

Section 32 Evaluation Report

Part 2: Natural Character and Public Access

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Table of acronyms

Abbreviation	Full term
GWRC	Greater Wellington Regional Council
MfE	Ministry for the Environment
NATC	Natural Character
NES	National Environmental Standards
NES-ETA	National Environmental Standards for Electricity Transmission Activities 2009
NES-FW	National Environmental Standards for Freshwater 2020
NES-PF	National Environmental Standards for Plantation Forestry 2017
NES-TF	National Environmental Standards for Telecommunication Facilities 2016
NPS	National Policy Statements
NPS-FM	National Policy Statement for Freshwater Management 2020
NZCPS	New Zealand Coastal Policy Statement 2010
ODP	Operative District Plan
ONFL	Outstanding Natural Features and Landscapes
PA	Public Access
PDP	Proposed District Plan
PNRP	Proposed Natural Resources Plan
RMA	Resource Management Act
RPS	Regional Policy Statement for the Wellington Region 2013
SALs	Special Amenity Landscapes
SNAs	Significant Natural Areas

1. Overview and Purpose

1.1 Introduction to the resource management issue/s

This section 32 evaluation report is focussed on the public access and natural character chapters of the Proposed District Plan (PDP). The natural character chapter addresses the natural character of riparian margins, whereas the public access chapter addresses public access to and along waterbodies. Areas of coastal natural character as well as coastal margins and riparian margins in the coastal environment are addressed in the Coastal Environment Chapter.

The purpose of the Natural Environment Chapter is the protection, and where possible, the restoration of the natural character values of rivers and their margins. Many of these margins have been modified to varying degrees by human activity. This has impacted both public access to these margins and the natural character of these margins. It also has wider implications around hazard management, conservation, aquatic habitat enhancement, recreation and water quality. While water quality is a regional council function, the District Plan can assist through managing use and development in riparian margins.

There is higher level guidance and direction relevant to these topics such as the National Policy Statement for Freshwater Management 2017 (NPSFM), the National Environmental Standards for Freshwater (NESF) and the National Environmental Standard for Plantation Forestry 2017 (NESPF). The Wellington Regional Policy Statement 2013 (RPS) requires the management of these values in a consistent and strategic way.

Areas of very high and high natural character in the coastal environment have been identified and are covered in the Coastal Environment (CE) chapter. Natural character areas outside the coastal environment have not been identified and therefore the Natural Character (NATC) chapter relies on provisions that apply to all relevant riparian margins.

2. Reference to other evaluation reports

This report should also be read in conjunction with the following evaluation reports:

Report	Relationship to this topic
Coastal Environment	This chapter manages the coastal environment including coastal hazards (tsunami, coastal erosion and coastal inundation). It contains provisions relating to the protection of identified areas of very high and high coastal natural character as well as coastal margins and riparian margins in the coastal environment.
Natural Hazards	The natural hazard chapter manages the non-coastal hazards, which include flooding. It is predicted that rainfall events will become more intense, storm events will become more common, and sea levels will rise as a result of climate change. The management of riparian margins will play a role (along with other methods) in assisting to manage the impact of natural hazards now and into the future.
Ecosystems and indigenous biodiversity	The ecosystems and indigenous biodiversity (ECO) chapter identifies and manages the protection of Significant Natural Areas (SNAs). These SNAs often include waterbodies and their riparian margins, reflecting the ecological importance of these areas.
Natural features and landscapes	The natural features and landscapes chapter identifies and manages the protection of Outstanding Natural Features and Landscapes (ONFLs), and Special Amenity Landscapes (SALs). It also contains provisions relating to Ridgelines and Hilltops. The

	identified natural features and landscapes overlays often cover waterbodies and their riparian margins.
Subdivision	The subdivision chapter contains provisions regulating the subdivision process, including specific subdivision rules that apply within the different overlays. Subdivisions adjacent to surface waterbodies and the Coastal Marine Area ('CMA') afford opportunities for greater access to these features to enhance a range of values. Esplanade reserves and esplanade strips will generally be required to maintain or enhance public access, to maintain or enhance conservation values associated with ecological characteristics of surface water and the coast, and for natural hazard mitigation purposes.
Earthworks	Earthworks can result in adverse effects on riparian margins through erosion and sedimentation. The earthworks chapter therefore contains provisions relating to earthwork in riparian margins.
Infrastructure / Renewable Electricity Generation	The infrastructure chapter and the renewable electricity generation chapter contain provisions relating to infrastructure and renewable electricity generation in riparian margins and public access.

3. Strategic Direction

The following objectives in the Strategic Direction chapter of the Proposed District Plan are relevant:

AW-03	Anga whakamua – Moving into the future
Mana whenua can exercise their customary responsibilities as mana whenua and kaitiaki with their own mātauranga Māori.	
AW-04	Anga whakamua – Moving into the future
The development and design of the City reflects mana whenua and the contribution of their culture, traditions, ancestral lands, waterbodies, sites, areas and landscapes, and other taonga of significance to the district's identity and sense of belonging.	
NE-01	Natural Environment
The natural character, landscapes and features, and ecosystems that contribute to the City's identity and have significance for mana whenua as kaitiaki are identified, recognised, protected, and, where possible, enhanced.	
NE-02	Natural Environment
Future subdivision and development is designed to limit further degradation of the City's water bodies, and recognises mana whenua and their relationship to water (Te Mana o Te Wai).	
NE-03	Natural Environment
The City retains an extensive open space network that:	
<ol style="list-style-type: none"> 1. Is easily accessible; 2. Connects the urban and natural environment; 3. Supports ecological, cultural, and landscape values; and 4. Meets the needs of anticipated future growth. 	
NE-04	Natural Environment
Mana whenua are able to exercise their customary responsibilities as mana whenua and kaitiaki with their own mātauranga Māori in the protection and management of the natural environment.	

An evaluation of these objectives is contained in the companion Section 32 Evaluation Overview Report.

4. Regulatory and policy direction

In carrying out a s32 analysis, an evaluation is required of how the proposal achieves the purpose and principles contained in Part 2 of the RMA.

Section 5 sets out the purpose of the RMA, which is to promote the sustainable management of natural and physical resources.

Sustainable management

'means managing the use, development, and protection of natural and physical resources to enable people and communities to provide for their social, economic and cultural wellbeing and for their health and safety, while -

- (a) sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and*
- (b) safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and*
- (c) avoiding, remedying, or mitigating any adverse effects of activities on the environment'.*

In achieving this purpose, all persons exercising functions and powers under the RMA also need to:

- Recognise and provide for the matters of national importance identified in Section 6;
- Have particular regard to the range of other matters referred to in Section 7; and
- Take into account the principles of the Treaty of Waitangi/Te Tiriti o Waitangi in Section 8.

4.1 Section 6

The s6 matters relevant to this topic are:

Section	Relevant Matter
6(a)	<p><i>The preservation of the natural character of the Coastal Environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development.</i></p> <p>This is directly relevant to the Natural Character chapter as it requires the preservation and protection of riparian margins.</p>
6(c)	<p><i>The protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna.</i></p> <p>Significant indigenous vegetation and significant habitats of indigenous fauna can contribute to the natural character of riparian margins, and some Significant Natural Areas contain waterbodies and riparian margins.</p>
6(d)	<p><i>The maintenance and enhancement of public access to and along the coastal marine area, lakes, and rivers.</i></p> <p>This is directly relevant as it requires the maintenance and enhancement of public access.</p>

Section	Relevant Matter
6(e)	<i>The relationship of Māori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga.</i> There is a strong historical and cultural relationship with ancestral lands, water, sites, waahi tapu, and other taonga within riparian margins.
6(g)	<i>The protection of customary rights.</i> Tangata whenua value waterbodies for their cultural and spiritual values as well as for customary use.
6(h)	<i>The management of significant risks from natural hazards.</i> The management of use and development in riparian margins is strongly linked to the management of natural hazard risk in these areas, primarily through flood hazards.

4.2 Section 7

The s7 matters that are relevant to this topic are:

Section	Relevant Matter
7(a)	<i>Kaitiakitanga</i>
7(aa)	<i>The ethic of stewardship</i>
7(c)	<i>The maintenance and enhancement of amenity values</i>
7(d)	<i>Intrinsic values of ecosystems</i>
7(f)	<i>Maintenance and enhancement of the quality of the environment</i>
7(i)	<i>The effects of climate change</i>

The s7 matters listed above are relevant to the Natural Character and the Public Access chapters as they provide guidance and direction to:

- Ensure that tangata whenua can exercise kaitiakitanga including for customary use.
- Maintain and enhance amenity values and the quality of the environment and have particular regard to the intrinsic values of ecosystems.
- Take the effects of climate change into consideration.

4.3 Section 8

Section 8 requires all persons exercising functions and powers under the RMA, in relation to managing the use, development, and protection of natural and physical resources, to take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi).

Council works in partnership with Taranaki Whānui ki te Upoko o te Ika and Ngāti Toa Rangatira to actively provide for and protect their interests and develop provisions to recognise and provide opportunities for tangata whenua to exercise kaitiakitanga.

4.4 Section 31

Section 31 lists the functions of territorial authorities. The following are of relevance to the Natural Character and Public Access chapters:

- (1) *Every territorial authority shall have the following functions for the purpose of giving effect to this Act in its district:*
 - (a) *the establishment, implementation, and review of objectives, policies, and methods to achieve integrated management of the effects of the use, development, or protection of land and associated natural and physical resources of the district.*
 - (b) *the control of any actual or potential effects of the use, development, or protection of land, including for the purpose of—*
 - (i) *the avoidance or mitigation of natural hazards; and*
 - (iii) *the maintenance of indigenous biological diversity.*
 - (e) *the control of any actual or potential effects of activities in relation to the surface of water in rivers and lakes.*

4.5 Part 10

One of the principal mechanisms by which public access to and along the coastal marine area, lakes and rivers is provided is through esplanade reserves and strips, and access strips. Sections 229 to 237H of Part 10 of the RMA set out the purpose of and requirement for these mechanisms, and the way in which esplanade reserves and strips, and access strips can be created.

