUMMARY**

This report gives an update on the technical work being undertaken on the objectives, policies and rules for Signs in Te Tai o Poutini Plan.

Signs are a District-Wide Matter and are currently extensively regulated by the three West Coast Councils. Considerable feedback has been provided by staff and stakeholders around deficiencies in the current rules.

The proposed objectives policies and rules provide a simplified approach to management of signs within Te Tai o Poutini Plan.

## **RECOMMENDATIONS**

1. That the Committee receive the report
2. That the Committee provide feedback on the proposed objectives, policies and rules for Signs.

## INTRODUCTION

1. This report gives an update on the technical work being undertaken on the objectives, policies and rules for Signs in Te Tai o Poutini Plan.
2. Signs are a District-Wide Matter and are currently extensively regulated by the three West Coast Councils. Considerable feedback has been provided by staff and stakeholders around deficiencies in the current rules.

## CONTEXT

3. Signs are important for wayfinding and identification of services and activities within the West Coast communities, and generally should be enabled in appropriate locations.
4. Signs also create the opportunity to enhance the environment and community wellbeing of the West Coast – for example the use of interpretation signs for significant locations and bilingual Māori/English signs to recognise original Poutini Ngāi Tahu names of areas, as well as being ways for local communities to reinforce their identity.
5. In terms of the effects of signs on the environment these fall into two main categories:
  - Effects on visual amenity, including landscape values
  - Effects on safety – particularly road safety
6. The current District Plans take a relatively heavy-handed approach to regulation of signs – reflecting common practice in first generation plans. However, staff, community and elected member feedback has been that there is unnecessary regulation around some matters. Unenforced non-compliance of the existing signs rules appears to be substantial in most of the West Coast – presumably no action has been taken on this because of the absence of environmental effects or complaints.
7. Appendix One contains a more detailed analysis of the matters considered when drafting Objectives, Policies and Rules for Signs.

## DRAFT OBJECTIVE AND POLICIES

8. Signs are a relatively simple matter, and the main focus of their management is outlined in the simple proposed draft Objective and Policies below.

**Objective 1:** Signs contribute to the social, cultural and economic wellbeing of the West Coast while:

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.

**Policy 1:** Enable a diversity of sign types that provide for effective communication of government, business and community information whilst maintaining public safety, access needs and the overall character of the area.

**Policy 2:** 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.

**Policy 3:** Ensure that signs do not adversely affect traffic safety of motorists, cyclists, pedestrians and other road users, or obstruct roads or footpaths.

**Policy 4:** Enable temporary signage subject to meeting basic activity and built form standards.

**Policy 5:** 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.

**Policy 6:** To support the use of bilingual signage and the use of traditional Poutini Ngāi Tahu place names within the District.

## DRAFT RULES



9. Draft rules have been developed with the general approach to signs being a lot less onerous than the current, quite complex framework in the three existing district plans. An overarching principle has been that in the scheme of things signs don't have huge environmental effects so breaches of the Permitted standards are generally restricted discretionary – or at most discretionary activities.
10. The draft Rules have also been simplified with a range of generic "All Zone" rules at the front of the chapter. This includes footpath signs and verandah signs.
11. Taking on board feedback from stakeholders there is also a new category of sign identified and defined – Community sign.

**Community Sign** means a sign erected by a community recreational, sporting, cultural, safety, health, welfare, environmental, educational or worship group which relates to the purpose of the group.

12. A summary of the key draft rules is provided in the tables below. The full draft Rules are contained in Appendix Two.

### Permitted Activities

Activity	Proposed Signs Rule
General Performance Standards all Signs must meet	<ul style="list-style-type: none"> <li>• Detailed provisions aimed principally at ensuring road safety and avoidance of hazards</li> </ul>
All Zone Permitted Activities	<ul style="list-style-type: none"> <li>• Official Signs</li> <li>• Temporary Signs for community events, construction, real estate, electioneering – 1 sign per road frontage/site, 3m<sup>2</sup></li> <li>• Community signs – 1 sign per road frontage per site, 2m<sup>2</sup></li> <li>• Signs not visible from a road/public space/neighbour</li> <li>• Interpretation signs - 1 sign per road frontage/site, 3m<sup>2</sup></li> <li>• Footpath signs – clear of pedestrians and not left out overnight</li> <li>• Verandah signs -with detailed specifications</li> </ul>
Signs in the Māori Purpose Zone	<ul style="list-style-type: none"> <li>• Where approved by the relevant Rūnanga</li> </ul>
Signs in the Airport Zone	<ul style="list-style-type: none"> <li>• Signs erected by the airport controlling authority for the purpose of the zone</li> </ul>
Signs in the Residential Zone and Settlement Zone – Coastal Precinct	<ul style="list-style-type: none"> <li>• Relates to an activity on the site</li> <li>• 1 sign per site, 1m<sup>2</sup></li> </ul>
Signs in the Settlement Zone	<ul style="list-style-type: none"> <li>• Relates to an activity on the site</li> <li>• 1 sign per site, 2m<sup>2</sup></li> </ul>
Signs in the General Rural, Rural Lifestyle, Future Urban and Buller Coalfield Zones	<ul style="list-style-type: none"> <li>• Relates to an activity on the site</li> <li>• 1 sign per road frontage per site, 2m<sup>2</sup></li> </ul>
Signs in any Open Space and Recreation Zone and Stadium Zone	<ul style="list-style-type: none"> <li>• The sign is ancillary to a conservation, recreation or community activity; or</li> <li>• The sign is for commercial sponsorship of a recreation activity and will not be visible beyond the site.</li> </ul>

Signs in Commercial, Industrial, Port Zones and Settlement Centre Precinct	<ul style="list-style-type: none"> <li>• Relates to an activity on the site</li> <li>• Where attached to a building max 10% of the building façade or 3m<sup>2</sup></li> </ul>
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**Key Activities Requiring Resource Consent**

<b>Activity</b>	<b>Summary of draft Sign Rule</b>
Signs not meeting the Permitted Activity Standards except in Residential Zones, Coastal Settlement Precinct or in a Scheduled Feature	Restricted Discretionary
Signs not meeting Permitted Activity Standards in Residential Zones, Coastal Settlement Precinct and Scheduled Features	Discretionary

**NEXT STEPS**

13. This paper outlines the draft Objectives, Policies and Rules for Signs. The next step will be consultation with key stakeholders.

## **APPENDIX ONE: KEY MATTERS CONSIDERED IN DRAFTING OBJECTIVES, POLICIES AND RULES**

### **Current Plan Provisions**

1. The plan provisions of the three Plans have been reviewed and can be summarised as follows.
2. Only Grey has a specific Issue and Objective for Signs as well as specific Policies and Rules
3. Westland has two specific policies as part of its wider Amenity Policy set as well as specific Rules
4. Buller has specific Rules only
5. Rules across the three Plans are relatively different.
6. Buller has a very complex set of Permitted Activity standards, and an extensive rule suite including Non-Complying and Prohibited Activities
7. Westland is at the other end of the spectrum with a relatively simple (and wide) set of Permitted Activity standards, otherwise signs are Discretionary
8. Grey also has a more detailed set of Permitted Activity standards otherwise signs are Discretionary.
9. Overall Buller's rules appear the most restrictive and Westland's the most permissive.
10. The main commonalities across the three plans are around:
  - Official/regulatory signs as a Permitted Activity
  - Temporary signs as a Permitted Activity
  - Strong restrictions on signs in residential areas
  - Least restrictive in industrial and commercial areas
  - Detailed standards around verandah signs in commercial areas (though these are all slightly different)
11. Strong emphasis on road safety and meeting NZTA requirements for signs near roads

### **Approaches in Other Plans**

12. The approaches taken in other Plans have been reviewed. It is fair to say that they vary wildly although most plans do have extensive rules for signs. A key common approach is that there are a range of signs and matters which apply across the district, then specific signs standards for each zone.

### **Appropriate Scale of Regulation**

13. In light of the feedback from staff, elected members and the community careful consideration is needed about the scale of regulation for signs. Given the actual environmental effects of signs relate primarily to amenity, in many locations the use of Non-Complying and even Discretionary activities may be a sledgehammer to crack a nut.
14. Te Tai o Poutini Planning staff have seen many signs in towns, settlements and rural areas which breach Permitted Activity standards, where it seems unlikely that they will have had a resource consent. Presumably this is because they have not caused a significant loss of amenity, particularly when compared with other issues which are less stringently regulated in these locations.
15. There is also the issue of regulatory parity. Signs are a relatively minor activity and so to require a complex and onerous consent where this is not required for other activities that could have significant adverse effects is inappropriate. For example, in the rural areas of Grey, no resource consent is required for a wide range of activities – yet a sign 2.5m<sup>2</sup> is a Discretionary Activity. In all three districts many activities, which could impact on Matters of National Importance, are currently lightly regulated compared with signs.
16. The places where amenity is most likely to be substantially affected by signs (such as residential and commercial areas – and perhaps outstanding landscapes) do warrant more restrictive regulation but provided there is not an overwhelming proliferation of signs a more enabling approach to signs is considered appropriate.

## Permitted Activities - All Zones

### SIGN - R1

### General Permitted Activity Performance Standards

#### Where the Activity Status is Permitted

All signs must:

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;
5. Not resemble or be likely to be confused with any traffic sign or signal;
6. Not have:
  - a. reflective materials,
  - b. flashing, revolving or intermittent light,
  - c. sound effects, or
  - d. animated, trivisual, inflatable or aerial components;
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;
8. Comply with the height requirements for buildings in the relevant zone;
9. Not be of a colour or size which could be confused with a traffic signal;
10. Comply with the following minimum lettering size:
  - a. 100mm where facing any road with a posted speed limit of <50 kph
  - b. 150mm where facing any road with a posted speed limit of 50-70 kph
  - c. 175 mm where facing any road with a posted speed limit of 71-80 kph
  - d. 200mm where facing any road with a posted speed limit of >80 kph; and
11. Comply with the following separation distances between signs where these are located within 10 metres of a road:
  - a. 60m separation distances between signs facing a road with a posted speed limit of <70kph
  - b. 70m separation distances between signs facing a road with a posted speed limit of 71-80 kph
  - c. 80m separation distances between signs facing a road with a posted speed limit of >80 kph.

