

Wellington City Proposed District Plan

Hearing Stream 8

Coastal Environment Natural Character Public Access

Section 42A of the Resource Management Act 1991

Document Information

REPORT FOR:	Independent Hearings Commissioners
SUBJECT:	Wellington City Proposed District Plan Hearing Stream 8 Coastal Environment, Natural Character and Public Access Section 42A report
PREPARED BY:	Jamie Sirl
REPORT DATED:	27 March 2024
DATE OF HEARING:	29 April 2024

Contents

Executive Summary	i
Interpretation	iii
1.0 Introduction	1
1.1 Purpose.....	1
1.2 Authors and Qualifications	2
1.3 Code of Conduct.....	2
1.4 Supporting Evidence.....	3
1.5 Key resource management issues in contention.....	3
1.6 Procedural Matters	4
2.0 Background and Statutory Considerations	5
2.1 Resource Management Act 1991.....	5
2.2 Section 32AA.....	6
2.3 Trade Competition	7
3.0 Consideration of Submissions and Further Submissions	7
3.1 Report Structure	7
3.2 Format for Consideration of Submissions	8
4.0 Coastal Environment – Consideration of Submissions	9
4.1 Overview of PDP approach to the Coastal Environment.....	9
4.2 Coastal Environment - General submissions	13
4.3 Definitions.....	18
4.4 Coastal Environment Overlay	19
4.5 Schedule 12 - High Coastal Natural Character Areas	20
4.6 Coastal Environment chapter - Introduction.....	23
4.7 Coastal Environment - New provisions	28
4.8 Coastal Environment – Objectives	29
4.9 Coastal Environment – Policies.....	36
4.10 Coastal Environment - Rules.....	61
5.0 Coastal Environment - Section 32AA evaluation	85
6.0 Natural Character – Consideration of Submissions	86
6.1 Natural Character – General Submissions.....	86
6.2 Definitions.....	91
6.3 Natural Character - Objectives.....	91
6.4 Natural Character - Policies	93
6.5 Natural Character – Rules.....	97

7.0	Natural Character - Section 32AA evaluation.....	101
8.0	Public Access – Consideration of Submissions	102
8.1	Public Access – General submissions	102
8.2	Public Access – Objectives	102
8.3	Public Access – Policies.....	104
9.0	Public Access - Section 32AA evaluation	107
10.0	Minor and inconsequential amendments.....	108
11.0	Conclusion	108
11.1	Recommendations	108
12.0	Appendices.....	109
	Appendix A: Recommended Amendments to the Coastal Environment, Natural Character and Public Access chapters and related definitions.....	109
	Appendix B: Recommended Responses to Submissions and Further Submissions on the Coastal Environment, Natural Character and Public Access chapters and related definitions.....	110
	Appendix C: Record of communication to Barry Insull - Weevils.....	111

List of Figures

Figure	Title
Figure 1.	Coastal Environment – landward extent
Figure 2.	Coastal Environment – landward extent in urban area
Figure 3.	Relationship between the parts of the Coastal Environment
Figure 4.	Wind turbines in the coastal environment south west of Makara

List of Tables

Table	Title
Table 1.	Abbreviations
Table 2.	Abbreviations of Submitters’ Names
Table 3.	Relationship between the parts of the Coastal Environment
Table 4.	Comparison of language in higher order documents (bold emphasis added)

Executive Summary

- i. This report considers submissions received by Wellington City Council in relation to the relevant objectives, policies, rules, definitions, schedules, appendices, and maps of the Wellington City Proposed District Plan as they apply to the:
 - a. Coastal Environment (excluding Coastal Hazards provisions);
 - b. Natural Character; and
 - c. Public Access.
- ii. Submissions were received on the topics covered in this report as follows:
 - a. Coastal Environment: 231 submission points and 66 further submissions
 - High Coastal Natural Character Areas - Schedule 12 and mapping: 21 submission points and 10 further submissions;
 - b. Natural Character: 48 submission points and 5 further submissions; and
 - c. Public Access: 31 submission points and 3 further submissions.
- iii. The submissions received were diverse and sought a range of outcomes. This report assesses and makes recommendations in response to the issues and submission points raised.
- iv. Submissions received in relation to the coastal hazards provisions relevant to the coastal environment chapter were considered in Hearing Stream 5.
- v. The following are considered to be the key issues in contention as raised in submissions:

Coastal Environment

- a. Consistency with the New Zealand Coastal Policy Statement 2010, specifically:
 - i. Whether the objectives and policies are consistency with the language used in the NZCPS; and
 - ii. Seeking that the identification (mapping and schedules) of coastal natural character areas needs to go further than high natural character areas.
- b. Whether the approach to managing the preservation of natural character of the coastal environment, outside of high natural character areas, is appropriate with views ranging from ii providing inadequate protection through to it being inefficient, unclear and resulting in duplication across the Plan.
- c. Whether vegetation removal within the coastal environment, including high coastal natural character areas, is too permissive.
- d. Whether the planning provisions adequately recognise the operational and functional need for infrastructure and electricity generation infrastructure located in the coastal environment.

Natural Character

- a. Whether the NATC chapter is sufficiently clear as to when and where the chapter applies;
- b. Whether the NATC objectives, policies and rules are appropriate to mitigate the effects of activities, buildings and structures in riparian margins;
- c. Whether the policy direction adequately addresses the identification of natural character values; and
- d. Whether the permitted rules relating to restoration and enhancement are sufficiently clear.

Public Access

- a. Whether the Public Access chapter is sufficiently clear as to when the chapter applies.
- b. Whether the Public Access objectives, policies and rules are appropriate to mitigate the effects of activities, buildings and structures in riparian margins.

- vi. This report addresses each of these key issues, as well as any other relevant issues raised in the submissions.
- vii. The report includes recommendations to address matters raised in submissions. This includes whether the provisions in the Proposed District Plan relating to the Coastal Environment, Natural Character, Public Access chapters and Schedule 12 – High Coastal Natural Character Areas, should be retained as notified, amended, or deleted in full.
- viii. Appendix A of this report sets out the recommended changes to the Coastal Environment, Natural Character, Public Access chapters and Schedule 12 – High Coastal Natural Character Areas in full. These recommendations take into account all of the relevant matters raised in submissions and relevant statutory and non-statutory documents.
- ix. Appendix B of this report details officers' recommendations on submissions and whether they should be accepted, accepted in part or rejected. The associated reasoning is set out in the body of this report.
- x. For the reasons set out in the Section 32AA evaluations included throughout this report, the proposed objectives and associated provisions, along with any recommended amendments, are considered to be the most appropriate means to:
 - a. Achieve the purpose of the Resource Management Act 1991 (RMA) where it is necessary to revert to Part 2 and otherwise give effect to higher order planning documents, in respect to the proposed objectives; and
 - b. Achieve the relevant objectives of the Proposed District Plan, in respect to the proposed provisions.

Interpretation

Table 1: Abbreviations

Abbreviation	Means
the Act / the RMA	Resource Management Act 1991
the Enabling Act	Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021
the Council	Wellington City Council
the ODP/ODP	Operative Wellington City District Plan
the Proposed Plan/PDP	Proposed Wellington City District Plan
IPI	Intensification Planning Instrument
ISPP	Intensification Streamlined Planning Process
GWRC	Greater Wellington Regional Council
NES	National Environmental Standard
NES-AQ	National Environmental Standards for Air Quality 2004
NES-CS	National Environmental Standards for Assessing and Managing Contaminants in Soil to Protect Human Health 2011
NES-ETA	National Environmental Standards for Electricity Transmission Activities 2009
NES-FW	National Environmental Standards for Freshwater 2020
NES-MA	National Environmental Standards for Marine Aquaculture 2020
NES-PF	National Environmental Standards for Plantation Forestry 2017
NES--SDW	National Environmental Standards for Sources of Drinking Water 2007
NESTF	National Environmental Standards for Telecommunication Facilities 2016
NPS	National Policy Statement
NPS-ET	National Policy Statement on Electricity Transmission 2008
NPS-FM	National Policy Statement for Freshwater Management 2020
NPS-IB	National Policy Statement for Indigenous Biodiversity 2023
NPS-UD	National Policy Statement on Urban Development 2020
NPS-REG	National Policy Statement for Renewable Electricity Generation 2011
NZCPS	New Zealand Coastal Policy Statement 2010
P1Sch1	Part 1 Schedule 1 of the Resource Management Act 1991
PNRP	Proposed Wellington Natural Resources Plan (Decisions Version) 2019
RPS	Regional Policy Statement for the Wellington Region 2013
Spatial Plan	Spatial Plan for Wellington City 2021
S32	Section 32 of the Resource Management Act 1991
S32AA	Section 32AA of the Resource Management Act 1991

Table 2: Abbreviations of Submitters' Names

Abbreviation	Means
CentrePort	CentrePort Limited
DOC	Department of Conservation Te Papa Atawhai
FENZ	Fire and Emergency New Zealand
Forest and Bird	Royal Forest and Bird Protection Society
GWRC	Greater Wellington Regional Council
Heritage NZ	Heritage New Zealand Pouhere Taonga
Horokiwi Quarries	Horokiwi Quarries Ltd
Kāinga Ora	Kāinga Ora
Kilmarston Companies	Kilmarston Developments Limited and Kilmarston Properties Limited
KiwiRail	KiwiRail Holdings Limited
Meridian	Meridian Energy Limited
MoE	Ministry of Education
Taranaki Whānui	Taranaki Whānui ki te Upoko o te Ika a Maui
Transpower	Transpower New Zealand Ltd
Waka Kotahi	Waka Kotahi NZ Transport Agency
WCC ERG	WCC Environmental Reference Group
WIAL	Wellington International Airport Limited

In addition, references to submissions includes further submissions, unless otherwise stated.

1.0 Introduction

1.1 Purpose

2. This report is prepared under section 42A of the Resource Management Act 1991 (the RMA) to:
 - a. Assist the Hearings Panel in their role as Independent Commissioners in making their recommendations on the submissions and further submissions on the Wellington City Proposed District Plan (the PDP); and
 - b. Provide submitters with information on how their submissions have been evaluated and the recommendations made by officers, prior to the hearing.
3. This report considers submissions received by the Council in relation to the relevant objectives, policies, rules, definitions, maps, schedule and appendices as they apply to the:
 - a. Coastal Environment (excluding Coastal Hazards provisions which were addressed in the Stream 5 hearing);
 - b. Natural Character; and
 - c. Public Access.
4. Submissions received in relation to the coastal hazards provisions relevant to the coastal environment chapter were considered in Hearing Stream 5.
5. Submissions received in relation to coastal environment provisions contained within the Infrastructure, Subdivision and Earthworks chapters of the PDP are not considered in this report and are instead considered in the relevant reports that cover those topics.
6. This report discusses general issues, considers the original and further submissions received following notification of the PDP, assesses and makes recommendations as to whether or not those submissions should be accepted, accepted in part or rejected, and concludes with recommendations to retain or change the PDP provisions or maps based on the assessment and evaluation contained in the report.
7. These reports are intended to be read in conjunction with the Section 42A Overview Report¹, which sets out the statutory context, background information and administrative matters pertaining to the District Plan review and plan.
8. The Hearings Panel may choose to accept or reject the conclusions and recommendations of these reports or may come to different conclusions and make different recommendations, based on the information and evidence provided to them by submitters.

¹ [Section 42A - Overview Report](#)

1.2 Authors and Qualifications

9. My full name is James (Jamie) Grant Sirl. I am a Senior Planning Advisor in the District Plan Team at Wellington City Council (the Council).
10. My role in preparing this report is that of an expert in planning.
11. I hold the qualifications of Master of Planning Practice and Bachelor of Arts majoring in Geography from the University of Auckland. I am an Intermediate Member of the New Zealand Planning Institute.
12. I have approximately 12 years' experience in planning and resource management roles in Local Government.
13. I have experience with the preparation of council-led, and consideration of developer-led, district plan changes for greenfield growth areas and the preparation of council-led district plan changes relating to the protection of indigenous biodiversity and historic heritage values at Hamilton City Council.
14. In my current role my involvement in the PDP review process has included assisting with the summary of submissions and providing support to reporting officers for earlier hearing streams. I was also the reporting planner for the Natural Hazards and Coastal Hazards topic and the Open Spaces and Recreation topic and prepared the respective Section 42A reports.

1.3 Code of Conduct

15. Although this is a Council Hearing, I have read the Code of Conduct for Expert Witnesses contained in the Practice Note issued by the Environment Court which came into effect on 1 January 2023. I have complied with the Code of Conduct when preparing my written statement of evidence and I agree to comply with it when I give any oral evidence.
16. Other than when I state that I am relying on the evidence or advice of another person, this evidence is within my area of expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions I express.
17. Any data, information, facts, and assumptions I have considered in forming my opinions are set out in the part of the evidence in which I express my opinion. Where I have set out opinions in my evidence, I have given reasons for those opinions.

1.4 Supporting Evidence

18. The expert evidence which I have used or relied upon in support of the opinions expressed in this report is as follows:
 - i. Expert evidence of Mr Clive Anstey, Landscape Architect².

1.5 Key resource management issues in contention

Coastal Environment

19. In total there were 328 submission points received in relation to the Coastal Environment (CE) and Schedule 12 (SCHED12) topic addressed in this report, as follows:
 - a. 26 original submitters who collectively made 231 submission points on the Coastal Environment, with five further submitters who made 66 further submission point in support or opposition to the primary submissions; and
 - b. 9 original submitters who collectively made 21 submission points on the High Coastal Natural Character Areas - Schedule 12 and mapping, with 2 further submitters who made 10 further submission point in support or opposition to the primary submissions.
20. Having read the submissions and further submissions, I consider that the following matters are the key issues in contention with respect to the Coastal Environment:
 - a. Consistency with the New Zealand Coastal Policy Statement 2010, specifically:
 - i. Whether the objectives and policies are consistency with the language used in the NZCPS; and
 - ii. Seeking that the identification (mapping and schedules) of coastal natural character areas needs to go further than high natural character areas.
 - b. Whether the approach to managing the preservation of natural character of the coastal environment, outside of high natural character areas, is appropriate with views ranging from ii providing inadequate protection through to it being inefficient, unclear and resulting in duplication across the Plan.
 - c. Whether vegetation removal within the coastal environment, including high coastal natural character areas, is too permissive.
 - d. Whether the planning provisions adequately recognise the operational and functional need for infrastructure and electricity generation infrastructure located in the coastal environment.

Natural Character

21. In total there were 53 submission points received in relation to the Natural Character (NATC) chapter, as follows:
 - a. Eight original submitters who collectively made 48 submission points; and
 - b. Three further submitters who made 5 further submission point in support or opposition to the primary submissions.

² Statement of Expert Evidence (Landscape) of Clive Anstey dated 26 March 2024.

22. Having read the submissions and further submissions, I consider that the following matters are the key issues in contention with respect to the Natural Character chapter:
- a. Whether the NATC chapter is sufficiently clear as to when and where the chapter applies;
 - b. Whether the NATC objectives, policies and rules are appropriate to mitigate the effects of activities, buildings and structures in riparian margins;
 - c. Whether the policy direction adequately addresses the identification of natural character values; and
 - d. Whether the permitted rules relating to restoration and enhancement are sufficiently clear.

Public Access

23. In total there were 34 submission points received in relation to the Public Access (PA) chapter, as follows:
- a. Eight original submitters who collectively made 31 submission points; and
 - b. Two further submitters who made 3 further submission point in support or opposition to the primary submissions.
24. Having read the submissions and further submissions, I consider that the following matters are the key issues in contention with respect to the Public Access chapter:
- a. Whether the Public Access chapter is sufficiently clear as to when the chapter applies.
 - b. Whether the Public Access objectives, policies and rules are appropriate to mitigate the effects of activities, buildings and structures in riparian margins.

1.6 Procedural Matters

25. At the time of writing this report there have not been any pre-hearing conferences, clause 8AA meetings or expert witness conferencing in relation to submissions on CE, NATC, PA and SCHED12.
26. An informal discussion was held between WCC and Horokiwi Quarries where I considered a better understanding of the submitter's position would assist with determining appropriate recommendations in response to their submissions. The key matter discussed with respect to the topics covered in this report was the extent of the Coastal Environment.
27. There are not considered to be any other procedural matters to note.

2.0 Background and Statutory Considerations

2.1 Resource Management Act 1991

28. The PDP has been prepared in accordance with the RMA and in particular, the requirements of:
- i. Section 74 Matters to be considered by territorial authority; and
 - ii. Section 75 Contents of district plans.
29. As set out in Section 32 Evaluation Report Part 1 – Context to Evaluation and Strategic Objectives, there are a number of higher order planning documents and strategic plans that provide direction and guidance regarding the preparation and content of the PDP. These documents and a comprehensive assessment of all relevant consultation and statutory considerations prior to public notification of the PDP are discussed in detail within the CE, NATC and PA Section 32 Evaluation reports.
30. Since public notification of the PDP and publishing of the related section 32 evaluation reports on 18th July 2022, the following relevant statutory considerations have changed/been introduced:
- a. National Policy Statement for Indigenous Biodiversity 2023 (NPS-IB)
 - The main purpose of this NPS is to provide direction for local government how to protect areas of significant indigenous vegetation and significant habitats of indigenous fauna as a matter of national importance under the RMA.
 - Sections 1.4(1) and 1.4(2) of the NPS-IB clarify that both the NZCPS and this NPS apply in the terrestrial coastal environment; and that in the event of a conflict between the provisions of the two, the NZCPS prevails.
 - The PDP contains provisions to manage indigenous vegetation primarily in the Natural Environment Values – Ecosystems and Indigenous Biodiversity Chapter and SCHED8 - Significant Natural Areas. These are partly located in the Coastal Environment.
 - In my opinion, there is no conflict with respect to the PDP provisions. However, Policy 8 of the NPS-IB is particularly relevant to the consideration of submissions relating to the protection of indigenous vegetation in the Coastal Environment outside of identified Significant Natural Areas (SNA). I also note that Council is considering any necessary amendments to the Plan to give effect to the NPS-IB and the best process to introduce these.
 - b. Regional Policy Statement for the Wellington Region (RPS) – Proposed Change 1 (Change 1)
 - A substantial change to the RPS was notified on 19 August 2022. The purpose of the change is to implement and support the National Policy Statement on Urban Development 2020 (NPS-UD) and National Policy Statement for Freshwater Management 2020 (NPS-

FM). Hearings on Change 1 are proceeding in parallel with the PDP hearings scheduled to run until March 2024.

- A submission was received from Greater Wellington Regional Council (GWRC) seeking amendments to the PDP, in part to achieve alignment with Change 1. In the PDP Hearing Stream 1 the Reporting Officer confirmed that Change 1 given the stage that Change 1 is at in the legislative process (with substantial parts the subject of competing submissions) and hearings on Change 1 still being underway, it may be difficult to give much weight to Change 1. However, it is appropriate that consideration is given to Change 1 where relevant. I note that at this stage there have been no recommendation reports released by the Change 1 Independent Hearings Panel.

c. Natural Resources Plan and Plan Change 1 (PC1)

- The Natural Resources Plan for the Wellington Region (NRP) is operative and came into effect on 28 July 2023. PC1 to the Natural Resources Plan for the Wellington Region was notified on 30 October 2023. PC1 proposes amendments related to earthworks, stormwater and wastewater discharges, and rural land use to achieve water quality and ecological health objectives. In my opinion, these proposed changes are not directly relevant to the matters addressed in this report.

31. As detailed earlier in the section 42A Overview Report, the Council has chosen to use two plan review processes:

- a. The Intensification Streamlined Planning Process (ISPP) under Part 6 of Schedule 1 of the RMA for the intensification planning instrument (IPI). There are no appeal rights on ISPP provisions.
- b. For all other PDP provisions and content, the standard Part 1 Schedule 1 (P1Sch1) process of the RMA is used. P1Sch1 provisions can be appealed.

32. For these topics, all provisions fall under the P1Sch1 process.

2.2 Section 32AA

33. I have undertaken an evaluation of the more substantive recommended amendments to provisions since the initial section 32 evaluation was undertaken in accordance with s32AA.

34. Section 32AA states:

32AA Requirements for undertaking and publishing further evaluations

(1) A further evaluation required under this Act—

(a) is required only for any changes that have been made to, or are proposed for, the proposal since the evaluation report for the proposal was completed (the changes); and

(b) must be undertaken in accordance with section 32(1) to (4); and

(c) must, despite paragraph (b) and section 32(1)(c), be undertaken at a level of detail that corresponds to the scale and significance of the changes; and

(d) must—

(i) be published in an evaluation report that is made available for public inspection at the same time as the approved proposal (in the case of a national policy statement or a New Zealand coastal policy statement or a national planning standard), or the decision on the proposal, is notified; or

(ii) be referred to in the decision-making record in sufficient detail to demonstrate that the further evaluation was undertaken in accordance with this section.

(2) To avoid doubt, an evaluation report does not have to be prepared if a further evaluation is undertaken in accordance with subsection (1)(d)(ii).

35. The required section 32AA evaluation for changes proposed because of consideration of submissions with respect to the topics of this report is contained following the consideration of submissions in the Coastal Environment, Natural Character and Public Access sections of this report, as required by s32AA(1)(d)(ii).
36. The Section 32AA further evaluation contains a level of detail that corresponds to the scale and significance of the anticipated effects of the changes that have been made. Recommendations on editorial, minor, and consequential changes that improve the effectiveness of provisions without changing the policy approach have not been re-evaluated. Additionally, further re-evaluation has not been undertaken if the recommended amendments have not materially altered the policy approach.

2.3 Trade Competition

37. Trade competition is not considered relevant to the provisions of the PDP relating to this topic.
38. There are no known trade competition issues raised within the submissions.

3.0 Consideration of Submissions and Further Submissions

3.1 Report Structure

39. This report addresses submissions on the CE, NATC, PA chapters and SCHED12.
40. Submissions have been categorised in accordance with the general structure of PDP chapters as follows:
 - a. Coastal Environment chapter:
 - i. Coastal Environment – General Submissions
 - ii. Definitions
 - iii. Coastal Environment Overlay

- iv. SCHED12 - High Coastal Natural Character Areas
- v. Coastal Environment – Introduction
- vi. Coastal Environment – New Provisions
- vii. Coastal Environment – Objectives
- viii. Coastal Environment – Policies
- ix. Coastal Environment – Rules
- x. Coastal Environment – Standards

b. Natural Character chapter:

- i. Natural Character – General Submissions
- ii. Definitions
- iii. Natural Character – Objectives
- iv. Natural Character – Policies
- v. Natural Character – Rules

c. Public Access Chapter:

- i. Public Access – General submissions
- ii. Public Access – Objectives
- iii. Public Access – Policies.

41. I have considered substantive commentary on primary submissions contained in further submissions as part of my consideration of the primary submissions to which they relate.

42. Recommended amendments are contained in the following appendices:

- a. Appendix A – Recommended Amendments to the Coastal Environment, Natural Character and Public Access chapters, and Schedule 12.
- b. Appendix B – Recommended Responses to Submissions and Further Submissions on the Coastal Environment, Natural Character and Public Access chapters, and Schedule 12.

43. Additional information can also be obtained from the Coastal Environment³, and Natural Character and Public Access⁴ Section 32 Reports, and the overlays and maps on the ePlan.

44. This report only addresses definitions that are specific to this topic. Definitions that relate to more than one topic have been addressed in Hearing Stream 1 and the associated section 42A report, and in other relevant s42A reports for different topics.

3.2 Format for Consideration of Submissions

45. The consideration of submissions has been undertaken in the following format:

- Matters raised by submitters;

³ Wellington City Council, [Section 32 Coastal Environment Report](#)

⁴ Wellington City Council, Section 32 [Natural Character and Public Access](#) Report

- Assessment; and
 - Summary of recommendations.
46. The recommended amendments to the relevant parts of the PDP are set out in Appendix A of this report where all text changes are shown in a consolidated manner.
47. The recommended acceptance or rejection of submissions (and accordingly further submissions) is set out in Appendix B.
48. Recommendations in relation to further submissions reflect the recommendations made on relevant primary submissions.

4.0 Coastal Environment – Consideration of Submissions

4.1 Overview of PDP approach to the Coastal Environment

49. Before addressing each individual submission in detail, to assist the panel and for the sake of efficiency, I will outline my overall opinion with respect to a number of general themes evident in general submissions.

Extent of the Coastal Environment

50. As detailed in the section 32 Evaluation Report for the Coastal Environment⁵, the identification of the landward extent of the coastal environment in district plans is required to enable Council to meet its statutory obligations, including under the NZCPS, Policy 4 of the RPS and section 7, clause 28 of the National Planning Standards 2019.
51. The landward extent of the coastal environment (Coastal Environment) identified in the PDP reflects the spatial extent as a result of work undertaken by Boffa Miskell⁶. Policy 1 of the NZCPS includes characteristics that have guided the identification of the Coastal Environment for Wellington. Put simply, the Coastal Environment extends inland from Mean High Water Springs (MHWS) and generally includes land up to the summit of the first coastal ridge/crest or escarpment⁷. Figures 1 and 2 illustrate the landward extent of the Coastal Environment.
52. Acknowledging that MWHS is a dynamic line (in part due to the continuously changing shape and characteristics of coastal environments), to enable mapping of the Coastal Environment the PDP has relied on the most appropriate and accurate proxy from an authoritative data source to determine MHWS⁸. The coastal environment does not include the Coastal Marine Area (but does include the Coastal Margin as defined in the PDP).

⁵ [s32 Evaluation Report for the Coastal Environment](#)

⁶ [Boffa Miskell Limited 2014. Coastal Environment Wellington City \(2014\)](#)

⁷ Ibid. Page 6.