In summary:

- Esplanade reserves and strips have a range of purposes, including to enable public access to or along any sea, river or lake.
- An esplanade reserve 20m in width shall be set aside where any allotment of less than 4ha is created (unless a rule in a plan provides otherwise).
- Esplanade reserves or strips can only be set aside where any allotment of greater than 4ha is created if a rule in the District Plan requires.
- The width of the esplanade reserve shall be measured from:
 - The mark of mean high water springs; or
 - The bank of any river; or
 - The margin of any lake.
- In relation to esplanade reserves, 'river' and 'lake' have specific meanings as follows:
 - A river means a river whose bed has an average width of 3 metres or more where the river flows through or adjoins an allotment;
 - A lake means a lake whose bed has an area of 8 hectares or more.
- Esplanade reserves vest with the Council as local purpose reserves, whereas esplanade strips are created by the registration of an instrument between the territorial authority and the subdividing owner.

- If the mark of MHWS or the bank of any river or the margin of any lake changes so as to affect an existing esplanade strip, the extent of the esplanade strip 'moves' with the change of location.
- Registered owners of any land subject to an esplanade strip may make an application to the territorial authority to vary or cancel the instrument creating the strip. Similarly, the territorial authority may also initiate a proposal to vary or cancel an esplanade strip. The matters that must be addressed in such an application, and the matters that the territorial authority must consider are set out in Section 234 of the RMA.
- Esplanade strips may be created at any time by agreement between the registered owner of the land and the local authority (i.e. are not limited to being created at the time of subdivision of land).
- Access strips can be created at any time between a local authority and the registered owner of land to acquire an easement over land.
- Esplanade strips and access strips may be closed to the public:
 - for specific times and period specified in the relevant instrument;
 - during periods of emergency; or
 - public risk likely to cause loss of life, injury or serious damage to property.
- No compensation shall be payable for any land within 20m of the CMA/river/lake when esplanade reserves or strips are taken when land of less than 4 hectares is subdivided.
- In instances where an esplanade reserve or strip is greater than 20m in width, and the land being subdivided is less than 4 hectares, the territorial authority shall pay compensation for the area of the reserve or strip above 20m unless the registered owner agrees otherwise.
- The territorial authority shall compensate owners for esplanade reserves or strips in their entirety when taken from land that is being subdivided and is greater than 4 hectares in area unless the registered owner agrees otherwise.

Section 77 relates to rules about esplanade reserves on subdivision and road stopping and is also relevant to this topic.

4.6 National Direction

4.6.1 National Policy Statements

There are five National Policy Statements (NPS) currently in force:

- NPS for Electricity Transmission 2008
- New Zealand Coastal Policy Statement 2010
- NPS for Renewable Electricity Generation 2011
- NPS for Freshwater Management 2020
- NPS on Urban Development 2020

In addition to the five NPS currently in force there are also two proposed NPS under development, noting that these are yet to be issued and have no legal effect:

- Proposed NPS for Highly Productive Land

- Proposed NPS for Indigenous Biodiversity

The NPS relevant to this topic are:

NPS for Freshwater Management 2020

While much of the NPS-FM is directed at Regional Councils, it is important to be aware of these requirements and to avoid duplication or contradiction of obligations of regional council. The most relevant objectives and policies are:

NPS-FM 2020	
Objective	(1) <i>The objective of this National Policy Statement is to ensure that natural and physical resources are managed in a way that prioritises:</i> (a) <i>first, the health and well-being of water bodies and freshwater ecosystems</i> (b) <i>second, the health needs of people (such as drinking water)</i> (c) <i>third, the ability of people and communities to provide for their social, economic, and cultural well-being, now and in the future.</i>
Policy 1	<i>Freshwater is managed in a way that gives effect to Te Mana o te Wai.</i>
Policy 3	<i>Freshwater is managed in an integrated way that considers the effects of the use and development of land on a whole-of-catchment basis, including the effects on receiving environments.</i>
Policy 6	<i>There is no further loss of extent of natural inland wetlands, their values are protected, and their restoration is promoted.</i>
Policy 7	<i>The loss of river extent and values is avoided to the extent practicable.</i>
Policy 9	<i>The habitats of indigenous freshwater species are protected.</i>
Clause 3.5 Integrated Management	(4) <i>Every territorial authority must include objectives, policies and methods in its district plan to promote positive effects and avoid, remedy or mitigate adverse effects of urban development on the health and well-being of water bodies, freshwater ecosystems, and receiving environments.</i>
Interpretation	<i>Receiving environment - includes, but is not limited to, any water body (such as a river, lake, wetland or aquifer) and the coastal marine area (including estuaries).</i>

NPS for Renewable Electricity Generation 2011

The NPS-REG requires decision makers to recognise and provide for the benefits of renewable energy generation (REG). The most relevant objectives and policies are:

NPS-REG	
Objective	<i>To recognise the national significance of renewable electricity generation activities by providing for the development, operation, maintenance and upgrading of new and existing renewable electricity generation activities, such that the proportion of New Zealand's electricity generated from renewable energy sources increases to a level that meets or exceeds the New Zealand Government's national target for renewable electricity generation.</i>
Policy C1	<i>Decision-makers shall have particular regard to the following matters:</i>

NPS-REG	
	<p>(a) <i>the need to locate the renewable electricity generation activity where the renewable energy resource is available;</i></p> <p>(b) <i>logistical or technical practicalities associated with developing, upgrading, operating or maintaining the renewable electricity generation activity;</i></p> <p>(c) <i>the location of existing structures and infrastructure including, but not limited to, roads, navigation and telecommunication structures and facilities, the distribution network and the national grid in relation to the renewable electricity generation activity, and the need to connect renewable electricity generation activity to the national grid;</i></p> <p>(d) <i>designing measures which allow operational requirements to complement and provide for mitigation opportunities; and</i></p> <p>(e) <i>adaptive management measures.</i></p>
Policy F	<i>As part of giving effect to Policies E1 to E4, regional policy statements and regional and district plans shall include objectives, policies, and methods (including rules within plans) to provide for the development, operation, maintenance and upgrading of small and community-scale distributed renewable electricity generation from any renewable energy source to the extent applicable to the region or district.</i>
Policy G	<i>Regional policy statements and regional and district plans shall include objectives, policies, and methods (including rules within plans) to provide for activities associated with the investigation, identification and assessment of potential sites and energy sources for renewable electricity generation by existing and prospective generators</i>

NPS for Electricity Transmission 2008

The NPS-ET aims to enable the development of and manage effects of the electricity transmission network, through recognising the benefits and importance of the national grid and managing adverse environmental effects of the network as well as reverse sensitivity. The most relevant objectives and policies are:

NPS-ET	
Objective	<p><i>To recognise the national significance of the electricity transmission network by facilitating the operation, maintenance and upgrade of the existing transmission network and the establishment of new transmission resources to meet the needs of present and future generations, while:</i></p> <ul style="list-style-type: none"> • <i>managing the adverse environmental effects of the network; and</i> • <i>managing the adverse effects of other activities on the network.</i>
Policy 4	<i>When considering the environmental effects of new transmission infrastructure or major upgrades of existing transmission infrastructure, decision-makers must have regard to the extent to which any adverse effects have been avoided, remedied or mitigated by the route, site and method selection.</i>
Policy 5	<i>When considering the environmental effects of transmission activities associated with transmission assets, decision-makers must enable the reasonable operational, maintenance and minor upgrade requirements of established electricity transmission assets.</i>

NPS-ET	
Policy 6	<i>Substantial upgrades of transmission infrastructure should be used as an opportunity to reduce existing adverse effects of transmission including such effects on sensitive activities where appropriate.</i>
Policy 7	<i>Planning and development of the transmission system should minimise adverse effects on urban amenity and avoid adverse effects on town centres and areas of high recreational value or amenity and existing sensitive activities.</i>
Policy 8	<i>In rural environments, planning and development of the transmission system should seek to avoid adverse effects on outstanding natural landscapes, areas of high natural character and areas of high recreation value and amenity and existing sensitive activities.</i>

New Zealand Coastal Policy Statement 2010

The NZCPS is of relevance to the Public Access chapters.

It needs to be noted that areas of very high and high natural character in the coastal environment have been identified and are covered in the CE chapter. Coastal margins and riparian margins within the coastal environment are also covered in the CE chapter. Therefore the NZCPS is of limited relevance to the Natural Character chapter.

The relevant objective and policies are:

NZCPS	
Objective 4	<p><i>To maintain and enhance the public open space qualities and recreation opportunities of the coastal environment by:</i></p> <ul style="list-style-type: none"> • <i>recognising that the coastal marine area is an extensive area of public space for the public to use and enjoy;</i> • <i>maintaining and enhancing public walking access to and along the coastal marine area without charge, and where there are exceptional reasons that mean this is not practicable providing alternative linking access close to the coastal marine area; and</i> • <i>recognising the potential for coastal processes, including those likely to be affected by climate change, to restrict access to the coastal environment and the need to ensure that public access is maintained even when the coastal marine area advances inland.</i>
Policy 18: Public Open Space	<p><i>Recognise the need for public open space within and adjacent to the coastal marine area, for public use and appreciation including active and passive recreation, and provide for such public open space, including by:</i></p> <ol style="list-style-type: none"> a. <i>ensuring that the location and treatment of public open space is compatible with the natural character, natural features and landscapes, and amenity values of the coastal environment;</i> b. <i>taking account of future need for public open space within and adjacent to the coastal marine area, including in and close to cities, towns and other settlements;</i> c. <i>maintaining and enhancing walking access linkages between public open space areas in the coastal environment;</i>