**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.

### SIGN - R2

### Traffic and Railway Signs

<p><b>Activity Status Permitted</b> Where:</p> <ol style="list-style-type: none"> <li>1. The sign is required by NZTA - Waka Kotahi and is located within a road reserve; or</li> <li>2. The sign is required by NZ Railways Corporation/Kiwirail and is located within a rail corridor; or</li> <li>3. The sign is required by the Council and is located within a road reserve or road corridor for a formed legal road.</li> </ol>	<p><b>Activity status where compliance not achieved:</b> Controlled</p>
<p><b>SIGN - R3      Official Signs</b></p>	
<p><b>Activity Status Permitted</b> Where:</p> <ol style="list-style-type: none"> <li>1. The sign is required to meet legislative requirements such as health and safety legislation; or</li> <li>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</li> <li>3. General performance standards of Rule SIGN - R1 are met.</li> </ol>	<p><b>Activity status where compliance not achieved:</b> Controlled</p>
<p><b>SIGN - R4      Temporary Signs</b></p>	
<p><b>Activity Status Permitted</b> Where:</p> <ol style="list-style-type: none"> <li>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</li> <li>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</li> <li>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</li> <li>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</li> <li>5. These are for electioneering 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</li> <li>6. There is a maximum of one sign per road frontage per site;</li> <li>7. The maximum sign face area is 3m<sup>2</sup>;</li> <li>8. The maximum height from ground level is 4m; and</li> <li>9. All performance standards for Rule SIGN - R1 are met.</li> </ol>	<p><b>Activity status where compliance not achieved:</b> Restricted Discretionary</p>
<p><b>SIGN - R5      Community Signs</b></p>	
<p><b>Activity Status Permitted</b> Where:</p> <ol style="list-style-type: none"> <li>1. There is a maximum of one sign per road frontage per site;</li> </ol>	<p><b>Activity status where compliance not achieved:</b> Restricted Discretionary</p>

<ol style="list-style-type: none"> <li>2. The maximum sign face area is 2m<sup>2</sup>;</li> <li>3. The maximum height measured from ground level is 4m; and</li> <li>4. All performance standards for Rule SIGN - R1 are met.</li> </ol>	
<b>SIGN - R6</b> <b>Signs not visible from a road, publicly accessible space, or adjacent Residential, Settlement or Open Space Zone</b>	
<b>Activity Status Permitted</b> Where: <ol style="list-style-type: none"> <li>1. These are located on private land; or</li> <li>2. These are located indoors.</li> </ol>	<b>Activity status where compliance not achieved:</b> N/A
<b>SIGN - R7</b> <b>Interpretation signs on the site of an identified feature</b>	
<b>Activity Status Permitted</b> Where: <ol style="list-style-type: none"> <li>1. The maximum sign face area of each sign is 3m<sup>2</sup>;</li> <li>2. The maximum sign height measured from ground level is 4m; and</li> <li>3. Performance standards for Rule SIGN - R1 are met.</li> </ol> <b>Advice Note:</b> 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.	<b>Activity status where compliance not achieved:</b> Restricted Discretionary
<b>SIGN - R8</b> <b>Footpath Signs Where these are not Regulated by a District Council Bylaw</b>	
<b>Activity Status Permitted</b> Where: <ol style="list-style-type: none"> <li>1. The sign is placed on the footpath immediately in front of the premises to which it relates;</li> <li>2. A consistent 2m wide clear space for pedestrians on the footpath is maintained;</li> <li>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;</li> <li>4. The sign is not displayed or attached to any public structure or traffic control device in a public place; and</li> <li>5. Performance standards for Rule SIGN - R1 are met.</li> </ol> <b>Advice Note:</b> Where a District Council Bylaw regulating Footpath Signs is in effect, then the Plan provisions in relation to Footpath Signs do not apply.	<b>Activity status where compliance not achieved:</b> Restricted Discretionary
<b>SIGN - R9</b> <b>Verandah Signs</b>	
<b>Activity Status Permitted</b> Where: <ol style="list-style-type: none"> <li>1. The sign is under the verandah, on top of the verandah or within the verandah fascia;</li> <li>2. The sign relates to an activity occurring on the site;</li> <li>3. Performance standards for Rule SIGN - R1 are met;</li> </ol>	<b>Activity status where compliance not achieved:</b> Restricted Discretionary

<p>4. There is a maximum of one under-verandah sign, one verandah fascia sign and one above verandah sign per premises per road frontage;</p> <p>5. Any under-verandah sign must:</p> <ol style="list-style-type: none"> <li>provide a clearance of at least 2.5m from the footpath to the bottom of the sign;</li> <li>have a maximum height of 0.6m and a maximum depth of 0.25m;</li> <li>be setback 0.5m from the kerb of the road; and</li> <li>be mounted at right angles to the kerblines.</li> </ol> <p>6. Any sign on a verandah fascia must be contained entirely within the verandah fascia;</p> <p>7. Any sign above the verandah must:</p> <ol style="list-style-type: none"> <li>Not exceed 1.2m in height above the fascia;</li> <li>Not project beyond the face of the verandah; and</li> <li>Be setback 0.5m from the kerb of the road</li> </ol>	
<b>Permitted Activities - Specific Zones</b>	
<b>SIGN - R8 Signs in the Māori Purpose Zone</b>	
<p><b>Activity Status Permitted</b></p> <p>Where:</p> <ol style="list-style-type: none"> <li>These are erected with the approval of the relevant Poutini Ngāi Tahu Rūnanga; and</li> <li>Performance standards for Rule SIGN - R1 are met.</li> </ol>	<p><b>Activity status where compliance not achieved:</b> Restricted Discretionary</p>
<b>SIGN - R9 Signs within the Airport Zone</b>	
<p><b>Activity Status Permitted</b></p> <p>Where:</p> <ol style="list-style-type: none"> <li>These are erected by the airport/aerodrome/heliport controlling authority and relate to the purpose of the zone; and</li> <li>Performance standards for Rule SIGN - R1 are met.</li> </ol>	<p><b>Activity status where compliance not achieved:</b> Restricted Discretionary</p>
<b>SIGN - R10 Signs in Residential Zones</b>	
<p><b>Activity Status Permitted</b></p> <p>Where:</p> <ol style="list-style-type: none"> <li>The sign is located in the General Residential, Medium Density Residential or Low Density Residential Zone;</li> <li>The sign relates to an activity occurring on the site;</li> <li>There is a maximum of one sign per site;</li> <li>There is a maximum sign face of 1m<sup>2</sup>; and</li> <li>Performance standards for Rule SIGN - R1 are met.</li> </ol>	<p><b>Activity status where compliance not achieved:</b> Discretionary</p>
<b>SIGN - R11 Signs in the Settlement Zone</b>	

<p><b>Activity Status Permitted</b></p> <p>Where:</p> <ol style="list-style-type: none"> <li>1. This is not located in a Settlement Centre Precinct or a Coastal Settlement Precinct</li> <li>2. The sign relates to an activity occurring on the site or an adjoining site;</li> <li>3. There is a maximum of one sign per site;</li> <li>4. There is a maximum sign face of 2m<sup>2</sup>; and</li> <li>5. Performance standards for Rule SIGN - R1 are met.</li> </ol>	<p><b>Activity status where compliance not achieved:</b> Restricted Discretionary</p>
<p><b>SIGN - R12 Signs in the Settlement Zone - Coastal Settlement Precinct</b></p>	
<p><b>Activity Status Permitted</b></p> <p>Where:</p> <ol style="list-style-type: none"> <li>1. The sign relates to an activity occurring on the site;</li> <li>2. There is a maximum of one sign per site;</li> <li>3. There is a maximum sign face of 1m<sup>2</sup>; and</li> <li>4. Performance standards for Rule SIGN - R1 are met.</li> </ol>	<p><b>Activity status where compliance not achieved:</b> Discretionary</p>
<p><b>SIGN - R13 Signs in the General Rural Zone, Rural Lifestyle Zone, Future Urban Zone and Buller Coalfield Zone</b></p>	
<p><b>Activity Status Permitted</b></p> <p>Where:</p> <ol style="list-style-type: none"> <li>1. The sign relates to an activity occurring on the site or an adjoining site;</li> <li>2. There is a maximum of one sign per road frontage of the site;</li> <li>3. There is a maximum sign face of 2m<sup>2</sup>; and</li> <li>4. Performance standards for Rule SIGN - R1 are met.</li> </ol>	<p><b>Activity status where compliance not achieved:</b> Restricted Discretionary</p>
<p><b>SIGN - R14 Signs in any Open Space and Recreation Zone or the Stadium Zone</b></p>	
<p><b>Activity Status Permitted</b></p> <p>Where:</p> <ol style="list-style-type: none"> <li>1. The sign is located in the Open Space Zone, Natural Open Space Zone, Sport and Active Recreation Zone or Stadium Zone; and</li> <li>2. The sign is ancillary to a conservation, recreation or community activity; or</li> <li>3. The sign is for commercial sponsorship of a recreation activity and will not be visible beyond the site; and</li> <li>4. Performance standards for Rule SIGN - R1 are met.</li> </ol>	<p><b>Activity status where compliance not achieved:</b> Restricted Discretionary</p>
<p><b>SIGN - R15 Signs in Commercial or Industrial Zones, the Port Zone or a Settlement Centre Precinct</b></p>	
<p><b>Activity Status Permitted</b></p> <p>Where:</p> <ol style="list-style-type: none"> <li>1. Signs must relate to an activity occurring on the site;</li> <li>2. Signs are not directed towards residential or rural areas;</li> </ol>	<p><b>Activity status where compliance not achieved:</b> Restricted Discretionary</p>



<p>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 3m<sup>2</sup>, whichever is the lessor; and</p> <p>4. Performance standards for Rule SIGN - R1 are met.</p>	
<b>Controlled Activities</b>	
<b>SIGN - R16</b>	<b>Traffic and railway signs and Official signs not meeting Rule SIGN - R1 or SIGN - R3</b>
<p><b>Activity Status Controlled</b></p> <p><b>Matters of control are:</b></p> <ol style="list-style-type: none"> <li>The location of the sign;</li> <li>The size and height of the sign; and</li> <li>The management of effects on road and footpath user safety.</li> </ol>	<p><b>Activity status where compliance not achieved:</b> N/A</p>
<b>Restricted Discretionary Activities</b>	
<b>SIGN - R17</b>	<b>Signs which do not meet Permitted Activity standards not subject to Rule SIGN - R16.</b>
<p><b>Activity Status Restricted Discretionary</b></p> <p>Where:</p> <ol style="list-style-type: none"> <li>The sign is not located in a General Residential, Medium Density Residential, Low Density Residential Zone or a Coastal Settlement Precinct; and</li> <li>The sign is not located in, on or within a Scheduled Natural or Cultural feature identified in Schedules 1 - 6.</li> </ol> <p><b>Discretion is restricted to:</b></p> <ol style="list-style-type: none"> <li>The location of the sign;</li> <li>The design materials and appearance of the sign and/or support structure and their effects on visual amenity;</li> <li>The size and height of the sign;</li> <li>For temporary signs, the length of time the sign is in place;</li> <li>Effects on road and footpath user safety; and</li> <li>The relationship of the sign with existing signage on the site and in the surrounding area.</li> </ol>	<p><b>Activity status where compliance not achieved:</b> Discretionary</p>
<b>Discretionary Activities</b>	
<b>SIGN - R18</b>	<b>Signs which do not meet Permitted Activity standards and are located in a Residential Zone</b>
<p><b>Activity Status Discretionary</b></p> <p>Where:</p>	<p><b>Activity status where compliance not achieved:</b> N/A</p>

1. The sign is located within a General Residential Zone, Medium Density Residential Zone or Low Density Residential Zone		
<b>SIGN - R19</b>	<b>Signs which do not meet Permitted Activity standards and are located in a Coastal Settlement Precinct.</b>	
<b>Activity Status Discretionary</b>		<b>Activity status where compliance not achieved:</b> N/A
<b>SIGN - R20</b>	<b>Signs which do not meet Permitted Activity standards and are located in, on or within a Scheduled Feature located in Schedules 1-6.</b>	
<b>Activity Status Discretionary</b>		<b>Activity status where compliance not achieved:</b> N/A
<b>Notification:</b> Applications for signs on sites and areas of significance to Māori will always be notified to the relevant rūnanga and may be publicly notified.		



# 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: 25 May 2021  
Subject: **Technical Update – Mineral Extraction – Approach and Rules**

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## **SUMMARY**

This report gives an update on the technical work being undertaken on Mineral Extraction provisions in the Plan – the overall approach and the draft Rules for the different Zones.

The Committee first discussed the approach in May 2020, reviewed draft Strategic Objectives for Mineral Extraction in October 2020, and has considered draft Objectives and Policies for the Mineral Extraction Zone and Buller Coalfield Zone in January and May 2021 respectively.