⁸ New Zealand Hydrographic Authority [NZ Coastline – Mean High Water dataset](#)

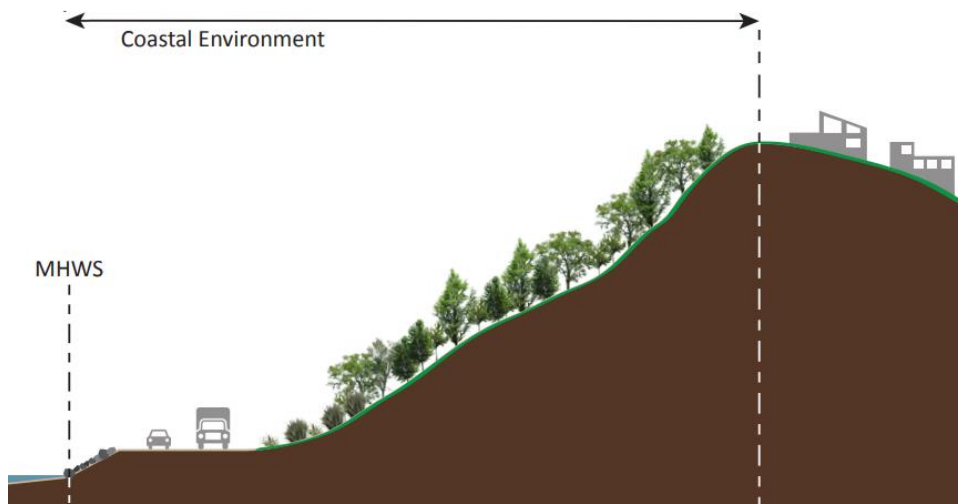


Figure 1. Coastal Environment – landward extent

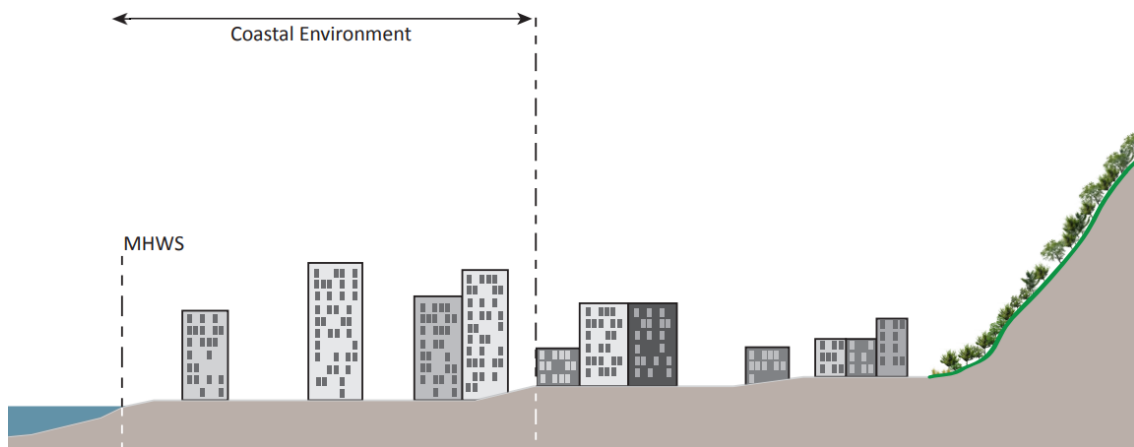


Figure 2. Coastal Environment – landward extent in urban area

Identification of areas of Outstanding, and High natural character in the coastal environment

53. As detailed in the section 32 Evaluation Report for the Coastal Environment⁹, Policy 13 of the NZCPS and Policy 3 of the RPS require the identification and protection of Outstanding and at least High Natural Character in the Coastal Environment. The PDP gives effect to the ‘assessment and identification’ aspect of Policy 13 by mapping areas of the Coastal Environment that have been determined as having very high or high natural character as identified in the Coastal Natural Character Assessment of Wellington City prepared by Boffa Miskell¹⁰ (Coastal Natural Character Assessment).
54. The Coastal Natural Character Assessment evaluated natural character values at an ‘area’ (1:50,000) and ‘component/local’ (1:10,000) scale. For the purposes of the evaluation, the

⁹ [s32 Evaluation Report for the Coastal Environment](#)

¹⁰ [Boffa Miskell Limited 2016. Wellington and Hutt City Coastal Study: Natural Character Evaluation of the Wellington City and Hutt City Coastal Environment. Report prepared by Boffa Miskell Limited for Greater Wellington Regional Council, Wellington City Council and Hutt City Council.](#)

Assessment identified nine Coastal Terrestrial Areas (at an ‘area’ scale) in the WCC boundary (as illustrated in Map 2, page 29¹¹), described the abiotic, biotic and experiential values that contribute to natural character, and rated the natural character for each of the nine Coastal Terrestrial Areas.

55. The Coastal Natural Character Assessment then evaluated natural character at a finer ‘component/local’ scale within those nine Coastal Terrestrial Areas. Abiotic, biotic and experiential values and an overall rating at the ‘component/local’ scale was used to identify areas of very high or high levels of natural character. It is the ‘component/local’ scale that makes up the 16 mapped High Coastal Natural Character Areas in the PDP. Schedule 12 (SCHED12) of the PDP details the abiotic, biotic and experiential values and rating for each of the identified High Coastal Natural Character Areas, accompanied by a brief description of the broader Coastal Terrestrial Areas that contain the High Coastal Natural Character Areas.
56. Table 3. and Figure 3. illustrate the relationship between the Coastal Environment, the Coastal Terrestrial Areas and the component areas that form the high coastal natural character areas:

COASTAL ENVIRONMENT	COASTAL TERRESTRIAL AREAS	COMPONENT AREAS / HIGH COASTAL NATURAL CHARACTER AREAS
		Makara
	Terawhiti	Opau Bay Te Ikaamaru / Ohau Bays Terawhiti / Ohau Point
	Sinclair Head / Te Rimurapa	Ōteranga Bay Ōteranga Head / Outlook Hill Coastal Cliffs East of Karori Stream Estuary Sinclair Head
	Southern Bays	South Coast Shore Platform Taputeranga Island
	Lyll Bay	Hue tē Taka Peninsula / Moa Point
	Miramar Peninsula	Point Dorset

Table 3. Relationship between the parts of the Coastal Environment

¹¹ [Ibid.](#) Page 29.

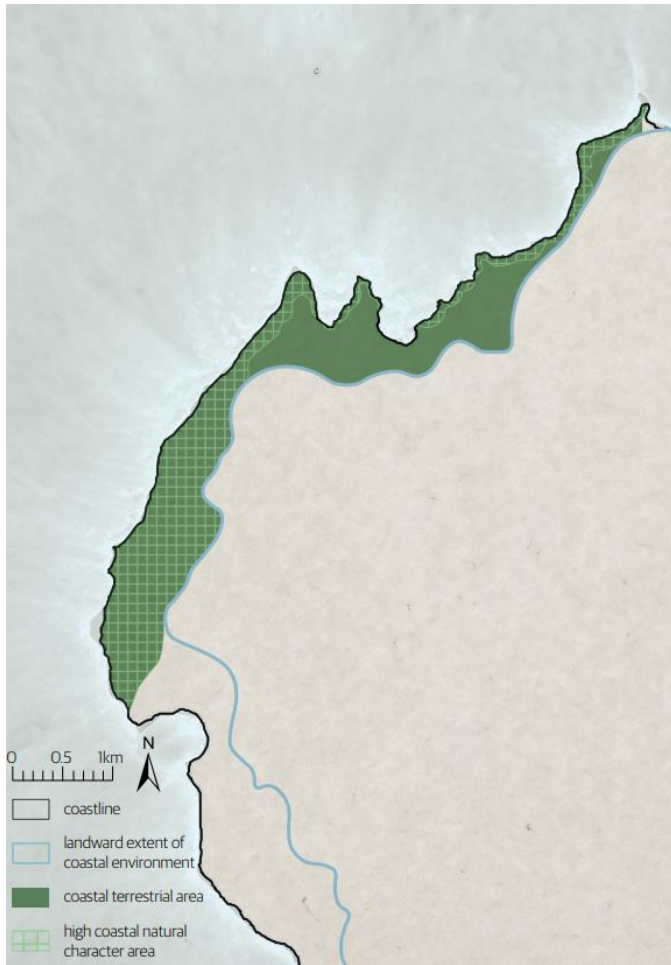


Figure 3. Relationship between the parts of the Coastal Environment

57. I note this approach to the identification of areas of very high or high coastal natural character is generally consistent with other recently reviewed/changed district plans in the region, including Porirua, and the Wairarapa Combined Plan.
58. I note that there were no areas assessed as having outstanding natural character in Wellington.

Coastal Environment outside of High Coastal Natural Character Areas

59. The Coastal Environment chapter includes provisions that manage adverse effects on the coastal margin and riparian margins located within the Coastal Environment. The PDP defines coastal margins and riparian margins, but does not map either of these areas. Outside of High Coastal Natural Character Areas and coastal margins and riparian margins located within the Coastal Environment, the PDP essentially relies on the underlying zone and citywide provisions (such as earthworks and subdivision) to preserve natural character and give effect to Policy 13 of NZCPS and Policy 3 of the RPS. Where the underlying zone permitted activity rules and standards are not complied with, the Coastal Environment policies (CE-P2 and CE-P10) (and Public Access

policies) come into play as matters of discretion requiring the consideration of adverse effects on the natural character of the Coastal Environment.

Indigenous Biodiversity

60. The PDP gives effect to Policy 11 of the NZCPS through the Coastal Environment chapter provisions in conjunction with the ECO chapter provisions that apply to identified Significant Natural Areas.

4.2 Coastal Environment - General submissions

Matters raised by submitters

Retain as notified

61. Yvonne Weeber [340.19] seeks to retain the chapter as notified.

Amend

62. Forest and Bird [345.383] submit that all provisions in zones still have to give effect to the requirements of the Act and national direction, including the NZCPS. Any exemptions from those requirements are opposed. They seek to amend all zones to remove any exemptions to requirements of national direction instruments, particularly the NZCPS.
63. Forest and Bird [345.290, opposed by WIAL FS36.82, and Meridian Energy Limited FS101.148] seek to amend all rules to refer to all areas of "natural character", not only areas of "high natural character".
64. WIAL [406.289] seeks that the Coastal Environment chapter and the associated infrastructure related provisions within the chapter should be reworked to focus on effects that specifically relate to the coastal environment and have not already been addressed, or cannot otherwise be addressed, by the underlying land use zone.
65. WIAL [406.288] also seeks that the relationship and consenting pathway for activities within the coastal environment (insofar as they relate to activities undertaken within the Airport Zone) be enabled, streamlined, and reflective of the existing environment.
66. WIAL [406.290] seeks that the coastal environment chapter is amended to give effect to all relevant parts of the NZCPS, including those provisions that recognise the functional and operational requirements of activities (such as infrastructure) to locate within these areas and the associated management of effects.
67. Yvonne Weeber [340.21 and 340.22, opposed by Horokiwi Quarries FS28.12] seeks that mining and quarrying activities within the coastal environment are not permitted.

68. GWRC [351.26, 351.32 and 351.33] considers the primary function of mapping area scale natural character ratings (low – high) in the PDP is to ensure applicants do not have to undertake this work as part of applications for resource consent, to give effect to NZCPS Policy 13(1)(b). They also consider that it would not be efficient or effective to require applicants for resource consent to undertake this step as part of a consent process, especially when the work has already been commissioned by WCC, presumably to be included in the PDP. They suggest that mapping the full range of natural character areas in the PDP also provides more certainty to applicants/developers on areas that are more suitable/less suitable for development based on an improved understanding of the natural character values present. Specifically, they seek the mapping of natural character ratings at all levels (low, moderate, high) at the wider area scale in Schedule 12, as undertaken in the 2016 Boffa Miskell natural character assessment.

Delete

69. Poneke Architects [292.4] considers that the Coastal Environment provisions are too broad and will effectively stop development in Wellington. They seek the deletion of the chapter in its entirety [Inferred decision requested].

Assessment

70. In response to Forest and Bird [345.383] I consider that the PDP, as an integrated plan, gives effect to national direction including the NZCPS throughout the various area specific (e.g. zone) and district-wide (e.g. overlay) provisions in the Plan. In my opinion, it is not necessarily a matter of a specific provision being tested in isolation of the wider plan framework as to whether that provision gives adequate effect to higher order direction. Nevertheless, I have reviewed the Coastal Environment chapter for any exemptions with respect to the requirements of the NZCPS and did not find any.
71. Further, in response to Forest and Bird [345.290] in a broad sense I consider that the PDP approach which is more restrictive of land use and development in areas identified as High Coastal Natural Character Areas (and within coastal or riparian margins located within the Coastal Environment) than land use and development in areas of the Coastal Environment not identified as High Coastal Natural Character Areas (or within coastal or riparian margins located within the Coastal Environment) achieves the level of natural character preservation required by the NZCPS. In my opinion, extending the Coastal Environment rules that apply to High Coastal Natural Character Areas to apply to the entire Coastal Environment (which would be the result of the amendments sought by the submitter) would unnecessarily constrain the use of land resource outside of those areas identified as having high natural character, and is not necessary to preserve the natural character values in those parts of the Coastal Environment which are already highly modified and more resilient to change.
72. I am of the opinion that Policy 13(1)(b) of the NZCPS does not require a district plan to manage high natural character areas and those areas of the Coastal Environment identified as having comparatively less natural character, in the same way. I also note that the NZCPS clearly anticipates use and development within the Coastal Environment (Objective 2, Objective 6,

Policy 6, and Policy 13). It follows that I disagree with the relief sought by Forest and Bird [345.290].

73. In response to WIAL [406.288 and 406.289] I am of the general view that the objectives, policies and rules within the Coastal Environment chapter are directly relevant to the Coastal Environment and do not duplicate, but simply rely on, permitted activity provisions of the underlying zone. This approach is premised on the permitted activity provisions within underlying zones adequately managing adverse effects on natural character within each zone. For example, residential zones will be much more enabling of development than an open space or rural zone that is comparatively less urbanised/modified from its natural state. When land use or development is not a permitted activity in the underlying zone, adverse effects on the natural character of the Coastal Environment is then required to be assessed (by way of CE-P2 and CE-P10 as additional matters of discretion) as part of the resource consenting process. This approach gives effect to the NZCPS as it ensures that those activities that may have an adverse effect on the natural character of the Coastal Environment are assessed, but only when a resource consent is already required.
74. With respect to the rules that may appear to duplicate or manage activities managed by the underlying zone (CE-R7 and CE-R8), in my view the PDP approach is preferred as it results in most Coastal Environment related provisions (exceptions include infrastructure provisions) being located in the chapter as opposed to disseminating the Coastal Environment related matters of discretion throughout the various zones, and numerous rules. However, I agree to the extent that the provisions as notified are not adequately clear with respect to the potential adverse effects on natural character where buildings or activities in the Coastal Environment do not meet the permitted rules. I elaborate on this matter further in response to submissions on specific provisions.
75. I agree with WIAL [406.290] to the extent that it is appropriate for the Coastal Environment chapter to recognise the functional and operational requirements of activities to locate in the Coastal Environment, however I consider that the notified chapter provisions relevant to this report achieve this. Should the submitter through hearing evidence provide specific amendments to provisions, any further amendments can be considered at such time.
76. With respect to the relief sought by WIAL on specific provisions, I address these submissions under the various sections of this report. Following the discussion above, and for similar reasons to those outlined in response to Forest and Bird in paragraphs 70 to 72 of this report, I disagree with the relief sought by WIAL [406.288 and 406.289].
77. I disagree with Yvonne Weeber [340.21 and 340.22] and consider that providing for the extension of existing quarrying activities (which are areas zoned for quarrying purposes) outside of high coastal natural character areas and outside of coastal and riparian margins as a restricted discretionary activity (CE-P9 and CE-R10) strikes an appropriate balance of protecting the Coastal Environment whilst enabling quarrying activities that contribute to the economic well-

being and functioning of the city through providing locally-sourced aggregate required for infrastructure and development, as recognised in Policy 6(1)(a) of the NZCPS and Policy 36 of the RPS.

78. In response to Poneke Architects [292.4], the identification of the Coastal Environment is required under s6 and s7 of the RMA, the NZCPS, the National Planning Standards and the RPS (Policy 4), with associated Plan provisions necessary to protect the natural character of the Coastal Environment. In simple terms, the Plan achieves the protection of areas of greatest remaining natural character within the Coastal Environment by defining the coastal margin area and riparian margins within the Coastal Environment and the identification and mapping of high coastal natural character area, and associated plan provisions. Outside of these areas, the PDP relies on the underlying zone rules with respect to maintaining natural character. In my opinion the submitter has not provided a clear explanation as to why this approach will severely impact development feasibility.
79. I agree in part with GWRC [351.26, 351.32 and 351.33] to the extent that the Coastal Terrestrial Area scale values identified contained in the Coastal Natural Character Assessment prepared by Boffa Miskell¹² in Schedule 12 provide greater context of the natural character of the Coastal Environment in Wellington. As indicated by Mr Anstey in his Statement of Evidence, the findings of this detailed assessment can assist plan users to better understand and assess potential adverse effects on natural character from proposed activities or development. This is because the natural character values identified at the Coastal Terrestrial Area scale are present in the local/component areas that have been identified as High Coastal Natural Character Areas. While Schedule 12 and the corresponding mapping of High Coastal Natural Character Areas adequately reflects the spatial extent of High Coastal Natural Character Areas, I note that only the 'key values' are included in the schedule. In simple terms, these are the key values that necessitate treating these areas of the Coastal Environment sensitively, but they are not the only values present as outlined in the Coastal Natural Character Assessment.
80. To clarify, I do not agree that inclusion of all the Coastal Terrestrial Areas in Schedule 12 and associated mapping of the Coastal Terrestrial Areas (as High Coastal Natural Character Areas or simply as areas with some degree of natural character such as those with a very low to moderate overall natural character rating) is necessary as I consider that an inefficient approach that would be confusing for plan users.
81. From my perspective, the matter then comes down to how the Plan ensures all natural character values that contribute High Coastal Natural Character Areas (those identified at the Coastal Terrestrial Area level in the Coastal Natural Character Assessment), not just 'key values' are considered with respect to potential adverse effects from a proposed activity or development.

¹² Boffa Miskell Limited 2016. Wellington and Hutt City Coastal Study: Natural Character Evaluation of the Wellington City and Hutt City Coastal Environment. Report prepared by Boffa Miskell Limited for Greater Wellington Regional Council, Wellington City Council and Hutt City Council.

82. In addition to a 'no change' option that would essentially retain Schedule 12 as notified, I have considered two alternative options:
- a. **Option 1:** 'More detailed Schedule 12'. Incorporating the Coastal Terrestrial Area abiotic, biotic, and experiential values from the Coastal Natural Character Assessment into Schedule 12; or
 - b. **Option 2:** Introducing a new appendix to the Plan that provides a detailed description of how natural character of the coastal environment was evaluated (essentially a summary of the method used in the Coastal Natural Character Assessment) and directing plan users to this report as a starting point for the purposes of natural character/landscape assessments (which could also be introduced as a s88 information requirement for specific rules).

Consideration of options

83. **Option 1**
- It is unclear whether all of the values and characteristics included in relation to the Coastal Terrestrial Areas in the Coastal Natural Character Assessment apply equally to all of the identified High Coastal Natural Character Areas;
 - Although additional detail on the values present in High Coastal Natural Character Areas would provide a more complete picture, I consider it would create additional complexity incorporating the Coastal Terrestrial Areas in the Schedule and lead to confusion with respect to the areas that are identified as meeting the high natural character threshold.
84. **Option 2**
- Provides improved guidance for plan users which signposts to that the Coastal Natural Character Assessment exists as an important resource and starting point for an assessment of effects on the natural character of the Coastal Environment
 - Avoids introducing added complexity to the Schedule which would result in confusion for plan users.
85. In my opinion, the introduction of a new appendix and s88 information requirements for specific rules relating to High Coastal Natural Character Areas and coastal and riparian margins will result in a more effective Plan with respect to the protection of natural character of the Coastal Environment, and also result in a more efficient approach as the Plan's requirements for consideration of natural character will be clearer for plan users.

Summary of recommendations

86. **HS7-CE-Rec1:** That a new Appendix addressing Natural Character of the Coastal Environment is included in the District Plan.
87. **HS7-CE-Rec2:** That a Section 88 information requirement is introduced to rules relating to High Coastal Natural Character Areas and coastal and riparian margins (CE-R6.2, CE-R9, CE-R13, and

CE-15.3) requiring an assessment by a suitably qualified landscape architect to assess the proposal against the identified values of the high coastal natural character area.

88. **HS7-CE-Rec3:** That submission points relating to general submissions on the Coastal Environment are accepted/rejected as detailed in Appendix B.

4.3 Definitions

Matters raised by submitters

Coastal Environment

89. CentrePort Limited [402.5, opposed by WIAL FS36.15] and Transpower [315.18] seek to retain the definition of Coastal Environment as notified.

Coastal Margin

90. CentrePort Limited [402.7] seeks to retain the definition of Coastal Margin as notified.
91. Transpower [315.19, supported by WIAL FS36.17] seeks that the definition of Coastal Margin is amended to clearly define the Coastal Margin line, and clearly identify it on the planning maps.

Assessment

92. In response to Transpower [315.19] I consider that the definition of Coastal Margin Area and ancillary diagram is clear as it is. However, I agree that mapping of the Coastal Margin would improve ease of interpretation and application of the provisions relating to the Coastal Margin and recommend that the District Plan mapping be amended to include the Coastal Margin Area consistent with the respective definition in the PDP.

Summary of recommendations

93. **HS8-CE-Rec4:** That the definition of Coastal Environment be confirmed as notified.
94. **HS8-CE-Rec5:** That the definition of Coastal Margin Area be confirmed as notified.
95. **HS8-CE-Rec6:** That the Coastal Margin Area be mapped in the District Plan in accordance with the definition of Coastal Margin Area contained in the PDP.
96. **HS8-CE-Rec7:** That submission points on definitions relating to Coastal Environment are accepted/rejected as detailed in Appendix B.

4.4 Coastal Environment Overlay

Matters raised by submitters

97. Aggregate and Quarry Association [303.7 and 303.8] considers that the Coastal Environment overlay is a barrier to new or expanding quarries near State Highway 2, which runs along much of the available rocks of the Wellington fault. Consequently, they seek amendments to the overlay to remove overlap with the Special Purpose Quarry Zone and to enable access to aggregate.
98. Horokiwi Quarries Ltd [271.10, 271.11, and 271.42] opposes parts of the Coastal Environment Overlay as it relates to part of the exiting Horokiwi quarry site. They seek that the Coastal Environment Line given the nature of the existing quarrying activities undertaken and modified nature of the environment.
99. WIAL [406.15, 406.16, 406.286, and 406.287 [opposed by Guardians of the Bays Inc FS44.178 and FS44.179]] is concerned that the complex relationship between the Coastal Environment, Infrastructure and Airport Zone provisions creates an inefficient consenting pathway for airport and airport related activities. Consequently, they seek that the Coastal Environment Overlay is removed from the Airport Zone.

Assessment

100. As outlined in paragraphs 50 to 52 of this report, the identification of the Coastal Environment Overlay responds to the direction of Policy 1 of the NZCPS and Policy 4 of the RPS and reflects the Natural Character Evaluation report prepared by Boffa Miskell¹³.
101. I note that there are various examples of highly modified and urbanised areas included within the extent of the mapped Coastal Environment and that Policy 1.2.i. of the NZCPS anticipates this by recognising that the coastal environment includes 'physical resources and built facilities, including infrastructure, that have modified the coastal environment'. Consequently, and following expert landscape advice of Mr Anstey as outlined in his Statement of Evidence, I disagree with Horokiwi Quarries Ltd [271.10, 271.11, and 271.42] and Aggregate and Quarry Association [303.7 and 303.8]. I also note that Coastal Environment chapter provisions (CE-R10) provide for the expansion of existing quarrying activities.
102. I also note that Horokiwi Quarries Ltd highlighted in their submission that Boffa Miskell Limited Wellington and Hutt City Coastal Study: Natural Character Evaluation of the Wellington City and Hutt City Coastal Environment 2016 report was not made available at the time of notification of the PDP. I understand that this was an oversight and the report has been made available on

¹³ Boffa Miskell Limited 2016. Wellington and Hutt City Coastal Study: Natural Character Evaluation of the Wellington City and Hutt City Coastal Environment. Report prepared by Boffa Miskell Limited for Greater Wellington Regional Council, Wellington City Council and Hutt City Council.

Council website. I note that the report would have been provided on request in the event that Council had received one post notification of the PDP.

103. In response to WIAL [406.15, 406.16, 406.286, and 406.287] Mr Anstey has reviewed the extent of the Coastal Environment overlay relevant to the Airport and has advised that it is appropriate and consistent with the methodology used to identify the Coastal Environment in the PDP.

104. In addition, in my opinion the Coastal Environment provisions impose very little added complexity in addition to the Airport zone rules, as broadly outlined in paragraphs 73 and 74 of this report, and I do not consider that removal of the Coastal Environment overlay is appropriate on these grounds.

105. Consequently, I disagree with WIAL [406.15, 406.16, 406.286, and 406.287].

Summary of recommendations

106. **HS8-CE-Rec8:** That the Coastal Environment Overlay be confirmed as notified.

107. **HS8-CE-Rec9:** That submission points on definitions relating to Coastal Environment are accepted/rejected as detailed in Appendix B.

4.5 Schedule 12 - High Coastal Natural Character Areas

Matters raised by submitters

Retain as notified

108. Yvonne Weeber [340.157] and Guardians of the Bays [452.104 and 432.105] seek to retain the Lyall Bay connection between Te Raekaihau and Hue te Taka Peninsula/Moa Point in the schedule as notified.

109. Director-General of Conservation [385.94] seeks to retain the schedule as notified.

Amend:

110. Barry Insull [32.24] seeks to amend the subtitle "Sinclair Head" to "Sinclair Head/Te Rimurapa".

111. Barry Insull [32.25] seeks that the language in the Key Values for Coastal Cliffs East of Karori Stream Estuary be amended to remove mention of "a historic habitat for Long Bay Beach Weevil".

112. John Tiley [142.31, opposed by Meridian FS101.190, and supported by Andy Foster FS86.34], and Churton Park Community Association [189.31, opposed by Meridian FS101.191] seeks that the 18 identified ridgelines and hilltops (and Marshalls Ridge) are listed in either Schedule 11 or Schedule 12.

113. Forest and Bird [345.417 and 345.418, opposed by Meridian FS101.192 and FS101.193] seeks clarity in the relationship between the sections “Relevant values under Policy 13 of the NZCPS” and “Key values” for each identified area in the schedule. Forest and Bird [345.419, opposed by Meridian FS101.194] also seeks that Schedule 12 is amended to include the values of each High and Very High Coastal Natural Character Areas to give effect to Policy 13 of the NZCPS.

114. GWRC [351.351, opposed by Meridian FS101.195] seeks to amend Schedule 12 that contains the areas identified in the 2016 Boffa Miskell coastal natural character assessment. They seek:

- the title of the schedule is amended to refer to all coastal natural character areas rather than areas of high natural character in isolation [351.354, opposed by Meridian FS101.198];
- that the schedule is amended to include natural character ratings at all levels (low, moderate, high) at the wider area scale, as undertaken in the 2016 Boffa Miskell coastal natural character assessment [351.352 and 351.353, opposed by Meridian FS101.196]; and
- that to achieve CE-01 the schedule be amended to map area scale natural character ratings identified in the Boffa Miskell’s natural character assessment [351.355, opposed by Meridian FS101.197] considers the proposed mapping approach is not appropriate.

Delete:

115. Terawhiti Station [411.30] seeks to delete Ōteranga Head/Outlook Hill from the schedule as an area of High Coastal Natural Character.

116. Terawhiti Station [411.31] seeks to delete Terawhiti/Ohau Point from the schedule as an area of High Coastal Natural Character.

Assessment

117. In response to Barry Insull [32.24] I note that with respect to the Coastal Environment all references in the Plan are “Sinclair Head/Te Rimurapa” and consequently, I agree with the submitter.

118. In response to Barry Insull [32.25] relief relating to the Coastal Cliffs East of Karori Stream Estuary seeking removal of reference to “historic habitat for Long Bay Beach Weevil”, in considering the subsequent email correspondence between the Council and submitter (**Appendix C** to this report) that clarifies that although a historically proposed weevil reserve was never formally gazetted, there is evidence of this area being historic habitat of the Speargrass Weevil (*Lyperobius huttoni*). I recommend that the reference to Long Bay Beach Weevil be replaced with reference to Speargrass Weevil (*Lyperobius huttoni*).

119. I disagree, supported by Mr Anstey as outlined in his Statement of Evidence, with John Tiley [142.31] and Churton Park Community Association [189.31] that the Ridges and Hilltops Overlay should be included in Schedule 12 on the basis that any parts of the Ridges and Hilltops Overlay

contained in the Coastal Environment that has a high level of natural character will already be included in both the scheduled and mapped High Coastal Natural Character Areas.