NZCPS	
	<p>d. <i>considering the likely impact of coastal processes and climate change so as not to compromise the ability of future generations to have access to public open space; and</i></p> <p>e. <i>recognising the important role that esplanade reserves and strips can have in contributing to meeting public open space needs.</i></p>
Policy 19: Walking Access	<p>1. <i>Recognise the public expectation of and need for walking access to and along the coast that is practical, free of charge and safe for pedestrian use.</i></p> <p>2. <i>Maintain and enhance public walking access to, along and adjacent to the coastal marine area, including by:</i></p> <ul style="list-style-type: none"> a. <i>identifying how information on where the public have walking access will be made publicly available;</i> b. <i>avoiding, remedying or mitigating any loss of public walking access resulting from subdivision, use, or development; and</i> c. <i>identifying opportunities to enhance or restore public walking access, for example where:</i> <ul style="list-style-type: none"> i. <i>connections between existing public areas can be provided; or</i> ii. <i>improving access would promote outdoor recreation; or</i> iii. <i>physical access for people with disabilities is desirable; or</i> iv. <i>the long-term availability of public access is threatened by erosion or sea level rise; or</i> v. <i>access to areas or sites of historic or cultural significance is important; or</i> vi. <i>subdivision, use, or development of land adjacent to the coastal marine area has reduced public access, or has the potential to do so.</i> <p>3. <i>Only impose a restriction on public walking access to, along or adjacent to the coastal marine area where such a restriction is necessary:</i></p> <ul style="list-style-type: none"> a. <i>to protect threatened indigenous species; or</i> b. <i>to protect dunes, estuaries and other sensitive natural areas or habitats; or</i> c. <i>to protect sites and activities of cultural value to Māori; or</i> d. <i>to protect historic heritage; or</i> e. <i>to protect public health or safety; or</i> f. <i>to avoid or reduce conflict between public uses of the coastal marine area and its margins; or</i> g. <i>for temporary activities or special events; or</i> h. <i>for defence purposes in accordance with the Defence Act 1990; or</i> i. <i>to ensure a level of security consistent with the purpose of a resource consent; or</i> j. <i>in other exceptional circumstances sufficient to justify the restriction.</i> <p>4. <i>Before imposing any restriction under (3), consider and where practicable provide for alternative routes that are available to the public free of charge at all times.</i></p>

NZCPS	
Policy 20: Vehicle access	<ol style="list-style-type: none"> 1. <i>Control use of vehicles, apart from emergency vehicles, on beaches, foreshore, seabed and adjacent public land where:</i> <ol style="list-style-type: none"> a. <i>damage to dune or other geological systems and processes; or</i> b. <i>harm to ecological systems or to indigenous flora and fauna, for example marine mammal and bird habitats or breeding areas and shellfish beds; or</i> c. <i>danger to other beach users; or</i> d. <i>disturbance of the peaceful enjoyment of the beach environment; or</i> e. <i>damage to historic heritage; or</i> f. <i>damage to the habitats of fisheries resources of significance to customary, commercial or recreational users; or</i> g. <i>damage to sites of significance to tangata whenua;</i> <p><i>might result.</i></p> 2. <i>Identify the locations where vehicular access is required for boat launching, or as the only practicable means of access to private property or public facilities, or for the operation of existing commercial activities, and make appropriate provision for such access.</i> 3. <i>Identify any areas where and times when recreational vehicular use on beaches, foreshore and seabed may be permitted, with or without restriction as to type of vehicle, without a likelihood of any of (1)(a) to (g) occurring.</i>

4.6.2 National Environmental Standards

In addition to the NPS there are nine National Environmental Standards (NES) currently in force:

- NES for Air Quality 2004
- NES for Sources of Human Drinking Water 2007
- NES for Electricity Transmission Activities 2009
- NES for Assessing and Managing Contaminants in Soil to Protect Human Health 2011
- NES for Telecommunication Facilities 2016
- NES for Plantation Forestry 2017
- NES for Freshwater 2020
- NES for Marine Aquaculture 2020
- NES for Storing Tyres Outdoors 2021

The following standard/s and associated provisions relevant to this topic are:

NES for Telecommunication Facilities 2016 (NES-TF)

The NES-TF aims to provide national consistency in the rules surrounding the deployment of telecommunications infrastructure across New Zealand while ensuring the effects on the environment are minimised and managed appropriately. The most relevant objectives and policies are:

NES-TF	
<i>Regulation 51</i>	<p>Places adjoining coastal marine area</p> <p>(1) <i>This regulation applies to a regulated activity if it is carried out at a place identified in the relevant district plan or proposed district plan as being subject to coastal protection rules.</i></p> <p>(2) <i>This regulation is complied with if the regulated activity is carried out in accordance with the coastal protection rules that apply to that place.</i></p> <p>(3) <i>In this regulation, coastal protection rules means district rules that regulate the carrying out of activities in places adjoining the coastal marine area for the purpose of protecting the coastal marine area.</i></p>
<i>Regulation 52</i>	<p>Rivers and lakes</p> <p>(1) <i>This regulation applies to a regulated activity if it is carried out over a river or lake (as referred to in regulation 8(2)).</i></p> <p>(2) <i>This regulation is complied with if the regulated activity is carried out in accordance with any applicable regional rules about carrying out that activity over the river or lake.</i></p>
<i>Regulation 56</i>	<p>District and regional rules may be more stringent</p> <p><i>For the purposes of sections 43B and 44A of the Act, the district and regional rules referred to in regulations 25 and 44 to 54 may be more stringent than the standards imposed by the rest of these regulations.</i></p>

NES for Plantation Forestry 2017 (NES-PF)

The NES-PF provides a consistent set of regulations for plantation forestry activities. It provides for 8 core plantation forestry activities subject to conditions to manage potential effects on the environment.

The following regulations are of relevance to Natural Character chapter:

NES-PF - Relevant Regulations	
Regulation 6	Regulation 6 of the NES-PF sets out where a rule in a plan may be more stringent than the NES.
Regulation 9	Under Regulation 9 of the NES-PF afforestation is a permitted activity so long as it complies with various regulations.
Regulation 14	Under Regulation 14 afforestation must not occur within: <ul style="list-style-type: none"> • 5m of river (width less than 3m) or a wetland larger than 0.25ha • 10m of a river (width more than 3m) or a lake larger than 0.25ha
Regulation 16	Under Regulation 16 afforestation that does not comply with Regulation 14 is a restricted discretionary activity.
Regulation 77	Replanting is a permitted activity under Regulation 77 if certain regulations are met.
Regulation 78	Under Regulation 78 replanting must not occur within: <ul style="list-style-type: none"> • 5m of river (width less than 3m) or a wetland larger than 0.25ha • 10m of a river (width more than 3m) or a lake larger than 0.25ha
Regulation 81	Under Regulation 81 replanting that does not comply with the requirements of Regulation 78 is a restricted discretionary activity.

NES for Freshwater 2020 (NES-FW)

The Freshwater NES set requirements for carrying out certain activities that pose risks to freshwater and freshwater ecosystems. Anyone carrying out these activities will need to comply with the standards. The NES-FW only deal with functions of regional councils.

While the regulations do not deal with the functions of territorial authorities under the Act, it is important to ensure that the proposed provisions are not inconsistent with the NES-FW.

Rules in a district plan may be more stringent than those in the NES-FW.

Most relevant is Part 3 Standard for other activities that relate to freshwater of the NES-FW. Subpart 1 relates to Natural Wetlands and contains regulations 37 to 56 which manage and control activities, vegetation removal and earthworks within, or within a 10m setback from, a natural wetland.

The full wording of relevant provisions is attached as Appendix 1 to this report.

NES for Electricity Transmission Activities 2009 (NES-ETA)

The NES-ETA set out a national framework of permissions and consent requirements for activities on existing electricity transmission lines. Activities include the operation, maintenance and upgrading of existing lines. They set out which transmission activities are permitted, subject to conditions to control the environmental effects.

The NES only apply to existing high voltage electricity transmission lines. They do not apply to the construction of new transmission lines or to substations. The NES do not apply to electricity distribution lines – these are the lines carrying electricity from regional substations to electricity users.

The most relevant parts are regulations 30 to 32 which relate to trimming, felling and removing trees and vegetation and regulations 33 to 36 which relate to earthworks.

The full wording of the relevant provisions are attached as Appendix 1 to this report.

4.6.3 National Planning Standards

The National Planning Standards require that where provisions to protect the natural character of wetlands, lakes and rivers and their margins are addressed, they must be included in the Natural Character (NATC) Chapter under the Natural Environment heading in Part 2 – District-Wide Matters of the District Plan.

Where provisions to maintain and enhance public access to and along the coastal marine area, lakes, and rivers are addressed, they must be located in the Public Access (PA) Chapter.

Topic & unique identifier	Location in DP structure	Elements included under that topic	Elements addressed under other topic areas
Natural Character NATC	Part 2 - District-wide Matters Natural Environmental Values	Provisions to protect the natural character of wetlands, lakes and rivers and their margins.	Provisions relating to Natural Character within the Coastal Environment are located in the CE Chapter. Energy and Infrastructure provisions relating Natural Character to are located in the INF Chapter. Earthworks provisions relating to Natural Character

Topic & unique identifier	Location in DP structure	Elements included under that topic	Elements addressed under other topic areas
			are located in the EW Chapter. Subdivision provisions relating to Natural Character are located in the SUB Chapter
Public Access PA	Part 2 - District-wide Matters Natural Environmental Values	Provisions to maintain and enhance public access to and along the coastal marine area, lakes, and rivers	Provisions relating to esplanade reserves and esplanade strips are located in the SUB Chapter

4.7 National Guidance Documents

The following national guidance documents are considered relevant to this topic:

Document	Relevant provisions
Environment Guide – Best Practice Natural Character Planning (2015)	The Environment Guide website provides guidance on protecting natural character through District Plan provisions with a focus on the coastal environment. The key topics covered relate to: <ul style="list-style-type: none"> • What is Natural Character? • Why is Natural Character important? • Threats to Natural Character • Protection of Natural Character • Best Practice Planning and • Best Practice Design
Esplanade reserves, esplanade strips and access strips - Guidance note (2013)	The Quality Planning website provides guidance on the development and implementation of plan provisions on esplanade reserves, esplanade strips and access strips (collectively referred to as esplanade areas). It also outlines the origins, purpose, and advantages and disadvantages of each type of esplanade area. Guidance also covers the instruments for creating esplanade areas, examples of techniques and methods used to implement them, (including regulatory and non-regulatory methods) and when and how compensation is payable.