Because this is a matter of significant interest to the Committee, this report reconsiders the approach to Mineral Extraction and seeks confirmation of the direction of the Committee. It also outlines draft Rules for mineral extraction in Te Tai o Poutini Plan.

## **RECOMMENDATIONS**

1. That the Committee receive the report
2. That the Committee confirm that it wishes to proceed with including a Mineral Extraction Zone in Te Tai o Poutini Plan.
3. That the Committee confirm whether it wishes to include a Paparoa Coalfield Zone in Te Tai o Poutini Plan.
4. That the Committee confirm the approach it would like to take with the Ross Goldfield in Te Tai o Poutini Plan.
5. That the Committee provide feedback on the draft Rules for Mineral Extraction.

Lois Easton  
**Principal Planner**

## **INTRODUCTION**

1. This report gives an update on the technical work being undertaken on Mineral Extraction provisions in the Plan – the overall approach and the draft Rules for the different Zones.
2. The Committee first discussed the approach in May 2020, reviewed draft Strategic Objectives for Mineral Extraction in October 2020, and has considered draft Objectives and Policies for the Mineral Extraction Zone and Buller Coalfield Zone in January and May 2021 respectively.
3. The management of mineral extraction is an important strategic matter for Te Tai o Poutini Plan (TTPP). However it must be recognised that the role of TTPP in regulating mineral extraction is relatively small, as there are many layers of regulation which sit over the minerals sector.

## **CURRENT PROPOSED APPROACH**

4. The current proposed approach to Mineral Extraction filters down from the strategic importance of this activity to the West Coast. A specific Buller Coalfield Zone is proposed (encompassing the hard coking coal mines on the Stockton and Denniston Plateaux) as well as a region-wide Mineral Extraction Zone encompassing specific spatial locations of mining and quarrying activity across the West Coast. Alongside this, provisions for mineral extraction will also be provided in other parts of the Plan, recognising that the mineral resources of the West Coast are widespread and not confined to a small number of locations.

## **MERITS OF PROPOSED APPROACH**

5. During the course of consultation with stakeholders around the proposed approach it is clear that there are differing views on the merits of having specific zones for Mineral Extraction.
6. Staff have proposed separate zones principally because:
  - a. The Stockton Mine is over 1000 ha in size and has a wide range of activities occurring which would make it difficult to set an appropriate framework for management of consenting the activities within the General Rural Zone;
  - b. The Committee has provided direction that it seeks to enable mineral extraction and that, where possible, Permitted Activities should be considered. A Permitted Activity framework for many aspects of mineral extraction is difficult to achieve in the General Rural (and other) Zones because of the potential impact on other activities (e.g. residential dwellings) that are already provided for within these Zones;
  - c. Inclusion of specific zones aids as a method to reduce reverse sensitivity issues for the sector.
7. There is no doubt that mineral extraction is likely to be a contentious issue. There are some minerals sector stakeholders who think that having a separate zone, will draw attention to the provisions and result in a greater level of scrutiny.
8. These stakeholders seek an approach of very permissive provisions for mineral extraction to be located within the General Rural Zone, something that staff believe will be difficult to defend given the range of other stakeholders and activities occurring in this zone.
9. Staff also consider that regardless of what section of the Plan the minerals extraction provisions are found in, they will be subject to a high degree of scrutiny from stakeholders of all views that are interested in these matters.

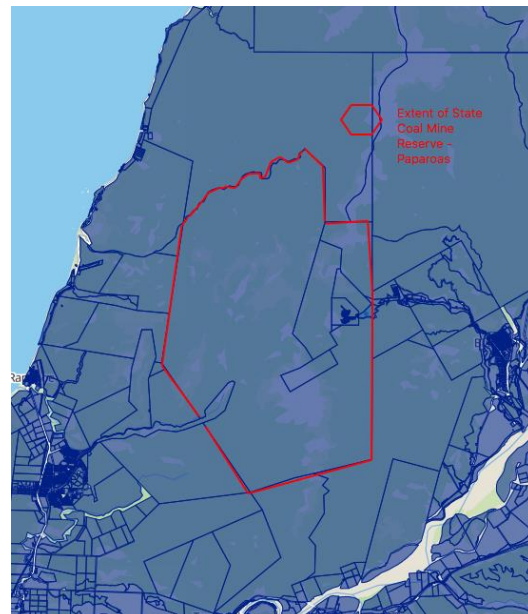
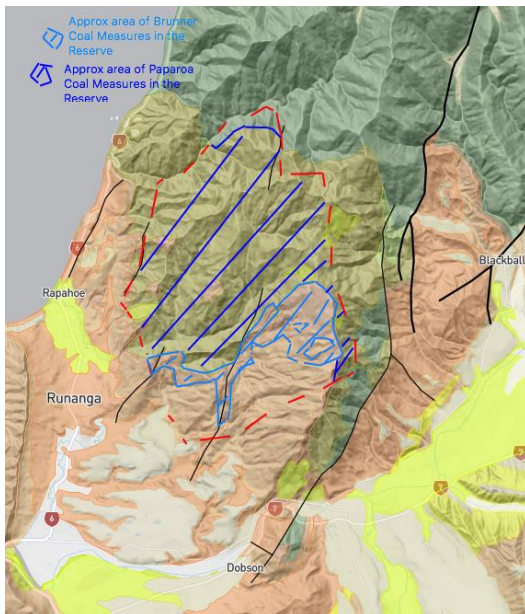
## **PAPAROA COALFIELD AND ROSS GOLDFIELD**

10. Members of the Committee have also requested staff consider two specific minerals locations within the provisions.

### Paparoa Coalfield

11. The Paparoa Coalfield is largely confined within land set aside last century for coal mining as a Coal Mining Reserve. This area is shown on the map below and is a

substantial vegetated area of the Paparoa Range. The area is made up of a combination of Paparoa Coal Measures, and the lower grade Brunner Coal measures, although about 20% of the area does not have any significant coal resource within it.



12. Because both the Coal Mining Reserve land tenure and the extent of coal measures within have a clear statutory and spatial basis, the inclusion of a separate Paparoa Coalfield Zone with similar provisions to the Buller Coalfield Zone, would be relatively easily included within the framework of Te Tai o Poutini Plan.
13. Staff have considered the best approach (combine with the Buller Coalfield or have a separate Zone) and consider that because the area is within Grey District and quite different from the Stockton operation that a separate Zone would be most appropriate – a Paparoa Coalfield Zone.

#### Ross Goldfield

14. The Ross Goldfield covers a wide area centred on the Ross township. The area is subject to a large number of different land ownerships and land owners, made up principally of farmland and the Ross settlement. At various times different parts of the goldfield have been mined, and currently there is a substantive operation being undertaken by Birchfield Minerals.
15. Staff have made enquiries with the minerals sector in order to be able to identify a defined boundary for the goldfield. They have been advised that no definitive map is available which identifies the detailed location of the goldfield – and that such information is also potentially commercially sensitive.
16. Without a clear boundary it is not possible to include specific provisions for the Ross goldfield, or include it in a separate zone.
17. If a verified boundary of the goldfield is able to be provided, then staff have considered how the zoning could be managed. A key issue for the goldfield is that there are a number of land ownerships and activities (rural and settlement as well as heritage components) existing within the goldfield. These would need to be provided for within any Plan provisions – and the approximately 300 existing landowners and residents views on such a zoning would be very relevant. Feedback from the Ross community drop in did identify concerns about negative amenity effects of the existing mining at Ross.
18. Given these matters, staff don't believe that the same approach to fixed location mines and quarries proposed for the Mineral Extraction Zone would be appropriate. Instead it is suggested that the area could be identified as a Multi-Zone Precinct

(sub-zone) within the General Rural Zone and Settlement Zone. Provisions could potentially be more enabling of gold mining specifically within the Precinct – however because of the number and type of potentially affected landowners, there would still need to be safeguards to ensure that amenity was maintained for residents.

## **PROPOSED DRAFT RULES FOR MINERAL EXTRACTION– BULLER COALFIELD, MINERAL EXTRACTION ZONE AND GENERAL RURAL ZONE**

19. The Technical Team have been working through potential draft Rules for the three Zones, based on the current proposed approach. Even if the Committee decides to change approach, staff felt it was useful to include these for the Committee review in this report, as it helps illustrate the implications of a separate zoning approach. The key matters considered when developing the draft Rules are outlined in Appendix One.
20. Table One below sets out the rule framework across each of the three proposed zone. The full draft rules are attached at Appendix Two. While there are many provisions that are the same, the differences reflect the different environments in which the zones are located.

### Buller Coalfield Zone/Mineral Extraction Zone

21. Essentially in the Buller Coalfield Zone and Mineral Extraction Zone mineral extraction and processing is proposed to be a Permitted Activity where mineral extraction is currently occurring – even where this is operating under a Coal Mining Licence, rather than a resource consent. This effectively cements the existing use rights of those minerals operations into the Plan and will mean they would not require TPPP resource consents when the Coal Mining Licences expire.
22. In these two zones it is also proposed that expanding mineral extraction beyond the current footprint where this is outside of sensitive areas would be a Controlled Activity (i.e. consent must be granted).
23. The rules in the Buller Coalfield Zone are slightly different to the Mineral Extraction Zone, reflecting the scale of the activity.

### General Rural Zone

24. In the General Rural Zone staff have developed a Permitted Activity which should enable small scale mineral extraction (e.g., some black sand and alluvial mining) to be undertaken without a TPPP resource consent. This is considerable relaxation of the current rules in Westland and Buller (where all mineral extraction and some mineral prospecting requires a resource consent) and care has been taken to limit the risks to the environment and of reverse sensitivity issues arising.
25. Staff have also included a Controlled Activity rule in the General Rural Zone for sites that have previously been mined. However, this will require a detailed schedule (and map) to be prepared. At this stage staff have been advised by some parts of the minerals sector that there may not be sufficiently accurate information to populate this schedule.
26. Other than these two exceptions, mineral extraction would be a Restricted Discretionary Activity outside of sensitive areas and a Discretionary Activity in sensitive locations. This, while worded differently, is very similar to the current situation in Buller and Westland, and in relation to sensitive areas (e.g. Significant Natural Areas, Outstanding Natural Landscapes) is similar to the current approach in Grey.
27. It should be noted that other Zones are likely to be locations where Mineral Extraction may occur (e.g. Open Space Zone, Settlement Zone, Industrial Zone) however these rules are proposed to largely the same as the General Rural Zone rules.
28. The rules rely on several key definitions outlined below:

**Mineral prospecting**

- a. means any activity undertaken for the purpose of identifying land likely to contain mineral deposits or occurrences; and
- b. includes the following activities:
  - i. geological, geochemical, and geophysical surveying;
  - ii. aerial surveying;
  - iii. taking samples by hand or hand held methods; and
  - iv. taking small samples offshore by low-impact mechanical methods.

29. This is the same definition as in the Crown Minerals Act

**Mineral exploration**

*means any activity undertaken for the purpose of identifying mineral deposits or occurrences and evaluating the feasibility of mining particular deposits or occurrences of 1 or more minerals; and includes any drilling, dredging, or excavations (whether surface or subsurface) that are reasonably necessary to determine the nature and size of a mineral deposit or occurrence.*

30. This is the same definition as in the Crown Minerals Act

**Mineral extraction and processing**

*means the excavation, blasting, processing (crushing, screening, washing and blending), storage and distribution of mineral products and includes ancillary activities such as earthworks, landscaping and rehabilitation works and treatment of stormwater and wastewater, together with ancillary buildings and structures, maintenance and repair and vehicle movements within the mineral extraction site.*

31. This is a modification of the Waikato definition. It includes the ancillary activity undertaken to support mining which is both enabling for the zone and also protective for surrounding community in terms of capturing all effects of the activity.