120. I disagree with Forest and Bird that Schedule 12 needs to be amended to specifically reference the matters included in NZCPS Policy 13(2) as I am of the opinion that, subject to the recommended amendments to Schedule 12 within this report, the Schedule is clear and easily understood with respect to the key values that contribute to the high character of the identified areas. However, I agree that there is a disconnect between the 'key values' in the Schedule and the wider values identified at the Coastal Terrestrial Area scale in the Coastal Natural Character Assessment, and that a plan user should consider this greater level of detail when considering potential adverse effects activities on the natural character in high coastal natural character areas through the resource consenting process.
121. For similar reasons to those outlined in paragraphs 79 to 81 of this report, I disagree with GWRC [351.351, 351.352, 351.353 and 351.355] that Schedule 12 should be amended to include natural character assessment and ratings for those parts of the Coastal Environment that do not meet the 'high natural character' threshold. I note that Policy 13.1.c. of the NZCPS requires only that 'at least' areas of high character are identified or mapped, whereas Policy 3 of the RPS specifically directs the protection of high natural character in the coastal environment in district and regional plans. I also note that Policy 23(a) of the NRP requires only requires identification of outstanding and high natural character in the coastal environment. It follows that it is not a requirement to map and identify values for areas of relatively low natural character, and that a District Plan (and Regional Plan for that matter) can use other methods to achieve the overall intent of higher order direction. In considering this wider matter, I sought advice from Mr Anstey as outlined in his Statement of Evidence.
122. With respect to mapping of the Coastal Terrestrial Areas, in my opinion this would add unnecessary complexity and potentially result in plan users confusing mapped area-scale Coastal Terrestrial Areas with the mapped High Coastal Natural Character Areas. Consequently, I also disagree with the amendment sought to the title of the schedule [351.354]. However, as detailed in paragraphs 79 to 81 of this report I consider that the Coastal Terrestrial Area-scale context and values contained in the Coastal Natural Character Assessment, particularly for those Coastal Terrestrial Area's that contain a High Coastal Natural Character Area provides important context and information for the assessment of potential adverse effects on natural character in the Coastal Environment.
123. Rather than include this information in Schedule 12, which over-complicates the schedule and presents a challenge attributing wider landscape values to a local area scale, my preferred option is to introduce a new appendix to the Plan that recognises the Coastal Natural Character Assessment and signals to plan users that the Coastal Natural Character Assessment is available as a starting point for assessments of effects. I note that this approach is generally consistent with the Plan's approach to historic heritage with Schedule 3 simply referring to the values present (e.g. 'rarity) for each identified heritage area. However, notably a difference between the

approach to heritage areas and High Coastal Natural Character Areas is that only the rules for the latter refer directly to the values identified in the relevant schedule.

124. I also note that for those parts of the Coastal Environment that do not meet the high natural character threshold, the Coastal Environment chapter provisions already provides a mechanism to consider adverse effects on natural character values in the Coastal Environment outside of high character areas where proposals do not meet permitted activity status in the underlying zone, and natural character becomes a matter for consideration.

125. Schedule 12 as notified includes a description (only) of each Coastal Terrestrial Area scale (e.g. Makara) for those Coastal Terrestrial Area that contain a local/component scale areas that have been rated as having very high and high coastal natural character (e.g. North Pipinui Scarp). In my opinion, although this assists in spatially locating the High Coastal Natural Character Areas, it is confusing as the Coastal Terrestrial Area's are not themselves identified High Coastal Natural Character Areas. In my opinion, the schedule would be clearer if these Coastal Terrestrial Area descriptions were deleted. However, there is limited scope within submissions to recommend this amendment. Instead, I recommend a minor amendment that improves clarity as to which areas are High Coastal Natural Character Areas and that the title of each High Coastal Natural Character Area is added to ePlan maps.

126. In response to Terawhiti Station [411.30 and 144.31], I sought expert advice from Mr Anstey who recommended, as outlined in his Statement of Evidence, the retention of Ōteranga Head/Outlook Hill and Terawhiti/Ohau Point in Schedule 12 as an areas of High Coastal Natural Character.

Summary of recommendations

127. **HS8-CE-Rec10:** That SCHED12 is amended as detailed in Appendix A and the title of each High Coastal Natural Character Area is added to ePlan maps.

128. **HS8-CE-Rec11:** That submission points on High Coastal Natural Character Area are accepted/rejected as detailed in Appendix B.

4.6 Coastal Environment chapter - Introduction

Matters raised by submitters

129. CentrePort Limited [402.113 and 402.114] considers that there are Port Zone objectives and policies relevant to the Coastal Environment chapter and seeks to add a reference to the Port Zone in the Coastal Environments chapter introduction as follows:

Provisions relating to infrastructure within the coastal environment are located in the INF-CE sub-chapter and in the Special Purpose Port Zone. The provisions in the INF-CE chapter apply in addition to the general provisions of the infrastructure chapter.

130. Meridian Energy Limited [228.96 and 228.97] considers that the text in the introduction describing Wellington’s coastline is only partially accurate. They consider the description fails to acknowledge the presence of the turbines, roads and other built facilities in the West Wind and Mill Creek wind farms. They seek the following amendments:

Wellington City’s coastline extends for over 100 ~~kilometers~~ kilometres. ~~The western and southern parts of this coastline are largely undeveloped.~~ Narrow shore platforms and steep escarpment and cliff faces are typical along this part of the coastline, where exposure to rigorous environmental conditions has helped shape rugged landforms. Many areas of Wellington’s rural coastal environment are largely undeveloped (for example, the west-facing and south-facing escarpments adjacent to Raukawa Moana (Cook’s Strait) west of Owhiro Bay). Parts of the rural environment above the coastal escarpments have been modified by development (for example, by the establishment of the West Wind and Mill Creek wind farms which now form part of the existing environment). ~~At the same time t~~The urban areas of the coastal environment have been heavily modified, with public roads present nearly the entire length of the coastline around the harbour from Sinclair Head to Petone, ~~with~~ and residential and commercial development having modified the natural character throughout this area.

131. Meridian Energy Limited [228.98 and 228.99] support that the rules for renewable electricity generation activities, structures and buildings would be wholly contained in the REG chapter. They consider that the standards listed for activities in the coastal environment are inappropriate for renewable electricity generation activities and structures and should not be construed as a ‘permitted baseline’ for renewable electricity generation activities there, and particularly not for existing wind farms. They seek amendments to the Introduction to include the following clarification note:

The rules applicable to renewable electricity generation activities in the coastal environment, including in areas of high and very high coastal natural character, are contained in Chapter REG Renewable Electricity Generation. The rules in Chapter CE Coastal Environment do not apply to renewable electricity generation activities in the coastal environment, including in areas of high and very high coastal natural character in the coastal environment.

132. WIAL [406.284, opposed by Guardians of the Bays Inc FS44.65; and 406.285, opposed by Guardians of the Bays Inc FS44.66] considers that the introductory text should also reference the relevant enabling provisions within the NZCPS relating to the operational and functional needs of infrastructure. They seek the following amendment:

Coastal Environment chapter introduction

...

The coastal and riparian margin provisions do not apply in highly modified areas like the Airport Zone, Port Zone, ~~or~~ the City Centre Zone, or the area of Natural Open Space Zone located between Lyall Bay and Moa Point.

...

Any activities within the City Centre Zone or are associated with the Wellington Airport, operational port activities, passenger port facilities and rail activities are assessed against their own specific objectives, policies and rules contained in Part 3. This is in recognition of the social and economic benefits these activities have and that their position in the City is largely fixed as well as the policy directives of the NZCPS and RPS that recognise and provide for the functional and operational needs of infrastructure.

...

Assessment

133. In response to CentrePort [402.113 and 402.114] I agree that there is a relationship (in a spatial sense at least) between the provisions of the Port Zone which enable operations in the coastal environment and the Coastal Environment chapter. I agree that the introductory text could be amended slightly to reference the 'Port Zone', which would provide the general relief sought by the submitter, to clarify the relationship between the Coastal Environment chapter and the Port Zone. I note that the Infrastructure Chapter as notified explicitly excludes port and airport activities (irrespective of the PDP definition of Infrastructure including both port and airport activities). Subsequently, I agree with the relief sought by the submitter.
134. I agree in part with WIAL [406.284 and 406.285]. I note that the coastal margin area does not extend into the Airport Zone, and the area of Natural Open Space Zone located between Lyall Bay and Moa Point is not part of the Airport or Airport Zone, but has been significantly modified from a natural state. However, I disagree that the area of Natural Open Space Zone located between Lyall Bay and Moa Point needs to be specifically recognised in the chapter introduction. However, I agree with the submitter to the extent that the minor addition of a reference to 'relevant zone chapter' and recognition of the functional and operational needs of infrastructure in the Coastal Environment would provide helpful context and clarification for plan users. I do not consider that specific reference to the higher order NZCPS or RPS needs to be repeated as sought by the submitter.
135. In reviewing this text, I have also identified some minor amendments that usefully clarify the function of the provisions as notified. Where not directly in response to a submission, I consider these immaterial amendments to be consistent with Clause 16(2) of Schedule 1 of the Act.

136. Consequentially, I recommend the following amendments to the Coastal Environment chapter Introduction section:

...

The framework below provides a specific pathway for any development within either the City Centre Zone, ~~or the Wellington~~ Airport Zone, and operational port activities, passenger port facilities, and rail activities within the Port Zone. ~~Any activities within these zones the City Centre Zone or are associated with the Wellington Airport, operational port activities, passenger port facilities and rail activities~~ are assessed against their own specific objectives, policies and rules in this chapter and the relevant zone chapter. This is in recognition of the social and economic benefits these activities have, their functional and operational need to be located where they are, and that their position in the City is largely fixed.

...

137. I have checked the planning maps for the presence of turbines, roads and other built facilities in the West Wind and Mill Creek wind farms within the Coastal Environment. I observed this to be the case (Figure 4 below).



Figure 4: Wind turbines in the coastal environment south west of Makara

138. Subsequently, I agree in part with Mercury Energy [228.96 and 228.97] to add a reference to the introduction of the chapter acknowledging this but suggest a more succinct addition to their specific relief, as set out in the recommendations contained in paragraph 142 of this report. I also agree with the correction of spelling and improved clarification sought by the submitter.
139. In response to Meridian Energy Limited [228.98 and 228.99] I note that there is a statement in the chapter introduction as follows:

‘Provisions relating to renewable electricity generation within the coastal environment are located in the [REG chapter](#)’.

140. I also note that the REG chapter further contains a statement as follows:

The provisions within this chapter apply on a City-wide basis and are specific to [renewable electricity generation activities](#). As such, the rules in the Zone chapters, and the rules in the [Infrastructure](#), [Noise](#), [Earthworks](#) and [Overlay](#) chapters, do not apply to [renewable electricity generation activities](#) unless specifically stated within a renewable electricity generation rule or standard.

141. I consider that the relevance and application of plan provisions with respect to renewable electricity generation activities is clear and I disagree with Meridian Energy Limited [228.98 and 228.99] that additional exclusions are required within the Coastal Environment chapter.

Summary of recommendations

142. **HS8-CE-Rec12:** That the Coastal Environment chapter is amended as set out below and detailed in Appendix A.

...

Wellington City’s coastline extends for over 100 ~~kilometers~~ [kilometres](#). The western and southern parts of this coastline are largely undeveloped. Narrow shore platforms and steep escarpment and cliff faces are typical along this part of the coastline, where exposure to rigorous environmental conditions has helped shape rugged landforms. [Parts of the rural environment above the coastal escarpments have been modified by development. At the same time](#)†The urban areas [of the coastal environment](#) have been heavily modified, with public roads present nearly the entire length of the coastline around the harbour from Sinclair Head to Petone, with residential and commercial development having modified the natural character throughout this area. [There has also been development of large scale infrastructure within the coastal environment, such as turbines, quarrying, roads and other built facilities.](#)

...

Provisions relating to infrastructure within the coastal environment are located in the INF-CE sub-chapter [and in the Special Purpose Port Zone and Airport Zone](#). The provisions in the INF-CE [sub](#)-chapter apply in addition to the general provisions of the infrastructure chapter.

...

...

The framework below provides a specific pathway for any development within either the City Centre Zone, ~~or the Wellington Airport Zone, and~~ operational port activities, passenger port facilities, and rail activities within the Port Zone. ~~Any activities within these zones the City Centre Zone or are associated with the Wellington Airport, operational port activities, passenger port facilities and rail activities~~ are assessed against their own specific objectives, policies and rules in this chapter and the relevant zone chapter. This is in recognition of the social and economic benefits these activities have, their functional and operational need to be located where they are, and that their position in the City is largely fixed.

...

143. **HS8-CE-Rec13:** That submission points on the Coastal Environment chapter Introduction are accepted/rejected as detailed in Appendix B.

4.7 Coastal Environment - New provisions

Matters raised by submitters

144. Forest and Bird [345.291, 345.292 and 345.293, opposed by Meridian Energy Limited FS101.149, FS101.150, FS101.151 and WIAL FS36.83, FS36.84 and FS36.85] seeks to add:
- A new policy CE-PX to give effect to policy 11 of the NZCPS outside Significant Natural Areas and within the coastal environment.
 - A new policy CE-PX and rule CE-RX to give effect to Policy 13(1)(a) of the NZCPS with regards to outstanding natural character in the Coastal Environment.
 - A new objective CE-OX, policy CE-PX, and rule CE-RX to give effect to policy 13(1)(b) of the NZCPS to protect natural character in all other areas of the Coastal Environment.

Assessment

145. In my opinion, CE-P8 provides policy direction for the management of vegetation removal in the Coastal Environment and consequently, in conjunction with the ECO chapter provisions (which notably includes a non-complying activity rule status for indigenous vegetation removal in SNA where matters identified in Policy 11a of the NZCPS are present), adequately gives effect to Policy 11 of the NZCPS without the need for an additional policy. Consequently, I disagree with Forest and Bird [345.293].
146. However, I note my general support for the rules and standards for indigenous vegetation removal extending to parts of the wider Coastal Environment overlay area not just the high coastal character areas to give effect to Policy 11 of the NZCPS and the NPS-IB but suggest that this is best addressed in the ECO topic for consistency. Submission points specific to CE-P8 are considered in the relevant section of this report.

147. I disagree with Forest and Bird [345.292] that a new policy and rule is required to give effect to policy 13(1)(a) of the NZCPS on the basis that there are no areas of outstanding natural character identified in the District Plan.
148. I also disagree with Forest and Bird [345.291] that a new objective, policy and rule is required to give effect to policy 13(1)(b) of the NZCPS as I consider that CE-O1 (which following recommendations in this report seeks that natural character is maintained and rehabilitated, restored or enhanced) and CE-P2 (subject to recommended amendments in this report, provides appropriate policy direction for areas of the coastal environment outside of high natural character areas) adequately give effect to the intent of NZCPS Policy 13(1)(b) along with the relevant rules. As correctly outlined in the section 32 report, the NZCPS only necessitates that areas of outstanding and high natural character are identified in plans, with Policy 3 of the RPS requiring the protection of high natural character.

Summary of recommendations

149. **HS8-CE-Rec14:** That submission points requested new provisions in the Coastal Environment chapter are accepted/rejected as detailed in Appendix B.

4.8 Coastal Environment – Objectives

CE-O1 Coastal environment

Matters raised by submitters

Retain as notified

150. Forest and Bird [345.294, opposed by WIAL FS36.86], Horokiwi Quarries Ltd [271.43] and Te Rūnanga o Toa Rangatira [488.58] seek the objective to be retained as notified.

Amend

151. Director-General of Conservation [385.58 and 385.59] seeks the addition of the word ‘rehabilitated’ to ensure the objective is in line with Policy 14 of the NZCPS which promotes either restoration or rehabilitation of the natural character of the coastal environment.
152. GWRC [351.196, 351.197 and 351.198, opposed by Meridian Energy Limited FS101.152 and FS101.153] seeks CE-O1 is amended to align with NZCPS Policies 13 and 15 to reflect the requirement to “preserve” and “protect” natural character. They seek the following amendments:

The natural character and qualities that contribute to the natural character within the landward extent of the coastal environment are ~~maintained~~ preserved and protected and, where appropriate, restored or ~~enhanced~~ rehabilitated.

153. Meridian Energy Limited [228.100, 228.101 and 228.102] considers that CE-O1 fails to acknowledge the presence of the existing modifications (including buildings and structures) made by the West Wind and Mill Creek wind farms. They seek amendments to more accurately describe the modified natural character of these parts of the coastal environment in SCHED10, in the description of the coastal environment in the Coastal Environment Chapter and in the objectives of Chapter CE Coastal Environment, including CE-O1. Specifically, they seek the following amendment to CE-O1:

Objective CE-O1 (Coastal environment)

The natural character and qualities that contribute to the natural character within the landward extent of the coastal environment are maintained and, where appropriate, restored or enhanced, recognising the presence of existing renewable electricity generation activities and the importance of the renewable electricity generation resource in the coastal environment.

154. Or alternatively if the amendments to CE-O1 are not supported, a new objective as follows:

Objective [XX-O1]

The benefits of the existing wind farms along Wellington's coastline are recognised and their generation capacity is optimised.

155. WCC ERG [377.221, opposed by Meridian Energy Limited FS101.154] considers that it is important to ensure that, in the midst of an ecological emergency, the default attitude towards environmental protection is one of restoration. They seek the following amendments to CE-O1:

CE-O1 Coastal environment

The natural character and qualities that contribute to the natural character within the landward extent of the coastal environment are maintained and, where ~~appropriate~~ possible, restored or enhanced.

156. WIAL [406.294 and 406.295] seeks that the CE-O1 be amended so it focuses on effects that specifically relate to the coastal environment and have not already been addressed, or cannot otherwise be addressed, by the underlying land use zone.
157. WIAL [406.296] also seeks that the Coastal Environment objectives, including CE-O1, are amended to ensure the provisions give effect to all relevant parts of the NZCPS, including those provisions that recognise the functional and operational requirements of activities (such as infrastructure) to locate within these areas and the associated management of effects.

Assessment

158. In response to GWRC [351.196, 351.197 and 351.198] I have reviewed the language used in policy direction contained in higher order direction and compared that to the PDP (Table 4).

Notably the language of the NZCPS is adopted in the RPS, but in the NRP the concept of ‘maintain’ is introduced.

Table 4: Comparison of language in higher order documents (bold emphasis added)			
	NZCPS	RPS	NRP
Policy direction	<p><u>Policy 13:</u> <i>To preserve the natural character of the coastal environment and to protect it from inappropriate subdivision, use, and development</i> ...</p> <p><u>Policy 14:</u> <i>Promote restoration or rehabilitation of the natural character of the coastal environment</i> ...</p>	<p><u>Policy 3:</u> ... <i>protect high natural character in the coastal environment</i> ...</p> <p><u>Policy 35:</u> ... <i>preserving the natural character of the coastal environment</i> ...</p> <p><u>Policy 36:</u> <i>Managing effects on natural character in the coastal environment</i></p>	<p><u>P24:</u> <i>Preserving and protecting natural character</i> ...</p> <p><u>P109:</u> <i>Maintain or restore [...] natural character</i></p>

159. In my opinion the use of maintain in CE-O1 is appropriate as this objective is relevant to the wider coastal environment, parts of which are highly modified and urbanised where it is more a matter of maintaining the existing coastal natural character, which has been assessed as relatively low. I consider this to still achieve the ‘preserve and protect’ direction of the NZCPS.
160. Also, CE-O1 should not be read in isolation from CE-O2 which is relevant to High Coastal Natural Character Areas and directs the preservation and protection of these areas from inappropriate subdivision, use and development, and CE-O3 relevant to coastal margins and riparian margins within the coastal environment are protected from inappropriate subdivision, use and development.
161. In response to Director-General of Conservation [385.58 and 385.59] and GWRC [351.197] that seek to amend CE-O1 to include reference to ‘rehabilitate’ I note that the PDP definition of ‘restored’ means *the rehabilitation of sites, habitats or ecosystems to support indigenous flora and fauna, ecosystem functions and natural processes that would naturally occur in the ecosystem and locality*. On that basis, arguably rehabilitation is already addressed in the objective.
162. As the NZCPS does not define restoration or rehabilitation, turning to the dictionary definitions, in simple terms restoration is to an original state, whereas rehabilitation acknowledges a degree of permanent alteration but seeks an outcome close to original. To ‘enhance’, is to increase or

further improve quality or value. As restoration, rehabilitation and enhancement represent slightly differing outcomes, I agree with the amendment of CE-O1 to explicitly include 'rehabilitation' and consider this consistent with the NZCPS, along with retention of "enhanced" is appropriate. I note that restored/restoration is relied on elsewhere in the PDP with respect to indigenous biodiversity. I also note that Policy 14 of the NZCPS is also given effect to through PDP policy CE-P3 'Restoration and enhancement within the coastal environment' which provides for 'restoration or rehabilitation' within the policy.

163. I disagree with Meridian Energy Limited [228.100, 228.101 and 228.102] that CE-O1 should be amended to specifically recognise wind farms as I consider the provisions in the REG and INF-CE chapters of the Plan provide the necessary direction to inform decision-making with respect to these activities in the Coastal Environment.
164. I disagree with the change sought by WCC ERG [377.221 as I consider that 'where appropriate' is a more appropriate test than 'where possible' particularly given the extent of the Coastal Environment overlay which as previously highlighted includes highly urbanised areas where it may be theoretically possible to restore natural character, but not appropriate.
165. I disagree with WIAL [406.294, 406.295 and 406.295] that CE-O1 is required to be amended to focus on effects that specifically relate to the Coastal Environment as I consider the objective already achieves this. I also disagree that CE-O1 needs to be amended to recognise all parts of the NZCPS as other PDP provisions (some of which directly implement CE-O1) achieve this. For example, CE-P5 recognises some activities will have a functional or operational need to locate in a High Coastal Natural Character Area, and the underlying zone or infrastructure chapter providing the consenting pathway for activities in the Coastal Environment. Also, rules CE-R8 and CE-R15 acknowledge established use and activities and thereby give effect to Policy 6 of the NZCPS.

Summary of recommendations

166. **HS8-CE-Rec15:** That CE-O1 is amended as set out below and detailed in Appendix A.

The natural character and qualities that contribute to the natural character within the landward extent of the coastal environment are maintained and, where appropriate, restored, rehabilitated, or enhanced.

167. **HS8-CE-Rec16:** That submission points on CE-O1 are accepted/rejected as detailed in Appendix B.

CE-O2 High coastal natural character areas

Matters raised by submitters

Retain as notified

168. Director-General of Conservation [385.60] and WCC ERG [3777.222] seek to retain the objective as notified.
169. Te Rūnanga o Toa Rangatira [488.59] seeks to retain the objective as notified, subject to amendments in subsequent submission points.

Amend

170. GWRC [351.199 and 351.200, opposed by Meridian Energy FS101.156] considers that to give effect to NZCPS Policy 13(1)(b), natural character is also required to be preserved “in all other areas of the coastal environment”, rather than just sites of high natural character in isolation. They seek the following amendment:

CE-O2 ~~High Coastal~~ coastal natural character areas

Adverse effects on identified characteristics and values of sites and areas of ~~high~~ coastal natural character in the landward extent of the coastal environment are avoided.

171. Forest and Bird [345.295, opposed by Meridian Energy Limited FS101.155 and WIAL FS36.87] consider that in order to give effect to NZCPS Policy 13, this objective cannot be limited to areas of high natural character only and seeks amendment to apply to the entire landward extent of the coastal environment. They further consider that the objective should not be limited to identified values. They seek the following amendment:

CE-O2 High coastal natural character areas

The identified characteristics and values of areas of ~~high~~ coastal natural character areas in the landward extent of the coastal environment are preserved and protected from inappropriate subdivision, use and development.

172. Meridian Energy Limited [228.103 and 228.104] considers that the focus of CE-O2 should be on avoiding inappropriate subdivision, use and development within the mapped ‘high coastal natural character areas’. They seek retention of CE-O2 with amendment to acknowledge and recognise the existing West Wind and Mill Creek wind farms as legitimate, authorised and appropriate existing development established within the backdrop to areas of identified ‘high coastal natural character’ as follows:

CE-O2 High coastal natural character areas

The identified characteristics and values of areas of high coastal natural character areas in the landward extent of the coastal environment are preserved and protected from inappropriate subdivision, use and development occurring within the mapped high coastal natural character areas.

Assessment

173. I disagree with GWRC [351.199 and 351.200] and Forest and Bird [345.295] that CE-O2 should be extended to apply to the entire Coastal Environment for similar reasons as those outlined in paragraphs 121 to 124 of this report. I consider that CE-O2 is specific to the outcomes sought for high coastal natural character areas in the Coastal Environment to directly give effect to Policy 13(1)(c) of the NZCPS. CE-O1 provides more general direction with respect to natural character within the wider Coastal Environment as directed by Policy 13 of the NZCPS. I note that NZCPS Policy 13(1)(b) only requires the avoidance of significant adverse effects on natural character of the wider Coastal Environment, with provision within this policy for the remediation or mitigation of non-significant effects.

174. However, I agree in part with Forest and Bird [345.295] that CE-O2 as an objective does not need to specify 'identified characteristics and values' and can be simplified to achieve the intended outcome as CE-P1 adequately addresses the identification of high coastal natural character areas.

175. I disagree with Meridian Energy Limited [228.103 and 228.104] who seek that CE-O2 is amended to specifically reference 'mapped high coastal natural character areas' as I consider there to be no ambiguity in the current wording and the amendment sought would add unnecessary additional text to the objective. I also note that Coastal Natural Character Areas is defined in the plan 'as an area of very high or high coastal natural character identified in SCHED12 - High Coastal Natural Character Areas'.

Summary of recommendations

176. **HS8-CE-Rec17:** That CE-O2 is amended as set out below and detailed in Appendix A.

CE-O2 High coastal natural character areas

~~The identified characteristics and values of areas of high coastal natural character~~ areas in the landward extent of the coastal environment are preserved and protected from inappropriate subdivision, use and development.

177. **HS8-CE-Rec18:** That submission points on CE-O2 are accepted/rejected as detailed in Appendix B.

CE-O3 Coastal margins and riparian margins

Matters raised by submitters

Retain as notified

178. Forest and Bird [345.296, opposed by WIAL FS36.88], Director-General of Conservation [385.61] and WCC ERG [377.223] seek to retain the objective as notified.

179. Te Rūnanga o Toa Rangatira [488.60] seeks to retain the objective as notified, subject to amendments in subsequent submission points.

Amend

180. WIAL [406.297 and 406.298] seeks that CE-O3 be amended so it focuses on effects that specifically relate to the coastal environment and have not already been addressed, or cannot otherwise be addressed, by the underlying land use zone.

181. WIAL [406.299] seeks that the objectives, including CE-O3, are amended to ensure the provisions give effect to all relevant parts of the NZCPS, including those provisions that recognise the functional and operational requirements of activities (such as infrastructure) to locate within these areas and the associated management of effects.

Assessment

182. I disagree with WIAL [406.297, 406.298 and 406.299] that CE-O3 should be amended for similar reasons to those outlined in paragraphs 73 and 74 of this report. I note that the related policies (CE-P6 and CE-P7, and CE-R8) and rules differentiate between areas where coastal and riparian margins are likely to be in more natural environments (e.g. rural, open space and to a lesser degree residential zones) and more modified areas (e.g. airport, port, and city centre zones).

Summary of recommendations

183. **HS8-CE-Rec19:** That CE-O3 be confirmed as notified.

184. **HS8-CE-Rec20:** That submission points on CE-O3 are accepted/rejected as detailed in Appendix B.