4.8 Regional Policy and Plans

Regional Policy Statement for the Wellington Region 2013 (RPS)

The table below identifies the relevant provisions and resource management topics for Natural Character and Public Access contained in the RPS.

The identified areas of very high and high natural character in the coastal environment as well as coastal margins and riparian margins within the coastal environment are covered in the CE chapter. Therefore the provisions of the RPS that relate to the coastal environment are of limited relevance to the NATC and PA chapters and are covered in more detail in the s32 for the CE.

RPS	
Section	Relevant matters
3.4 Fresh water (including public access)	
Objective 8	<i>Public access to and along the coastal marine area, lakes and rivers is enhanced.</i>
Objective 13	<i>The region's rivers, lakes and wetlands support healthy functioning ecosystems.</i>
Policy 15 <i>Minimising the effects of earthworks and vegetation clearance</i> M	<i>Regional and district plans shall include policies, rules and/or methods that control earthworks and vegetation disturbance to minimise:</i> (a) <i>erosion; and</i> (b) <i>silt and sediment runoff into water, or onto land that may enter water, so that aquatic ecosystem health is safeguarded.</i>
Policy 41 <i>Minimising the effects of earthworks and vegetation disturbance</i> R	<i>When considering an application for a resource consent, notice of requirement, or a change, variation or review of a regional or district plan, particular regard shall be given to controlling earthworks and vegetation disturbance to minimise:</i> (a) <i>erosion; and</i> (b) <i>silt and sediment runoff into water, or onto or into land that may enter water, so that healthy aquatic ecosystems are sustained.</i>
Policy 43 <i>Protecting aquatic ecological function of water bodies</i> R	<i>When considering an application for a resource consent, notice of requirement, or a change, variation or review of a district or regional plan, particular regard shall be given to:</i> (a) <i>maintaining or enhancing the functioning of ecosystems in the water body;</i> (b) <i>maintaining or enhancing the ecological functions of riparian margins;</i> (c) <i>minimising the effect of the proposal on groundwater recharge areas that are connected to surface water bodies;</i> (d) <i>maintaining or enhancing the amenity and recreational values of rivers and lakes, including those with significant values listed in Table 15 of Appendix 1;</i> (e) <i>protecting the significant indigenous ecosystems and habitats with significant indigenous biodiversity values of rivers and lakes, including those listed in Table 16 of Appendix 1;</i> (f) <i>maintaining natural flow regimes required to support aquatic ecosystem health;</i> (g) <i>maintaining fish passage;</i> (h) <i>protecting and reinstating riparian habitat, in particular riparian habitat that is important for fish spawning;</i> (i) <i>discouraging stock access to rivers, lakes and wetlands; and</i> (j) <i>discouraging the removal or destruction of indigenous wetland plants in wetlands.</i>

RPS	
Section	Relevant matters
<p><i>Policy 53 Public access to and along the coastal marine area, lakes and rivers</i></p> <p>R</p>	<p><i>When considering an application for a subdivision consent, or a coastal or land use consent on public land, or a change, variation or review of a District Plan to address subdivision or rezoning, particular regard shall be given to enhancing public access to, and along:</i></p> <p>(a) <i>areas of the coastal marine area, and lakes and rivers with:</i></p> <p>(i) <i>places, sites and areas with significant historic heritage values identified in accordance with policy 21;</i></p> <p>(ii) <i>areas of indigenous ecosystems and habitats, and areas with significant indigenous biodiversity values identified in accordance with policy 23;</i></p> <p>(iii) <i>outstanding natural features and landscapes identified in accordance with policy 25;</i></p> <p>(iv) <i>special amenity landscapes identified in accordance with policy 27;</i></p> <p>(v) <i>places, sites and areas with high natural character identified in accordance with policy 36; and</i></p> <p>(vi) <i>the rivers and lakes identified in Table 15 of Appendix 1;</i></p> <p>(b) <i>Wellington Harbour and Porirua (Onepoto Arm and Pauatahanui Inlet) Harbour;</i></p> <p><i>Except where there is a need to protect:</i></p> <p>(c) <i>sensitive indigenous habitats of species;</i></p> <p>(d) <i>the health or safety of people;</i></p> <p>(e) <i>sensitive cultural and historic heritage values; and/or</i></p> <p>(f) <i>the integrity and security of regionally significant infrastructure.</i></p>
<p><i>Policy 64 Supporting a whole of catchment approach</i></p> <p>NR</p>	<p><i>Take a whole of catchment approach that recognises the inter-relationship between land and water, and support environmental enhancement initiatives to restore and enhance:</i></p> <p>(a) <i>coastal features, ecosystems and habitats;</i></p> <p>(b) <i>aquatic ecosystems and habitats; and</i></p> <p>(c) <i>indigenous ecosystems and habitats.</i></p>
3.8 Natural hazards	
<p><i>Objective 19</i></p>	<p><i>The risks and consequences to people, communities, their businesses, property and infrastructure from natural hazards and climate change effects are reduced.</i></p>
<p><i>Policy 29 Avoiding inappropriate subdivision and development in areas at high risk from natural hazards</i></p> <p>M</p>	<p><i>Regional and district plans shall:</i></p> <p>(a) <i>identify areas at high risk from natural hazards; and</i></p> <p>(b) <i>include polices and rules to avoid inappropriate subdivision and development in those areas.</i></p>

RPS	
Section	Relevant matters
3.10 Resource management with tangata whenua	
Objective 27	<i>Mahinga kai and natural resources used for customary purposes, are maintained and enhanced, and these resources are healthy and accessible to tangata whenua.</i>
Policy 49 <i>Recognising and providing for matters of significance to tangata whenua</i> R	<i>When preparing a change, variation or review of a district or regional plan, the following matters shall be recognised and provided for:</i> <i>(a) the exercise of kaitiakitanga;</i> <i>(b) mauri, particularly in relation to fresh and coastal waters;</i> <i>(c) mahinga kai and areas of natural resources used for customary purposes; and</i> <i>(d) places, sites and areas with significant spiritual or cultural historic heritage value to tangata whenua.</i>

M = policies which must be implemented in accordance with stated methods in the RPS

R = policies to which particular regard must be had when varying a district plan

NR = policies that outline non-regulatory actions to help achieve the objectives of the RPS

Regional Plans

There are currently five operative regional plans for the Wellington region:

- Regional Freshwater Plan for the Wellington Region, 1999
- Regional Coastal Plan for the Wellington Region, 2000
- Regional Air Quality Management Plan for the Wellington Region, 2000
- Regional Soil Plan for the Wellington Region, 2000
- Regional Plan for discharges to the land, 1999

The Regional Freshwater Plan, the Regional Coastal Plan and the Regional Soil Plan are considered to be relevant for Natural Character and Public Access.

Regional Freshwater Plan for the Wellington Region, 1999

The Regional Freshwater Plan applies to all types of activities that use freshwater or that are in the beds of rivers and lakes.

Regional Freshwater Plan	
Section	Relevant matters
Objective 4.1.4 <i>Natural values</i>	<i>The natural character of wetlands, and lakes and rivers and their margins, is preserved and protected from inappropriate subdivision, use and development.</i>
Objective 4.1.7 <i>Amenity values and access</i>	<i>The amenity and recreational values of wetlands, lakes, and rivers are maintained and, where appropriate, enhanced.</i>
Objective 4.1.8 <i>Amenity values and access</i>	<i>The quality of lawful public access to and along river and lake beds is maintained and, where appropriate, enhanced.</i>

<p><i>Policy 4.2.9</i> <i>Natural values</i></p>	<p><i>To have regard to the following characteristics of wetlands, and lakes and rivers and their margins, when considering the protection of their natural character from the adverse effects of subdivision, use, and development:</i></p> <ul style="list-style-type: none"> • <i>ecosystems, habitats and species; and</i> • <i>water quality; and</i> • <i>the natural flow characteristics and hydraulic processes (such as sediment transport) of rivers or the pattern and range of water level fluctuations that occur naturally in wetlands or lakes; and</i> • <i>the topography and physical composition of river or lake beds and the course of the river.</i>
<p><i>Policy 4.2.10</i> <i>Natural values</i></p>	<p><i>To avoid adverse effects on wetlands, and lakes and rivers and their margins, identified in Appendix 2 (Parts A and B), when considering the protection of their natural character from the adverse effects of subdivision, use, and development. For the avoidance of doubt Rule 50 applies to the Transmission Gully Project, in relation to the Horokiri, Ration and lower Pāuatahanui Streams.</i></p>
<p><i>Policy 4.2.16</i> <i>Amenity values and access</i></p>	<p><i>To ensure there is no reduction in the quality of lawful public access along the beds of lakes and rivers unless exceptional circumstances arise that make restrictions necessary, including to:</i></p> <ul style="list-style-type: none"> • <i>protect any characteristic of any site or feature which gives a water body its special value or any conservation value; or</i> • <i>provide for public health and safety; or</i> • <i>provide for security on private property; or</i> • <i>protect the rights of property owners, including the protection of crops and stock.</i>
<p><i>Policy 4.2.17</i> <i>Amenity values and access</i></p>	<p><i>To promote lawful public access to water bodies when the subdivision, use and development of land adjacent to water bodies is being considered, particularly those water bodies which:</i></p> <ul style="list-style-type: none"> • <i>have a high degree of natural character (Policy 4.2.10), are important trout habitat in the Region (Policy 4.2.14), or are regionally significant for amenity values and recreational use (Policy 4.2.15); or</i> • <i>are considered by the relevant territorial authority to be of benefit to the local community for their recreational, cultural, scenic, spiritual, or other amenity values.</i>

Regional Coastal Plan for the Wellington Region, 2000

The Regional Coastal Plan applies to activities and uses of resources within the coastal marine area that are covered under the Resource Management Act 1991.