	<b>Buller Coalfield Zone</b>	<b>Mineral Extraction Precinct</b>	<b>General Rural Zone</b>
<b>Mineral Prospecting and Exploration</b>	Permitted subject to standards Controlled <ul style="list-style-type: none"> <li>where Permitted Activity Standards are not met</li> </ul>	Permitted subject to standards Controlled <ul style="list-style-type: none"> <li>where Permitted Activity Standards are not met</li> </ul>	Permitted subject to standards Controlled <ul style="list-style-type: none"> <li>where Permitted Activity Standards are not met</li> </ul>
<b>Mineral Extraction and processing</b> Includes all earthworks and vegetation clearance associated with the mineral extraction and processing activity	Permitted in areas that are being mined identified in Schedule xxx subject to performance standards including <ul style="list-style-type: none"> <li>requiring a detailed Management Plan (meeting the requirements of Schedule xxx) to be provided within 12 months of notification of the Plan</li> <li>requiring an Annual work plan to be submitted to Council</li> <li>requiring stakeholder liaison committee</li> <li>requiring a detailed rehabilitation plan to be provided within 12 months of notification</li> <li>a bond being in place</li> </ul>	Permitted in areas that are being mined as of date of notification of the Plan (identified in Schedule xxx) subject to performance standards including <ul style="list-style-type: none"> <li>requiring a detailed Management Plan to be provided within 12 months of notification</li> <li>requiring a detailed rehabilitation plan to be provided within 12 months of notification</li> <li>requiring an Annual work plan to be submitted to Council</li> <li>hours of operation limited to 7am to 10pm</li> <li>a bond being in place</li> </ul>	Permitted where this is <ul style="list-style-type: none"> <li>gold fossicking</li> <li>notified to the Council at least 20 days prior to undertaking the activity</li> <li>undertaken for less than 60 days per 12 month period; or</li> <li>disturbance or removal of less than 20,000 m3 of material within a 12 month period;</li> <li>progressive rehabilitation of the mined area so that disturbance is limited to no more 2ha at any one time;</li> <li>no stockpiles within 20m of property boundary;</li> <li>max stockpile height of 7m;</li> <li>20m excavation setback from property boundary</li> <li>not within 20m of an Outstanding Landscape or Feature, SNA, Cultural landscape or a stream wider than 3m, lake or wetland, Historic Heritage site or Site of Significance to Māori</li> <li>not within 500m of a Rural Lifestyle, Settlement Zone or Residential Zone boundary</li> </ul>



	<b>Buller Coalfield Zone</b>	<b>Mineral Extraction Precinct</b>	<b>General Rural Zone</b>
			<ul style="list-style-type: none"> <li>meets performance standards re dust, noise, vibration, blasting and heavy traffic generation</li> <li>hours of operation 7am to 7pm</li> </ul>
	<p>In areas not being mined as of date of Notification of the Plan:</p> <p>Controlled except</p> <ul style="list-style-type: none"> <li>Within 20m of an Outstanding Landscape, SNA, Cultural landscape or a stream wider than 3m, lake or wetland, Historic Heritage site or Site of Significance to Māori</li> <li>Includes all earthworks and vegetation clearance associated with the mineral extraction and processing activity</li> </ul> <p>Restricted Discretionary Activity</p> <ul style="list-style-type: none"> <li>Where not Controlled and not within an SNA/ONL/ Historic Heritage site, Site of Significance to Māori</li> </ul> <p>Discretionary</p> <ul style="list-style-type: none"> <li>Where not Controlled or Restricted Discretionary</li> </ul>	<p>In areas not being mined as of date of Notification of the Plan:</p> <p>Controlled except</p> <ul style="list-style-type: none"> <li>Within 20m of an Outstanding Landscape, SNA, Cultural landscape or a stream wider than 3m, lake or wetland, Historic Heritage site or Site of Significance to Māori</li> <li>Includes all earthworks and vegetation clearance associated with the mineral extraction and processing activity</li> </ul> <p>Restricted Discretionary Activity</p> <ul style="list-style-type: none"> <li>Where not Controlled and not within an SNA/ONL/ Historic Heritage site, Site of Significance to Māori</li> </ul> <p>Discretionary</p> <ul style="list-style-type: none"> <li>Where not Controlled or Restricted Discretionary</li> </ul>	<p>In areas where mineral extraction has occurred in the past as identified in Schedule xxxx</p> <p>Controlled except</p> <ul style="list-style-type: none"> <li>Within 20m of an Outstanding Landscape, SNA, Cultural landscape or a stream wider than 3m, lake or wetland, Historic Heritage site or Site of Significance to Māori</li> <li>Within 500m of a Rural Lifestyle, Settlement Zone or Residential Zone boundary</li> </ul> <p>Restricted Discretionary Activity</p> <ul style="list-style-type: none"> <li>Where not Controlled and not within an SNA/ONL/ Historic Heritage site, Site of Significance to Māori</li> </ul> <p>Discretionary</p> <ul style="list-style-type: none"> <li>Where not Controlled or Restricted Discretionary</li> </ul>

	<b>Buller Coalfield Zone</b>	<b>Mineral Extraction Precinct</b>	<b>General Rural Zone</b>
<b>Activities ancillary to mineral extraction activity</b> -includes roads, parking, buildings and structures	Permitted where this is ancillary to mineral extraction and processing being undertaken at the date of notification of the Plan		<b>Refer other General Rural Zone rules</b>
<b>Noise, Odour, Dust, Glare, Traffic Generation</b>	Subject to same standards as General Rural Zone		<b>Refer other General Rural Zone rules</b>
<b>Conservation and Recreation Activities</b>	<b>Permitted</b>	<b>Permitted subject to Rural Zone rules for setbacks and height</b>	<b>Refer other General Rural Zone rules</b>
<b>Pastoral farming</b>	<b>Non-complying</b>	<b>Permitted where the underlying zone is General Rural Zone</b>	<b>Refer other General Rural Zone rules</b>
<b>Residential and Other Activities</b>	<b>Non-complying</b>	<b>Non-complying</b>	<b>Refer other General Rural Zone rules</b>

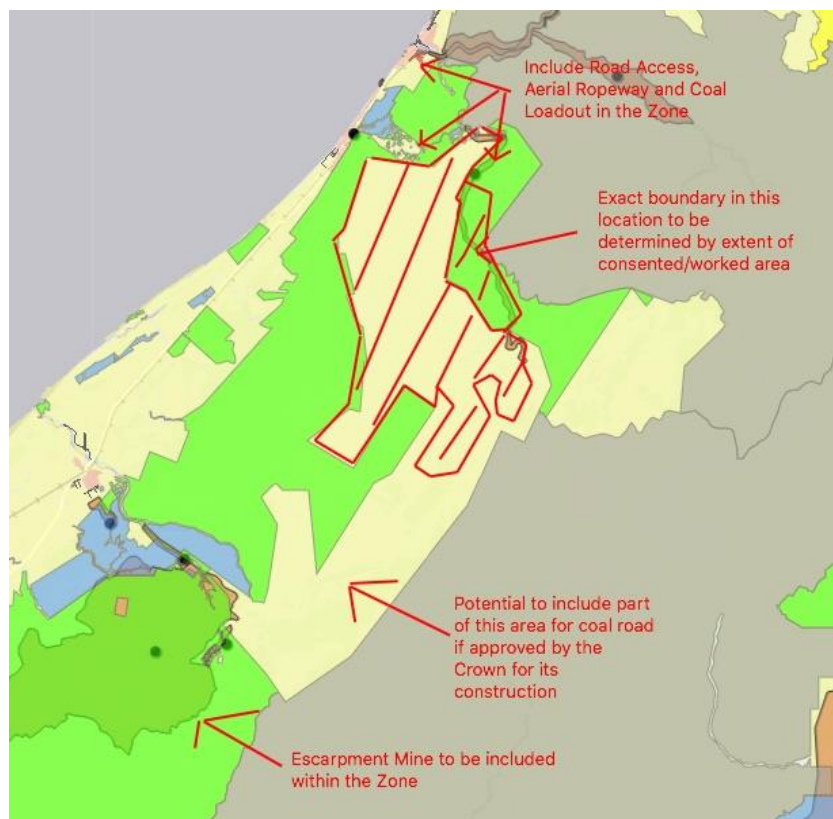
### **NEXT STEPS**

**32.** Once the Committee has confirmed its approach to mining and provided feedback on the draft Rules further targeted stakeholder consultation is proposed.

## APPENDIX ONE: KEY MATTERS FOR CONSIDERATION IN DEVELOPING MINERAL EXTRACTION RULES

### Buller Coal Field Zone

1. The Buller Coal Field Zone is proposed to be made up of the Stockton Mine (including the Cypress Mine expansion, Mt William Mine, Cascade Mine) on Stockton Plateau, and the Escarpment Mine and Sullivan Coal Mining Licence area on Denniston Plateau.



2. The general approach to Rules in this Zone is to provide for the continued mining activity. Because there are currently areas still operating under a Coal Mining Licence rather than a Resource Consent, the Rules provides a framework for reconsenting.
3. The key points to note when developing the Rules are:
  - Regional resource consents are also required – the focus of any Rules and requirements in TTPP should be District matters
  - The area proposed includes the existing road access, the aerial ropeway and the coal loadout facility at Ngakawau.
  - There may be new areas (not currently mined) which are included in the Zone.
  - If land at Denniston Plateau is included in the Zone, then there are potentially both Outstanding Natural Landscapes and Significant Natural Areas that could be present in the Zone.
  - There are identified historic heritage sites on Denniston Plateau.
  - Resource consents associated with the Escarpment and Cypress Mines both have a high reliance on Management Plans, and these are proposed as a key tool for managing activities in the Zone. The resource consents have also provided useful information on matters to address within the Rules.
  - The resource consents provide for the establishment of community liaison groups, as key method to keep neighbours and affected parties informed about the operations – and as a vehicle for amenity concerns in particular

to be raised and addressed. This is also a common approach nationally and a useful consideration for large scale mines.

- Work has been done by Bathurst Resources as part of the Buller Plateau Strategy around suggested conditions for mining consents in the area. This information has been useful to assist drafting the provisions.
- In terms of environmental effects on streams, lakes and wetlands, water quality effects are largely the purview of the Regional Plans – and the Regional Resource Consents deal with these matters comprehensively. The main area of district function is the natural character of riparian areas and addressing natural hazards that could arise or be exacerbated by management of water on and off the site.

### **Minerals Extraction Zone**

4. The Minerals Extraction Zone covers a range of types of mineral extraction activities – coal and gold mining as well as rock and limestone quarries. In the future areas could be added to the zone where other minerals are extracted.
5. This Zone could apply to both current active and consented mines, and areas where the Councils wish to identify mineral extraction is expected to be undertaken in the future – bearing in mind that a reasonably high degree of specificity of boundary, as well as S32 justification for identifying unmined areas within this Zone will be required.
6. The Mineral Extraction Zone is a diverse area made up of both private land and varying Crown tenures.
7. The general approach to the Rules will need to assume that in many instances resource consents will be sought by mine operators within the life of the Plan, though there are some areas (e.g. Te Kuha Mine) which have already received Resource Consent.
8. It is likely that a range of natural and cultural heritage overlays could be present in some parts of the Zone.
9. The Zone will also include areas such as access roads and loadout facilities and other ancillary mineral extraction activities such as washing facilities, stockpiles and tailings management areas.
10. Some resource consents have been issued for sites in the Zone and these have been useful to inform draft standards.