CE-O4 Customary Harvesting

Matters raised by submitters

Retain as notified

185. Forest and Bird [345.297, opposed by WIAL FS36.89] and WCC ERG [377.224] seek to retain the objective as notified.

186. Te Rūnanga o Toa Rangatira [488.61] seeks to retain the objective as notified, subject to amendments in subsequent submission points.

Assessment

187. No further assessment required.

Summary of recommendations

188. **HS8-CE-Rec21:** That CE-O4 be confirmed as notified.

189. **HS8-CE-Rec22**: That submission points on CE-O3 are accepted/rejected as detailed in Appendix B.

4.9 Coastal Environment – Policies

CE-P1 Identification of the coastal environment and of high coastal natural character areas within the coastal environment

Matters raised by submitters

Retain as notified

190. Horokiwi Quarries Ltd [271.44], WCC ERG [377.230] and Yvonne Weeber [340.25] seek to retain the policy as notified.

Amend

191. Aggregate and Quarry Association [303.16] seeks that CE-P1 is amended to refer to existing lawful activities such as quarries.

192. Forest and Bird [345.302 [opposed by WIAL FS36.94]] seeks that CE-P1 be amended to provide for the identification of outstanding areas of natural character in the coastal environment, as follows:

CE-P1 Identification of the coastal environment and of high coastal natural character areas within the coastal environment

1. Identify and map the landward extent of the coastal environment.
2. Identify and map areas of very high and high natural character within the coastal environment and list the identified values in SCHED 12 – High Coastal Natural Character Areas.
3. Identify and map areas of outstanding natural character in the coastal environment.

193. GWRC [351.204, opposed by Meridian Energy Limited FS101.157] considers that natural character ratings have not been scheduled at the area scale across the full extent of the coastal environment. To give effect to Policies 13, 14, and 15 of the NZCPS, they seek that area scale natural character ratings be included in the PDP, and that CE-P1 is amended as follows:

CE-P1 Identification of the coastal environment and of high coastal natural character areas within the coastal environment

Identification of the coastal environment and of high coastal natural character areas within the coastal environment

1. Identify and map the landward extent of the coastal environment.
2. Identify and map sites areas of very high and high natural character and area scale natural character ratings within the coastal environment and list the identified values in SCHED 12 – High Coastal Natural Character Areas.

Assessment

194. I disagree with Aggregate and Quarry Association [303.16] as I consider that CE-P9 adequately recognises, and provides a consenting pathway, for quarrying activities in conjunction with CE-R10. Additionally, lawfully established activities are protected by existing use rights.
195. I disagree with Forest and Bird [345.302] as the Coastal Natural Character Assessment that has informed the areas of high natural character within Schedule 12 did not identify any outstanding natural character areas and consequently it is unnecessary to include specific provisions for a matter not relevant to the plan.
196. In response to GWRC [351.204], I disagree for similar reasons to those outlined in paragraphs 121 to 124 and 173.
197. As outlined in detail in paragraphs 54 to 56 of this report, the Coastal Natural Character Assessment involved an evaluation of natural character within the Coastal Environment at a Coastal Terrestrial Area 'area' scale and 'local/component' scale. It is the local/component areas that were found to have very high or high level of natural character that are the high coastal natural character areas mapped in the Plan and listed in Schedule 12.
198. Additionally, with respect to Policy 15 of the NZCPS (and Policy 25 of the RPS), where a site has been evaluated as an important natural feature or natural landscape in accordance with the policy it will be included in Schedule 10 and protected under the relevant ONL/ONF provisions of the PDP. Consequently, I disagree with the specific changes to CE-P1 sought by GWRC.
199. However, I recommend an amendment to CE-P1 to clarify that the values to be listed in Schedule 12 are the 'key' values. This responds to those submitters seeking recognition that Schedule 12 does not contain all of the values identified in the Coastal Natural Character Assessment.

Summary of recommendations

200. **HS8-CE-Rec23:** That CE-P1 be amended as set out below and detailed in Appendix A.

CE-P1 Identification of the coastal environment and of high coastal natural character areas within the coastal environment

1. Identify and map the landward extent of the coastal environment.
2. Identify and map areas of very high and high natural character within the coastal environment and list the identified **key** values in SCHED 12 – High Coastal Natural Character Areas.

201. **HS8-CE-Rec24:** That submission points on CE-P1 are accepted/rejected as detailed in Appendix B.

CE-P2 Use and development within the coastal environment

Matters raised by submitters

Retain as notified

202. GWRC [351.205] seeks to retain the policy as notified.
203. WIAL [406.304, 406.305, 406.306] seeks that CE-P2 is retained as notified subject to their general relief seeking that the chapter be amended so it focuses on effects that specifically relate to the coastal environment and ensure the provisions give effect to all relevant parts of the NZCPS, including those provisions that recognise the functional and operational requirements of activities (such as infrastructure) to locate within these areas and the associated management of effects.

Amend

204. Forest and Bird [345.303, opposed by Meridian Energy Limited FS101.158 and WIAL FS36.95] seeks that CE-P2 be amended to be less definitive about providing for use and development. They seek the following amendment:

CE-P2 Use and development within the coastal environment

Consider pProvideing for use and development in the landward extent of the coastal environment where it:

1. Consolidates existing urban areas; and
2. Does not establish new urban sprawl along the coastline.

205. Forest and Bird [345.303] also consider that if their amendments to CE-P5 are not accepted, as an alternative they seek that CE-P2 is amended to give effect to Policy 13 of NZCPS with regards to avoiding significant adverse effects.
206. Horokiwi Quarries Ltd [271.45 and 271.46] seeks that CE-P2 is amended to include recognition of existing activities which are lawfully established, as follows:

Amend Policy CE-P2 (Use and development within the coastal environment) as follows:

Provide for use and development in the landward extent of the coastal environment where it:

1.
2.
3. Relates to an existing lawfully established activity

207. Meridian Energy Limited [288.105 and 288.106] considers that in the absence of any explicit recognition of the presence of the West Wind and Mill Creek wind farms, CE-P2 could be applied in a manner that restricts appropriate upgrading of those wind farms or the establishment of replacement wind turbines in appropriate locations. They seek the following amendments:

Policy CE-P2 Use and development within the coastal environment

Provide for use and development in the landward extent of the coastal environment where it:

1. Consolidates existing urban areas; or
2. Is necessary to enable the use, development, maintenance and upgrading of regionally significant infrastructure (including the repowering of existing wind farms by replacing and upgrading existing turbines and their support structures identified on the Plan Maps and associated electricity transmission facilities); and
- ~~3.2. Does not establish new urban sprawl along the coastline;~~

208. WCC ERG [377.231, opposed by Meridian Energy Ltd FS101.159 and WIAL FS36.137] considers that it is important that the environmental significance of the coastal environment is recognised and seek the following amendment:

CE-P2 Use and development within the coastal environment

Provide for use and development in the landward extent of the coastal environment where it:

1. Consolidates existing urban areas; and
2. Does not establish new urban sprawl along the coastline.
3. Does not adversely affect the environmental values of the coastal environment

209. Yvonne Weeber [340.26, opposed by WIAL FS36.136] seeks that CE-P2 be amended to acknowledge the uncertainty surrounding the full extent of the impacts of climate change and sea level rise, as follows:

CE-P2 Use and development within the coastal environment

Provide for use and development in the landward extent of the coastal environment where it:

1. Consolidates existing urban areas; and
2. Does not establish new urban sprawl along the coastline.
3. Takes into consideration the level of uncertainty about the full extent of the impacts of climate change (storm surges and coastal inundation) and sea level rise.

Assessment

210. I note WIAL's support for the policy as notified, with their relief sought to other provisions addressed throughout this report.
211. I agree in part with Forest and Bird [345.303] only to the extent that CE-P2 should be amended to better give effect to Policy 13 of NZCPS with regards to the avoidance of significant adverse effects and the avoidance, remediation or mitigation of adverse effects on the coastal environment outside of High Coastal Natural Character Areas and coastal and riparian margins.
212. CE-P2 provides the policy support for the coastal environment rule (CE-R7) that essentially relies on the underlying zone rules to provide the permitted use and development which is considered to have a negligible adverse effect on the existing natural character of the coastal environment outside of High Coastal Natural Character Areas and coastal and riparian margins. CE-P2 also acts as a matter of discretion for CE-R7.2 in addition to CE-P10. As matters of discretion I consider CE-P2 and CE-P10 to be very broad, providing limited direction on what type or scale of development would be 'inappropriate' above and beyond that enabled by underlying residential and commercial zones.
213. I consider that the policy direction contained within the coastal environment is lacking with respect to the area of the identified coastal environment outside of High Coastal Natural Character Areas and coastal margins and riparian margins. In my opinion such an amendment would improve clarity with respect to how the outcomes (primarily CE-O1) outside of the High Coastal Natural Character Areas and coastal margins and riparian margins are to be achieved. I disagree with the submitter's wording change seeking to replace 'provide for' with 'consider providing' as in my opinion this change will introduce unnecessary vagueness and uncertainty.
214. I disagree with Horokiwi Quarries Ltd [271.45 and 271.46] as I consider that the amendment sought is unnecessary as existing use rights can be relied upon for existing lawfully established activities.
215. I disagree with the amendments sought by Meridian Energy Limited [288.105 and 288.106] for similar reasons as set out in paragraph 163 of this report.
216. I agree in part with the amendments sought by WCC ERG [377.231] but suggest alternative wording that reflects that there may be adverse effects that are determined to be acceptable through a consenting process. I consider that wording similar to that contained in CE-P5.1 but without reference to Schedule 12 is appropriate and consistent with the policy direction of the NZCPS.
217. Although I broadly agree with Yvonne Weeber [340.26] that use and development in the Coastal Environment needs to consider the impacts of climate change and sea level rise, I am of the opinion that these matters are appropriately addressed by the coastal hazard provisions in the PDP and that the reference to climate change in CE-P2 is unnecessary.

Summary of recommendations

218. **HS8-CE-Rec25**: That CE-P2 is amended as set out below and detailed in Appendix A.

CE-P2 Use and development within the coastal environment

Provide for use and development in the landward extent of the coastal environment where it:

1. Consolidates existing urban areas; ~~and~~
2. Does not establish new urban sprawl along the coastline; and
3. Avoids any significant adverse effects on the natural character of the coastal environment and avoids, remedies or mitigates any other adverse effects on the natural character of the coastal environment.

219. **HS8-CE-Rec26**: That submission points on CE-P2 are accepted/rejected as detailed in Appendix B.

CE-P3 Restoration and enhancement within the coastal environment

Matters raised by submitters

Retain as notified

220. Director-General of Conservation [385.62], Forest and Bird [345.305], Grant Birkinshaw [52.6], WCC ERG [377.232], and Yvonne Weeber [340.27] seek to retain the policy as notified.

Amend

221. GWRC [351.206 and 351.207] considers that natural character ratings have not been scheduled at the area scale across the full extent of the coastal environment. They seek that CE-P3 be amended to include the area scale natural character ratings to give effect to Policies 13, 14 and 15 of the NZCPS, as follows:

CE-P3 Restoration and enhancement within the coastal environment

Provide for restoration or rehabilitation of the natural character values and coastal and riparian margins within the landward extent of the coastal environment by:

1. Recognising the values present that could be ~~enhanced~~ restored in areas of low and moderate natural character;
2. Encouraging natural regeneration of indigenous species, including where practical the removal of pest species;
3. Rehabilitating dunes or other natural coastal features or processes;
4. Restoring or protecting riparian and coastal margins;
5. Removing redundant structures that do not have heritage or amenity value;
6. Modifying structures that interfere with coastal or ecosystem processes; or
7. Providing for mana whenua to exercise their responsibilities as kaitiaki to protect, restore and maintain values in the coastal environment ~~areas of indigenous biodiversity~~.

222. WIAL [406.307 and 406.308] considers that, as drafted, CE-P3 has broad application within the entire coastal environment, despite generally being focussed on matters within the coastal margins. They consider that providing for the restoration and rehabilitation of ‘natural character values’ within the landward extent of the coastal environment is inappropriate in areas that are highly modified and otherwise urbanised environments, and seek that the policy should be amended to apply to the coastal margins only as outlined below:

CE-P3 Restoration and enhancement within the coastal environment

Provide for restoration or rehabilitation of the natural character values within the ~~and~~ coastal and riparian margins ~~within the landward extent of the coastal environment~~ where appropriate by:

...

Assessment

223. Submissions on CE-P3 suggest that the policy as notified should be amended to improve clarity. In my view, the policy as drafted is intended to apply to the entire Coastal Environment and is the guiding policy that informs the rules that enable restoration and enhancement in the Coastal Environment (CE-R2) and in the High Coastal Natural Character Areas and coastal margins and riparian margins (CE-R3). CE-P3 is also a matter of discretion for restoration and enhancement activities that do not comply with CE-R3.1, and also CE-R8.2 and CE-R12.2 (which act as catch-all rules for those activities that do not comply with the permitted rules and standards underlying zones).

224. I agree with WIAL [406.307 and 406.308] that CE-P3 has broad application within the entire Coastal Environment and that many of the matters are focused on coastal and riparian margins. However, as this policy informs rules that enable as opposed to require restoration and

enhancement of natural character throughout the coastal environment, I see no need to revise CE-P3 in response to concerns that the policy has implications with respect to activities other than restoration and enhancement activities in the Coastal Environment. I also note that an 'or' conjunctive is used, meaning that as a matter of discretion it is not expected that all of the policy limbs are going to be applicable to the circumstances of a proposal or required to be met for a proposal to be considered consistent with the policy.

225. In response to GWRC [351.206 and 351.207] I consider that CE-P3 is an enabling policy that supports rules (CE-R2 and CE-R3) that are generally permissive of restoration and enhancement activities in the wider Coastal Environment – giving effect to CE-O1. I consider that this policy (CE-P3.1) as notified speaks to values within the wider Coastal Environment, but does not require or limit restoration or rehabilitation and simply enables this to occur in an appropriate manner. I consider that the general outcomes sought by GWRC can be achieved without the proposed changes to CE-P3.1, and would require the identification of areas of low and moderate coastal natural character and associated values in the Plan, which I disagree with.

226. As an example, CE-P3 is a matter of discretion for CE-R12.2 which relates to the entire Coastal Environment. In this scenario, this matter of discretion would be intended to guide applications on the form of mitigation that may be appropriate to address any adverse effects of a proposal on the natural character of the Coastal Environment. Consequently, I disagree with GWRC [351.206 and 351.207] that CE-P3 should specifically reference 'low to moderate coastal natural character areas' and with replacing 'enhanced' with 'restored'. I consider that if this policy limb was applied to the values present in the wider coastal environment (many parts of which are highly modified) it is impracticable to expect that natural character will be restored whereas enhancement of remaining natural character may be practicable. However, I agree with the amendments suggested to CE-P3.7 that recognise the values of the wider Coastal Environment, not just those relevant to indigenous biodiversity.

227. I note that the e-plan includes a cross-reference to the 'restoration' definition which is an error as this definition is not relevant to landscape features which is an error that can be corrected under Clause 16(2) of the RMA.

Summary of recommendations

228. **HS8-CE-Rec27**: That CE-P3 is amended as set out below and detailed in Appendix A.

CE-P3 Restoration and enhancement within the coastal environment

Provide for restoration or rehabilitation of the natural character values and coastal and riparian margins within the landward extent of the coastal environment by:

1. Recognising the values present that could be enhanced;
2. Encouraging natural regeneration of indigenous species, including where practical the removal of pest species;
3. Rehabilitating dunes or other natural coastal features or processes;
4. Restoring or protecting riparian and coastal margins;
5. Removing redundant structures that do not have heritage or amenity value;
6. Modifying structures that interfere with coastal or ecosystem processes; or
7. Providing for mana whenua to exercise their responsibilities as kaitiaki to protect, restore and maintain values in the coastal environment areas of indigenous biodiversity.

229. **HS8-CE-Rec28**: That submission points on CE-P3 are accepted/rejected as detailed in Appendix B.

CE-P4 Customary harvesting within the coastal environment

Matters raised by submitters

Retain as notified

230. Forest and Bird [345.306] and WCC ERG [377.233] seek to retain the policy as identified.

Assessment

231. No further assessment required.

Summary of recommendations

232. **HS8-CE-Rec29**: That CE-P4 be confirmed as notified.

233. **HS8-CE-Rec30**: That submission points on CE-P4 are accepted/rejected as detailed in Appendix B.

CE-P5 Use and development in high coastal natural character areas

Matters raised by submitters

Retain as notified

234. Director General of Conservation [385.63], Ministry of Education [400.62], and Yvonne Weeber [340.28] seek to retain the policy as notified.

Amend

235. Forest and Bird [345.307, opposed by Meridian Energy Limited FS101.160 and WIAL FS36.96] seeks to amend the policy to give effect to NZCPS Policy 13(1)(b) as below:

CE-P5 Use and development in ~~high~~ coastal natural character areas

Only allow use and development in ~~high~~ coastal natural character areas in the coastal environment where:

1. Any significant adverse effects on the ~~identified~~ values described in SCHED12 are avoided and any other adverse effects on the identified values described in SCHED12 are avoided remedied or mitigated;
2. It can be demonstrated that:
 - a. The particular values and characteristics of the high coastal natural character areas ~~as identified~~ in SCHED12 are protected from inappropriate use and development, including by considering the extent to which the values and characteristics of the area are vulnerable to change including the effects of climate change and other natural processes;
 - b. Any proposed earthworks, building platforms and buildings or structures are of a scale and prominence that ~~respects-protects~~ the identified values and the design and development integrates with the existing landform and dominant character of the area;
 - c. The duration and nature of adverse effects are limited;
 - d. There is a functional ~~or operational~~ need for the activity to locate in the area;
 - e. There are no reasonably practical alternative locations that are outside of the high coastal natural character areas or are less vulnerable to change; and
 - f. Restoration or rehabilitation planting of indigenous species will be incorporated to mitigate any adverse effects.
 - g. Use and development will only be allowed where natural character values of the area are retained.

236. GWRC [351.208, opposed by Meridian Energy Limited FS101.161] considers that the policy does not give effect to NZCPS Policy 13(1)(b) which is to avoid significant adverse effects and avoid, remedy or mitigate other adverse effects of activities on natural character in all other areas which are not outstanding, rather than just in sites of high natural character. They seek that the policy be amended to apply to natural character in all areas of the coastal environment as follows:

CE-P5 Use and development in ~~high~~ coastal natural character areas

Only allow use and development in high coastal natural character areas in the coastal environment where:

...

237. Meridian Energy Limited [228.107 and 228.108] considers that CE-P5 should be amended to capture all areas of 'high coastal natural character' and also that any earthworks or other activities associated with any future upgrading or repowering of turbines within wind farms are not unduly restricted. They further seek that Clause (f) be deleted as follows:

CE-P5 Use and development in high coastal natural character areas

~~Only allow~~ Provide for use and development in areas of very high ~~or~~ and high coastal natural character in the coastal environment where:

1. ~~Any~~ Significant adverse effects on the identified values described in SCHED13 are avoided and any other adverse effects on the identified values described in SCHED13 are avoided, remedied or mitigated; and
2. It can be demonstrated that:
 - a. The particular values and characteristics of the areas of very high or high coastal natural character as identified in SCHED13 are protected from inappropriate use and development, considering the extent to which the values and characteristics of the area are vulnerable to change including the effects of climate change and other natural processes;
 - b. Any proposed earthworks, building platforms and buildings or structures are of a scale and prominence that respects the identified values and the design and development integrates with the existing landform and dominant character of the area, recognising the functional and operational needs of renewable electricity generation activities;
 - ~~c. d.~~ There is a functional or operational need for the activity to locate in the area; or
 - ~~d. e.~~ The duration and nature of adverse effects are limited;
 - e. The use and development will upgrade, repower or replace existing renewable electricity generation assets and enable more effective use of natural resources for renewable electricity generation;
 - f. There are no reasonably ~~practicable~~ practical alternative locations that are outside ~~of~~ the coastal environment or are less vulnerable to change; and
 - ~~f. Restoration or rehabilitation planting of indigenous species will be incorporated to mitigate any adverse effects.~~

238. WCC ERG [377.234, opposed by WIAL FS36.138] considers that the coastal environment is home to indigenous biodiversity and that should be provided for in the District Plan, and seeks the following amendment to CE-P5:

CE-P5 Use and development in high coastal natural character areas

...

2. Any adverse effects on indigenous biodiversity are applied in accordance with ECO-P2.

Assessment

239. I disagree with Forest and Bird [345.307] that CE-P5 should be amended to essentially apply to the entire Coastal Environment for the same reasons outlined in paragraph 121 to 124 and 173 of this report. I note that the specific relief sought by the submitter would not achieve the outcome they seek due to the PDP's definition for the term 'Coastal Natural Character Areas' as

an area of very high or high coastal natural character identified in SCHED12 – High Coastal Natural Character Areas.

240. I also disagree with Forest and Bird that the deletion of ‘identified’ is necessary, and retention of identified would be more consistent with general approach across the plan when referencing values described in schedules. I also disagree with the removal of the provision for activities with an operational need, and note the ‘and’ conjunctive between the policy limbs to highlight the policy test is not simply to meet one of the limbs, but all. I also disagree with the suggested additional policy limb ‘g’ as I consider this matter is adequately addressed under CE-P5.1.
241. However, I do agree in part with the submitter that the term ‘respects’ is vague. I suggest that ‘maintains’ is more appropriate alternative to replace the term ‘respects’ than ‘protects’. I consider that ‘protects’ is an inapt policy test as through only allowing buildings or structures that maintain the existing natural character the protection of existing natural character is achieved.
242. In response to GWRC [352.208], CE-P5 intentionally does not apply to ‘all other areas’ and is relevant only to High Coastal Natural Character Areas. Policy direction to give effect to NZCPS Policy 13(1)(b) is also provided by CE-P2, and with the recommended changes outlined in paragraph 218 of this report, I am of the opinion that the policy direction contained in the Coastal Environment chapter gives effect to the natural character protection required by the NZCPS.
243. In response to Meridian Energy Limited [228.107 and 228.108], CE-P5 as notified applies to all areas of very high and high coastal natural character contained in SCHED12 (I note the definition of coastal natural character areas, and also that the submitter incorrectly refers to SCHED13) and it is not clear to me what the submitter is seeking in this regard. I disagree with the specific changes sought with respect to wind farms and renewable energy for similar reasons as those outlined in paragraph 163 of this report. I agree that the term ‘practicable’ (feasible, able to be done) is preferable over ‘practical’ (useful).
244. I disagree that CE-P5.2.f. *Restoration or rehabilitation planting of indigenous species will be incorporated to mitigate any adverse effects* should be deleted it in its entirety as I consider that planting of indigenous vegetation is the primary mitigation measure and it is helpful for the policy to direct this. However, I consider that this policy limb should be amended slightly to more broadly require restoration or rehabilitation measures which could include planting of indigenous vegetation.
245. I have reviewed the appropriateness of the use of the conjunction ‘and’ in the policy as notified and consider that the policy test of having to meet each of the policy limbs appropriate with respect to High Coastal Natural Character Areas.
246. In my review of CE-P5, I have identified that a minor duplication is apparent which results from reference to ‘high’ natural coastal natural areas, with the plan containing a definition of coastal natural character areas as *an area of very high or high coastal natural character identified in*

SCHED12 - High Coastal Natural Character Areas. I suggest an easy fix would be to amend the defined term to 'high coastal natural character areas' under Clause 16A and update the links in the ePlan accordingly.

247. In response to WCC ERG [377.234] the presence and contribution of indigenous biodiversity to the natural character of the coastal environment is part of the identification of High Coastal Natural Character Areas and as such is already encompassed by CE-P5.1 and CE-P5.2. Noting that other contributing values or characteristics (such as experiential) are not expressly provided for in the policy. Regardless, ECO-P5 is specifically relevant to SNA in the Coastal Environment. Where proposed activities or development is located in an identified SNA the relevant ECO provisions will apply in addition to the relevant CE chapter, or other relevant, plan provisions.

Summary of recommendations

248. **HS8-CE-Rec31:** That CE-P5 is amended as set out below and detailed in Appendix A.

Policy CE-P5 Use and development in high coastal natural character areas

Only allow use and development in high coastal natural character areas in the coastal environment where:

1. Any significant adverse effects on the identified values described in SCHED12 are avoided and any other adverse effects on the identified values described in SCHED12 are avoided remedied or mitigated;
2. It can be demonstrated that:
 - a. The particular values and characteristics of the high coastal natural character areas including but not limited to the key values as identified in SCHED12 are protected from inappropriate use and development, including by considering the extent to which the values and characteristics of the area are vulnerable to change including the effects of climate change and other natural processes;
 - b. Any proposed earthworks, building platforms and buildings or structures are of a scale and prominence that respects-maintains the identified values and the design and development integrates with the existing landform and dominant character of the area;
 - c. The duration and nature of adverse effects are limited;
 - d. There is a functional or operational need for the activity to locate in the area;
 - e. There are no reasonably practical/practicable alternative locations that are outside of the high coastal natural character areas or are less vulnerable to change; and
 - f. Restoration or rehabilitation measures, including, where practicable planting of indigenous vegetation species will be incorporated to mitigate any adverse effects on natural character.

249. **HS8-CE-Rec32**: That submission points on CE-P5 are accepted/rejected as detailed in Appendix B.

CE-P6 Use and development within coastal margins and riparian margins in the coastal environment - located inside Port Zone, Airport Zone, Stadium Zone, Waterfront Zone, City Centre Zone, or Evans Bay Marine Recreation Area

Matters raised by submitters

Retain as notified

250. FENZ [273.133] and WCC ERG [377.235] seek to retain the policy as notified.

251. Yvonne Weeber [340.29] and Guardians of the Bays [452.21] are neutral on CE-P6 and do not specify any relief sought.

Amend

252. Forest and Bird [345.308, opposed by WIAL FS36.97] consider that CE-P6 should not be a blanket enabling policy and that it needs to recognise that there may be limits to development in those areas. They seek the policy to be amended to refer to potential limits on the use of these areas in accordance with policies 11, 13, and 15 NZCPS.

CE-P6 Use and development within coastal margins and riparian margins in the coastal environment – located inside the Port Zone, Airport Zone, Stadium Zone, Waterfront Zone, City Centre Zone or Evans Bay Marine Recreation Area

Consider providing for use and development within coastal margins and riparian margins in the coastal environment where it is located in the highly modified Port Zone, Airport Zone, Stadium Zone, Waterfront Zone or City Centre Zone or Evans Bay Marine Recreation Area, with reference to limits on use in these areas in accordance with policies 11, 13, and 15 of the NZ Coastal Policy Statement.

253. WIAL [406.309, 406.310, and 406.311, opposed by Guardians of the Bays Inc FS44.68, FS44.69, and FS44.70] seeks that CE-P6 be deleted in its entirety as it does not recognise or provide for the existing hard engineering structures located between Lyall Bay and Moa Point which protect regionally significant infrastructure, including WCC's wastewater network and Wellington International Airport, as well as Moa Point Road, from the effects of coastal erosion. Alternatively, if deletion is not accepted, they seek that the policy be amended as follows:

CE-P6 Use and development within coastal margins and riparian margins in the coastal environment – located inside the Port Zone, Airport Zone, Stadium Zone, Waterfront Zone, City Centre Zone, ~~or~~ Evans Bay Marine Recreation Area or the Natural Open Space zone between Lyall Bay and Moa Point

Provide for use and development within coastal margins and riparian margins in the coastal environment where it is located in the highly modified Port Zone, Airport Zone, Stadium Zone, Waterfront Zone or City Centre Zone, ~~or~~ Evans Bay Marine Recreation Area or the area of Natural Open Space Zone located between Lyall Bay and Moa Point.