Regional Coastal Plan	
Section	Relevant matters
<p><i>Objective 4.1.8</i> <i>Environmental</i></p>	<p><i>Public access along and within the coastal marine area is maintained and enhanced.</i></p>

<i>Policy 4.2.15</i>	<i>Subject to Policy 4.2.17, to ensure that the adverse effects of new use and development on existing lawful access along and within the coastal marine area are avoided where practicable; where avoidance is not practicable, to ensure that the adverse effects are mitigated or remedied so that there is no net reduction of the quality of public access in the area.</i>
<i>Policy 4.2.16</i>	<i>Subject to Policy 4.2.17, to support any initiatives which might arise to improve public access along and within the coastal marine area, and to take appropriate opportunities arising from new use and development to improve public access, particularly in those places where it has been identified as desirable to enhance public access.</i>
<i>Policy 4.2.17</i>	<i>To recognise that there are circumstances when public access along the coastal marine area is not appropriate; and other circumstances where it is not practicable because of the nature of the coastline.</i>
<i>Policy 4.2.26</i>	<i>In those situations where tangata whenua with mana whenua or mana moana consider that unrestricted public access is having adverse effects on characteristics of special spiritual, historical or cultural significance, to investigate jointly with the tangata whenua whether it is possible and appropriate to restrict public access to the characteristic, and the degree of restriction required.</i>

Regional Soil Plan for the Wellington Region, 2000

The Regional Soil Plan applies to soil disturbance and vegetation disturbance on erosion prone land only.

Regional Soil Plan	
Section	Relevant matters
<i>Objective 4.1.10 Vegetation Cover</i>	<i>Riparian vegetation cover is maintained, enhanced or established, so that erosion and sediment deposition is minimised in and around water bodies.</i>
<i>Policy 4.2.14 Vegetation Cover</i>	<p><i>To avoid, remedy or mitigate the adverse effects of vegetation disturbance by promoting:</i></p> <ul style="list-style-type: none"> <i>• the maintenance and enhancement of vegetation in erosion prone areas;</i> <i>• the conversion of erosion prone areas to forestry or soil conservation woodlots, or regeneration or active restoration to native bush;</i> <i>• riparian management, including where this will help safeguard the life-supporting capacity of aquatic ecosystems;</i> <i>• compliance with industry recognised standards and procedures such as the Logging Industry Research Organisation's (LIRO) "Forestry Code of Practice" (Second Edition, 1993); and/or</i> <i>• the maintenance and retention of erosion control plantings.</i>

Proposed Natural Resources Plan, appeals version 2021

The proposed Natural Resources Plan (PNRP) replaces the five operative regional plans, with provisions in this plan now largely operative with the exception of those that are subject to appeal.

PNRP	
Objective O1*	<p><i>Ki uta ki tai: mountains to the sea</i></p> <p><i>Air, land, fresh water bodies and the coastal marine area are managed as integrated and connected resources; ki uta ki tai – mountains to the sea.</i></p>
Objective O9	<p><i>Beneficial use and development</i></p> <p><i>The recreational values of the coastal marine area, rivers and lakes and their margins and natural wetlands are maintained and where appropriate for recreational purposes, is enhanced.</i></p>
Objective O10	<p><i>Beneficial use and development</i></p> <p><i>Public access to and along the coastal marine area and rivers and lakes is maintained and enhanced, other than in exceptional circumstances, in which case alternative access is provided where practicable.</i></p>
Objective O14	<p><i>Māori relationships</i></p> <p><i>The relationships of Māori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga are recognised and provided for, including:</i></p> <ul style="list-style-type: none"> <i>a. maintaining and improving opportunities for Māori customary use of the coastal marine area, rivers, lakes and their margins and natural wetlands, and</i> <i>b. maintaining and improving the availability of mahinga kai species, in terms of quantity, quality and diversity, to support Māori customary harvest, and</i> <i>c. providing for the relationship of mana whenua with Ngā Taonga Nui a Kiwa. including by maintaining or improving Ngā Taonga Nui a Kiwa so that the huanga identified in Schedule B are provided for, and</i> <i>d. protecting sites with significant mana whenua values from use and development that will adversely affect their values and restoring those sites to a state where their characteristics and qualities sustain the identified values.</i>
Objective O17	<p><i>Natural character, form and function</i></p> <p><i>The natural character of the coastal marine area, natural wetlands, and rivers, lakes and their margins is preserved and protected from inappropriate use and development.</i></p>
Objective O27*	<p><i>Biodiversity, aquatic ecosystem health and mahinga kai</i></p> <p><i>Vegetated riparian margins are established, maintained or restored to enhance water quality, aquatic ecosystem health, mahinga kai and indigenous biodiversity of rivers, lakes, natural wetlands and the coastal marine area.</i></p>
Policy P1	<p><i>Ki uta ki tai and integrated catchment management</i></p> <p><i>Air, land, fresh water bodies and the coastal marine area will be managed recognising ki uta ki tai by using the principles of integrated catchment management. These principles include:</i></p> <ul style="list-style-type: none"> <i>(a) decision-making using the catchment as the spatial unit, and</i> <i>(b) applying an adaptive management approach to take into account the dynamic nature and processes of catchments, and</i>

PNRP	
	<p>(c) <i>coordinated management, with decisions based on best available information and improvements in technology and science, and</i></p> <p>(d) <i>taking into account the connected nature of resources and natural processes within a catchment, and</i></p> <p>(e) <i>recognising links between environmental, social, cultural and economic sustainability of the catchment.</i></p>
<i>Policy P9</i>	<p><i>Public access to and along the coastal marine area and the beds of lakes and rivers</i></p> <p><i>Maintain and enhance the extent or quality of public access to and along the coastal marine area and the beds of lakes and rivers except where it is necessary to:</i></p> <p>(a) <i>protect the values of estuaries, sites with significant mana whenua values identified in Schedule C (mana whenua), sites with significant historic heritage value identified in Schedule E (historic heritage) and sites with significant indigenous biodiversity value identified in Schedule F (indigenous biodiversity), or</i></p> <p>(b) <i>protect public health and safety, or protect Wellington International Airport and Commercial Port Area security, or</i></p> <p>(d) <i>provide for a temporary activity such as construction, a recreation or cultural event or stock movement, and where the temporary restrictions shall be for no longer than reasonably necessary before access is fully reinstated, and</i></p> <p><i>with respect to (a) and (b), where it is necessary to permanently restrict or remove existing public access, the loss of public access shall be mitigated or offset by providing enhanced public access at a similar or nearby location to the extent reasonably practicable.</i></p>
<i>Policy P25</i>	<p><i>Preserving and protecting natural character from inappropriate use and development</i></p> <p><i>To preserve natural character and protect it from inappropriate use and development by:</i></p> <p>(a) <i>avoiding adverse effects of activities on the natural character of areas within the coastal environment that have outstanding natural character , and</i></p> <p>(b) <i>avoiding significant adverse effects and avoid remedy and mitigate other adverse effects of activities on the natural character of areas within the coastal environment that do not have outstanding natural character, and</i></p> <p>(c) <i>outside the coastal environment, avoiding and, where avoidance is not practicable, remedying or mitigating adverse effects of activities on the natural character of wetlands, rivers, lakes and their margins that have outstanding natural character, provided that the outstanding natural character of the area taken as a whole is retained, and</i></p> <p>(d) <i>outside the coastal environment, avoiding and, where avoidance is not practicable, remedying or mitigating significant adverse effects of activities on the natural character of wetlands, rivers, lakes and their margins that have high natural character, provided that the high natural character of the area taken as a whole is retained, and</i></p> <p>(e) <i>outside the coastal environment, avoiding, remedying or mitigating other adverse effects of activities on the natural character of wetlands, rivers, lakes and their margins that are not addressed under (c) or (d) of Policy P25.</i></p>

PNRP	
<i>Policy P31(g)</i>	<p><i>Biodiversity, aquatic ecosystem health and mahinga kai</i></p> <p><i>Manage the adverse effects of use and development on biodiversity, aquatic ecosystem health and mahinga kai to:</i></p> <p><i>Riparian habitats</i></p> <p><i>...(g) maintain or where practicable restore riparian habitats, and</i></p>
<i>Policy P38A</i>	<p><i>Restoring Te Awarua-o-Porirua Harbour, Wellington Harbour (Port Nicholson) and Wairarapa Moana</i></p> <p><i>The ecological health and significant values of Te Awarua-o-Porirua Harbour, Wellington Harbour (Port Nicholson) and Wairarapa Moana will be restored including by:</i></p> <p><i>(a) managing activities, erosion-prone land, and riparian margins to reduce sedimentation rates and pollutant inputs, to meet the water quality, aquatic ecosystem health and mahinga kai objectives set out in Tables 3.4 to 3.8, and</i></p> <p><i>(b) undertaking planting and pest management programmes in harbour and lake habitats and ecosystems.</i></p>
<i>Policy P101</i>	<p><i>Management of riparian margins</i></p> <p><i>Maintain or restore water quality, aquatic ecosystem health, mahinga kai and natural character, and reduce the amount of contaminants entering surface water bodies, through the management of riparian margins including:</i></p> <p><i>(a) the exclusion or restricted access of livestock likely to affect riparian margins or water quality,</i></p> <p><i>(b) set-back distances from surface water bodies for some land use activities including earthworks, vegetation clearance, cultivation and break-feeding,</i></p> <p><i>(c) encouraging the planting of appropriate riparian vegetation, and</i></p> <p><i>(d) the control of pest plants and animals.</i></p>
<i>Policy P134</i>	<p><i>Public open space values and visual amenity</i></p> <p><i>The adverse effects of new use and development on public open space and visual amenity viewed within, to and from the coastal marine area shall be avoided, remedied or mitigated by:</i></p> <p><i>(a) having particular regard to any relevant provisions contained in any bordering territorial authorities' proposed and/or operative district plan, and</i></p> <p><i>(b) managing use and development to be of a scale, location, density and design which is compatible with the natural character, natural features and landscapes and amenity values of the coastal environment and the functional needs, operational requirements and locational constraints of the Commercial Port Area and the Wellington International Airport, and</i></p> <p><i>(c) taking account of the future need for public open space in the coastal marine area.</i></p>
<i>Rule R99</i>	<i>Earthworks – permitted activity</i>
<i>Rule R100</i>	<i>Vegetation clearance on erosion prone land – permitted activity</i>

PNRP	
Rule 103	<i>Earthworks and vegetation clearance – discretionary activity</i>
Rule R121	<i>Maintenance of drains and highly modified rivers or streams within an individual property– permitted activity</i>
Rule R122	<i>Removing vegetation from the bed of any river or lake – permitted activity</i>
Rule R123*	<i>Planting – permitted activity</i>
Rule R127	<i>Reclamation of the beds of rivers or lakes – non-complying activity</i>
Method M22	<i>Integrated management of the coast</i>

* under appeal.