### **General Rural Zone**

11. Mining and quarrying are expected activities in the General Rural Zone, with alluvial gold, black sand mining and lime quarries expected to almost exclusively occur in this zone.
12. This is the zone where the potential conflict with other landowners and users, and possibly other environmental effects might be expected to be the greatest, if the activity is not managed well.
13. In terms of general approach, the Overlay areas (e.g. landscape, SNAs, coastal environment, historic heritage, sites of significance to Māori) will be key in terms of managing directing activities, where possible, outside of sensitive areas, and forming thresholds for resource consents.
14. There is a strong desire for a Permitted Activity Rule for this zone – which provides thresholds below which it could be expected that environmental effects will be less than minor.

### **EXISTING PLAN PROVISIONS**

15. The Buller Coal Field Zone and the Minerals Extraction Zone are new provisions for the West Coast. Currently the areas which will be subject to these spatial identifications fall within the respective Rural Zones of the three districts.

16. The Buller and Westland Plans have specific provisions for Mineral Extraction. Essentially they provide for Exploration as a (mostly) Permitted Activity, and Mining (including quarrying) as a Restricted Discretionary Activity.
17. The Grey Plan, being an "effects" rather than "activities" plan does not list mineral extraction – or many other activities within its rules. Instead, non-residential activities such as mineral extraction are required to manage effects such as impacts on amenity values within the parameters set by the Plan. Each activity will then be subject to an individual assessment around whether resource consent is needed.

#### **APPROACH OF OTHER COUNCILS**

18. While the West Coast is one of the most significant locations nationally for mineral extraction, there are also significant mining activities in Otago, Southland, Waikato, Coromandel and Northland. Quarrying activity is widespread nationally.
19. The Whangarei District, Waitaki District, Waikato District and Christchurch City are all locations where specific zones are used to manage mineral extraction and quarrying activities. Resource consents however are still generally required for mineral extraction in these zones.

**APPENDIX TWO DRAFT RULES**

**Mineral Extraction Zone**

<b>Permitted Activities</b>	
<b>MINP - R1</b>	<b>Mineral Prospecting and Mineral Exploration</b>
<p><b>Activity Status Permitted</b> Where:</p> <ol style="list-style-type: none"> <li>1. Notice is provided to the relevant District Council Consent Authority 5 working days ahead of work being undertaken;</li> <li>2. 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;</li> <li>3. The site shall be rehabilitated generally to its original condition; and</li> <li>4. 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.</li> </ol>	<p><b>Activity status where compliance not achieved:</b> Controlled</p>
<b>MINP - R2</b>	<b>Mineral Extraction and Processing</b>
<p><b>Activity Status Permitted</b> Where:</p> <ol style="list-style-type: none"> <li>1. The area is being used for mineral extraction and processing at the date of notification of the Plan as identified in Schedule xxx;</li> <li>2. An Environmental Monitoring Plan shall be prepared and submitted to the relevant District Council Consent Authority within 12 months for certification and shall set out a schedule of monitoring to be undertaken;</li> <li>3. A Rehabilitation Management Plan shall be prepared, in conjunction with the Department of Conservation and submitted to the relevant District Council Consent Authority within 12 months for certification;</li> <li>4. An annual Environmental Monitoring Report and Annual Work Plan shall be prepared and submitted to the relevant District Council Consent Authority by 30 March of each calendar year. These Plans will be required until the District Council certifies that mine closure and rehabilitation is complete;</li> <li>5. Upon ceasing of the mineral extraction and processing activity, rehabilitation of the site in accordance with the Rehabilitation Management Plan is undertaken;</li> <li>6. A bond is in place;</li> <li>7. No blasting shall occur outside the hours of 7am to 10pm weekdays and 8am to 6pm on weekends and public holidays;</li> <li>8. Hours of operation are limited to between 7am and 10pm;</li> <li>9. Hazardous substances meets the Permitted Activity Standards in Rule xxx;</li> <li>10. Noise meets the Permitted Activity Standards in Rule xxx; and</li> <li>11. Light and glare meet the Permitted Activity standards in Rule xxx</li> </ol>	<p><b>Activity status where compliance not achieved:</b> Controlled</p>

<b>MINP - R3</b>	<b>Activities ancillary to mineral extraction and processing being undertaken at the date of notification of the Plan</b>	
<b>Activity Status Permitted</b>		<b>Activity status where compliance not achieved:</b>
Where:		Controlled
1. This includes maintenance and operation of all roads, parking, buildings, material handling areas, railway loadout, infrastructure and structures existing at the date of notification of the Plan;		
2. Maximum building height above ground level is 10m;		
3. Buildings are setback a minimum of 10m from the road boundary and 10m from internal boundaries;		
4. A maximum of 30 heavy vehicle return trips per day;		
5. There shall be no offensive or objectionable dust nuisance at or beyond the zone boundary as a result of the activity;		
6. Hazardous substances management meets the Permitted Activity Standards in Rule xxx;		
7. Noise levels meet the Permitted Activity Standards in Rule xxx; and		
8. Light and glare meet the Permitted Activity standards in Rule xxx.		
<b>MINP - R4</b>	<b>Conservation and Recreation Activities</b>	
<b>Activity Status Permitted</b>		<b>Activity status where compliance not achieved:</b>
Where:		Discretionary
1. Maximum building height above ground level is 10m;		
2. Buildings are setback a minimum of 10m from the road boundary, 20m from the State Highway Boundary, and 10m from internal boundaries;		
<b>MINP - R5</b>	<b>Agricultural and Horticultural Activities</b>	
<b>Activity Status Permitted</b>		<b>Activity status where compliance not achieved:</b> N/A
<b>Controlled Activities</b>		
<b>MINP - R6</b>	<b>Mineral Prospecting, Exploration Extraction and Processing or Ancillary Activities not meeting Rule MINP -R1, MINP - R2 or MINP - R3</b>	
<b>Activity Status Controlled</b>		<b>Activity status where compliance not achieved:</b> Restricted Discretionary
Where:		
1. This does not occur within an Outstanding Natural Landscape, Significant Natural Area, Historic Heritage site or Site of Significance to Māori; and		
2. This includes all earthworks and vegetation clearance associated with the mineral prospecting, exploration, extraction and processing activity.		
3. This includes ancillary activities, buildings, structure and infrastructure required to enable the mineral prospecting, exploration, extraction or processing activity.		

<p><b>Matters of control:</b></p> <ul style="list-style-type: none"> <li>a. Management of access, parking, traffic generation and transport of minerals from the site;</li> <li>b. Noise, glare, light, dust, blasting and vibration management;</li> <li>c. Hours of operation;</li> <li>d. Hazardous substances and waste management;</li> <li>e. Historic and cultural heritage requirements;</li> <li>f. Extent and design of earthworks and native vegetation clearance;</li> <li>g. Effects on any threatened fauna or their habitats;</li> <li>h. Design and location of ancillary buildings, structures and infrastructure;</li> <li>i. Landscape measures;</li> <li>j. Overburden management;</li> <li>k. Monitoring, reporting and community liaison requirements;</li> <li>l. Financial contributions and any requirement for bonds; and</li> <li>m. Site rehabilitation and mine closure requirements.</li> </ul>		
<p><b>Restricted Discretionary Activities</b></p>		
<p><b>MINP – R7</b></p>	<p><b>Mineral Prospecting, Exploration Extraction and Processing or Ancillary Activities not meeting Rule MINP – R6</b></p>	
<p><b>Activity Status Restricted Discretionary</b></p> <ul style="list-style-type: none"> <li>1. This does not occur within 20m of an Outstanding Natural Landscape, Cultural Landscape, Significant Natural Area, stream wider than 3m, lake, wetland, Historic Heritage site or Site of Significance to Māori; and</li> <li>2. This includes all earthworks and vegetation clearance associated with the mineral prospecting, exploration, extraction and processing activity.</li> <li>3. This includes ancillary activities, buildings, structure and infrastructure required to enable the mineral prospecting, exploration, extraction or processing activity.</li> </ul> <p><b>Discretion is restricted to:</b></p> <ul style="list-style-type: none"> <li>a. Management of access, parking, traffic generation and transport of minerals from the site;</li> <li>b. Noise, glare, light, dust, blasting and vibration management;</li> <li>c. Hours of operation;</li> <li>d. Hazardous substances and waste management;</li> <li>e. Historic and cultural heritage requirements;</li> <li>f. Extent and design of earthworks and native vegetation clearance;</li> <li>g. Effects on any threatened fauna or their habitats;</li> <li>h. Design and location of ancillary buildings, structures and infrastructure;</li> <li>i. Landscape measures;</li> <li>j. Overburden management;</li> </ul>	<p><b>Activity status where compliance not achieved:</b> Discretionary</p>	



k. Monitoring, reporting and community liaison requirements;		
l. Financial contributions and any requirement for bonds; and		
m. Site rehabilitation and mine closure requirements.		
<b>Discretionary Activities</b>		
<b>MINP – R8</b>	<b>Conservation and recreation activities not meeting Rule MINP - R4</b>	
<b>Activity Status Discretionary</b>		<b>Activity status where compliance not achieved:</b> N/A
<b>MINP – R9</b>	<b>Mineral Prospecting, Exploration Extraction and Processing or Ancillary Activities not meeting Rule MINP – R7</b>	
<b>Activity Status Discretionary</b>		<b>Activity status where compliance not achieved:</b> N/A
<b>Non Complying Activities</b>		
<b>MINP - R10</b>	<b>Residential Activities</b>	
<b>Activity Status Non-complying</b>		<b>Activity status where compliance not achieved:</b> N/A
<b>MINP - R11</b>	<b>Any activity not provided for in another rule in the zone</b>	
<b>Activity Status Non-complying</b>		<b>Activity status where compliance not achieved:</b> N/A

## Buller Coalfield Zone

### Permitted Activities

#### BCZ - R1 Mineral Prospecting and Exploration

##### Activity Status Permitted

Where:

1. Notice is provided to the Buller District Council Consent Authority 5 working days ahead of work being undertaken;
2. Where areas are to be disturbed, topsoil shall be stripped and stockpiled and then replaced over the area of land disturbed as soon as possible and no later than 3 months after the disturbance has occurred;
3. The site shall be rehabilitated generally to its original condition; and
4. All stripped material (including vegetation, soil and debris) is deposited or contained in such a manner that it does not enter any waterbody or cause the destruction of habitat.