Assessment

254. I disagree with the changes to CE-P6 sought by Forest and Bird [345.308] as I consider that the provision framework is consistent with the NZCPS, in particular I note Policy 6(1)(b) and (e), Policy 9 which are enabling of use and development in the coastal environment where other values of the coastal environment are not compromised.

255. I disagree with WIAL [406.309, 406.310, and 406.311] that CE-P6 be deleted in its entirety as it gives effect to the NZCPS which anticipates certain activities (such as ports) have a functional need to location in coastal margins. The result of deleting this policy would be no bespoke policy framework supporting appropriate activities in highly modified coastal margins. As a less-preferred alternative, the submitter seeks that the policy be amended to include an exception for the area of Natural Open Space Zone located between Lyall Bay and Moa Point. I agree with WIAL [406.309, 406.310, and 406.311] that there should be a more enabling consenting pathway for maintenance and repair to the existing seawall in the Coastal Environment chapter. As notified, repair and maintenance to the existing seawall would require resource consent under CE-R9.3 as a discretionary activity.

256. I agree with WIAL that this is best achieved through an amendment to CE-P6 (and as a consequence provision for this area in CE-R8) which would then rely on the underlying zone rules.

Summary of recommendations

257. **HS8-CE-Rec33:** That CE-P6 is amended as set out below and detailed in Appendix A.

CE-P6 Use and development within coastal margins and riparian margins in the coastal environment – located inside the Port Zone, Airport Zone, Stadium Zone, Waterfront Zone, City Centre Zone, ~~or~~ Evans Bay Marine Recreation Area or the Natural Open Space zone between Lyall Bay and Moa Point

Provide for use and development within coastal margins and riparian margins in the coastal environment where it is located in the highly modified Port Zone, Airport Zone, Stadium Zone, Waterfront Zone, City Centre Zone, ~~or~~ the Evans Bay Marine Recreation Area or the area of Natural Open Space Zone located between Lyall Bay and Moa Point.

258. **HS8-CE-Rec34**: That submission points on CE-P6 are accepted/rejected as detailed in Appendix B.

CE-P7 Use and development within coastal margins and riparian margins in the coastal environment - located outside the Port Zone, Airport Zone, Stadium Zone, Waterfront Zone, City Centre Zone and the Evans Bay Marine Recreation Area

Matters raised by submitters

Retain as notified

259. Director-General of Conservation [385.64], FENZ [273.134], Guardians of the Bays [452.22], WCC ERG [377.235], and Yvonne Weeber [340.30] seek to retain the policy as notified.

Amend

260. Forest and Bird [345.309, opposed by Meridian Energy Limited FS101.162 and WIAL FS36.98] consider that the CE-P7 is unclear on which effects are being mitigated and that CE-P7.2d be amended to specifically refer to natural character effects. Additionally, they seek CE-P7 is amended to give effects to policies 11, 13, and 15 of the NZCPS as follows:

CE-P7 Use and development within coastal margins and riparian margins in the coastal environment – located outside the Port Zone, Airport Zone, Stadium Zone, Waterfront Zone, City Centre Zone and the Evans Bay Marine Recreation Area

Only allow use and development within coastal and riparian margins in the coastal environment outside of the Port Zone, Airport Zone, Stadium Zone, Waterfront Zone, City Centre Zone or the Evans Bay Marine Recreation Area where:

...

2.

...

e. Use and development will only be allowed where the natural character values of the area are retained.

261. WIAL [406.312, 406.313, and 406.314, opposed by Guardians of the Bays Inc FS44.71, FS44.72, and FS44.73] seeks that CE-P7 be deleted in its entirety as it does not recognise or provide for the existing hard engineering structures located between Lyall Bay and Moa Point which protect regionally significant infrastructure, including WCC's wastewater network and Wellington International Airport, as well as Moa Point Road, from the effects of coastal erosion. Alternatively, if deletion is not accepted, they seek that the policy be amended as follows:

CE-P7 Use and development within coastal margins and riparian margins in the coastal environment – located outside the Port Zone, Airport Zone, Stadium Zone, Waterfront Zone, City Centre Zone, and the Evans Bay Marine Recreation Area or the area of Natural Open Space Zone located between Lyall Bay and Moa Point

Only allow use and development within coastal and riparian margins in the coastal environment outside of the Port Zone, Airport Zone, Stadium Zone, Waterfront Zone, City Centre Zone ~~or~~, the Evans Bay Marine Recreation Area or the area of Natural Open Space zoned land between Lyall Bay and Moa Point

Where:

...

2. It can be demonstrated that:

a. Any proposed earthworks, building platform, building or structure are able to integrate with the existing landform, do not dominate the natural character of the area and where appropriate do not limit or prevent public access to, along or adjacent to the coast and waterbodies;

...

d. Where appropriate Restoration or rehabilitation planting of indigenous species will be incorporated to mitigate any adverse effects.

...

Assessment

262. I disagree with Forest and Bird [345.309] who suggest that the CE-P7 is unclear on which effects are being mitigated as CE-P7.1 clearly states ‘adverse effects on the natural character of the coastal environment’.

263. I disagree with WIAL [406.312, 406.313, and 406.314] who consider that CE-P7 be deleted in its entirety simply because it does not recognise or provide for the existing hard engineering structures located between Lyall Bay and Moa Point which protect regionally significant infrastructure. However, I agree that CE-P7 should be amended to clarify that this policy does not apply to the section of NOSZ containing the seawalls between Lyall Bay and Moa Point which is consistent with recommended changes to CE-P6.

264. I also disagree with the specific amendment sought to CE-P7.2.a. on the basis that most of the highly modified areas where public access would not be expected (such as the Port) are zones not applicable to this rule. However, I agree with the relatively minor addition to CE-P7.2d. as it is quite conceivable that there will be scenarios where restoration planting is not appropriate – for example as part of an upgrade to an existing seawall, but for consistency prefer wording of the recommended change to CE-P5 as outlined in paragraph 248 of this report.

Summary of recommendations

265. **HS8-CE-Rec35**: That CE-P7 is amended as set out below and detailed in Appendix A.

CE-P7 Use and development within coastal margins and riparian margins in the coastal environment – located outside the Port Zone, Airport Zone, Stadium Zone, Waterfront Zone, City Centre Zone, ~~and the~~ Evans Bay Marine Recreation Area, and the area of Natural Open Space Zone located between Lyall Bay and Moa Point

Only allow use and development within coastal and riparian margins in the coastal environment outside of the Port Zone, Airport Zone, Stadium Zone, Waterfront Zone, City Centre Zone, ~~or~~ the Evans Bay Marine Recreation Area, or the area of Natural Open Space Zone located between Lyall Bay and Moa Point

Where:

1. Any significant adverse effects on the natural character of the coastal environment are avoided and any other adverse effects on the natural character of the coastal environment are avoided, remedied or mitigated; and
2. It can be demonstrated that:
 - a. Any proposed earthworks, building platform, building or structure are able to integrate with the existing landform, do not dominate the natural character of the area and do not limit or prevent public access to, along or adjacent to the coast and waterbodies;
 - b. There is a functional or operational need for the activity to locate within the coastal or riparian margin;
 - c. There are no reasonably practical alternative locations that are outside of the coastal or riparian margins or are less vulnerable to change; and
 - d. Restoration or rehabilitation measures, including, where appropriate planting of indigenous species will be incorporated to mitigate any adverse effects on natural character.

266. **HS8-CE-Rec36**: That submission points on CE-P7 are accepted/rejected as detailed in Appendix B.

CE-P8 Vegetation removal within the coastal environment

Matters raised by submitters

Retain as notified

267. Horokiwi Quarries Ltd [271.47] and WCC ERG [377.237] seek to retain the policy as notified.

Amend

268. FENZ [273.135 and 273.134] considers that CE-P8 should be amended to allow property owners and occupiers to be able to remove flammable vegetation, as required, to provide sufficient clearance to mitigate the potential for fire risk/spread between flammable vegetation and property.

269. Forest and Bird [345.310, opposed by Meridian Energy Limited FS101.163] opposes the policy direction that provides generally for vegetation removal outside of high natural character areas, and exotic vegetation removal in high natural character areas. They consider that exotic vegetation can contribute to natural character, and can also have ecosystem and habitat values. They support the policy direction that vegetation removal within the coastal environment should be limited, but seek amendments to apply to any area of natural character in the coastal environment, not just areas of high natural character. They consider limiting protections to high natural character areas only is inconsistent with Policy 13 of the NZCPS and seek the following amendments:

CE-P8 Vegetation removal within the coastal environment

Only allow for vegetation clearance in the coastal environment where:

- a. The removal is of a scale that retains the biodiversity and natural character values of the area; and
- b. Is associated with ongoing maintenance of existing public accessways; and
- c. The removal does not contravene policy 11 or 13 NZCPS.

Manage the removal of vegetation in the coastal environment as follows:

- a. Allow for the removal of vegetation in the coastal environment outside of high coastal natural character areas;
- b. Allow for the removal of exotic vegetation in the coastal environment within high coastal natural character areas; and
- c. Only allow for the removal of indigenous vegetation in the coastal environment within high coastal natural character areas that:
 - a. Is of a scale that maintains the identified values; or
 - b. Is associated with ongoing maintenance of existing public accessways.

270. GWRC [351.209, opposed by Meridian Energy Limited FS101.164] considers the policy does not give effect to NZCPS Policy 13(1)(b) which is to avoid significant adverse effects and avoid, remedy or mitigate other adverse effects of activities on natural character in areas which are not outstanding, rather than just in sites of high natural character in isolation. Furthermore, they consider allowing for the removal of indigenous vegetation in areas of low and moderate natural character could lead to a reduction in natural character and would not give effect to CE-O1. They seek the following amendments:

CE-P8 Vegetation removal within the coastal environment

Manage the removal of vegetation in the coastal environment as follows:

1. Allow for the removal of exotic vegetation in the coastal environment outside of high coastal natural character sites and areas;
2. Allow for the removal of exotic vegetation in the coastal environment within high coastal natural character sites and areas; and
3. Only allow for the removal of indigenous vegetation in the coastal environment within high coastal natural character sites and areas that:
 - a. Is of a scale that maintains the identified values; or
 - b. Is associated with ongoing maintenance of existing public accessways.

271. Guardians of the Bays [452.23] seeks that the policy be amended to consider coastal erosion and other environmental, social, and cultural benefits of both indigenous and exotic vegetation in the coastal environment in a manner consistent with the direction in the Proposed RPS-PC1 (and draft NPS-IB).

272. Waka Kotahi [370.200 and 370.201] seeks that CE-P8 be amended to provide for indigenous vegetation removal for the maintenance of public roads as well as accessways, to align with CE-R6 and CE-S1.

273. Yvonne Weeber [340.31] seeks that CE-P8 is amended to consider coastal erosion and other environmental, social, and cultural benefits of both indigenous and exotic vegetation in the coastal environment.

274. Meridian Energy Limited [228.109 and 228.110, supported by KiwiRail FS72.63] considers that CE-P8 is potentially restrictive of vegetation removal that is necessary to support regionally significant infrastructure and needs to be amended to recognise and provide for the particular operational and functional needs of regionally significant infrastructure.

Assessment

275. A range of submitters seek specific amendments to CE-P8 to provide policy support for specific exclusions relating to the removal of indigenous vegetation in High Coastal Natural Character Areas. In a broad sense, the PDP is permissive of vegetation removal in all areas of the Coastal Environment except for indigenous vegetation removal in High Coastal Natural Character Areas. I note that CE-S1 as notified includes seven listed exemptions with respect to indigenous vegetation removal in High Coastal Natural Character Areas, the result being that indigenous vegetation removal for any of the listed exemptions is permitted in High Coastal Natural Character Areas. CE-P8 as notified only explicitly recognises one of the seven listed exemptions

in CE-S2. I note that many of the exemptions provided for in CE-S1 do not have a limit in the form of maximum amount of vegetation removal. I also note that CE-P8 acts as a matter of discretion for CE-R8.2. However, most of the matters that submitters are seeking recognition of in CE-P8 are excluded in CE-S1 and therefore will not trigger CE-R6.2. The exception is where CE-S1 includes a specific metric for control e.g. 35m from an external wall of a buildings, or 1m width a fence. In my opinion, this further supports a more streamlined policy as opposed to a policy that includes all of the exceptions in detail.

276. Putting aside the appropriateness of each exemption provided for in CE-S1 which are addressed later in this report, in my opinion, CE-P8 should be drafted in a manner that provides high-level guidance that encompasses all of these exemptions, and provides the necessary guidance with respect to where indigenous vegetation removal in the Coastal Environment is acceptable. I am also of the opinion that an 'and' conjunctive would be more appropriate, consistent with submitters seeking greater control of indigenous vegetation removal.

277. It follows that:

- a. I agree in part with FENZ [273.135 and 273.134] that CE-P8 should be amended to recognise indigenous vegetation removal may be required to manage the fire risk. However, I prefer the alternative wording provided in paragraph 284 of this report.
- b. I agree in part with Waka Kotahi [370.200 and 370.201] and Meridian Energy Limited [228.109 and 228.110] as although these matters are addressed in the INF-CE provisions and CE-P8 is not referred in INF-CE, there is a lack of policy direction relating to indigenous vegetation removal in High Coastal Natural Character Areas with respect to the maintenance of infrastructure. However, I prefer the alternative wording provided in paragraph xxx of this report.

278. There are also submitters that seek amendments to direct greater restriction of vegetation removal in the Coastal Environment.

279. In response to Forest and Bird [345.310] I note that Policy 11 of the NZCPS is given effect to through the identification of SNA within the coastal environment and the associated ECO provisions (ECO-O2 and ECO-P5) in combination with CE-P8, CE-R6 and CE-S1. CE-P8 (and the associated rule – CE-R6) is not intended to apply to SNA, which will be clarified by way of removing all references to SNA in the CE policies and rules to avoid any confusion.

280. Regards Policy 11(b), I agree in part with the submitter that CE-P8 is more enabling of vegetation removal in the coastal environment than directed by the NZCPS. I consider that CE-P8 should be amended to explicitly manage indigenous vegetation removal in coastal margin and riparian margins within the Coastal Environment, in a manner consistent with the policy direction of CE-P6 and CE-P7.

281. I have also considered CE-P8 in the context of Policy 13 of the NZCPS and I agree with the submitter that the presence of vegetation can contribute to coastal natural character outside of High Coastal Natural Character Areas, particularly in less modified areas such as in the rural and open space zones. However, given the highly modified/urbanised character of these areas I am of the opinion that addition controls on vegetation removal are not necessary or appropriate.
282. I agree in part with GWRC [351.209] to the extent that I consider CE-P8 should be amended to ensure adverse effects on natural character as a result of vegetation removal outside of High Coastal Natural Character Areas, and within coastal margins and riparian margins, are adequately managed.
283. I disagree with Yvonne Weeber [340.31] and Guardians of the Bays [452.23] as I consider that coastal erosion is addressed in the coastal hazard and earthworks provisions relevant to coastal areas. However I note that the amendments recommended in paragraph xxx of this report provide improved direction with respect to vegetation removal within coastal margins and riparian margins in the coastal environment. It would also be inappropriate to reference a proposed change to the RPS that is yet to be operative. I also note that the NZCPS and the NPS-IB apply in the coastal environment, but given the timing of the Government's release of the NPS-IB and notification of the PDP, Council is considering any amendments to the Plan and the best process to introduce these separately.

Summary of recommendations

284. **HS8-CE-Rec37**: That CE-P8 is amended as set out below and detailed in Appendix A.

CE-P8 Vegetation removal within the coastal environment

Manage the removal of vegetation in the coastal as follows:

1. Allow for the removal of vegetation in the coastal environment:
 - a. outside of areas of high coastal natural character; and
 - b. outside coastal and riparian margins
2. Allow for the removal of exotic vegetation in the coastal environment within areas of high coastal natural character or within coastal margins and riparian margins; and
3. Only allow for the removal of indigenous vegetation in the coastal environment within areas of high coastal natural character or within coastal and riparian margins that:
 - a. Is of a scale that maintains the ~~identified values~~ existing natural character; or
 - b. Is necessary for the safe and efficient operation, maintenance and repair of public accessways, or infrastructure; or
 - c. Is necessary to avoid an imminent threat to the safety of people, or significant damage to property.
 - ~~b. Is associated with ongoing maintenance of existing public accessways.~~

285. **HS8-CE-Rec38**: That submission points on CE-P8 are accepted/rejected as detailed in Appendix B.

CE-P9 Mining and quarrying activities within the coastal environment

Matters raised by submitters

Retain as notified

286. WCC ERG [377.238] seeks to retain the policy as notified.

287. Horokiwi Quarries Ltd [271.48] supports that CE-P9 recognises existing quarry activities, and their expansion and seeks CE-P9 is retained as notified, with amendments to the Coastal Environment Overlay.

Amend

288. Forest and Bird [345.311, opposed by Horokiwi Quarries Limited FS28.8] seek to remove the blanket provision for existing activities as they consider it to be inconsistent with the requirements of the NZCPS. Also, they consider that the policy should not be limited to areas of high natural character. They seek the following amendments to CE-P9:

CE-P9 Mining and quarrying activities within the coastal environment

Manage mining and quarrying activities within in the coastal environment as follows:

1. Allow for established mining and quarrying activities in the Coastal Environment where their effects can be managed in accordance with the objectives and policies of this Plan;

~~2. Only allow for the extension of established mining and quarrying activities or new quarrying and mining activities where it is located outside of high coastal natural character areas and outside of coastal and riparian margins and any potential adverse effects can be avoided, remedied or mitigated,;~~

~~3. 2.~~ Avoid the extension of established mining and quarrying activities and the establishment of new mining and quarrying within high coastal natural character areas and within coastal and riparian margins in the coastal environment; and

~~4. 3.~~ Avoid the establishment of new mining and quarrying activities within the coastal environment

Assessment

289. I agree in part with the amendments to CE-P9 sought by Forest and Bird [345.311]. Existing quarrying activities have an operational need to locate in the Coastal Environment where they are currently located which are areas zoned (Special Purpose Quarry Zone) for this specific activity. This approach is consistent with Policy 6 of the NZCPS which recognises the value of mining.

290. However, although the policy direction with respect to an extension of quarrying activities in the coastal environment where outside of High Coastal Natural Character Areas or coastal and riparian margins is appropriate (essentially only applying to the Special Purpose Quarry Zone), I consider that CE-P9.2 should not provide for 'new quarry activities' as new mining and quarrying activities is appropriately addressed under CE-P9.4 and CE-R11 which applies a non-complying activity status to new mining activities in the Coastal Environment. Accordingly, I recommend changes to CE-P9.2.

291. Although I agree that significant adverse effects should be avoided in relation to extension of quarrying activities, I consider that all other effects can be adequately managed through the effects management hierarchy consistent with Policy 13 of the NZCPS and provide for the efficient use of resources whilst avoiding adverse effects on the areas with the greatest levels of natural character, and ensuring the effects hierarchy is applied to with respect to for all other adverse effects.

292. Additionally, I consider three minor amendments are appropriate for improved consistency and clarity:

- a. deletion of 'potential' where it precedes 'adverse effects';
- b. Specific reference to 'natural character of the coastal environment' following reference to 'adverse effects'; and
- c. Replacing 'can be' with 'are'.

Summary of recommendations

293. **HS8-CE-Rec39:** That CE-P9 is amended as set out below and detailed in Appendix A.

CE-P9 Mining and quarrying activities within the coastal environment

Manage mining and quarrying activities within in the coastal environment as follows:

1. Allow for established mining and quarrying activities in the Coastal Environment;
2. Only allow for the extension of established mining and quarrying activities ~~or new quarrying and mining activities~~ where it:
 - a. is located outside of high coastal natural character areas and outside of coastal and riparian margins ~~and~~;
 - b. ~~avoids any potential significant~~ adverse effects on natural character of the coastal environment; and
 - c. ~~any other adverse effects on natural character can be~~ are avoided, remedied or mitigated;
3. Avoid the extension of established mining and quarrying activities and the establishment of new mining and quarrying within high coastal natural character areas and within coastal and riparian margins in the coastal environment; and
4. Avoid the establishment of new mining and quarrying activities within the coastal environment

294. **HS8-CE-Rec40**: That submission points on CE-P9 are accepted/rejected as detailed in Appendix B.

CE-P10 Inappropriate activities within the coastal environment

Matters raised by submitters

Retain as notified

295. Director-General of Conservation [385.65], Forest and Bird [345.312], Guardians of the Bays [452.24], WCC ERG [377.239] and Yvonne Weeber [340.32] seek to retain the policy as notified.

Amend

296. WCC [266.111] seeks to amend the policy to include commas for clarification purposes.

297. Fabric Property Limited [425.35] considers CE-P10.3 is restrictive and fails to recognise that a significant portion of the CBD is subject to High Hazard Areas under the Coastal Hazard Overlays. They consider this policy fails to recognise that there is already significant investment in the CBD, and is inconsistent with CE-O8, which is to provide for activities in the City Centre Zone which do not increase the risk to people, property or infrastructure. It is also inappropriate for this policy to apply to tsunami risk. The submitter has not specified amendments sought to CE-P10.

Delete

298. Meridian Energy Limited [228.111] considers that CE-P10 provides no guidance on what is considered 'inappropriate' in the coastal environment and seeks the deletion of CE-P10 in its entirety.

299. WIAL [406.315] considers that it is inappropriate for such a directive policy to apply to such a large and generally urbanised area, with highly variable levels of 'natural character and quality'. The extent to which an activity is 'incompatible with or detrimental to' with its surrounding environment, including its potential effects on coastal environment is addressed within the underlying land use zone provisions and the various natural environment overlays within the Proposed Plan. They seek the deletion of CE-P10 in its entirety.

Assessment

300. I agree with WCC [266.111] that the addition of commas would improve clarity.

301. It appears that the submission point of Fabric Property Limited [425.35] has been incorrectly allocated to CE-P10 and note that this matter has been adequately addressed in Hearing Stream 5.

302. I agree in part with Meridian Energy Limited [228.111] and WIAL [406.315] to the extent that CE-P10 does not provide any detail on the type of activities considered to be 'inappropriate' in the Coastal Environment or the extent to which an activity is 'incompatible with or detrimental to'

with its surrounding environment. However, I consider given the relationship between the Coastal Environment chapter provisions (CE-R7 in particular) and the underlying zone and also the policy support that CE-P10 provides to CE-R11, this policy is necessary and, in my opinion, should be retained.

303. However, as a matter of discretion, I agree that CE-P10 is very broad and not very helpful in providing guidance on the nature of activities that are inappropriate in the Coastal Environment. For example, if a building in the coastal environment does not comply with permitted standards of the underlying zone and therefore is to be assessed under CE-R7.2, what assistance does CE-P10 provide to an applicant or processing planner to determine whether the proposed building results in adverse effects on natural character.

Summary of recommendations

304. **HS8-CE-Rec41:** That CE-P10 is amended as set out below and detailed in Appendix A.

CE-P10 Inappropriate activities within the coastal environment

Avoid the establishment of activities that are incompatible with, or detrimental to, the natural character and qualities within the landward extent of the coastal environment.

305. **HS8-CE-Rec42:** That submission points on CE-P10 are accepted/rejected as detailed in Appendix B.

4.10 Coastal Environment - Rules

CE-R1 Customary harvesting by tangata whenua within the coastal environment

Matters raised by submitters

Retain as notified

306. Forest and Bird [345.329, opposed by Meridian Energy Limited FS101.182] and WCC ERG [377.256] seek to retain the rule as notified.

Assessment

307. No further assessment necessary.

Summary of recommendations

308. **HS8-CE-Rec43:** That CE-R1 be confirmed as notified.

309. **HS8-CE-Rec44:** That submission points on CE-R1 are accepted/rejected as detailed in Appendix B.

CE-R2 Restoration and enhancement activities within the coastal environment: 1. Outside of high coastal natural character areas; and 2. Outside of coastal and riparian margins

Matters raised by submitters

Retain as notified

310. WCC ERG [377.257] and Yvonne Weeber [340.46] seek to retain the rule as notified.

Delete

311. Forest and Bird [345.330 and 345.331, opposed by Meridian Energy Limited FS101.183 and FS101.184] seeks that CE-R2 is deleted in its entirety. If this relief is not accepted, they seek that more detail is added to clarify the intent of the rule.

Assessment

312. In response to Forest and Bird [345.330 and 345.331] I consider the rule is clear in its intent that it is permissive of 'restoration and enhancement activities' in those parts of the Coastal Environment not identified as High Coastal Natural Character Areas or coastal and riparian margins - where restoration and enhancement activities are more strictly controlled.

313. However, I agree that the lack of definition of 'restoration and enhancement activities' results in the possibility for misinterpretation of what it is that is permitted. The Plan includes a definition of 'restored'; *means the rehabilitation of sites, habitats or ecosystems to support indigenous flora and fauna, ecosystem functions and natural processes that would naturally occur in the ecosystem and locality.*

314. The term 'restored' has limited use within the Plan, in chapters including Natural Environment, Renewable Electricity Generation, Ecosystems and Indigenous Biodiversity and Coastal Environment chapters (CE-O1 only). The term 'restoration' is used throughout the Plan in relation to the natural environment, including in Renewable Electricity Generation, Ecosystems and Indigenous Biodiversity, Natural Character, Natural Features and Landscapes, Subdivision (in relation to the Coastal Environment) and Coastal Environment chapters (CE-P3, CE-P5, CE-P7, CE-R2 and CE-R3). However, I also note that PDP definition of 'restoration' relates specifically to heritage matters but is not used in the Heritage chapter with the definition for restoration recommended to be deleted by the ISPP Hearings Panel.

315. As both restoration and restored are terms relied upon throughout the Plan in the context of the natural environment and natural character, I suggest the following amendment to the definition of restored:

means the rehabilitation of sites, habitats or ecosystems to support indigenous flora and fauna, ecosystem functions and natural processes that would naturally occur in the ecosystem and locality. This definition applies to the use of the term restoration in the context of the natural environment and natural character.

316. Consequently, I agree in part with Forest and Bird [345.330 and 345.331].

Summary of recommendations

317. **HS8-CE-Rec45:** That CE-R2 be confirmed as notified.

318. **HS8-CE-Rec46:** That the definition of restored is amended as outlined below and included in Appendix A.

RESTORED	<i>Means the rehabilitation of sites, habitats or ecosystems to support indigenous flora and fauna, ecosystem functions and natural processes that would naturally occur in the ecosystem and locality. <u>This definition applies to the use of the term restoration in the context of the natural environment and natural character.</u></i>
-----------------	--

319. **HS8-CE-Rec47:** That submission points on CE-R2 are accepted/rejected as detailed in Appendix B.

CE-R3 Restoration and enhancement activities within the coastal environment: Within high coastal natural character areas; or Within coastal and riparian margins

Matters raised by submitters

Retain as notified

320. WCC ERG [377.259] and Yvonne Weeber [340.47] seek to retain the rule as notified.

Amend

321. Forest and Bird [345.332] seeks that CE-R3 is amended to apply in all areas of the coastal environment and riparian margin.

Assessment

322. I disagree with Forest and Bird [345.332] and consider that the same level of control with respect to restoration and enhancement activities is necessary or efficient if applied to those parts of the coastal environment not identified as high coastal natural character areas or coastal and riparian margins.

Summary of recommendations

323. **HS8-CE-Rec48:** That CE-R3 be confirmed as notified.