4.9 Iwi Management Plan(s)

There are no Iwi Management Plans relevant to this topic.

4.10 Relevant plans or strategies

The following plans / strategies are relevant to this topic:

Plan / Strategy	Relevant Provisions
South Coast Management Plan (2002)	<p>The South Coast Management Plan covers the land under Wellington City Council's jurisdiction (above the line of mean low water springs) from Point Dorset in the east, to Karori Stream in the west.</p> <p>The Management Plan aims to achieve six main objectives:</p> <p><i>Primary Objective:</i></p> <ul style="list-style-type: none"> <i>To protect and enhance the coastal character of Wellington's South Coast.</i> <p><i>Secondary Objectives:</i></p> <ul style="list-style-type: none"> <i>To enhance and, where possible, restore the natural values of the coast, while providing for the recreational and leisure desires of visitors/users.</i> <i>To reduce conflict between the many users and values of the area.</i> <i>To respect, acknowledge and protect the history, heritage and diverse character that the South Coast holds for iwi and Wellington's communities.</i> <i>To meet the needs of coastal visitors/users and the City, while ensuring any infrastructure or facilities are developed in sympathy with the coastal environment.</i> <i>To manage the coast as a public asset with the assistance of the community in conjunction with our Treaty partners (in accordance with the memoranda of understanding held with the Council).</i> <p>The most relevant management policies include:</p> <ul style="list-style-type: none"> <i>To enhance access along and to the South Coast.</i>

Plan / Strategy	Relevant Provisions
	<ul style="list-style-type: none"> • <i>Ensure that the design of facilities and access ways promotes safe use of the coast while at the same time maintaining or enhancing the coastal environment and experience.</i> <p>Finally, the Management Plan outlines general design principles and identifies implementation actions for the South Coast</p>
<p>Our Capital Spaces (2013, WCC)</p>	<p>Our Capital Spaces is a framework which determines how Council manages its open spaces that are important for their recreational, ecological, landscape, cultural and historic values.</p> <p>The framework specifies four outcomes intended to guide decisions on funding and the use of open spaces. The most relevant being:</p> <p>Outcome 1: Getting everyone active and healthy</p> <p><i>Focus: Providing accessible walking and cycling tracks</i></p> <p><i>The Council plans to develop short, easily accessible walking and cycling tracks close to where people live. Our priorities (determined from our research) will be to develop the following tracks:</i></p> <ul style="list-style-type: none"> • <i>the Skyline track on the Outer Green Belt between Johnsonville and Porirua, with short track links to Churton Park and Tawa</i> • <i>the Harbour Escarpment Track between Woodridge and Ngauranga, providing a range of short tracks for residents of Newlands, Woodridge and Paparangi.</i> <p><i>We will explore partnerships for completing coastal tracks between Owhiro Bay and Makara, Otari and Makara, and for Karori Stream.</i></p> <p>Outcome 2: Protecting our birds, nature, streams and landscapes</p> <p><i>Priorities:</i></p> <p><i>Facilitate the restoration and protection of wetlands, streams, their catchments, and Wellington and Porirua harbours</i></p>
<p>Biodiversity Strategy (Our Natural Capital) (2015, WCC)</p>	<p>Our Natural Capital: Wellington's Biodiversity Strategy and Action Plan is Wellington City Council's vision for the city's indigenous biodiversity and is therefore of primary relevance for the ECO chapter. It also has some relevance to the NATC chapter as it refers to the protection and enhancement of streams and riparian margins.</p> <p>The strategy has four overarching goals, of some relevance to NATC are the principle to protect and restore important biodiversity on public and private land.</p> <p>Part two of the strategy also lists actions that are specific to the District Plan. Of some relevance to NATC are:</p> <ul style="list-style-type: none"> • <i>Retain all streams on reserve land in a natural state.</i> • <i>Identify and prioritise streams that should be kept in their natural state, and those that should be enhanced and strengthen provisions in the District Plan for their protection.</i> • <i>Ensure there are provisions in the District Plan to protect and enhance riparian strips</i>

Plan / Strategy	Relevant Provisions
	<ul style="list-style-type: none"> • <i>Continue the Council's restoration planting programme, including the streamside (riparian) planting</i> • <i>Ensure mana whenua have the opportunity to be involved in conservation initiatives</i>
<p>Open Space Access Plan (2016, WCC)</p>	<p>The Wellington City Open Space Access Plan sets out how the Council intends to manage access to its extensive open space network (balancing the needs of different user types), including the development of the network while protecting ecological and landscape values.</p> <p>The key points include:</p> <ul style="list-style-type: none"> • The plan identifies a number of proposed tracks on a map. This includes a number of tracks which would enable public access to the west and south coast. • The plan identifies tracks which can be used for walking, horse riding and mountain biking. <p>The plan provides specific detail on each of the existing and proposed tracks which are and will be used for public access.</p> <p>A general principle of the plan is that all tracks will be physically sustainable and require minimal maintenance, as well as having minimal environmental impact.</p> <p>The plan outlines a number of Network Principles. The following is of relevance to the NATC and PA chapters:</p> <p><i>5.1 Principles for ecologically sustainable tracks</i></p> <ol style="list-style-type: none"> 1. <i>Avoid acutely threatened ecosystems or habitats</i> 2. <i>Avoid known locations of threatened species and their habitats</i> 3. <i>Provide buffers to protect acutely threatened ecosystems or habitats</i> 4. <i>Develop appropriately when tracks intersect with acutely threatened ecosystems or habitats</i> 5. <i>Avoid or minimise impacts within the dripline of significant trees and avoid root disturbance</i> 6. <i>Avoid the creation of canopy gaps in established tree canopy</i> 7. <i>Avoid excess soil disturbance and retain organic material</i>
<p>Outer Green Belt Management Plan (2019, WCC)</p>	<p>The Wellington City Outer Green Belt Management Plan provides a framework for how reserves and other land in the Outer Green Belt will be managed over the next 10 years. The Plan has been prepared under the Reserves Act 1977.</p> <p>The Plan contains a vision and guiding principles, general objectives and policies, as well as rules for use and development within the Outer Green Belt.</p> <p>The guiding principles that are of relevance to NATC are:</p> <ol style="list-style-type: none"> 1. <i>Natural skylines, undeveloped ridges and hills, and healthy native forests and streams are the foundation of the Outer Green Belt. The natural values and relatively natural character of the Outer Green Belt is its essence.</i>

Plan / Strategy	Relevant Provisions
	<p data-bbox="464 215 1326 282">3. <i>The Outer Green Belt's diversity of landscape character and outdoor experience is a strength to be reinforced</i></p> <p data-bbox="464 304 954 333">Relevant Objectives and Policies include:</p> <p data-bbox="464 356 588 385">4.2 Nature</p> <p data-bbox="464 407 676 436"><i>Policies & Actions</i></p> <p data-bbox="464 459 655 488">4.2.2.2 Streams</p> <ol data-bbox="464 510 1439 1464" style="list-style-type: none"> <li data-bbox="464 510 1439 689">1. <i>Protect and restore the freshwater ecology in the stream catchments of the Outer Green Belt, including seeps and wetlands, by fencing riparian land where necessary to exclude stock, riparian planting, avoiding inappropriate discharges including via the storm water system, removing any fish barriers, and removing rubbish periodically where necessary</i> <li data-bbox="464 712 1439 815">2. <i>Encourage native forest to regenerate in the steep stream headwater areas of the Outer Green Belt to improve water quality by holding and filtering runoff, and reducing soil erosion</i> <li data-bbox="464 837 1439 940">3. <i>Where possible maintain at least a 20 metre (minimum 5 metre) vegetation buffer on each side of streams to protect water and soil values and slow runoff</i> <li data-bbox="464 963 1439 1106">4. <i>Ensure, in granting consent or permitting land use activities, that best practice freshwater management is applied when site works are required that might impact streams, for example plantation harvest, land disturbance, construction</i> <li data-bbox="464 1128 1439 1232">6. <i>Continue to work with GWRC to monitor the streams in Wellington City using the Macroinvertebrate Community Index (MCI) and trends in any key freshwater fish populations</i> <li data-bbox="464 1254 1439 1464">7. <i>Support community initiatives to care for and monitor streams through partnerships and programmes such as 'Sanctuary to Sea' and 'Whitebait Connection', and public campaigns to reduce inappropriate storm water or land use discharges</i> 8. <i>Encourage neighbouring farmers to fence and plant riparian areas on their land and, where resources permit, offer practical support.</i> <p data-bbox="464 1487 735 1516">Overall the plan seeks:</p> <ul data-bbox="464 1538 1439 2024" style="list-style-type: none"> <li data-bbox="464 1538 1031 1568">• <i>That the district plan aligns with its direction.</i> <li data-bbox="464 1590 1439 1800">• <i>The prioritisation of the protection and enhancement of all areas of high ecological value including the freshwater ecology of the stream catchments in the Outer Green Belt through appropriate district plan provisions, including seeps and wetlands by fencing riparian land where necessary for stock exclusion and riparian planting, and where possible maintaining at least a 20metre (minimum 5m) vegetation buffer on each side of streams.</i> <li data-bbox="464 1823 1439 1926">• <i>To ensure land use activities incorporate best practice freshwater management where works might impact streams (plantation harvest, land disturbance, construction activities).</i> <li data-bbox="464 1948 1439 2024">• <i>To prioritise planting within the Outer Green Belt to enhance stream environments with riparian planting.</i>