**Activity status where compliance not achieved:** Controlled

#### BCZ - R2 Mineral Extraction and Processing

##### Activity Status Permitted

Where:

1. The area is being used for mineral extraction and processing at the date of notification of the Plan as identified in Schedule xxx;
2. An Environmental Monitoring Plan shall be prepared and submitted to the Buller District Council within 12 months for certification and shall set out a schedule of monitoring to be undertaken;
3. A Rehabilitation Management Plan shall be prepared, in conjunction with the Department of Conservation and submitted to the Buller District Council within 12 months for certification;
4. An annual Environmental Monitoring Report and Annual Work Plan shall be prepared and submitted to the Consent Authority by 30 March of each calendar year. These Plans will be required until the Buller District Council certifies that mine closure and rehabilitation is complete;
5. A stakeholder liaison group shall be formed and meet annually to discuss the results of the monitoring and proposed activities for the next year. This group shall include representatives of Buller District Council, West Coast Regional Council, Department of Conservation and Te Rūnanga o Ngāti Waewae and continue to meet annually as agreed by the group until rehabilitation of the site is complete;
6. Upon ceasing of the mineral extraction and processing activity, rehabilitation of the site in accordance with the Rehabilitation Management Plan is undertaken;
7. A bond is in place;
8. No blasting shall occur outside the hours of 7am to 10pm weekdays and 8am to 6pm on weekends and public holidays;
9. Hazardous substances meets the Permitted Activity Standards in Rule xxx;

**Activity status where compliance not achieved:** Controlled

<p>10. Noise meets the Permitted Activity Standards in Rule xxx; and  11. Light and glare meet the Permitted Activity standards in Rule xxx</p>	
<p><b>BCZ - R3      Activities ancillary to mineral extraction and processing being undertaken at the date of notification of the Plan</b></p>	
<p><b>Activity Status Permitted</b>  Where:  1. This includes maintenance and operation of all roads, parking, buildings, tramway, railway loadout, material handling areas, infrastructure and structures existing at the date of notification of the Plan;  2. Maximum building height above ground level is 10m;  3. Buildings are setback a minimum of 10m from the road boundary and 10m from internal boundaries;  4. A maximum of 50 heavy vehicle movements per day;  5. There shall be offensive or objectionable dust nuisance at or beyond the zone boundary as a result of the activity;  6. Hazardous substances management meets the Permitted Activity Standards in Rule xxx;  7. Noise levels meet the Permitted Activity Standards in Rule xxx; and  8. Light and glare meet the Permitted Activity standards in Rule xxx.</p>	<p><b>Activity status where compliance not achieved:</b> Controlled</p>
<p><b>BCZ - R4      Conservation and recreation activities</b></p>	
<p><b>Activity Status Permitted</b></p>	<p><b>Activity status where compliance not achieved:</b> N/A</p>
<p><b>Controlled Activities</b></p>	
<p><b>BCZ – R5      Mineral Prospecting, Exploration, Extraction and Processing or Ancillary Activities not meeting Rule BCZ - R1, BCZ - R2 or BCZ - R3</b></p>	
<p><b>Activity Status Controlled</b>  Where:  1. This does not occur within 20m of an Outstanding Natural Landscape, Cultural Landscape, Significant Natural Area, stream wider than 3m, lake, wetland, Historic Heritage site or Site of Significance to Māori; and  2. This includes all earthworks and vegetation clearance associated with the mineral prospecting, exploration, extraction and processing activity.  3. This includes ancillary activities, buildings, structure and infrastructure required to enable the mineral prospecting, exploration, extraction or processing activity.</p> <p><b>Matters of control are:</b></p> <ol style="list-style-type: none"> <li>Management of access, parking, traffic generation and transport of minerals from the site;</li> <li>Noise, glare, light, dust, blasting and vibration management;</li> <li>Hours of operation;</li> </ol>	<p><b>Activity status where compliance not achieved:</b> Restricted Discretionary</p>

<ul style="list-style-type: none"> <li>d. Hazardous substances and waste management;</li> <li>e. Historic and cultural heritage requirements;</li> <li>f. Extent and design of earthworks and native vegetation clearance;</li> <li>g. Effects on any threatened fauna or their habitats;</li> <li>h. Design and location of ancillary buildings, structures and infrastructure;</li> <li>i. Landscape measures;</li> <li>j. Overburden management;</li> <li>k. Monitoring, reporting and community liaison requirements;</li> <li>l. Financial contributions and any requirement for bonds; and</li> <li>m. Site rehabilitation and mine closure requirements.</li> </ul>	
<b>Restricted Discretionary Activities</b>	
<b>BCZ – R6 Mineral Prospecting, Exploration Extraction and Processing or Ancillary Activities not meeting Rule BCZ - R7</b>	
<p><b>Activity Status Restricted Discretionary</b></p> <ol style="list-style-type: none"> <li>1. This does not occur within 20m of an Outstanding Natural Landscape, Cultural Landscape, Significant Natural Area, stream wider than 3m, lake, wetland, Historic Heritage site or Site of Significance to Māori; and</li> <li>2. This includes all earthworks and vegetation clearance associated with the mineral prospecting, exploration, extraction and processing activity.</li> <li>3. This includes ancillary activities, buildings, structure and infrastructure required to enable the mineral prospecting, exploration, extraction or processing activity.</li> </ol> <p><b>Discretion is restricted to:</b></p> <ul style="list-style-type: none"> <li>a. Management of access, parking, traffic generation and transport of minerals from the site;</li> <li>b. Noise, glare, light, dust, blasting and vibration management;</li> <li>c. Hours of operation;</li> <li>d. Hazardous substances and waste management;</li> <li>e. Historic and cultural heritage requirements;</li> <li>f. Extent and design of earthworks and native vegetation clearance;</li> <li>g. Effects on any threatened fauna or their habitats;</li> <li>h. Design and location of ancillary buildings, structures and infrastructure;</li> <li>i. Landscape measures;</li> <li>j. Overburden management;</li> <li>k. Monitoring, reporting and community liaison requirements;</li> <li>l. Financial contributions and any requirement for bonds; and</li> <li>m. Site rehabilitation and mine closure requirements. .</li> </ul>	<p><b>Activity status where compliance not achieved:</b> Discretionary</p>
<b>Discretionary Activities</b>	

<b>BCZ – R7</b>	<b>Mineral Prospecting, Exploration Extraction and Processing or Ancillary Activities not meeting Rule BCZ - R9</b>	
<b>Activity Status Discretionary</b>		<b>Activity status where compliance not achieved:</b> N/A
<b>Non Complying Activities</b>		
<b>BCZ – R8</b>	<b>Any activity not provided for in another rule in the zone</b>	
<b>Activity Status Non-complying</b>		<b>Activity status where compliance not achieved:</b> N/A

### General Rural Zone Rules

<b>GRUZ - R10</b>	<b>Mineral Prospecting and Mineral Exploration</b>	
<b>Activity Status Permitted</b>		<b>Activity status where compliance not achieved:</b>
Where:		Restricted Discretionary
<ol style="list-style-type: none"> <li>1. Notice is provided to the relevant District Council Consent Authority 5 working days ahead of work being undertaken;</li> <li>2. 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;</li> <li>3. The site shall be rehabilitated generally to its original condition; and</li> <li>4. 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.</li> </ol>		
<b>GRUZ - R11</b>	<b>Mineral Extraction</b>	
<b>Activity Status Permitted</b>		<b>Activity status where compliance not achieved:</b>
Where:		Controlled
<ol style="list-style-type: none"> <li>1. This is undertaken for less than 60 days per 12 month period; or</li> <li>2. Less than 20,000m<sup>3</sup> of material is disturbed or removed within a 12 month period; or</li> <li>3. Progressive rehabilitation of the mined area occurs so that disturbance is limited to no more than 2ha at any one time per property on which the activity is occurring;</li> </ol>		
And		
<ol style="list-style-type: none"> <li>a. The activity does not occur within 20m of an Outstanding Natural Landscape, Outstanding Natural Feature, Significant Natural Area, Cultural Landscape, a stream 3m or wider, a lake, a wetland, a Historic Heritage site, or a Site of Significance to Māori;</li> <li>b. The activity does not occur within 500m of a Residential, Settlement or Rural Lifestyle Zone boundary;</li> </ol>		

<ul style="list-style-type: none"> <li>c. The activity does not occur within the Highly Productive Land Overlay;</li> <li>d. There are no stockpiles within 20m of the property boundary;</li> <li>e. The maximum stockpile height is 7m;</li> <li>f. There shall be no visible evidence of suspended solids or particulate matter in the air or deposited particular matter beyond the property boundary;</li> <li>g. Hazardous substances management meets the Permitted Activity Standards in Rule xxx;</li> <li>h. There are maximum of 10 heavy vehicle movements and 30 light vehicle movements per day generated by the activity;</li> <li>i. Hours of operation are limited to between 7am and 7pm;</li> <li>j. Noise levels meet the Permitted Activity Standards in Rule xxx; and</li> <li>k. Light and glare meet the Permitted Activity standards in Rule xxx.</li> </ul>	
<p><b>GRUZ - R14 Mineral Extraction not meeting Rule GRUZ - R11</b></p>	
<p><b>Activity Status Controlled</b></p> <p>Where:</p> <ul style="list-style-type: none"> <li>a. The activity occurs in previously mined locations identified in Schedule xxxxx</li> <li>b. The activity does not occur within 20m of an Outstanding Natural Landscape, Outstanding Natural Feature, Significant Natural Area, Cultural Landscape, a stream 3m or wider, a lake, a wetland, a Historic Heritage site, or a Site of Significance to Māori;</li> <li>c. The activity does not occur within 500m of a Residential, Settlement or Rural Lifestyle Zone boundary;</li> <li>d. The activity does not occur within the Highly Productive Land Overlay.</li> </ul> <p><b>Matters of control are:</b></p> <ul style="list-style-type: none"> <li>e. Management of access, parking, traffic generation and transport of minerals from the site;</li> <li>f. Noise, glare, light, dust, blasting and vibration management;</li> <li>g. Hours of operation;</li> <li>h. Hazardous substances and waste management;</li> <li>i. Historic and cultural heritage requirements;</li> <li>j. Extent and design of earthworks and native vegetation clearance;</li> <li>k. Effects on any threatened fauna or their habitats;</li> <li>l. Design and location of ancillary buildings, structures and infrastructure;</li> <li>m. Landscape measures;</li> <li>n. Overburden management;</li> <li>o. Monitoring, reporting and community liaison requirements;</li> <li>p. Financial contributions and any requirement for bonds; and</li> <li>q. Site rehabilitation and mine closure requirements. .</li> </ul>	

<b>GRUZ - R19</b>	<b>Mineral Prospecting, Mineral Exploration and Mineral Extraction not complying with Rule GRUZ - R10 or GRUZ-R14</b>	
<p><b>Activity Status Restricted Discretionary</b></p> <p>Where:</p> <p>1. The activity does not occur within an Outstanding Natural Landscape, Outstanding Natural Feature, Significant Natural Area, a Historic Heritage site, or a Site of Significance to Māori</p> <p><b>Discretion is restricted to:</b></p> <ul style="list-style-type: none"> <li>a. Management of access, parking, traffic generation and transport of minerals from the site;</li> <li>b. Noise, glare, light, dust, blasting and vibration management;</li> <li>c. Hours of operation;</li> <li>d. Hazardous substances and waste management;</li> <li>e. Historic and cultural heritage requirements;</li> <li>f. Extent and design of earthworks and native vegetation clearance;</li> <li>g. Effects on any threatened fauna or their habitats;</li> <li>h. Design and location of ancillary buildings, structures and infrastructure;</li> <li>i. Landscape measures;</li> <li>j. Overburden management;</li> <li>k. Monitoring, reporting and community liaison requirements;</li> <li>l. Financial contributions and any requirement for bonds; and</li> <li>m. Site rehabilitation and mine closure requirements.</li> </ul>		
<b>GRUZ - R25</b>	<b>Mineral Extraction not meeting Rule GRUZ - 19</b>	
<p><b>Activity Status Discretionary</b></p> <p><b>Notification:</b> Applications will always be publicly notified.</p>		<p><b>Activity status where compliance not achieved:</b> 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: 25 May 2021

Subject: **Approach to Rezoning**

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## **SUMMARY**

This report outlines the proposed approach to be taken to rezoning within Te Tai o Poutini Plan. It provides principles and a framework through which requests from landowners and other stakeholders for rezoning can be considered and also outlines the approach being used by Te Tai o Poutini Plan staff to assess and make recommendations around rezoning.