324. **HS8-CE-Rec49:** That submission points on CE-R3 are accepted/rejected as detailed in Appendix B.

CE-R4 Vegetation trimming or removal within the coastal environment, outside of high coastal natural character areas

Matters raised by submitters

Retain as notified

325. FENZ [273.142], Horokiwi Quarries Ltd [271.49], and WCC ERG [377.259] seek to retain the rule as notified.

Amend

326. Yvonne Weeber [340.48] opposes this rule as it is too permissive of vegetation trimming and removal. The submitter considers that coastal environment vegetation takes a long time to grow in extreme environments and needs to have a higher level of protection than what is being proposed in the Plan.

327. Forest and Bird [345.333] oppose this rule, given the requirement in Policy 13 of the NZCPS to avoid significant adverse effects on all areas of natural character. They also consider that it is unclear why this rule does not exclude significant natural areas, as the other rules in this part do.

328. WIAL [406.334] considers that CE-R4 is inefficient and should be addressed to the extent relevant within the underlying zone provisions. They seek the deletion of the rule in its entirety.

Assessment

329. I agree in part with Yvonne Weeber [340.48] and Forest and Bird [345.333] that this rule is too permissive of vegetation removal in the Coastal Environment given the importance of indigenous vegetation with respect to indigenous biodiversity and natural character of the coastal environment. In my opinion, this rule should not enable indigenous vegetation removal in coastal and riparian margins and I suspect that this may have been an oversight in the PDP.

330. In my opinion, the Coastal Environment rule framework relating to indigenous vegetation should be amended to provide greater control of indigenous vegetation removal in the coastal environment, in particular in the coastal margin and riparian margins within the coastal environment (with the exception of highly modified areas such as Port consistent with CE-P6), consistent with the recommended changes to the associated policy (CE-P8). In my opinion, this amendment would better give effect to Policy 11 and Policy 13 of the NZCPS. Outside of SNA in the Coastal Environment, I consider that controlling removal of exotic vegetation would be overly restrictive and not necessary to avoid adverse effects on the natural character of the Coastal Environment.

331. Further, in response to Forest and Bird [345.333], I disagree that vegetation removal outside of High Coastal Natural Character Areas and coastal and riparian margins, in combination with the SNA rules, could result in significant adverse effects on natural character that need to be managed.

332. I note the submitter's query as to why CE-R4 does not explicitly exclude SNA similar to CE-R5 and CE-R6. I agree that CE-R4 excludes SNA as the SNA provisions apply in addition to the CE provisions. However, I do note that as the SNA provisions in the ECO chapter manage the

potential adverse effects of vegetation removal in SNAs, it appears to me that all references to SNA in the Coastal Environment rules could be deleted without having a material impact on the application of the rules. The references to SNA in the rule titles are in effect advisory notes and I consider that it is not necessary for the CE provisions to explicitly exclude SNA.

333. I agree in part with WIAL [406.334] to the extent that the deletion of CE-R4 would generally have no material effect as vegetation removal outside of high coastal natural characters areas would then be caught by CE-R7, with no vegetation controls contained in the underlying zones in the PDP. However, in my opinion CE-R4 is helpful in providing clarity with respect to vegetation removal outside of high coastal natural characters areas as it completes a suite of provisions (subject to associated recommended changes contained in this report) relating to vegetation removal in the Coastal Environment chapter making it easier for Plan interpretation and implementation. I note the submitter's general view that the approach of the Coastal Environment chapter is inefficient which I discuss in paragraphs 73 to 74 of this report.

Summary of recommendations

334. **HS8-CE-Rec50:** That CE-R4 is amended as set out below and detailed in Appendix A.

CE-R4 Vegetation trimming or removal within the coastal environment;

- **outside of high coastal natural character areas; and**
 - **outside of coastal or riparian margins.**
1. Activity status: **Permitted**

335. **HS8-CE-Rec51:** That submission points on CE-R4 are accepted/rejected as detailed in Appendix B.

CE-R5 Exotic vegetation trimming or removal within the coastal environment, within high coastal natural character areas but outside significant natural area

Matters raised by submitters

Retain as notified

336. FENZ [273.143] and WCC ERG [377.260] seek to retain the rule as notified.

Delete

337. Yvonne Weeber [340.49] opposes this rule, as it generally makes vegetation trimming and removal permitted. They consider that coastal environment vegetation takes a long time to grow in extreme environments and needs to have a higher level of protection than what is being proposed in the Plan.

338. Forest and Bird [345.334] consider exotic vegetation can form part of natural character, and can also contribute to the maintenance of biodiversity. They seek deletion of the rule in its entirety.

Assessment

339. I disagree with Yvonne Weeber [340.49] and Forest and Bird [345.334] that exotic vegetation removal needs to be controlled in high coastal natural characters areas to protect natural character. I note that this rule does not apply to SNA, and that controls on exotic vegetation apply in SNA.

340. I have reviewed other District Plans within the region and elsewhere and note that Porirua District Partly Operative District Plan, Kapiti Operative District Plan 2021, New Plymouth Partly Operative District Plan 2023 (noting an appeal on this matter) and Waikato Partly Operative District Plan 2023 do not control the removal of exotic vegetation in high coastal natural characters areas.

341. I consider that a consequential amendment to CE-R5 is required to improve clarity with respect to the Coastal Environment chapter and SNA as a result of considering submissions on CE-R4 as outlined in paragraph 331 and 332 of this report, and in relation to coastal margin or a riparian margins as outlined in paragraph 348 of this report.

Summary of recommendations

342. **HS8-CE-Rec52:** That CE-R5 is amended as set out below and detailed in Appendix A.

<p>CE-R5 Exotic vegetation trimming or removal within the coastal environment but outside of an significant natural area:</p> <ul style="list-style-type: none"><u>within High Coastal Natural Character Areas; or</u><u>within the coastal margin or a riparian margin.</u> <p>1. Activity status: Permitted</p>

343. **HS8-CE-Rec53:** That submission points on CE-R5 are accepted/rejected as detailed in Appendix B.

CE-R6 Indigenous vegetation trimming or removal within the coastal environment, within high coastal natural character areas but outside of significant natural area

Matters raised by submitters

Retain as notified

344. FENZ [273.144], Waka Kotahi [370.202] and WCC ERG [377.261] seek to retain the rule as notified.

Amend

345. Director-General of Conservation [385.66 and 385.67] considers that CE-R6 needs to be amended to align with Policy 11 of the NZCPS.

346. Forest and Bird [345.335] consider that the rule should apply more broadly to the whole coastal environment, outside of SNAs, and to exotic vegetation. Forest and Bird [345.336] also seek that the CE-R6 matters of discretion should cross reference their requested new ECO policy related to the maintenance of biodiversity outside of SNAs, and other relevant ECO policies.

Assessment

347. I disagree with the Director-General of Conservation [385.66 and 385.67] on the basis that no detail has been provided by the submitter as to how this policy should be amendment to give better effect to Policy 11 of the NZCPS. I do not consider it necessary or appropriate to essentially duplicate Policy 11 of the NZCPS as a district plan policy. I consider that the submitters concerns relating to the protection of threatened or naturally rare vegetation types, threatened or at risk indigenous species, and the habitats of indigenous species are addressed through the SNA provisions without the need for amendments to CE-R6.

348. I disagree with Forest and Bird [345.336] that an additional matter of discretion is necessary for CE-R6.2 to allow for the consideration of adverse effects on indigenous biodiversity values as any adverse effects, including those relating to natural character, can be considered under the notified matters of discretion relevant to CE-R6.2a. I also disagree with Forest and Bird that the rule should be amended to apply to exotic vegetation in addition to indigenous vegetation and for the rule to apply to the entire Coastal Environment. I consider that, subject to an amendment to CE-R6 to include coastal and riparian margins in the Coastal Environment, the suite of exotic and indigenous vegetation rules adequately give effect to the NZCPS.

Summary of recommendations

349. **HS8-CE-Rec54:** That CE-R6 is amended as set out below and detailed in Appendix A.

CE-R6 Indigenous vegetation trimming or removal within the coastal environment; ~~but outside of significant natural area~~

- within high coastal natural character areas; or**
- within the coastal margin or a riparian margin.**

...

350. **HS8-CE-Rec55:** That submission points on CE-R6 are accepted/rejected as detailed in Appendix B.

CE-R7 Any activity not otherwise listed as permitted, restricted discretionary, discretionary or non-complying within the coastal environment but: Outside of high coastal natural character areas; and Outside of coastal or riparian margins

Matters raised by submitters

Retain as notified

351. WCC ERG [377.262] seeks to retain the rule as notified.

Amend

352. GWRC [351.225] seeks to amend CE-R7.2 by adding reference to the use of design guides to support implementation.

Delete

353. Forest and Bird [345.337 and 345.338, opposed by WIAL FS36.115] considers it is generally inappropriate to have permitted activities in the coastal environment, particularly in the context of a district plan that only identifies high natural character areas. They consider that this does not give effect to policy 13 NZCPS, and consequently seek that the rule is deleted in its entirety. Alternatively, if their primary relief is not accepted, they seek that the activity status of CE-R7 is amended to restricted discretionary and add reference to all policies of the CE and ECO chapters to the matters of discretion.

354. WIAL [406.335] considers CE-R7 is inefficient and does not relate to effects management within the Coastal Environment given the triggers for consent are non-compliance with rules or standards of the underlying land use zone. They consider that if consideration of coastal environment provisions is relevant to a restricted discretionary activity within the underlying land use zone, this should instead be referenced within those matters of discretion. Consequently, they seek the deletion of the rule in its entirety.

Assessment

355. I agree in part with GWRC [351.225] to the extent that the matters of discretion are inadequate. I consider CE-P2 and CE-P10 as notified are vague matters of discretion and that an additional matter of discretion that is more specific to the potential adverse effects on natural character values present in the coastal environment would be beneficial. However, I consider that the recommended amendment to CE-P2 outlined in paragraph 218 of this report will appropriately address this matter.

356. I disagree with Forest and Bird [345.337 and 345.338] that it is inappropriate to have permitted activities in the coastal environment, and consider that the NZCPS quite conceivably provides for 'appropriate' subdivision, use, and development without the need for controls. I also disagree that all other activities not expressly addressed in other CE chapter rules should default to a restricted discretionary activity status as this would be an inefficient and unnecessarily restrictive approach, particularly given the extent of the identified coastal environment which includes

highly modified urbanised areas. However, the rule as drafted only allows for consideration of activities that breach permitted standards. In my opinion, it should also apply to activities with a restricted discretionary activity status starting point under the underlying zone provisions. It is therefore recommended to amend rule CE-R7 accordingly.

357. I disagree with WIAL [406.335] that the approach to managing potential adverse effects on the Coastal Environment outside of high coastal natural character areas or coastal and riparian margins is inefficient as I consider that this approach strikes an appropriate balance that recognises that many areas of the coastal environment are highly modified with further intensification anticipated in these areas whilst ensuring that future development that goes beyond the permitted levels is considered with respect to the natural character of the coastal environment. Simply, the coastal environment chapter does not duplicate controls found in other chapters but relies on them for determining appropriate use and development. Although I agree that the submitters preferred alternative to reference the adverse effects on the coastal environment as matters of discretion for restricted discretionary activities in the underlying zones would serve the same purpose, I prefer the PDP approach as it results in a comprehensive rule framework for the coastal environment in the coastal environment chapter.

Summary of recommendation

358. **HS8-CE-Rec56:** That CE-R7 is amended as set out below and detailed in Appendix A.

<p>CE-R7 Any activity not otherwise listed as permitted, restricted discretionary, discretionary or non-complying within the coastal environment but</p> <ul style="list-style-type: none">• outside of High Coastal Natural Character Areas; and• outside of coastal or riparian margins <p>1. Activity status: Permitted</p> <p>Where:</p> <p>a. <u>The land use activity is a permitted activity in the underlying zone and c</u>Compliance is achieved with the <u>rules and relevant</u> standards <u>for activities</u> in the underlying zones.</p> <p>2. Activity status: Restricted Discretionary</p> <p>Where:</p> <p>a. Compliance with the requirements of CE-R7.1.a cannot be achieved; <u>or</u></p> <p><u>b. The land use activity is a restricted discretionary activity in the underlying zone.</u></p> <p>Matters of discretion are:</p> <ol style="list-style-type: none">1. The matters in CE-P2 and CE-P10.
--

359. **HS8-CE-Rec57:** That submission points on CE-R7 are accepted/rejected as detailed in Appendix B.

CE-R8 Any activity not otherwise listed as permitted, restricted discretionary, discretionary or non-complying within the coastal environment, within coastal or riparian margins

Matters raised by submitters

Retain as notified

360. WCC ERG [377.263] seeks to retain the rule as notified.

Amend

361. Forest and Bird [345.339 and 345.340, opposed by WIAL FS36.116 and FS36.117] seeks that CE-R8 is amended from a permitted activity status to discretionary or non-complying. Alternatively, if a restricted discretionary activity status was preferred, they seek that the matters of discretion reference more policies aimed at protecting natural character and maintaining and protecting biodiversity.

362. Yvonne Weeber [340.52] is opposed to CE-R8 as it is generally very permissive for a list of activities that have not been listed in the plan.

Delete

363. WIAL [406.336] considers CE-R8 is inefficient and does not relate to effects management within the Coastal Environment given the triggers for consent are non-compliance with rules or standards of the underlying land use zone. They consider that if consideration of coastal environment provisions is relevant to a restricted discretionary activity within the underlying land use zone, this should instead be referenced within those matters of discretion. Consequently, they seek the deletion of the rule in its entirety. I note that the coastal margin does not apply to the Airport Zone

Assessment

364. In response to Yvonne Weeber [340.52] and Forest and Bird [345.339 and 345.340] I disagree and consider that the permissive nature of this rule with respect to CE-R8.1 and 8.2 is appropriate given these rules are only applicable to the highly modified parts of the Coastal environment (noting the limited presence of riparian margins within many of these zones due to the lack of natural streams). In my opinion, ensuring public access (where appropriate) is the primary consideration which is adequately addressed in the notified matters of discretion. I also consider a discretionary activity status for all other zones not covered by CE-R8.1 and 8.2 is adequate and appropriate, giving Council full discretion and the ability to consider a proposal on its merit.

365. I disagree with WIAL [406.336] that CE-R8 should be deleted. However, I consider that a consequential amendment is appropriate to reflect the amendments to CE-P6 and CE-P7 in response to the relief sought by WIAL with respect to the area of Natural Open Space Zone located between Lyall Bay and Moa Point. I consider that CE-R8 should be amended to include the area of Natural Open Space Zone located between Lyall Bay and Moa Point in CE-R6.1 and

CE-R6.2 along with a specific new matter of discretion (CE-P7.1 and CE-P7.2). I consider this approach strikes an appropriate balance between recognising that this area is highly modified and contains seawall structures that protect regionally significant infrastructure whilst still forming part of the coastline where public access may be appropriate and future seawall upgrades should at least consider incorporation of natural design elements. I consider that this additional matter of discretion provides partial relief to those submitters seeking additional matters of discretion.

Summary of recommendations

366. **HS8-CE-Rec58:** That CE-R8 be amended as set out below and detailed in Appendix A.

	CE-R8 Any activity not otherwise listed as permitted, restricted discretionary or non-complying within the coastal environment, within coastal or riparian margins
Airport Zone Port Zone Stadium Zone Waterfront Zone City Centre Zone Evans Bay Marine Recreation Area <u>The area of Natural Open Space Zone located between Lyall Bay and Moa Point</u>	1. Activity status: Permitted Where: a. <u>The land use activity is a permitted activity in the underlying zone and c</u> Compliance is achieved with the <u>rules and relevant</u> standards <u>for land use activities</u> in the underlying zones.
Airport Zone Port Zone Stadium Zone Waterfront Zone City Centre Zone Evans Bay Marine Recreation Area <u>The area of Natural Open Space Zone located between Lyall Bay and Moa Point</u>	2. Activity status: Restricted Discretionary Where: a. Compliance with the requirements of CE-R8.1.a cannot be achieved; Matters of discretion are: 1. The matters in CE-P6, PA-P1, PA-P2 and PA-P3-; <u>and</u> 2. <u>CE-P7.1 and CE-P7.2 for the area of Natural Open Space Zone located between Lyall Bay and Moa Point only</u>

367. **HS8-CE-Rec59**: That submission points on CE-R8 are accepted/rejected as detailed in Appendix B.

CE-R9 Any activity not otherwise listed as permitted, restricted discretionary or discretionary within the coastal environment, within high coastal natural character areas

Matters raised by submitters

Retain as notified

368. WCC ERG [377.264] seeks to retain the rule as notified.

Amend

369. Forest and Bird [345.341, opposed by WIAL FS36.118] seeks to amend the activity status to non-complying.

370. Yvonne Weeber [340.53] is opposed to CE-R9 as it is generally very permissive for a list of activities that have not been listed in the plan.

Assessment

371. I disagree with Forest and Bird [345.341, opposed by WIAL FS36.118] and Yvonne Weeber [340.53] that CE-R9 is too permissive. A discretionary activity status provides Council full discretion and the ability to consider a proposal on its merit and adequately ensures that high coastal natural character areas are protected.

372. Although I am not strongly opposed to a non-complying activity status on the basis that any activity proposed in a high coastal natural character area arguably should be able to meet the s104D 'gateway' or "threshold' test. I also note the following commentary relevant to use of a non-complying activity status:

[it] is a way for a council to signal that activities will be subject to a greater degree of scrutiny and indicates to the community areas where some activities are unlikely to be appropriate.¹⁴

373. In my opinion a discretionary activity is adequate and more appropriate given the rule relates to a range of unspecified activities that may conceivably include activities that are acceptable in a high coastal natural character area. In my opinion this rule adequately gives effect to Policy 13(1)(b) of the NZCPS.

374. I note that NFL-R4.2, which is relevant to unspecified activities within outstanding natural features and landscapes in the coastal environment, has a non-complying activity status. I highlight this to illustrate how Policy 15(a) of the NZCPS has been given effect to through a non-complying activity status with respect to protecting an 'outstanding' feature or landscape within

¹⁴ <https://www.environmentguide.org.nz/rma/resource-consents-and-processes/> Mighty River Power Ltd v Porirua City Council [2012] NZEnvC 213.

the coastal environment, noting the high coastal natural character area are very high and high natural character areas, not outstanding natural character areas.

Summary of recommendations

375. **HS8-CE-Rec60**: That CE-R9 be confirmed as notified.

376. **HS8-CE-Rec61**: That submission points on CE-R9 are accepted/rejected as detailed in Appendix B.

CE-R10 Extension of existing mining and quarrying activities within the coastal environment

Matters raised by submitters

Retain as notified

377. Horokiwi Quarries Ltd [271.50] seeks to retain the rule as notified.

Amend

378. Forest and Bird [345.342, opposed by Horokiwi Quarries Limited FS28.9 and WIAL FS36.119] seeks to amend the activity status to non-complying.

379. Yvonne Weeber [340.54, opposed by Horokiwi Quarries Limited FS28.13] is opposed to CE-R10 as it relates to the mining and quarrying activities within the coastal environment, which is generally opposed.

380. WCC ERG [377.265, opposed by Horokiwi Quarries Limited FS28.10] seeks that an additional matter of discretion, “the long-term emissions profile of such an activity, in particular the impact of such an emissions profile on future generations”, is included for CE-R10.

Assessment

381. I disagree with Forest and Bird [345.342] that a non-complying activity status is appropriate for the extension of existing mining and quarrying where outside of high coastal natural character areas and outside of coastal and riparian margins in the coastal environment. The coastal environment extends a significant distance inland, as noted in my assessment of submissions on CE-P9 (paragraphs 289 to 291), applies to areas specifically zoned for quarrying activities already highly modified through existing quarrying operations. In my opinion, a restricted discretionary activity status for the extension of existing mining and quarrying where outside of high coastal natural character areas and outside of coastal and riparian margins in the coastal environment appropriately recognises the strategic importance of these activities whilst ensuring effects of the activity on the natural character of the coastal environment are adequately assessed as part of the resource consenting process. I consider this approach consistent with the NZCPS, noting Policy 6(1)(a) in particular, and achieves the outcomes of SCA-O7.

382. I disagree with Yvonne Weeber [340.54] for similar reasons to those outlined in paragraph 381 above.

383. I disagree with WCC ERG [377.265] as I consider that the proposed additional matter of discretion relating to the long-term emissions profile of the activity and impact on future generations is not a matter directly relevant to the purpose of the Coastal Environment chapter and is best considered in the context of the quarry zone provisions and the Plan's consideration of the appropriateness of the extension of existing or new quarrying activities.

Summary of recommendations

384. **HS8-CE-Rec62:** That CE-R10 be confirmed as notified.

385. **HS8-CE-Rec63:** That submission points on CE-R11 are accepted/rejected as detailed in Appendix B.

CE-R11 New quarrying and mining activities and new plantation forestry within the coastal environment

Matters raised by submitters

Retain as notified

386. Forest and Bird [345.343, opposed by WIAL FS36.120] seeks to retain the rule as notified.

Amend

387. WCC ERG [377.266, opposed by Horokiwi Quarries Limited FS28.11] seeks to amend the activity status to prohibited.

388. Yvonne Weeber [340.55, opposed by Horokiwi Quarries Limited FS28.14] opposes CE-R11 as it relates to the mining and quarrying activities within the coastal environment, which is generally opposed.

Assessment

389. In response to WCC ERG [377.266], I agree with Horokiwi Quarries Limited [FS28.11] that a non-complying activity status provides an appropriate and comprehensive assessment framework in which to consider new quarry and mining activities, and that a prohibited activity status would not allow for consideration of the nature of the activity or environment in which it is proposed.

390. I consider that a non-complying activity status appropriately signals that new quarrying activities are unlikely to be appropriate in the coastal environment whilst still providing a consenting pathway that allows for the consideration of a proposed new quarrying or mining activity. I also note that the NZCPS policies do not require a prohibited activity status for quarrying activities. It

follows that I disagree with WCC ERG [377.266] that the activity status of CE-R11 should be amended to prohibited.

391. I note Yvonne Weeber's [340.55] opposition to CE-R11. However, I consider that a non-complying activity status is appropriate for the reasons outlined above.

Summary of recommendations

392. **HS8-CE-Rec64**: That CE-R11 be confirmed as notified.

393. **HS8-CE-Rec65**: That submission points on CE-R11 are accepted/rejected as detailed in Appendix B.

CE-R12 Construction, addition or alteration of buildings and structures, within the coastal environment: Outside of high coastal natural character areas; and Outside of coastal and riparian margins

Matters raised by submitters

Retain as notified

394. Fabric Property Limited [425.44], Ministry of Education [400.69], WCC ERG [377.267], and Yvonne Weeber [240.56] seek to retain the rule as notified.

Amend

395. Forest and Bird [345.344, opposed by WIAL FS36.121] seek to amend the rule by removing permitted activities and ensuring the matters of discretion reference policies protecting natural character and maintaining and protecting biodiversity.

396. Kāinga Ora [391.261 and 391.262] seeks that the rule be redrafted to include permitted activity criteria that relate to the coastal environment and the outcomes this chapter is trying to achieve, as opposed to permitted activity criteria that relate to the development standards of the underlying zoning.

Delete

397. WIAL [406.337] considers CE-R12 is inefficient and does not relate to effects management within the Coastal Environment given the triggers for consent are non-compliance with rules or standards of the underlying land use zone. They consider that if consideration of coastal environment provisions is relevant to a restricted discretionary activity within the underlying land use zone, this should instead be referenced within those matters of discretion. Consequently, they seek the deletion of the rule in its entirety.

Assessment

398. I disagree with Forest and Bird [345.344] as I consider that reliance on the underlying zone rules is an effective and efficient approach to the management of adverse effects from the construction, addition or alteration of buildings and structures in the coastal environment outside of high coastal natural character areas and coastal and riparian margins. This approach reflects the range of modified and urbanised areas within the identified Coastal Environment. I consider that requiring a resource consent for any construction, addition or alteration of buildings and structures in the coastal environment would be highly inefficient resulting in significant costs for little, if any, benefit. However, I agree with the submitter that the matters of discretion directly relevant to protecting the natural character of the Coastal Environment (specifically CE-P2 as notified) do not provide adequate direction for the consideration of relevant adverse effects within the context of the Coastal Environment and that reference to matters of discretion that provide clearer direction on maintaining natural character would be appropriate. I consider this would be best achieved through the amendments recommended in this report in relation to CE-P2.
399. In addition, similar to CE-R7, the rule as drafted only allows for consideration of activities that breach permitted standards and it should also apply to activities with a restricted discretionary starting point under the underlying zone provisions. It is therefore recommended to amend rule CE-R12 accordingly.
400. I disagree with Kāinga Ora [391.261 and 391.262] as I consider that drafting permitted activity standards that are easily measurable with respect to an acceptable scale of development (beyond that permitted in the underlying zones) in the Coastal Environment presents a significant challenge. I note that CE-R12.2 only comes into play where the building or structure related works already require resource consent.
401. I disagree with WIAL [406.337] for similar reasons to those outlined in paragraphs 73 and 74 of this report.

Summary of recommendations

402. **HS8-CE-Rec66:** That CE-R12 is amended as set out below and detailed in Appendix A.

CE-R12 Construction, addition or alteration of buildings and structures, within the coastal environment:

- **Outside of high coastal natural character areas; and**
- **Outside of coastal or riparian margins**

1. Activity status: Permitted

Where:

a. The addition or alteration, building or structure is a permitted activity in the underlying zone and cCompliance is achieved with the ~~rules and~~ relevant standards for buildings and structures in the underlying zones.

2. Activity status: Restricted Discretionary

Where:

a. Compliance with the requirements of CE-R12.1.a cannot be achieved; or

b. The addition or alteration, building or structure is a restricted discretionary activity in the underlying zone.

Matters of discretion are:

1. The matters in CE-P2, PA-P1, PA-P2 and PA-P3.

403. **HS8-CE-Rec67:** That submission points on CE-R12 are accepted/rejected as detailed in Appendix B.

CE-R13 Construction, addition or alteration of buildings and structures, within the coastal environment, within high coastal natural character areas

Matters raised by submitters

Retain as notified

404. FENZ [273.145], WCC ERG [377.268], and Yvonne Weeber [240.57] seek to retain the rule as notified.

Amend

405. Forest and Bird [345.345, opposed by WIAL FS36.122] seek to amend the rule so it extends to anywhere in the coastal environment. They further seek that matters of restricted discretionary reference policies protecting natural character and maintaining and protecting biodiversity.

Assessment

406. I agree in part with Forest and Bird [345.345] for similar reasons to paragraph 398 of this report, and consider that the notified matters of discretions are adequate, subject to the amendments recommended in this report in relation to CE-P2.

Summary of recommendations

407. **HS8-CE-Rec68:** That CE-R13 be confirmed as notified.

408. **HS8-CE-Rec69:** That submission points on CE-R13 are accepted/rejected as detailed in Appendix B.

CE-R14 Additions and alterations to existing buildings and structures within the coastal environment: within coastal or riparian margin

Matters raised by submitters

Retain as notified

409. FENZ [273.146], WCC ERG [377.269], and Yvonne Weeber [240.58] seek to retain the rule as notified.

Amend

410. Forest and Bird [345.346, opposed by WIAL FS36.123] seek to amend the rule by removing permitted activities and ensuring the matters of restricted discretionary reference policies protecting natural character and maintaining and protecting biodiversity.

411. Kāinga Ora [391.263 and 391.264] seeks that the rule be redrafted to include permitted activity criteria that relate to the coastal environment and the outcomes this chapter is trying to achieve.