Plan / Strategy	Relevant Provisions
	There is a general theme throughout the document to ensure better public access through methods including working with farmers and private land owners.
Spatial Plan (2021, WCC)	<p>The Spatial Plan is the blueprint for how Wellington might look in the future. It seeks to strike a balance between old and new, by valuing areas of special significance, while providing for greater capacity for the new housing our growing city needs. Change will continue to occur over time.</p> <p><i>Visions, Goals & Directions</i></p> <p><i>Six goals for the City:</i></p> <ul style="list-style-type: none"> • <i>Compact</i> • <i>Resilient</i> • <i>Vibrant and prosperous</i> • <i>Inclusive and connected</i> • <i>Greener</i> • <i>In partnership with mana whenua</i> <p><i>Of most relevance is</i></p> <p><i>Greener - We protect and value our natural environment, and enjoy thriving pockets of nature in the city.</i></p> <ul style="list-style-type: none"> • <i>Important natural and physical features that enhance the city's character and identity are protected and the natural environment contributes to improving our quality of life.</i> • <i>Nature is integrated into the city and green space is accessible to all.</i> <p><i>Direction 3.3 - Important natural and physical features that enhance the city's character and identity are protected and the natural environment contributes to improving our quality of life.</i></p>

4.11 Other relevant legislation or regulations

The following additional legislative / regulatory requirements are also relevant to this topic:

Legislation / Regulation	Relevant Provisions
Reserves Act 1977	Section 3 of the Reserves Act 1977 sets out three main functions as part of the Act's general purpose which includes "the preservation of access for the public to the coastline, islands, lakeshore and riverbanks and to encourage the protection and preservation of the natural character of these areas." The Reserves Act requires the preparation of reserve management plans which govern in a detailed manner what can and cannot be carried out in the City's reserves. While the Reserves Act ultimately determines the types of uses appropriate for reserve areas that are classified under the Act, the RMA governs environmental policy and management, minimising the adverse effects of use and development.
Walking Access Act 2008	Section 3 of the Walking Access Act 2008 sets out the Act's purpose to provide the New Zealand public with free, certain, enduring, and practical walking access

Legislation / Regulation	Relevant Provisions
	to the outdoors (including around the coast and lakes, along rivers, and to public resources) so that the public can enjoy the outdoors.

5. Resource Management Issues Analysis

5.1 Background

Wellington City has over 100km of coastline, stretching from Petone to Porirua, enclosing Wellington Harbour and covering the southern and western coast of the city. The character of the coastline varies from highly modified (for example the commercial port area, the City Centre and the airport) to natural and rural.

While there are no large freshwater bodies within Wellington, there are numerous streams and rivers that are highly valued by the community and provide important recreational opportunities.

Coastal and riparian margins often have natural character values and provide important public and customary access to the coast and rivers and streams.

The operative District Plan does not contain a Natural Character or Public Access chapter and the relevant provisions are scattered throughout the plan.

The main pressures affecting natural character and public access values, are those associated with the subdivision of land into smaller blocks and the construction of buildings and structures in these areas. Inappropriate subdivision, use and development in coastal and riparian margins can impact on natural character and public access values if not carefully managed.

The extent of human-induced modification has a significant influence on the level of natural character in riparian margins. Some margins will have high natural character due to the lack of human-induced modification and may even be in a natural state.

Management of riparian margins and public access

There are a number of tools available to Council to protect, manage and enhance riparian margins and public access. Esplanade areas are a general term for three different methods used to protect the margins of rivers, lakes and the coast. They have an important role to play in protecting the life supporting capacity of water and ecosystems and their intrinsic values, and in facilitating access to freshwater bodies and the coast.

When land is set aside for esplanade purposes, it can be in the form of:

- Esplanade Reserves - public land that is owned and managed by the Council under the Reserves Act. The boundaries of esplanade reserves are fixed and marked on survey plans. This means that if the land erodes the esplanade can be reduced or lost altogether.
- Esplanade Strips - created for the same purposes as esplanade reserves, but with key differences. Most importantly, the land stays in private ownership, although Council has a legal interest in the land. The landowner is responsible for maintaining the land. Unlike a reserve, the strip moves with the water edge, so the width of the esplanade strip does not change. The use and access can also be restricted for specific purposes.

- Access Strips - an easement for public access over private land, with or without conditions, agreed between a landowner and Council.

The RMA includes default requirements for taking esplanade areas as outlined in section 4 of this report. Generally, when subdivision creates sites smaller than 4 hectares, a 20 metre reserve is set aside from the water’s edge (except if the waterway averages less than three metres wide), unless the District Plan provides differently.

When esplanade reserves are created, they are vested in Council. The landowner loses control of the land. Ratepayers are responsible for maintaining esplanade reserves, whether or not they have value for conservation, access, recreation or natural hazard management. Esplanade strips are an alternative to full esplanade reserves in some situations, leaving land ownership in private hands, and reducing Council costs and involvement in managing these areas.

5.2 Evidence Base - Research, Consultation, Information and Analysis undertaken

The Council has reviewed the operative District Plan, commissioned technical advice and assistance from various internal and external experts and utilised this, along with internal workshops and community feedback to assist with setting the plan framework. This work has been used to inform the identification and assessment of the environmental, economic, social and cultural effects that are anticipated from the implementation of the provisions.

5.2.1 Analysis of Operative District Plan provisions relevant to this topic

For the purposes of this report the key provisions in the Operative Wellington District Plan of relevance to Natural Character and Public Access are summarised below. The full wording of relevant provisions of the ODP is attached as Appendix 2 to this report.

Topic	Summary of relevant provisions
NATC	<ul style="list-style-type: none"> • There are no objectives in the ODP that specifically refer to Public Access, however some of the strategic, district wide issues and objectives are of limited relevance: <p>1.6.2 Specific Issues</p> <p>S2 Managing Rural Areas, the Coastal Environment, and Waterbodies</p> <p><i>Land use and activities will be controlled to the extent necessary to maintain the “natural” environment of Wellington’s Rural Areas, the coastal environment, and waterbodies and to protect the rugged landscape which gives these areas their character. Public access to and along the coastal marine area and waterbodies will be maintained, and enhanced where appropriate and practicable.</i></p> <p>1.6.3 District Plan Objectives</p> <ul style="list-style-type: none"> • <i>To maintain and enhance the quality of the City’s coastal environment.</i> • <i>To maintain and enhance natural features (including landscapes and ecosystems) that contribute to Wellington’s natural environment.</i> • <i>To facilitate the exercise of tino rangatiratanga and kaitiakitanga by Wellington’s tangata whenua.</i> • The ODP contains subdivision standards for the Residential Area, Centres and Business Area that require setbacks from rivers and the coast.

Topic	Summary of relevant provisions
	<ul style="list-style-type: none"> • There are also setbacks required for buildings and structures from the Porirua Stream and its tributaries (10m) (for flooding purposes) in the residential zones. • Earthworks (cut and fill) are required to be setback from wetlands, rivers and the coastal marine area. • Natural Character is also mentioned in the policies for the Airport and Golf Course Recreation Precinct, the Open Space B introduction and the rules for Renewable Energy • There are some references to natural character in the residential areas of the ODP, in particular for the development of one area (Hill Slopes off Ohiro Road, Brooklyn) where the effects on natural character are covered as matters of discretion.
PA	<ul style="list-style-type: none"> • There are no objectives in the ODP that specifically refer to Public Access, however some of the strategic, district wide issues and objectives are of limited relevance: 1.6.2 Specific Issues S2 Managing Rural Areas, the Coastal Environment, and Waterbodies <i>Land use and activities will be controlled to the extent necessary to maintain the “natural” environment of Wellington’s Rural Areas, the coastal environment, and waterbodies and to protect the rugged landscape which gives these areas their character. Public access to and along the coastal marine area and waterbodies will be maintained, and enhanced where appropriate and practicable.</i> 1.6.3 District Plan Objectives <ul style="list-style-type: none"> • <i>To maintain and enhance the amenity values of the City.</i> • <i>To maintain and enhance the quality of the City’s coastal environment.</i> • <i>To maintain and enhance the quality of the City’s coastline.</i> • <i>To facilitate the exercise of tino rangatiratanga and kaitiakitanga by Wellington’s tangata whenua.</i> • The operative plan does contain limited provisions relating to public access. These are currently scattered throughout the plan. • There are policies and rules relating to esplanade requirements contained in the Residential Area, Centres, Central Area, Rural Area and Business Area. • The Plan also contains references to public access (in particular in the coastal environment) in the Residential Area, the Central Area, the Rural Area and the Business Area and in relation to Conservation Sites and Earthworks.

Although there are some provisions which assist in recognising and provide for natural character and public access there are inconsistencies in their application throughout the plan. There is insufficient policy direction throughout the plan and the existing provisions are not supported by clearly identified outcomes for natural character and public access.

5.2.2 Analysis of other District Plan provisions relevant to this topic

Current practice has been considered in respect of this topic, with a review undertaken of the following District Plans. It is noted that some of these plans have been prepared in accordance with the National Planning Standards.