## **RECOMMENDATIONS**

1. That the Committee receive the report
2. That the Committee endorse the Zoning Principles within Te Tai o Poutini Plan outlined in this report.

Lois Easton  
**Principal Planner**



## **INTRODUCTION**

1. A key part of the requirements for development of Te Tai o Poutini Plan (TTPP) is identifying the appropriate zone for the lands on the West Coast. It has already been identified that because of the age of the current District Plans, and the need for a common rule framework that substantial rezoning will be required.
2. There is a strong strategic objective and policy framework that has been developed in creating Te Tai o Poutini Plan which should assist in rezoning decisions.
3. It does need to be recognised that rezoning can have very significant financial benefits for some landowners – and also significant financial costs for others. Rezoning is also likely to be a common request of the submission process.
4. This paper proposes an Approach to Rezoning which links strongly to the strategic outcomes sought from TTPP

## **KEY PRINCIPLES**

The Objectives in the Plan set a number of key principles for rezoning that are outlined below with the linkages to the key Objectives identified.

- Provide for sufficient housing capacity through the life of Te Tai o Poutini Plan – with a focus on housing that is able to make use of existing infrastructure, and enabling papakāinga, rather than require large scale infrastructure extensions by the Councils [Urban Form and Development Objective 1, Subdivision Objective 2, Poutini Ngāi Tahu Objective 2]
- Ensure sufficient business and industrial land to enable the ongoing economic development of the West Coast. Business and Industrial land should be located within or adjacent to settlements and towns, and its location should not undermine the function of town centres or settlements [Commercial Zones Objective 1, Industrial Zones Objectives 1 and 2].
- Areas of high natural, historic or Poutini Ngāi Tahu value will generally not be appropriate for rezoning to more intensive uses. [Urban Form and Development Objective 1, Natural Heritage Objective 1, Ecosystems and Indigenous Biodiversity Objective 2, Poutini Ngāi Tahu Objective 3, Sites and Areas of Significance to Māori Objective 3, Subdivision Objective 3]
- Rezoning should not result (either directly or indirectly in the exacerbation of significant natural hazards or increase risk of significant natural hazards to the community). [Urban Form and Development Objective 1, Rural Zones Objective 4, Subdivision Objective 2]
- Rezoning decisions should be made with awareness of the potential impacts of climate change and not result in communities or buildings being placed in areas where significant risk could result as the climate changes [Natural Hazard Objectives and Policies]
- Managing reverse sensitivity impacts to industry, mineral extraction or other productive uses so these are able to continue to operate. [Mineral Extraction Objective 4, Agriculture Objective 2, Rural Zones Objectives 1 and 2, Industrial Zones Objective 1]
- Managing the impacts on nationally significant infrastructure such as the national grid, to ensure they are appropriately protected from incompatible development and reverse sensitivity [Infrastructure Objective 2, Energy Objective 3]
- Using the Future Urban Zone as a way to protect land for urban uses and managed retreat where infrastructure or other constraints mean that rezoning to the ultimate end zone now is not appropriate [Subdivision Objective 4, Future Urban Zones Objectives 1-4]

## **CORE PRINCIPLES FOR REZONING**

5. A review of best practice approaches to rezoning has been undertaken and this has identified a range of core principles. These have been adapted for the West Coast and the recommended core principles around decision making on rezoning are outlined below.
  - a. The change is consistent with the objectives and policies of the proposed zone. This applies to both the type of zone and the zone boundary.
  - b. The overall impact of the rezoning is consistent with the West Coast Regional Policy Statement.
  - c. Economic costs and benefits are considered.
  - d. Changes should take into account the issues debated in recent plan changes.
  - e. Changes to zone boundaries are consistent with the maps in the plan that show West Coast wide rules and overlays or constraints (e.g., hazards).

- f. Changes should take into account features of the site (e.g., where it is, what the land is like, what it is used for and what is already built there).
- g. Zone boundary changes recognise the availability or lack of major infrastructure (e.g., Water, wastewater, stormwater, roads).
- h. There is adequate separation between incompatible land uses (e.g., houses should not be next to heavy industry).
- i. Zone boundaries need to be clearly defensible e.g., follow roads where possible or other boundaries consistent with the purpose of the zone.
- j. Zone boundaries should follow property boundaries.
- k. Generally, no "spot zoning" (i.e., a single site zoned on its own).
- l. Zoning is not determined by existing resource consents and existing use rights, but these will be taken into account.

### **CONTEXTUAL PRINCIPLES**

- 6. Alongside these Core Principles four contextual principles are also proposed that recognise the wider context within which a site being considered for rezoning sits.

Have regard to:

- a. Land with physical limitations such as topography, ground conditions, vegetation, instability or natural hazards;
- b. Land that has poor accessibility to centres and transport networks;
- c. Land that has significant infrastructure constraints; and
- d. Areas where District-wide rules, Overlays and Precincts apply which control the ability to develop or subdivide the site

### **APPLICATION OF PRINCIPLES – EFFECTS OF DISTRICT – WIDE RULES AND OVERLAYS**

- 7. The following tables outline how the Core Principles are applied to provide an overall framework on a zone-by-zone basis to rezoning. The intent is that this should help both with the initial rezoning decisions (and form part of the Section 32 cost benefit analysis that is required to be prepared alongside TTPP) as well as enabling a consistent response to submissions where rezoning is requested.

Table 1: Zoning Principles for Each Zone

<b>Zone</b>	<b>Where Applied</b>
<b>Residential Zones</b>	
Medium Density Zone	Apply this zone to sites: <ul style="list-style-type: none"> <li>• Within approximately 250 metres walking distance of any Town Centre Zone</li> <li>• Adjacent to Neighbourhood Centres</li> <li>• Adjacent to certain Open Space Zones or Community Facilities</li> </ul> which are, or which are able to be, adequately serviced by existing or planned infrastructure
General Residential Zone	Apply this zone to sites: <ul style="list-style-type: none"> <li>• That are currently zoned for residential purposes in the four main centres of Greymouth, Westport, Hokitika and Reefton</li> <li>• Townships that are largely used as commuter-suburbs for Greymouth and are fully serviced by existing community infrastructure</li> <li>• In specified areas identified that are adjacent to these towns where urban expansion is appropriate and able to be serviced by existing community infrastructure or expansions of infrastructure within the Long Term Plans of the relevant Council.</li> </ul>
Low Density Residential Zone	Apply this zone to sites <ul style="list-style-type: none"> <li>• In specified areas identified that are adjacent to the main towns where urban expansion is appropriate but there is a need for larger lots due to insufficient capacity of existing community infrastructure</li> </ul>
<b>Commercial Zones</b>	
Mixed Use Zone	Apply this zone to sites: <ul style="list-style-type: none"> <li>• Adjacent to the Town Centre Zone</li> <li>• Within locations which will not harm the vitality and viability of the Town Centre Zone</li> </ul>
Town Centre Zone	Apply this zone to sites: <ul style="list-style-type: none"> <li>• Within the existing town centres of Greymouth, Reefton, Westport and Hokitika</li> </ul>
Neighbourhood Centre Zone	Apply this zone to: <ul style="list-style-type: none"> <li>• Single corner stores or small shopping strips located in predominantly residential neighbourhoods</li> </ul>
Commercial Zone	Apply this zone to sites: <ul style="list-style-type: none"> <li>• Within close proximity to Town Centre Zones and along arterials within the 4 main towns</li> <li>• Identified areas for commercial expansion at Hokitika where urban expansion is appropriate and able to be serviced by existing community infrastructure</li> <li>• Within locations which will not harm the vitality and viability of the Town Centre Zone</li> </ul>
<b>Industrial Zones</b>	
General Industrial Zone	Apply this zone to: <ul style="list-style-type: none"> <li>• Existing industrial zoned land on the West Coast</li> </ul>

<b>Zone</b>	<b>Where Applied</b>
	<ul style="list-style-type: none"> <li>• Identified areas for industrial expansion at the four main centres where urban expansion is appropriate and able to be serviced by existing community infrastructure</li> <li>• Areas with good access to transport and freight routes.</li> </ul>
Heavy Industrial Zone	<p>Apply this zone to:</p> <ul style="list-style-type: none"> <li>• Identified areas for heavy industrial expansion where urban expansion is appropriate and able to be serviced by existing community infrastructure</li> <li>• Minimum of 500m from zones that provide for activities sensitive to noise, odour and other amenity effects e.g. residential</li> <li>• Reasonably large and robust areas with good access to freight routes</li> </ul>
Light Industrial Zone	<p>Apply this zone to:</p> <ul style="list-style-type: none"> <li>• Identified areas for light industrial expansion where urban expansion is appropriate and able to be serviced by existing community infrastructure</li> <li>• Existing light industrial zone locations</li> <li>• Areas where industrial may be appropriate but due to proximity to residential or other sensitive activities a higher standard of amenity is required.</li> </ul>
<b>Rural Zones</b>	
General Rural Zone	<p>Apply this zone to:</p> <ul style="list-style-type: none"> <li>• Land currently zoned rural and outside of the four main towns or Settlement Zone areas</li> </ul>
Settlement Zone	<p>Apply this zone to:</p> <ul style="list-style-type: none"> <li>• Unserviced or partially serviced rural towns and settlements (e.g., Karamea, Ahaura, Haast)</li> </ul>
Rural Lifestyle Zone	<p>Apply this zone to sites:</p> <ul style="list-style-type: none"> <li>• On the periphery of the four main towns</li> <li>• Locations which avoid natural and cultural heritage overlays, high value rural production land and mineral extraction zones</li> </ul>
<b>Rural Precincts</b>	
Settlement Centre Precinct	<p>Apply this zone to:</p> <ul style="list-style-type: none"> <li>• Land within existing rural towns and settlements which is used for commercial and/or community purposes</li> </ul>
Coastal Settlement Precinct	<p>Apply this zone to:</p> <ul style="list-style-type: none"> <li>• Settlements which are within or adjacent to the coastal environment, and have a strong coastal character within the settlement</li> </ul>
Rural Residential Precinct	<p>Apply this zone to:</p> <ul style="list-style-type: none"> <li>• Locations which avoid natural and cultural heritage overlays, high value rural production land and mineral extraction zones</li> <li>• Areas with smaller site sizes around rural settlements</li> </ul>
<b>Special Zones</b>	