Delete

412. WIAL [406.338] considers CE-R14 is inefficient and does not relate to effects management within the Coastal Environment given the triggers for consent are non-compliance with rules or standards of the underlying land use zone. They consider that if consideration of coastal environment provisions is relevant to a restricted discretionary activity within the underlying land use zone, this should instead be referenced within those matters of discretion. Consequently, they seek the deletion of the rule in its entirety.

Assessment

413. I disagree with Forest and Bird [345.346] as I consider that additions and alterations to existing buildings and structures in coastal or riparian margins represent a scale of development that, subject to underlying zone standards, are acceptable from an adverse effects perspective. This approach also provides for continued use of coastal margins and in my opinion is a more efficient approach that reduces unnecessary cost of having to obtain a resource consent for relatively minor works that will not adversely affect the existing natural character of the coastal environment. However, similar to CE-R7 and CE-R12, the rule as drafted only allows for consideration of activities that breach permitted standards and it should also apply to activities with a restricted discretionary starting point under the underlying zone provisions. It is therefore recommended to amend rule CE-R14 accordingly. I also note that the Coastal Hazards provisions are highly restrictive of buildings and activities in the coastal margin.

414. I disagree with Kāinga Ora [391.263 and 391.264] that permitted standards should be introduced for similar reasons to those set out in paragraph 400 of this report. However, I consider that CE-P7 should be included as matters of discretion to CE-R14.2 and that the amendments recommended in this report in relation to CE-P2 will go some way to resolving the submitters concerns.

415. I disagree with WIAL [406.338] for similar reasons to those set out in paragraph 398 of this report.

Summary of recommendations

416. **HS8-CE-Rec70:** That CE-R14 is amended as set out below and detailed in Appendix A.

CE-R14 Additions and alterations to existing buildings and structures within in the coastal environment:

• **Within coastal or riparian margins**

1. Activity status: Permitted

Where:

a. The addition or alteration is a permitted activity in the underlying zone and cCompliance is achieved with the ~~rules and~~ relevant standards for buildings and structures in the underlying zones.

2. Activity status: Restricted Discretionary

Where:

a. Compliance with the requirements of CE-R14.1.a cannot be achieved; or

b. The addition or alteration is a restricted discretionary activity in the underlying zone.

Matters of discretion are:

1. The matters in CE-P2, CE-P7.1 and CE-P7.2, PA-P1, PA-P2 and PA-P3.

417. **HS8-CE-Rec71:** That submission points on CE-R14 are accepted/rejected as detailed in Appendix B.

CE-R15 Construction of new buildings and structures within the coastal environment and within coastal or riparian margins

Matters raised by submitters

Retain as notified

418. FENZ [273.147], Ministry of Education [400.70], WCC ERG [377.270], and Yvonne Weeber [240.59] seek to retain the rule as notified.

Amend

419. Forest and Bird [345.347, opposed by WIAL FS36.124] seek to amend the rule by removing permitted activities and ensuring the matters of restricted discretionary reference policies protecting natural character and maintaining and protecting biodiversity.

420. Kāinga Ora [391.265 and 391.266] seeks that the rule be redrafted to include permitted activity criteria that relate to the coastal environment and the outcomes this chapter is trying to achieve.

Delete

421. WIAL [406.339] considers CE-R15 is inefficient and does not relate to effects management within the Coastal Environment given the triggers for consent are non-compliance with rules or standards of the underlying land use zone. They consider that if consideration of coastal environment provisions is relevant to a restricted discretionary activity within the underlying land use zone, this should instead be referenced within those matters of discretion. Consequently, they seek the deletion of the rule in its entirety.

Assessment

422. I agree in part with Forest and Bird [345.347] for similar reasons to those set out in paragraph 413 of this report. Similar to CE-R7, CE-R12, and CE-R14 the rule as notified only allows for consideration of activities that breach permitted standards and it should also apply to activities with a restricted discretionary starting point under the underlying zone provisions. It is therefore recommended to amend rule CE-R15 accordingly.

423. I disagree with Kāinga Ora [391.265 and 391.266] for similar reasons to those set out in paragraph 400 of this report.

424. I disagree with WIAL [406.339] for similar reasons to those set out in paragraph 398 of this report.

Summary of recommendations

425. **HS8-CE-Rec72:** That CE-R15 is amended as set out below and detailed in Appendix A.

CE-R15 Construction of new buildings and structures within the coastal environment and within coastal or riparian margins

1. Activity status: Permitted

Where:

a. The building or structure is a permitted activity in the underlying zone and cCompliance is achieved with the ~~rules and relevant~~ standards for buildings and structures in the underlying zones.

2. Activity status: Restricted Discretionary

Where:

a. Compliance with the requirements of CE-R14.1.a cannot be achieved; or

b. The addition or alteration is a restricted discretionary activity in the underlying zone.

Matters of discretion are:

1. The matters in CE-P7.1 and CE-P7.2, PA-P1, PA-P2 and PA-P3.

426. **HS8-CE-Rec73**: That submission points on CE-R15 are accepted/rejected as detailed in Appendix B.

CE-S1 Indigenous vegetation trimming or removal within the coastal environment and within high coastal natural character areas

Matters raised by submitters

Retain as notified

427. Waka Kotahi [370.203] seeks to retain the standard as notified.

Amend

428. Director-General of Conservation [385.68 and 385.69] seeks to amend the rule to be aligned with Policy 11 of the NZCPS.

429. FENZ [273.153 and 273.154] seeks that the standard be amended to allow for property owners and occupiers to be able to remove flammable vegetation, as required, to provide sufficient clearance to mitigate the potential for risk.

430. Forest and Bird [345.360] seek the following amendments:

CE-S1 Indigenous vegetation trimming or removal within in the coastal environment and within high coastal natural character areas

...

c. Vegetation removal within ~~35~~ 10m from the external wall of an existing building;

...

Assessment criteria where the standard is infringed:

1. The effects on ~~identified~~ coastal natural character values and measures proposed to avoid, remedy or mitigate the adverse effects.

2. Biodiversity values included those protected by policy 11 of NZ Coastal Policy Statement.

431. Yvonne Weeber [340.72] considers that the assessment criteria should be amended to prevent all indigenous vegetation trimming and removal within the high natural character areas of the coastal environment without a full management plan.

Assessment

432. In response to Director-General of Conservation [385.68 and 385.69] I consider that the submitter's concerns relating to the protection of threatened or naturally rare vegetation types, threatened or at risk indigenous species, and the habitats of indigenous species are addressed through the SNA provisions without the need for amendments to CE-S1.

433. Although I agree with the intent of the amendments sought by FENZ [273.153 and 273.154] I consider that the 50m² allowance along with the exclusion in CE-S1c. adequately provides for vegetation removal that will reduce risk of wildfire. I also consider that permitted standards need to be clear and easily measurable, which the proposed standard is not.

434. In response to Forest and Bird [345.360] I agree that 35m from an external wall of an existing building appears to be very permissive on top of the 50m² of area indigenous vegetation removal allowance provided for by CE-S1.1. Although the s32 evaluation report is unhelpful in this respect, I checked the Draft District Plan (DDP) and found that it was 3m as shown in the excerpt from the DDP. On that basis, I can only conclude that 35m was in error and it was intended to be 3m as per the DDP. I also note that the similar rule in the Porirua District Plan is 3m.

Standards		
CE-S1	Indigenous vegetation trimming or removal within in the coastal environment and within areas of very high or high coastal natural character	
All zones	<p>1. Indigenous vegetation removal must not exceed 50m² in total area per 12 month contiguous period per site. The following are exempt from the maximum permitted area of removal:</p> <ul style="list-style-type: none"> a. 3m from the external wall of an existing building b. 1m width either side of a fence or other structure c. 2.5m in total width for maintenance of public access track (where undertaken by WCC, GWRC or their agents) d. removal is required in accordance with sections 43 or 64 of the Fire and Emergency New Zealand Act 2017. 	<p>Assessment Criteria where the standard is infringed:</p> <ul style="list-style-type: none"> 1. The effects on identified Coastal Natural Character values, ecological values or landscape values in the area and measures proposed to avoid, remedy or mitigate the adverse effects.

435. I disagree with Yvonne Weeber [340.72] who seeks the requirement of a vegetation management plan as part of vegetation removal provided for under CE-S1 as I consider the need for a vegetation management plan is a matter best addressed as part of the resource consenting process.

Summary of recommendations

436. **HS8-CE-Rec74:** That CE-S1 be amended as set out below and detailed in Appendix A.

CE-S1 Indigenous vegetation trimming or removal within in the coastal environment and within high coastal natural character areas

...

c. Vegetation removal within ~~35~~ 3m from the external wall of an existing building;

...

437. **HS8-CE-Rec75**: That submission points on CE-S1 are accepted/rejected as detailed in Appendix B.

CE-S2 New buildings and structures within the coastal environment and within high coastal natural character area

Matters raised by submitters

Amend

438. FENZ [273.155 and 273.156] considers that they may have an operational and functional need to establish and operate fire stations in the coastal environment. Consequently, they seek an exclusion in CE-S2 for emergency service facilities.

439. GWRC [351.226] considers that buildings or structures in sites of high natural character should not exceed the relevant standards, and seeks an amendment to CE-S2 to specifically reference sites, in addition to areas, to give effect to NZCPS Policy 13(1)(b).

440. Yvonne Weeber [340.73] considers that new buildings and structures within the coastal environment and within high coastal natural character areas should be built and designed in a manner that fits in to the high coastal natural character, and seeks an additional assessment criteria that addresses this matter.

Assessment

441. I disagree with FENZ [273.155 and 273.156] that an exclusion for emergency service facilities in CE-S2 is appropriate as I consider this is best managed through a resource consenting process due to the sensitivity of the receiving environment. I note that there are no high coastal natural character areas in urbanised areas where a new emergency service facilities would be more likely to be established.

442. I disagree with GWRC [351.226] on the basis that CE-S2 as notified applies to High Coastal Natural Character Areas and following my general opposition to the wider relief sought by GWRC to identify high natural character at and area and site scale.

443. In response to Yvonne Weeber [340.73] I consider that the standard adequately addresses adverse effects on the natural character in High Coastal Natural Character Areas and as the submitter has not provided any detail as to the specific additional elements sought for inclusion in the standard.

Summary of recommendations

444. **HS8-CE-Rec76**: That CE-S2 be confirmed as notified.

445. **HS8-CE-Rec77**: That submission points on CE-S2 are accepted/rejected as detailed in Appendix B.

5.0 Coastal Environment - Section 32AA evaluation

446. In my opinion, based on the analysis above, the amendments recommended in this report are the most appropriate way to achieve the purpose of the Act and objectives of the plan compared to the notified provisions. In particular:

a. Changes to CE-O1, CE-O2, CE-P1, CE-P2, CE-P5, CE-P6, CE-P7, CE-P8 and CE-P9

Costs and benefits:

- The recommended amendments will not have any greater environmental, economic, social, and cultural costs than the notified provisions.
- However, there will be minor economic and social benefits that result from the recommended amendments to CE-P6 and CE-P7 as they provide appropriate policy support for works relating to the seawalls between Lyall Bay and Moa Point.
- The recommended amendments to CE-P8 will have greater environmental benefits through providing stronger protection of indigenous vegetation in coastal and riparian margins.

Effectiveness and Efficiency:

- The proposed relatively minor amendments to CE-O1, CE-O2 improve the clarity of outcomes sought by the Plan with respect to Policy 13 of the NZCPS.
- The recommended amendments to CE-P2 and CE-P5 also improves alignment with the policy direction of the NZCPS and results in improved clarity for plan users.
- The recommend amendment to CE-P3 will be more effective in achieving the outcomes sought by strategic objectives AW-O3 and NE-O1.
- Consequently, the recommended amendments to the Coastal Environment provisions are more efficient and effective than the notified provisions in achieving the objectives of the PDP.

6.0 Natural Character – Consideration of Submissions

6.1 Natural Character – General Submissions

Matters Raised by Submitters

Amend

447. Forest and Bird [345.213, opposed by Meridian FS101.138] considers that the Introduction section of NATC is uncertain and the scope of the chapter is very unclear, particularly in regard to the coastal environment. Forest and Bird seek an amendment to clarify that the NATC chapter applies outside the coastal environment and recognise that activities landward of the coastal environment may have downstream effects which are recognised in the activity focussed chapters having regard to the policy direction in the NATC and CE chapters. Forest and Bird also submit that the introduction mentions NES-FW and NRP regulations manage vegetation removal, earthworks, natural hazards works, infrastructure and public access structures within 10 metres of natural wetlands as well as earthworks within 5 metres of surface water bodies but doesn't mention where in the PDP these are managed. Forest and Bird suggest NES-FW and NRP regulations should be given effect to through the NATC policies to ensure integration of the policy direction across the District Plan.

448. GWRC [351.158, 351.159, and 351.160] seeks that the Council identifies natural character ratings, at both site and area scales, in riparian margins landward of the coastal environment as required by section 6(a) of the RMA. GWRC considers that this work, which has not yet been undertaken, is necessary to managing adverse effects on natural character in riparian margins. GWRC notes that identifying the natural character ratings of riparian margins is consistent with the approach taken by Greater Wellington in Method M24(a) of the Natural Resources Plan to identify natural character ratings in the beds of lakes and rivers, and wetlands landward of the coastal environment. Therefore, they seek the insertion of a new 'process policy' in the PDP to direct this work to commence. In their view this policy should also direct Council officers to work with resource consent applicants to determine whether a natural character assessment is required in the meantime. This will indicate to District Plan users that this mapping work has not yet been undertaken and ensure that natural character in riparian margins is appropriately preserved and protected in the interim. The new policy sought by GWRC is as follows:

NATC-Px: Identification of natural character ratings in riparian margins landward of the coastal environment

Identify in the Plan natural character ratings in riparian margins landward of the coastal environment.

Until natural character ratings in riparian margins landward of the coastal environment are mapped in this Plan, an assessment may be required as to whether an activity is within an area of high or outstanding natural character. Wellington City Council officers will assist resource consent applicants in determining whether an assessment is required. The need for such an assessment will depend on the level or scale of potential effects and the sensitivity of the receiving environment. Any assessment shall be commensurate with the scale and significance of the effects that the use or development may have on the environment.

449. Taranaki Whānui [389.76 and 389.77, opposed by Buy Back the Bay [FS79.10, FS79.27, FS79.46] and Lance Lones FS81.12] seek retention of the chapter with amendments and any other relief to enable Taranaki Whānui to exercise tino rangatiratanga over their properties in Te Motu Kairangi.

450. Tawa Community Board [294.12] is concerned about streambank erosion of the Porirua Stream and seeks that the PDP requires adequate setback distances from stream edge for new structures.

Assessment

451. In response to Forest and Bird [345.213] I agree that amendments are needed to the NATC Introduction to improve clarity of how the chapter applies, particularly in relation to the Coastal Environment, and the relationship with the rest of the plan and the NRP, RPS and National Environmental Standards for Freshwater (2020). I recommend amendments including a restructure of the chapter introduction to achieve the clarity sought.

452. As outlined in the Section 32 Evaluation Report Part 2: Natural Character and Public Access¹⁵, the National Planning Standards (NPS) (section 7, Clause 20) require any provisions to protect the natural character of wetlands, lakes and rivers and their margins must be addressed in a Natural Character chapter. However, the NPS (section 7, Clause 28) also directs that matters relating to the Coastal Environment to give effect to the NZCPS must be located in a Coastal Environment chapter. Following the direction of the NPS, the PDP approach is to contain matters relating to riparian margins that are located in the Coastal Environment in the Coastal Environment chapter.

453. Consequently, to improve clarity I recommend amending the introduction as shown at **HS8-NATC-Rec1** below.

454. In addition, I note that in response to other submissions I also recommend (as shown in paragraph 466 of this report) an amendment to improve clarity with respect to how riparian margins are managed. I consider that this amendment will also provide relief in the form sought by Forest and Bird.

455. However, I disagree with Forest and Bird's assertion that there is a need to add further clarity within the NATC chapter that activities landward of the coastal environment may have downstream effects which are recognised in the activity focussed chapters having regard to the policy direction in the NATC and CE chapters. I consider that the relevant activity rule (NATC-R1 Activities within riparian margins) is clear and the 'other relevant District Plan provisions' text contained in the NATC chapter's Introduction provides adequate information on how the Plan manages activities and use of riparian margins in addition to the associated provisions of the NATC chapter.

456. In response to the Forest and Bird request that the chapter should be amended with respect to

¹⁵ [section 32 natural character and public access evaluation report page 17.](#)

the NES-FW and NRP policies [also 345.213], I note that no specific wording has been provided or examples as to why the submitter considers the plan does not fulfil its regulatory obligations. The PDP approach is to rely on the NES-FW and not duplicate the NRP which I agree is a more efficient approach as it does not result in requiring local and regional consent to manage the same effects.

457. As outlined in the Natural Character and Public Access section 32 evaluation report¹⁶:

- a. *“the proposed 10m setback is consistent with margins in other legislation (e.g. the NES-FW) and consolidates and aligns the current [Operative District Plan] provisions, which range from 5m to 20m depending on the underlying zone”;*
- b. *“The NATC chapter does not apply to wetlands as the protection of wetlands lies within regional council jurisdiction and sufficiently covered by other legislation (NES-FW and PNRP). Policy 61(b) 45 of the RPS states that the management of biodiversity within wetlands is GWRC’s responsibility, although 61(c) does not specifically exclude city and district councils from managing wetlands’;*
- c. *“WCC’s responsibility for the protection of ecological function of water bodies is sufficiently covered through identified SNA’s and related provisions of the ECO chapter”;* and
- d. In a broad sense, the PDP approach aligns with higher order direction.

458. I concur with the section 32 evaluation on these matters and consider that the NATC is consistent with higher order documents and as such disagree that amendments are required as sought by the submitter.

459. I disagree with the relief sought by GWRC [351.158, 351.159, and 351.160]. Method 30 of the NRP commits GWRC to produce a regional list for high and outstanding natural character in the beds of lakes and rivers, and wetlands by 2026. Until such time that this has been achieved, Method 31 notes that the GWRC will assist applicants to identify high natural character values.

460. I note for clarity that a natural character assessment has been undertaken for the Coastal Environment (which includes riparian margins within the coastal environment), but not for riparian margins outside of the Coastal Environment. The coastal environment natural character assessment was jointly commissioned and managed by GWRC, WCC and HCC.

461. Riparian margins have not been mapped in the ePlan and instead by way of the PDP definition of ‘riparian margin’ a 10m wide riparian margin applies from the edge of all rivers (as defined in Section 2 of the RMA, and incorporated by the PDP). The PDP approach requires the identification of natural character values within riparian margins at a site level at the time of resource consent. Of note, construction, addition or alteration of buildings or structures in riparian margins (NATC-R5) requires resource consent as a restricted discretionary activity status applies, earthworks are managed under EW-R9 and EW-S12 (IHP recommendations

¹⁶ [section 32 natural character and public access evaluation report](#)

numbering¹⁷), and vegetation removal is controlled where riparian margins are located with identified SNA (ECO chapter rules).

462. In my opinion, until GWRC completes the riparian margin natural character values identification and mapping exercise the PDP approach remains the most efficient and effective approach to give effect to higher order direction and the objectives of the PDP. I am unconvinced there is benefit in essentially duplicating the NRP provisions in the PDP as sought by GWRC and I consider that following completion of the natural character values identification and mapping exercise by GWRC as directed by Method 30 of the NRP, the District Plan can be revisited for any necessary consequential mapping and provision amendments. In my opinion this would be best achieved through a future plan change. In the meantime, I am confident the PDP is not inconsistent with the NRP for the reasons I have canvassed above.

463. In response to Tawa Community Board [294.12], I note that the provisions of the NATC Chapter operate such that within 10m from the edge of a stream a resource consent is required for new buildings and structures to consider their appropriateness. This chapter works in conjunction with the Natural Hazards Chapter flood hazard - stream corridor provisions to ensure that inappropriate activities and development does not occur in close proximity to streams. As the submitter has not provided an alternative setback distance to consider and has provided little evidential basis for a setback greater than 10m, I am of the opinion that the PDP provisions adequately manage the risks relating to new buildings and structures near streams.

464. Also, as outlined in the NATC and PA Section 32 evaluation report¹⁸ and noted in the NATC Introduction, the only lakes in the Wellington City district are located within Zealandia and as the natural character of the margins of these lakes is considered to be sufficiently protected through other plan provisions (Natural Open Space zoning, the SNA and ONFL overlays), the NATC does not apply to the margins of lakes.

465. In response to Taranaki Whānui [389.76, 389.77], Council has an obligation to recognise and provide for the preservation of natural character under Section 6(a) of the RMA, as well as to not be inconsistent with the direction of the NRP on this matter. Accordingly, I disagree with Taranaki Whānui [389.76, 389.77]. While I recognise that there are a number of PDP overlays that apply to Taranaki Whānui's sites detailed within their submission and that the PDP does therefore impose development restrictions upon these sites, the NATC provisions in themselves will not result in significant additional restriction on the development of these parcels. I also note that streams within the wider Miramar Peninsula site are located within the coastal environment and are regulated by the provisions of the CE chapter, not the NATC chapter.

¹⁷ <https://wellington.govt.nz/-/media/your-council/plans-policies-and-bylaws/district-plan/proposed-district-plan/files/decision-making-process-on-the-proposed-district-plan/briefing-5/5c/ihp-report-5c---appendix-1c---earthworks-chapter.pdf>

¹⁸ [Section 32 Natural Character and Public Access Evaluation report](#)

Summary of Recommendations

466. **HS8-NATC-Rec1:** That the Introduction to the Natural Character chapter is amended as shown below and at Appendix A:

Introduction

The purpose of the Natural Character chapter is to protect the natural character values of rivers and their margins across the district.

Areas of natural character, including coastal margins and riparian margins, within the coastal environment are identified and managed in the Coastal Environment Chapter. For clarity, riparian margins located within the coastal environment are managed in the Coastal Environment chapter. Where works involve rivers or streams that extend into the coastal environment, the Natural Character chapter applies only to the extent of the margin located outside of the Coastal Environment overlay.

~~There are no natural lakes within the Wellington City Council boundaries and wetlands are sufficiently covered by the National Environmental Standards for Freshwater (2020).~~

~~Riparian margins are not identified on the ePlan map. Instead, the approach of the plan is to~~ This chapter does not rely on the identification of specific areas but applies a riparian margin setback of 10 metres from the beds of all rivers throughout the district for the application of the rules in this chapter. Within these margins certain activities are restricted. This is to ensure that development within proximity to rivers is sympathetic to the sensitive environment and maintains or enhances the natural character. ~~Activities are still able to be undertaken within these areas however most activities will require resource consent to ensure the effects are assessed and take into account the character and amenity of the area.~~

~~The chapter-#~~ also gives effect to Policy 43 of the Regional Policy Statement which requires Council's to have particular regard to maintaining or enhancing the ecological functions of riparian margins when changing/reviewing a District Plan. ~~Activities are still able to be undertaken within these areas however most activities will require resource consent to ensure the effects are assessed and take into account the character and amenity of the area.~~

Relationship to other regulation

The Resource Management (National Environmental Standards for Freshwater) Regulations 2020 manage vegetation removal, earthworks, natural hazards works, infrastructure and public access structures within 10 metres of natural wetlands. As such, Council has decided not to duplicate provisions for these activities and they are not managed through this chapter.

There are no natural lakes within the Wellington City Council boundaries and wetlands are sufficiently covered by the National Environmental Standards for Freshwater (2020).

~~The Greater Wellington Regional Council Proposed Natural Resources Plan (appeals version 2019) manages earthworks within 5 metres of surface water bodies, as such, Council has decided not to duplicate provisions for earthworks within riparian margins in the District Plan and they are not managed through this chapter.~~

467. **HS8-NATC-Rec2:** That general submission points on the Natural Character chapter are accepted/rejected as detailed in Appendix B.

6.2 Definitions

Matters Raised by Submitters

Retain as notified

468. Forest and Bird [345.13] seek that the definition of 'riparian margin' is retained as notified.

Assessment

469. No further assessment is required.

Summary of Recommendations

470. **HS8-NATC-Rec3:** That the definition of 'riparian margin' be confirmed as notified.

471. **HS8-NATC-Rec4:** That the submission point relating to the definitions is accepted as detailed in Appendix B.

6.3 Natural Character - Objectives

NATC-O1 Natural Character

Matters Raised by Submitters

Retain as notified

472. Tyers Stream Group [221.51] and WCCERG [377.135] seek that NATC-O1 is retained as notified.

Amend

473. Forest and Bird [345.214] consider that the objective should be amended so that the preservation of natural character within riparian margins should also be focused on maintaining or enhancing the ecological functions of riparian margins.

474. GWRC [351.161, 351.162, and 351.163] seek that it is clarified whether the objective applies to the coastal environment and requests amendments to align the objective with its coastal equivalent by including reference to natural character being able to be 'restored or rehabilitated'.

Assessment

475. With respect to the submission point from Forest and Bird [345.214], I note that the objective as notified includes the enhancement (where appropriate) of natural characteristics and qualities that contribute to natural character. The RMA does not define 'natural character';

however I note that the Environment Guide – Best Practice Natural Character Planning (2015)¹⁹ provides guidance as to what is meant by the term ‘natural character’, which can be summarised as ‘natural processes, natural elements and natural patterns’. It follows that any reference to natural character already encompasses the ecological function of riparian margins. Consequently, I disagree any amendments are required at an objective level.

476. In response to GWRC [351.161 and 351.162], I note my recommendation to clarify in the introduction to the chapter that the NATC provisions do not apply to sites within the Coastal Environment. Therefore, in my opinion clarification is not necessary within the objective and no changes are recommended as a result of this submission point.

477. I agree in part with GWRC [351.163] with respect to amending NATC-O1 to align with CE-O1. I consider that this is best achieved by replacing the word ‘maintains’ with the word ‘restored or rehabilitated’ within the objective for similar reasons to those outlined with respect to recommended changes to CE-O1 in paragraphs 161 to 162 of this report.

478. In my opinion, this amendment would reduce any uncertainty regarding policy direction for the preservation and protection of natural character for freshwater bodies and their margins, and the preservation and protection of natural character in the coastal environment as directed by the NZCPS.

Summary of Recommendations

479. **HS8-NATC-Rec5:** That NATC-O1 be amended as set out below and detailed in Appendix A:

NATC-O1 Natural character

The natural characteristics and qualities that contribute to the natural character within riparian margins are preserved and protected from inappropriate subdivision, use and development, and ~~maintained~~ restored, rehabilitated or enhanced where appropriate.

480. **HS8-NATC-Rec6:** That submission points relating to NATC-O1 are accepted/rejected as detailed in Appendix B.

NATC-O2 Customary Harvesting

Matters Raised by Submitters

Retain as notified

481. Taranaki Whānui [389.78] support the general direction of the NATC chapter (customary harvesting), while noting their broader relief sought to enable Taranaki Whānui to exercise tino rangatiratanga over their properties in Te Motu Kairangi, and do not seek any changes to the

¹⁹ [What is 'natural character'? Environment Guide](#)

objective.

Amend

482. Forest and Bird [345.215], Tyers Stream Group [221.52], and WCCERG [377.136] seek that NATC-O2 be retained as notified.

Assessment

483. No further assessment is required.

Summary of Recommendations

484. **HS8-NATC-Rec7:** That NATC-O2 be confirmed as notified.