<b>Zone</b>	<b>Where Applied</b>
Airport Zone	Apply this zone to: <ul style="list-style-type: none"> <li>• Airports, aerodromes and heliports and associated land, that are publicly owned and accessible network infrastructure.</li> </ul>
Buller Coalfield Zone	Apply this zone to: <ul style="list-style-type: none"> <li>• Currently operating and care and maintenance coal mining operations and Coal Mining Licence/Ancillary Licence areas on the Stockton and Denniston plateaux where these are either consented or under a Coal Mining Licence</li> </ul>
Future Urban Zone	Apply this zone to: <ul style="list-style-type: none"> <li>• Rural land which is intended for housing and business purposes in the future.</li> <li>• Where this has been identified as a suitable option for managed retreat from natural hazards or for expansion of existing towns.</li> </ul>
Hospital Zone	Apply this zone to: <ul style="list-style-type: none"> <li>• Public and private hospitals, major health clinics and aged care facilities</li> </ul>
Māori Purpose Zone	Apply this zone to: <ul style="list-style-type: none"> <li>• Land associated with Poutini Ngāi Tahu marae</li> <li>• Poutini Ngāi Tahu land where a Māori Purpose Zone will enable cultural and economic development for Poutini Ngāi Tahu whanau</li> </ul>
Mineral Extraction Precinct/Zone	Apply this zone to: <ul style="list-style-type: none"> <li>• Existing mines and quarries that have a fixed and definable spatial location – this includes operating, care and maintenance and consented mines and quarries.</li> <li>• Processing, loadout and ancillary facilities specifically associated with mining and quarrying.</li> <li>• Mining Licence areas where it is expected that mining will be undertaken within the life of the Plan</li> </ul>
Port Zone	Apply this zone to: <ul style="list-style-type: none"> <li>• Land at Westport and Greymouth Ports where this will support efficient operation and development of the ports.</li> </ul>
Stadium Zone	Apply this zone to: <ul style="list-style-type: none"> <li>• Major indoor and outdoor stadium facilities</li> </ul>

**District – wide Rules and Overlays that Impact Zoning**

Zoning Principles	District-wide rules and Overlays that Impact Zoning					
	Historic Heritage Overlay	National Grid Electricity Transmission Corridor Overlay	Significant Natural Area	Sensitive Activity Restriction	Aircraft Noise Contours & Aircraft Flight Paths	Natural Hazard Overlay
<b>Residential Zones</b>	The appropriate residential zone under the Historic Heritage Overlay is General Residential Zone or Large Lot Residential Zone.	The appropriate zones under the National Grid (Electricity transmission) include what is currently there or a less dense zone.	The appropriate residential zones within the Significant Natural Area Overlay where over 80% of the site has protected vegetative cover include Large Lot Residential Zone and General Residential Zone	The appropriate zones within 500m of the Heavy Industry zone include what is currently there or a less dense zone.  The number of activities sensitive to noise, dust and odour should not be increased	The appropriate zones within the Aircraft Noise Overlay and Aircraft Flight Path Overlays include what is currently there or a less dense zone.  The number of activities sensitive to Aircraft Noise should not be increased.	The appropriate zones under the Natural Hazard Overlay include what is currently there or a less dense zone.
<b>Commercial and Industrial Zones</b>	N/A	The appropriate zones under the National Grid (Electricity transmission) include what is currently there or a less dense zone.	N/A (commercial and industrial land should not be located in an SNA)	The appropriate zones within 500m of the Heavy Industry zone include what is currently there or a less dense zone.  The number of activities sensitive to noise, dust and odour should not be increased	The appropriate zones within the Aircraft Noise Overlay and Aircraft Flight Path Overlays include what is currently there or a less dense zone.  The number of activities sensitive to Aircraft Noise should not be increased.	The appropriate zones under the Natural Hazard Overlay include what is currently there or a less dense zone.
<b>Rural Zones</b>	N/A	The appropriate zones under the National Grid	The appropriate rural zones within the Significant	The appropriate zones within 500m of the Heavy	The appropriate zones within the Aircraft Noise	The appropriate zones under the Natural Hazard

		(Electricity transmission) include what is currently there or a less dense zone.	Natural Area Overlay where over 80% of the site has SNA vegetative cover include General Rural Zone and Rural Lifestyle Zone	Industry zone include what is currently there or a less dense zone.  The number of activities sensitive to noise, dust and odour should not be increased	Overlay and Aircraft Flight Path Overlays include what is currently there or a less dense zone. The number of activities sensitive to Aircraft Noise should not be increased	Overlay include what is currently there or a less dense zone.
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# Te Tai o Poutini PLAN

*A combined district plan for the West Coast*

Prepared for: Te Tai o Poutini Plan Committee  
Prepared by: Jo Armstrong, Project Manager  
Date: 25 May 2021  
Subject: **Te Tai o Poutini Plan - Confidentiality of Information**

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## **SUMMARY**

Te Tai o Poutini Plan Committee has the important role of preparing a plan which will support and direct sustainable development across the entire West Coast. Decisions made will affect individuals and communities, enabling them to invest with confidence and to manage risks and requirements affecting them.

Many Te Tai o Poutini Plan (TTPP) provisions directly affect important personal decisions, such as where to invest, where to live, and how to use their properties. In order to do this job you are privy to some sensitive information that will impact individual properties and investments, and the decisions people make.

It is important that this information is discussed with the affected parties before it is made publicly available.

Respecting and upholding the confidentiality of sensitive information, and the privacy of individuals is vital to ensure fair and robust outcomes in the Plan.

This report outlines the confidentiality requirements for Te Tai o Poutini Plan Committee members, and Council staff and contractors involved in the development of TTPP.

## **RECOMMENDATIONS**

1. That this information is received
2. That the Committee acknowledges confidentiality requirements apply to the TTPP decision making process, and will hold each other accountable to maintain them.

Jo Armstrong

**Project Manager**



## INTRODUCTION

1. This Committee has the important role of providing policy direction to enable sustainable development across the West Coast.
2. Sensitive information affecting individual property owners will at times be presented to the Committee for discussion. A number of these topics are planned for discussion during the remainder of 2021. It is therefore, timely to remind members of the rules governing confidentiality at this time.
3. Breaches of confidentiality can have unintended consequences. Legal concerns are that the information would be used inappropriately and enable someone to profit unfairly e.g. if property costs or values are likely to change. Also once information has been shared publicly there is no control over who gets it or what they do with it, and it could be used to support opposite ends of an argument, and potentially compromise Committee decisions.
4. It is intended that any sensitive information is discussed with the affected parties, and the Committee has made related initial policy decisions before the information is made publicly available.
5. Each Committee member will have different personal beliefs and positions on topics under discussion, but all are bound by the same requirements for confidentiality.
6. This report outlines the confidentiality requirements for Te Tai o Poutini Committee members, and Council staff and contractors involved in the development of TTPP.

### The Rules on Confidentiality

7. Section 7.1 of the Local Government New Zealand Code of Conduct for Councils states: *In the course of their duties members will receive information, whether in reports or through debate, that is confidential. This will generally be information that is either commercially sensitive or is personal to a particular individual or organisation. Accordingly, members agree not to use or disclose confidential information for any purpose other than the purpose for which the information was supplied to the member.*
8. Confidential information will of necessity be presented in public excluded workshops and meetings.
9. The *Non-disclosure of information* rule in the Local Government Official Information and Meetings Act controls the use of sensitive information. It states:
  - No member or officer may disclose to any person, other than another member, officer or person authorised by the chief executive, any information that has been, or will be, presented to any meeting from which the public is excluded, or proposed to be excluded.
10. These rules are very clear about not sharing confidential information, and this is also addressed in other guidance material such as Council codes of conduct and anti-fraud policies.
11. This direction ensures information affecting individuals remains private until the individuals have been informed, and it is approved for publication by Committee resolution.



# Project Manager Update

**1 April 2021 – 30 April 2021**

Prepared By: **Jo Armstrong**  
Date Prepared: **30 April 2021**

## Accomplishments this Period

- The planning team continue to work on the following topics:
  - Historic Heritage
  - Buller Coalfield Zone
  - Natural Hazards
  - Infrastructure
  - Activities on the Surface of Water
  - Signs
  - Airport Zone
  - Subdivisions
  - Earthworks
  - Noise
  - Light and Glare
- All papers are discussed with, and modified by, the Technical Advisory Team before coming to the Committee.
- The Committee approved the option to accelerate development of TTPP with the aim of producing a Draft Plan for community comment by the end of January 2022, and to notify the proposed Plan in July 2022.
- The accelerated timeline will be accompanied by longer meetings most months for the rest of 2021, as we have additional papers to get through.
- West Coast Regional Council is working through the Long Term Plan process. The TTPP budget was presented and discussed at their April meeting. There was general acceptance of the decision to accelerate TTPP, and the increased budget implications for this in the 2021/22 financial year.
- The zoning workshop planned with Buller District Council for late April will now go ahead on 5 May.
- The planning team has had one on one discussions with developers, DOC, Forest and Bird, Bathurst and the New Zealand Institute for Minerals to Materials Research.
- The recent quarterly newsletter has also elicited contact from other stakeholders, and NZTA have offered further input.
- A Frequently Asked Questions sheet and questionnaire has been developed on Significant

Natural Areas, and should be on the TTPP website this month. Work is underway on a questionnaires about Public Access to rivers, lakes and beaches.

- I presented a TTPP update at the WCRC Resource Management Committee Meeting on 13 April.

### Plans for Next Period

- Policy work on topics mentioned above will continue
- Information sheet and questionnaire on Public Access will be developed
- TTPPC meeting at Arahura Marae on 25 May from 9.30-2.30 – PLEASE NOTE THE CHANGE OF TIMING FOR THIS MEETING
- TAT meeting Arahura Marae on 26 May
- The Planning team will run a workshop with the Grey District Councillors to discuss specific zoning provisions planned for their district. A field trip is also planned for 27 May,
- We will offer to run similar sessions and field trips for Westland District Council in June.

### Key Issues, Risks & Concerns

- RMA reforms have affected the TTPP delivery timeline. The TTPP Committee decided to fast track notification of the Proposed TTPP, shortening the delivery timeline by twelve months. Risks to budget and staff capacity related to this decision are added below.

Item	Action/Resolution	Responsible	Completion Date
Not getting key stakeholder buy-in	Contact and meet with them individually. Plan a stakeholder workshop and on-going engagement process	Project Manager	28 February 2020
Not producing a proposed plan in a timely manner	Set achievable milestones and monitor/report progress. Identify additional expertise/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	Annually Jan/Feb
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	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
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
Increased fast track funding not provided by WCRC	Make a timely decision to slow down delivery to meet budgetary constraints	TTPP Committee	30 Sept 2021

Item	Action/Resolution	Responsible	Completion Date
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

<b>Overall</b>	Fast track budget for 2021/22 is with WCRC. TAT capacity for fast track delivery to be confirmed
<b>Schedule</b>	Work programme revised and achieving on schedule, but capacity of researchers to deliver to earlier timeframe uncertain
<b>Resources</b>	Staff capacity to be confirmed
<b>Scope</b>	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 <a href="http://www.tpp.westcoast.govt.nz">www.tpp.westcoast.govt.nz</a>
Set planning milestones	31-Oct-19	30 Aug-2019	Presented at August 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) for Urban Areas developed	31-May-20	31-May-20	For presentation to May TTPPC meeting
Workshop discussion with environmental interests re biodiversity provisions	30-Jul-20	31-Aug-20	Delayed due to Covid-19 Lockdown

Stage	Target Completion	Revised Fast Track Completion	Comments
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
Potential Committee Field Trip	30 –Sep-20	April – June 21	To look at specific zoning matters in each district
Workshop with agricultural interests re biodiversity provisions	30-Oct-20	28 October 2020	
Commence contact with landowners re SNA assessment, landowner meetings	30-Oct-20	30 June 2021	This will be to seek permission to do field assessments.
Commence field work for SNA assessments	30- Nov-20	30 August 2021	
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	31 March 2022	Targeted consultation – industry and interest groups, specifically affected landowners. Draft Plan also available for wider community feedback. Note that while we will be seeking feedback on the “Draft” Plan, SNA field assessments and possibly some natural hazards 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	31-Nov-22	30 June 2022	Feedback to Committee on results of consultation, outcomes of SNA field assessments, any legal opinions on contentious provisions and decisions on final provisions
Notify Te Tai o Poutini Plan	30-Aug-23	31 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

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