485. **HS8-NATC-Rec8:** That submission points relating to NATC-O2 are accepted as detailed in Appendix B.

6.4 Natural Character - Policies

NATC-P1 Appropriate use and development

Matters Raised by Submitters

Retain as notified

486. WCCERG [377.137] seek that NATC-P1 is retained as notified.

Amend

487. Forest and Bird [345.216] seek that NATC-P1 is amended so that the preservation of natural character within riparian margins should also be focussed on maintaining or enhancing the ecological functions of riparian margins. The change requested by the submitter is shown below:

NATC-P1 Appropriate use and development

Only provide for use and development within riparian margins where:

1. It protects the natural character and integrates with the landform;
2. It provides for planned natural hazard mitigation works where undertaken by Wellington City Council, Greater Wellington Regional Council or their nominated agents;
3. It has a functional or operational need to be located within the riparian margin; ~~and~~
4. It does not limit or prevent public access to, along or adjacent to waterbodies; ~~and~~
5. It maintains or enhances the ecological functions of the riparian margin.

488. Tyers Stream Group [221.53] seeks that NATC-P1 is amended so that matters such as good riparian management and public access to and along water bodies should be an active duty in development, not something to avoid adverse effects to. The change requested by the submitter is shown below:

<p>NATC-P1 Appropriate use and development</p> <p>Provide for <u>Protect natural character, avoid natural hazards and provide for biodiversity and public access to and along water bodies</u> by only allowing use and development within riparian margins <u>which are:</u></p> <ol style="list-style-type: none">1. Pit-p protects the natural character and integrates with the landform <u>AND</u>;2. Pit-p provides for planned natural hazard mitigation works where undertaken by Wellington City Council, Greater Wellington Regional Council or their nominated agents <u>AND</u>;3. Ht-h has a functional or operational need to be located within the riparian margin; and4. It does not limit or prevent <u>Improves practical</u> public access to, along or adjacent to waterbodies.
--

Assessment

489. In response to Forest and Bird [345.216], consistent with my opinion on similar changes sought to NATC-O1 outlined in paragraph 475 of this report, I consider that the ecological function of riparian margins is implicit in the reference to natural character. However, I consider explicit recognition of the enhancement of ecological values at a policy level (in addition to NATC-P2 that is specific to restoration activities) would align with the PDP’s strategic direction, specifically strategic objectives NE-O2 and NE-O5, and also give effect to Policy 43(b) of the RPS which requires Council’s to have particular regard to maintaining or enhancing the ecological functions of riparian margins when changing/reviewing a District Plan. Consequently, I recommend that the submission point is accepted in part and that the words *‘the ecological values of the margin will not be adversely affected’* are added to NATC-P1. However, I disagree with the addition of ‘only’ to proceed ‘provide’ as I consider there to be no material difference achieved through this amendment and I also note that this policy informs rules that for the most part have a permitted activity status.

490. In response to Tyers Stream Group [221.53], I disagree with changing the policy’s chapeau to the wording suggested by the submitter as the proposed amendments are confusing and unnecessary. I note that this policy is essentially an “enabling policy” that provides direction for the rules in this chapter, with other matters such as natural hazard risk mitigation addressed elsewhere in the Plan. I consider that as this policy informs NATC-R1 and NATC-R4 which provide for permitted activities, enabling language is appropriate. I also note that this policy is primarily and intentionally targeted at enabling activities subject to the protection of natural character, natural hazard and public access are subsets of the policy and do not need to be included in the

chapeau.

491. I agree with the sentiment of their submission that public access should be something to encourage, however I consider that as the 'and' conjunctive is used it would provide an unnecessarily onerous test as a matter of discretion to require the 'improvement' of public access.

Summary of Recommendations

492. **HS8-NATC-Rec9:** That NATC-P1 be amended as set out below and detailed in Appendix A.

NATC-P1 Appropriate use and development

Provide for use and development within riparian margins where:

1. It protects the natural character and integrates with the landform;
2. It provides for planned natural hazard mitigation works where undertaken by Wellington City Council, Greater Wellington Regional Council or their nominated agents;
3. It has a functional or operational need to be located within the riparian margin; ~~and~~
4. It does not limit or prevent public access to, along or adjacent to waterbodies; ~~and~~
5. The ecological values of the riparian margin will not be adversely affected.

493. **HS8-NATC-Rec10:** That submission points relating to NATC-P1 are accepted/rejected as detailed in Appendix B.

NATC-P2 Restoration and enhancement

Matters Raised by Submitters

Retain as notified

494. Tyers Stream Group [221.54] and WCCERG [377.138] seek that NATC-P2 is retained as notified.

Amend

495. Forest and Bird [345.217] support the intent of NATC-P2 but seek to amend NATC-P2.1 so that it is consistent with the terminology in the PDP, in that 'indigenous vegetation' is defined and

NATC-P2 Restoration and enhancement:

Provide for restoration and enhancement of natural character within riparian margins ~~where appropriate~~ including:

1. The replanting of riparian margins with indigenous vegetation species;

‘indigenous species’ is not. The change sought by the submitter is shown below:

Assessment

496. In response to Forest and Bird [345.217], I note that ‘where appropriate’ is a drafting approach used consistently across the PDP to acknowledge there will be circumstances where an activity is not appropriate and provide for flexibility in the implementation of the PDP. However, within the context of this policy which notably does not act as a matter of discretion, I consider that as this is an enabling policy that informs permitted activity rules, the term ‘where appropriate’ is redundant and can be deleted.

497. With respect to the change sought to reference ‘indigenous vegetation’, I agree as it is good practice to use terminology that is defined in the PDP and consider reference to ‘indigenous vegetation’ will assist with interpretation of the policy. This change will not create any material difference in how the policy is applied.

Summary of Recommendations

498. **HS8-NATC-Rec11:** That NATC-P2 be amended as shown below and at Appendix A:

<p>NATC-P2 Restoration and enhancement</p> <p>Provide for restoration and enhancement of natural character within riparian margins where appropriate including:</p> <ol style="list-style-type: none">1. The replanting of riparian margins with indigenous <u>vegetation species</u>;
--

499. **HS8-NATC-Rec12:** That submission points relating to NATC-P2 are accepted/rejected as detailed in Appendix B.

NATC-P3 Customary Harvesting

Matters Raised by Submitters

Retain as notified

500. Forest and Bird [345.218], Tyers Stream Group [221.55], and WCCERG [377.139] seek that NATC-P3 is retained as notified.

501. Taranaki Whānui [389.79] oppose the zoning and extent and overlays proposed over Te Motu Kairangi. While they support protection of significant indigenous vegetation as well as landscapes that have cultural, historical, spiritual and traditional significance, they have concern as to the identification and protection of environmental overlays in previously developed areas, which have the potential to restrict future development and opportunities for Taranaki Whānui to exercise tino rangatiratanga over their properties in Te Motu Kairangi. They have not requested any specific changes to NATC-P3.

Assessment

502. While I acknowledge the concerns of Taranaki Whānui [389.79], I note that the submitter did not seek any specific amendments to NATC-P3.

Summary of Recommendations

503. **HS8-NATC-Rec13:** That NATC-P3 be confirmed as notified.

504. **HS8-NATC-Rec14:** That submission points relating to NATC-P3 are accepted/rejected as detailed in Appendix B.

6.5 Natural Character – Rules

NATC-R1 Activities within riparian margins

Matters Raised by Submitters

Retain as notified

505. Forest and Bird [345.219] and WCCERG [377.140] seek that NATC-R1 is retained as notified.

Amend

506. Tyers Stream Group [221.56] seek that NATC-R1 be amended to meet the submitted requirements of NATC-P1.

Assessment

507. In response to Tyers Stream Group [221.56], for similar reasons to those outlined in paragraph 490 of this report, I disagree that any amendment is required to NATC-R1.

Summary of Recommendations

508. **HS8-NATC-Rec15:** That NATC-R1 be confirmed as notified.

509. **HS8-NATC-Rec16:** That submission points relating to NATC-R1 are accepted/rejected as detailed in Appendix B.

NATC-R2 Restoration and enhancement activities within riparian margins

Matters Raised by Submitters

Retain as notified

510. Forest and Bird [345.220], Tyers Stream Group [221.57], and WCCERG [377.141] seek that NATC-R2 is retained as notified.

Amend

511. GWRC [351.164] supports NATC-R2 in part, but considers it is likely that not all restoration activities will restore natural character rankings. Therefore, GWRC [351.165] seeks that the rule

is amended to include permitted activity conditions to clarify which restoration activities are permitted to ensure those activities permitted will restore natural character.

Assessment

512. In response to GWRC [351.165], I agree that this permitted rule, due to the lack of associated definition for restoration and enhancement activities or permitted activity conditions, could lead to a lack of clarity as to what exactly is permitted. I have considered the inclusion of permitted activity conditions – in a manner similar to NFL-R1 and CE-R3. I consider that replicating the permitted activity conditions of CE-R3 would provide consistency between riparian margins located within and outside of the Coastal Environment. This also requires a cascading activity status for restoration and enhancement activities that do not meet the permitted conditions, that I consider should be move to a restricted activity status with NATC-P2 as the sole matter of discretion. This approach is also consistent with CE-R3. I also note that the recommendations of this report relating to the definition of restoration in paragraph 315 will provide at least part relief sought by the submitter.

Summary of Recommendations

513. **HS8-NATC-Rec17:** That NATC-R2 be amended as set out below and included in Appendix A.

NATC-R2 Restoration and enhancement activities within riparian margins

1. Activity status: **Permitted**

Where:

- a. The works are for the purpose of restoring or maintaining natural character of riparian margins by:
 - i. Planting eco-sourced local indigenous vegetation;
 - ii. Carrying out pest animal and pest plant control activities;
 - iii. Carrying out activities in accordance with a registered protective covenant under the Reserves Act 1977, Conservation Act 1987 or Queen Elizabeth the Second National Trust Act 1977; or
 - iv. Carrying out activities in accordance with a Reserve Management Plan approved under the Reserves Act 1977; or
- b. The works are undertaken by mana whenua in accordance with the principle of kaitiakitanga.

2. Activity status: **Restricted Discretionary**

Where:

- a. Compliance with the requirements of NATC-R2.1 is not achieved.

Matters of discretion are:

The matters in NATC-P2.

514. **HS8-NATC-Rec18:** That submission points relating to NATC-R2 within riparian margins are accepted/rejected as detailed in Appendix B.

NATC-R3 Customary harvesting within riparian margins

Matters Raised by Submitters

Retain as notified

515. Forest and Bird [345.221], Tyers Stream Group [221.58], and WCCERG [377.142] seek that NATC-R3 is retained as notified.

Assessment

516. No further assessment is required.

Summary of Recommendations

517. **HS8-NATC-Rec19:** That NATC-R3 be confirmed as notified.

518. **HS8-NATC-Rec20:** That submission points relating to NATC-R3 are accepted as detailed in Appendix B.

NATC-R4 Construction, addition or alteration of buildings or structures for natural hazard mitigation purposes where carried out within riparian margins by a Regional or Territorial Authority, or an agent on their behalf

Matters Raised by Submitters

Retain as notified

519. Tyers Stream Group [221.59] and WCCERG [377.143] seek that NATC-R4 is retained as notified.

Amend

520. Forest and Bird [345.222] seek that NATC-R4 is amended to include a qualifier as per NATC-R1 to ensure effects are properly addressed, as follows:

Where:

a. Compliance is achieved with the rules and standards for activities in the underlying zone.

521. Zealandia [486.3] is concerned that NATC-R4 may prevent maintenance and management work of bridges and associated infrastructure within Zealandia and seek to amend the rule to list the Karori Sanctuary Trust as an approved operator.

Assessment

522. In response to Forest and Bird [345.222], I disagree with their relief sought as NATC-R4 only

applies in relation to buildings and structures for natural hazard mitigation purposes when undertaken by Regional and City Council entities (or their agents). I note that natural hazard / flood mitigation works are a permitted activity (NH-R3.1) when undertaken by these entities. I therefore disagree that there needs to be an added qualifier to NATC-R4 that requires compliance with the rules and standards for activities in the underlying zone. There is a functional need for natural hazard mitigation structures to be located in close proximity to the respective waterbody, with these structures designed to suit to the specific issue for each site.

523. In response to Zealandia [486.3], I note that this rule only applies to buildings and structures within riparian margins for natural hazard mitigation. The works that the submitter refers to do not appear to be for the purposes of hazard mitigation and therefore would not fall under this rule. I also note that Zealandia is a Council Controlled Organisation (CCO) and is arguably covered by the permitted activity rule NATC-R4 as written, particularly if the Council or an agent they appoint commission the natural hazards mitigation works. Therefore, no changes are recommended as a result of this submission point.

Summary of Recommendations

524. **HS8-NATC-Rec21:** That NATC-R4 be confirmed as notified.

525. **HS8-NATC-Rec22:** That submission points relating to NATC-R4 are accepted/rejected as detailed in Appendix B.

NATC-R5 Construction, addition or alteration of buildings and structures within riparian margins

Matters Raised by Submitters

Retain as notified

526. Tyers Stream Group [221.60] and WCCERG [377.144] seek that NATC-R5 is retained as notified.

Amend

527. Forest and Bird [345.223, 345.224] seek that the construction of new buildings be a non-complying activity within riparian margins. If the relief for a non-complying activity status is not accepted, they seek that matters of discretion be widened to include policies from the ECO chapter and NATC-R5.1.

Assessment

528. In my opinion, the restricted discretionary activity status of NATC-R5 is appropriate, particularly considering the policy direction of NATC-P1, which directs: "*Provide for use and development within riparian margins ...*". The policy direction enables appropriate development within the riparian margins, with the matters in the policy providing the parameters for what is considered appropriate. The onus is on an applicant to show that these parameters are met, and Council as the Consenting Authority has the discretion to decline resource consent if the adverse effects have not been adequately avoided, remedied or mitigated. I also note that with respect to flood

hazard, the stream corridor provisions will be relevant to a large extent of riparian margins. I therefore recommend that submission point 345.233 (requesting the non-complying activity status) is rejected.

529. Turning to the second submission point from Forest and Bird [345.234], I consider that the specifics of this rule ensure that a thorough assessment is required for any proposal, noting there is no permitted activity rule (other than for natural hazard mitigation). As to seeking inclusion of ECO policies, I refer to my recommendation to include reference to ecological values under NATC-P1 (Appropriate use and development). This policy is a matter of discretion under NATC-R5. As such, I do not consider that cross-referencing the ECO policies is necessary. I note the ECO chapter addresses Significant Natural Areas (SNA) and will apply in conjunction with the NATC where a SNA is also located within a riparian margin. Consequently, in my opinion no changes are required as a result of this submission point.

Summary of Recommendations

530. **HS8-NATC-Rec23:** That NATC-R5 be confirmed as notified.

531. **HS8-NATC-Rec24:** That submission points relating to NATC-R5 are accepted/rejected as detailed in Appendix B.

7.0 Natural Character - Section 32AA evaluation

532. In my opinion, based on the analysis above, the amendments recommended in this report are the most appropriate way to achieve the purpose of the Act and objectives of the plan compared to the notified provisions. In particular:

Changes to NATC-O1 and NATC-P1

Costs and benefits:

- The recommended amendments will not have any greater environmental, economic, social, and cultural costs than the notified provisions.
- However, there will be minor environment benefits from the recommended amendments as they specifically recognise ecological values with respect to natural character and riparian margins.

Effectiveness and Efficiency:

- The proposed amendments to the Natural Character chapter (NATC-O1 and NATC-P1 in particular) improve the clarity of the outcomes sought by the Plan and also improves internal Plan alignment with the management of riparian margins addressed in the Coastal Environment chapter.
- Consequently, the recommended amendments to the Coastal Environment provisions are more efficient and effective than the notified provisions in achieving the objectives of the PDP.

8.0 Public Access – Consideration of Submissions

8.1 Public Access – General submissions

Matters raised by submitters

533. Tyers Stream Group [221.5] seeks that the plan provide for public access to and within areas for which WCC has jurisdiction.

Assessment

534. I consider that what Tyers Stream Group [221.5] are seeking is not entirely a district plan matter and is more suited to consideration through Council's role as landowner and management through the Reserves Act. I do note however that the Council continues to look for opportunities to increase public access through strategic land acquisition, such as to develop an 'Outer Green Belt'. The Council also works with private landowners to negotiate public access over private land where it can improve access to adjoining reserve land to achieve the outcomes sought by the WCC Open Space Access Plan²⁰.

Summary of recommendations

535. **HS8-PA-Rec1:** That no changes are made because of the submission of Tyers Stream Group [221.5].

536. **HS8-PA-Rec2:** That the submission of Tyers Stream Group [221.5] is rejected as detailed in Appendix B.

8.2 Public Access – Objectives

PA-O1 Public access

Matters raised by submitters

Retain as notified

537. VUWSA [123.44], Tyers Stream Group [221.61], GWRC [351.170] WCC ERG [377.157], and Director-General of Conservation [385.47] seek the objective be retained as notified.

Assessment

538. No further assessment is necessary.

Summary of recommendations

539. **HS8-PA-Rec3:** That PA-O1 be confirmed as notified.

²⁰ [Open Space Access Plan \(wellington.govt.nz\)](https://www.wellington.govt.nz/open-space-access-plan)

540. **HS8-PA-Rec4:** That submissions on PA-O1 are accepted/rejected as detailed in Appendix B.

PA-O2 Adverse effects of public access

Matters raised by submitters

Retain as notified

541. Tyers Stream Group [221.62], WCC ERG [377.158], Director-General of Conservation [385.48] and Te Rūnanga o Toa Rangatira [488.54, supported by GWRC FS84.115] seek the objective be retained as notified.

Amend

542. Meridian Energy Limited [228.92, 228.93; supported by WIAL FS36.80] seek an additional qualification on the security of regionally significant infrastructure.

543. GWRC [351.171, 351.172] seek that riparian margins be assessed for their natural character rating and an amendment be made to PA-O2 to enable this.

544. WIAL [406.252, 406.253] seek another clause be added with respect to public health and safety, in respect of the operation of the airport and port in part to provide rationale for the related clauses of policy PA-P3. They seek the following amendment:

PA-O2 Adverse effects of public access

...

Public access does not have a negative impact on:

a. existing values such as natural character, indigenous biodiversity, landscape values, historic heritage, sites of significance to Māori or the coastal environment; or

b. Public health and safety, particularly with respect to the safe operation and functioning of the Port and Airport.

Assessment

545. In respect of the GWRC submission [351.171, 351.172], I note that the submitter has sought this relief across various provisions of the PDP and that PA-O2 as notified already recognises that public access to areas needs to consider potential impacts on natural character. Consequently, I disagree with GWRC that amendments to PA-O2 are appropriate.

546. I agree with Meridian Energy Limited [228.92, 228.93, supported by WIAL FS36.80] and agree in part with WIAL [406.252, 406.253] whose amendments seek to recognise the potential for adverse effects on health and safety and the operation of infrastructure from public access. I agree with the rationale of WIAL that these amendments provide stronger direction for the resultant policy PA-P3. I consider that WIAL's alternative drafting is appropriate, but that the

proposed amended wording should be modified to identify regionally significant infrastructure more generally, not just the port and airport as a subset of regionally significant infrastructure.

Summary of recommendations

547. **HS8-PA-Rec5:** That PA-O2 is amended as set out below and detailed in Appendix A:

PA-O2 Adverse effects of public access

Public access does not have a negative impact on: _____

- a. existing values such as natural character, indigenous biodiversity, landscape values, historic heritage, sites of significance to Māori or the coastal environment.; and
- b. public health and safety, particularly with respect to the security and safe operation and functioning of regionally significant infrastructure.

548. **HS8-PA-Rec6:** That submissions on PA-O2 are accepted/rejected as detailed in Appendix B.

8.3 Public Access – Policies

PA-P1 Appropriate activities

Matters raised by submitters

Retain as notified

549. GWRC [351.173] and WCC ERG [377.159] seek that the policy be retained as notified.

Amend

550. Tyers Stream Group [221.63] seeks amendment to PA-P1 to clearly deliver the enhancement of public access to the coast and waterbodies required by Objective PA-O1.

Assessment

551. I agree with Tyers Stream Group [221.63] that the policy requires amendment to recognise that the higher order objective seeks at least maintenance, if not enhancement, of public access to coastal and riparian margins. I note that no alternative wording has been provided by the submitter.

552. In my opinion, an amendment such as *'Enable activities within coastal and riparian margins that ~~do not limit or prevent~~ maintain or enhance public access...'* would positively reframe the notified policy and also recognise that new development can also increase/enhance public access.

553. I consider that this amendment would flow neatly into, and align with, the language used in PA-P2 which provides the framework for assessing resource consents for public access activities listed in the related 'other District Plan provisions' clarification note in the Public Access

Introduction. This clarification note section highlights that the PA policy direction to ‘maintain or enhance’ public access is achieved through the INF-CE, NATC, SUB, CE and EW chapters which use the PA policies as a matter of discretion in their respective rule frameworks. This is because the rules for managing public access to the coast and waterbodies sit within these chapters, rather than the PA chapter itself, due to the inter-connected nature of the PA topic and the other associated topics.

Summary of recommendations

554. **HS8-PA-Rec7:** That PA-P1 is amended as set out below and detailed in Appendix A.

PA-P1 Appropriate activities

Enable activities within coastal and riparian margins that ~~do not limit or prevent~~ maintain or enhance public access to, along or adjacent to the coast and waterbodies.

555. **HS8-PA-Rec8:** That submissions on PA-P1 are accepted as detailed in Appendix B.

PA-P2 Maintenance and enhancement of public access

Matters raised by submitters

Retain as notified

556. WCC ERG [377.160] and Director-General of Conservation [385.49] seek the policy be retained as notified.

Amend

557. GWRC [351.174] considers that natural character assessments in riparian margins landward of the coastal environment has not yet been undertaken.

558. Tyers Stream Group [221.64] seeks amendment to PA-P2.3 to include setbacks from both existing and potential public access corridors to ensure linkages are made or enabled.

Assessment

559. My response to GWRC (351.174) is as outlined in 459 to 462 of this report.

560. I disagree with Tyers Stream Group [221.64] as I consider it impractical to require a setback from a ‘potential’ future public access. However, I consider that this will at least in part be achieved through the rules that control structures in coastal margins and riparian margins.

561. Securing future public access to the coast and along streams is achieved through PA-P2.1 (which guides subdivision design) and PA-P2.2 (through the creation of esplanade strips or reserves). PA-P2.3 relates to the construction of new buildings and structures within coastal and riparian

margins to ensure access is not impeded and natural character values are preserved. These rules are located in the CE and NATC chapters.

Summary of recommendations

562. **HS8-PA-Rec9**: That PA-P2 is confirmed as notified.

563. **HS8-PA-Rec10**: That submissions on PA-P2 are accepted/rejected as detailed in Appendix B.

PA-P3 Restriction of public access

Matters raised by submitters

Retain as notified

564. Tyers Stream Group (221.65), WCC ERG [377.161], and WIAL [406.254] seek the policy be retained as notified.

Amend

565. Meridian Energy Limited [228.94, 228.95] seek amendments to add protection of existing regionally significant infrastructure other than the Port and Airport as another legitimate reason for restricting public access that should be added to the list of exceptions.

566. GWRC [351.175, 351.176, supported by WIAL FS36.81, and 351.177) considers that subclause 10 should be removed. In its further submission WIAL notes that some airport infrastructure could be located outside of the airport zone (and is inferred this should be amended to address such infrastructure more broadly). **Assessment**

567. I note the submissions of Tyers Stream Group [221.65], WCC ERG, [377.161] and WIAL [406.254].

568. Consistent with my advice in relation to PA-O2, I am of the opinion that it is appropriate to amend clause 11 to be broadened to regionally significant infrastructure more generally. This would address the inferred concerns of WIAL in their further submission to GWRC (351.176). I suggest that similar wording to my recommendation for PA-O2 is carried through.

569. I agree with GWRC [351.175] that the rather generic clause 10 (Address other exceptional circumstances sufficient to justify the restriction) is not sufficiently detailed to justify its inclusion and acts as a catch-all. The concept of restricting public access for exceptional circumstances is not grounded in the NZCPS, RPS or NRP and sits as an anomaly at present. I recommend it be removed as there remains a sufficiently detailed and varied list of reasons why public access may be restricted.

Summary of recommendations

570. **HS8-PA-Rec11:** That PA-P3 is amended as detailed below.

PA-P3 Restriction of public access

Only allow for the restriction of public access to, along or adjacent to the coast and waterbodies where the restriction is necessary to:

.....

~~10. Address other exceptional circumstances sufficient to justify the restriction;~~ or
~~11. Provide for the safe and efficient operation of the Port and Airport Zone regionally significant infrastructure.~~

571. **HS8-PA-Rec12:** That submissions on PA-P3 are accepted/rejected as detailed in Appendix B.

9.0 Public Access - Section 32AA evaluation

572. In my opinion, based on the analysis above, the amendments recommended in this report are the most appropriate way to achieve the purpose of the Act and objectives of the plan compared to the notified provisions. In particular:

Changes to PA-O2, PA-P1 and PA-P3

Costs and benefits:

- The recommended amendments will not have any greater environmental, economic, social, and cultural costs than the notified provisions.
- However, there will be minor social and economic benefits from the recommended amendments. These include improving the recognition of public safety with respect to public access near regionally significant infrastructure, and the emphasising the importance that public access does not impact the efficient operation of regionally significant infrastructure.

Effectiveness and Efficiency:

- The proposed amendments to the Public Access chapter improve the clarity of the outcomes sought by the Plan with respect to health and safety and the efficient operation of regionally significant infrastructure, which better achieves the purpose of the PDP.
- Consequently, the recommended amendments to the Coastal Environment provisions are more efficient and effective than the notified provisions in achieving the objectives of the PDP.

10.0 Minor and inconsequential amendments

573. Pursuant to Schedule 1, clause 16 (2) of the RMA, a local authority may make an amendment, without using the process in this schedule, to its PDP to alter any information, where such an alteration is of minor effect, or may correct any minor errors.

574. The following minor and inconsequential amendments relevant to this report are identified below and proposed to be corrected, as set out in Appendix A.

General

- a. That references to Proposed Natural Resources Plan be amended to Natural Resources Plan.

Public Access chapter

- b. Delete 'area' following reference to 'commercial port' from the Public Access introduction to correctly align with the 'commercial port' definition included in the Plan.
- c. Amend the Public Access introduction to delete reference to 'lakes' on the basis there are no lakes in Wellington and for consistency with the NATC introduction.

11.0 Conclusion

575. Submissions have been received both in support and opposition of the chapters, schedules and appendices addressed in this report.

576. Having considered all the submissions and reviewed all relevant statutory and non-statutory documents, I do not recommend any further changes to the PDP other than the inclusion of definitions nesting tables attached at Appendix B.

11.1 Recommendations

577. I recommend that:

- b. The PDP is amended in accordance with the changes identified in Appendix A; and
- c. The Hearing Commissioners accept, accept in part, or reject submissions (and associated further submissions) as outlined in Appendix B of this report; and

12.0 Appendices

Appendix A: Recommended Amendments to the Coastal Environment, Natural Character and Public Access chapters and related definitions

Where I recommend changes in response to submissions, these are shown as follows:

- Text recommended to be added to the PDP is underlined.
- Text recommended to be deleted from the PDP is ~~struck through~~.

Appendix B: Recommended Responses to Submissions and Further Submissions on the Coastal Environment, Natural Character and Public Access chapters and related definitions

Appendix C: Record of communication to Barry Insull - Weevils