Plan / Local Authority	Description of approach
Proposed District Plan / New Plymouth District Council	<ul style="list-style-type: none"> • In National Planning Standards format. <p>NATC</p> <ul style="list-style-type: none"> • No NATC chapter but a Waterbodies (WB) chapter. • Identifies significant waterbodies in a schedule, and states that all waterbodies are valued, even those not identified as significant (to Maori (mauri) and ecologically, natural character, and hydrological, important habitat for native fish). • 4 Objectives that relate to protection of waterbodies, public access, adverse effects and tangata whenua. • 8 Policies <ul style="list-style-type: none"> ○ Identify, map. schedule significant waterbodies ○ Protect values of waterbodies ○ Appropriate activities ○ Subdivision – providing esplanade reserve or reserve strip ○ Subdivision – no or reduced esplanade reserve or reserve strip ○ Mātauranga Māori principles ○ Community awareness ○ Provision of information, technical and cultural advice. • Rules and standards relating to: <ul style="list-style-type: none"> ○ Setbacks for buildings ○ Setbacks for earthworks ○ Esplanade reserves or esplanade strips for subdivision ○ Wastewater treatment plants. • Coastal Environment chapter includes areas of NATC in the CE. <p>PA</p> <ul style="list-style-type: none"> • Public access is included under Natural Environmental Values. • Public access corridors are identified spatially in the District Plan Maps. • 3 Objectives address the need for public access along the coast and along waterbodies but recognise this should not result in adverse effects on natural character, indigenous biodiversity, historic heritage, cultural, or landscape values. • 5 Policies <ul style="list-style-type: none"> ○ Identify and map public access corridors

Plan / Local Authority	Description of approach
	<ul style="list-style-type: none"> ○ Maintain and enhance public access ○ Avoid activities that restrict access to significant surf breaks ○ Avoid, remedy, mitigate adverse effects ○ Setback from public access corridors • Rules relating to <ul style="list-style-type: none"> ○ Permitted activities within a public access corridor ○ Building activities within a public access corridor ○ Subdivision of land containing a public access corridor ○ Industrial activities and quarries
Operative Kapiti Coast District Plan 2021 / Kapiti Coast District Council	<ul style="list-style-type: none"> • In National Planning Standards format <p>NATC</p> <ul style="list-style-type: none"> • Definition for Natural Character • No NATC chapter • Identified areas of very high and outstanding natural character are included in the Coastal Environment chapter <p>PA</p> <ul style="list-style-type: none"> • No PA chapter • Public access to and along the coast is included in the District Objective for the Coastal Environment • Effects on public access is included as a matter of discretion throughout the plan. • When undertaking subdivision: esplanade reserves, esplanade strips and access strips are required. • Policies address access to the coast as part of subdivision of land that is adjacent to the coastal marine area or coastal esplanade reserves.
Operative Christchurch District Plan / Christchurch City Council	<ul style="list-style-type: none"> • Not in National Planning Standards format <p>NATC</p> <ul style="list-style-type: none"> • “Landscapes and Natural Character” are included in the Natural and Cultural Heritage chapter • The sub-chapter covers outstanding natural features and landscapes, significant features, rural amenity landscapes, and the natural character of the coastal environment, wetlands, and lakes and rivers and their margins • Areas of outstanding, very high and high natural character within the coastal environment have been identified • 1 Objective relating to the preservation of the natural character of the coastal environment, wetlands, and lakes and rivers and their margins.

Plan / Local Authority	Description of approach
	<ul style="list-style-type: none"> • 5 Policies relating to Natural character: <ul style="list-style-type: none"> ○ Recognition of natural character. ○ Recognition and preservation of natural character qualities of the coastal environment ○ Natural character of wetlands, and lakes and rivers and their margins ○ Cumulative effects on natural character ○ Restoration of natural character • Rules relating to overlays for areas of natural character in the coastal environment <p>PA</p> <ul style="list-style-type: none"> • No PA chapter • PA is mentioned in objectives, policies, rules and standards throughout the plan.
Proposed Porirua District Plan / Porirua City Council	<ul style="list-style-type: none"> • In National Planning Standards format <p>NATC</p> <ul style="list-style-type: none"> • NATC chapter covers the natural character of coastal margins and riparian margins • 1 Objective relating to the protection, preservation and enhancement of natural character • 4 Policies <ul style="list-style-type: none"> ○ Appropriate buildings and structures ○ Inappropriate buildings and structures ○ Appropriate earthworks ○ Inappropriate earthworks • 2 Rules relating to buildings and structures and earthworks within coastal and riparian margins. • 1 Standards for earthworks in coastal and riparian margins. • Identified areas of very high and outstanding natural character are included in the Coastal Environment chapter. <p>PA</p> <ul style="list-style-type: none"> • PA chapter • 1 Objective relating to the maintenance and enhancement of public and customary access to and along coastal and riparian margins • 2 Policies relating to <ul style="list-style-type: none"> ○ Activities that enhance public and customary access ○ Mechanisms for improving public and customary access • No rules, objectives and policies apply across the Plan.

These plans were selected because:

- They have been subject to a recent plan review that has addressed similar issues relating to this topic;
- The associated Councils are either in the Wellington Region or of a similar scale to Wellington City and are confronting similar issues relating to this topic.

A summary of the key findings follows:

- More recent plans that follow the National Planning Standards format either include specific chapters relating to NATC and PA or address the topics under similar headings.
- Older plans that do not follow the National Planning Standards format include provisions relating to NATC and PA but these provisions are mostly included in other chapters.
- All plans with a coastal environment identify areas of high/very high/outstanding natural character in the coastal environment.
- Only New Plymouth identifies significant waterbodies and public access corridors.

5.2.3 Advice received from Taranaki Whānui and Ngāti Toa Rangatira

Under Clause 4A of Schedule 1 of the RMA local authorities are required to:

- Provide a copy of any draft policy statement or plan to any iwi authority previously consulted under clause 3 of Schedule 1 prior to notification;
- Allow adequate time and opportunity for those iwi authorities to consider the draft and to supply advice; and
- Have particular regard to any advice received before notifying the plan.

As an extension of this s32(4A) requires evaluation reports prepared in relation to a proposed plan to include a summary of:

- All advice received from iwi authorities concerning the proposal; and
- The response to that advice, including any proposed provisions intended to give effect to the advice.

The District Plan Review has included significant engagement with our mana whenua partners - Taranaki Whānui ki te Upoko o te Ika and Ngāti Toa Rangatira. This has included over 100 hui and wānanga attended by Council officers over the last 12 months. This has provided a much greater understanding of mana whenua values and aspirations as they relate to the PDP.

The PDP elevates the consideration of mana whenua values in resource management processes, including:

- A new Tangata Whenua chapter which provides context and clarity about who mana whenua are and what environmental outcomes they are seeking.
- A new Sites and Areas of Significance to Māori chapter that provides greater protection for sites and areas of significance than the current District Plan.
- Integrating mana whenua values across the remainder of the plan where relevant.

The NATC and PA chapters include specific objectives and policies acknowledging customary harvesting rights.

This is consistent with both the City Goal of ‘Partnership with mana whenua’ in the Spatial Plan; and the recently signed Tākai Here (2022), which is the new partnership agreement between the Council and our mana whenua partners, Rūnanga o Toa Rangatira, Taranaki Whānui ki Te Upoko o Te Ika and Te Rūnanganui o Te Āti Awa.

A full copy of the advice received is attached as an addendum to the complete suite of Section 32 reports as Addendum A – Advice received from Taranaki Whānui and Ngāti Toa Rangatira.

No specific advice has been received from Taranaki Whānui and Ngāti Toa.

5.2.4 Consultation undertaken to date

The following is a summary of the primary consultation undertaken in respect of this topic:

Who	What	When	Relevant Issues Raised
General Public	Feedback on discussion documents	WCC inhouse to confirm	<ul style="list-style-type: none"> WCC inhouse to confirm
Councillors	Draft Plan workshops	WCC inhouse to confirm	<ul style="list-style-type: none"> WCC inhouse to confirm
Feedback on Draft Plan	Feedback on Draft Plan, through submissions and targeted discussions	November 2021	NATC <ul style="list-style-type: none"> Chapter name Protection of wetlands Natural Character assessment PA <ul style="list-style-type: none"> References in other chapters Activities in riparian margins

A summary of specific feedback on Natural Character and Public Access received during consultation on the Draft District Plan is contained in Appendix 3, including how it has been responded to in the Proposed District Plan. Additional detail concerning the wider consultation undertaken in preparing the Proposed District Plan is contained in the companion Section 32 Evaluation Overview Report.

In summary, the key findings arising from the consultation undertaken on this topic are:

- Ongoing disagreement regarding the functions and responsibilities of Council and the Regional Council for the protection of wetlands.
- Introduce better reference to PA policies in NATC and CE chapters

5.3 Summary of Relevant Resource Management Issues

Based on the research, analysis and consultation outlined above the following issues have been identified:

Issue	Comment	Response
NATC		
<p>NATC Issue 1: The need to protect the natural character and values of riparian margins from inappropriate subdivision use and development</p>	<ul style="list-style-type: none"> • Section 6(a) RMA requires Councils to recognise and provide for the preservation of these the natural character of wetlands, lakes and rivers, section 6(d) requires recognition and provision of the maintenance and enhancement of public access to and along lakes and rivers, while 6(h) requires recognition and provision for the management of significant risks from natural hazards. • Sections 7(d) and 7(f) require Councils to have particular regard to the intrinsic values of ecosystems and the maintenance and enhancement of the quality of the environment, while section 7(i) require Councils to have particular regard to the effects of climate change • Objective 2 and Policy 13 of the NZCPS requires this for within the CE (addressed in CE chapter) while the higher order direction in the regional plans emulates this direction. • Increased urban growth and some rural activities can threaten areas of natural character in the district, as has occurred in the past (e.g. residential/urban development in the city resulting in piping/undergrounding of streams and a loss of natural character). Not providing for the preservation of these areas is not meeting higher order direction. 	<ul style="list-style-type: none"> • Introduce a NATC chapter with provisions that manage the effects of subdivision, use and development on natural character • Introduction of a new natural character chapter which aims to protect and enhance natural character of coastal margins and riparian margins. • Requiring setbacks for buildings and structures while also providing flexibility and direction for when they may not be appropriate. • Earthworks controls and associated policy direction to guide assessment of
<p>NATC Issue 2: The need to provide for the restoration and enhancement of the natural character of riparian margins</p>	<ul style="list-style-type: none"> • Policy 14 of the NZCPS requires plans provide for this for within the CE, while sections 7(a) and (b) require Councils to have particular regard to kaitiakitanga and the ethic of stewardship and s7(f) to the maintenance and enhancement of the quality of the environment. The higher order regional documents also require provisions for these activities. • The current plan does not expressly encourage the restoration or 	<ul style="list-style-type: none"> • Ensure that provisions for the protection of natural character do not prevent the restoration and enhancement of riparian margins. • Support the non-regulatory direction of the RPS such as through policy 64 to encourage restoration and provide non-regulatory assistance to community groups and conservation activities in riparian margins.

Issue	Comment	Response
	<p>enhancement of natural character but does allow for conservation activities in conservation sites.</p> <ul style="list-style-type: none"> The introduction of overly restrictive provisions that do not provide for the restoration/enhancement of natural character could prevent these beneficial activities from being undertaken. 	
<p>NATC Issue 3: The need to provide for traditional cultural practices within riparian margins</p>	<ul style="list-style-type: none"> The NZCPS (Policy 2) and sections 6(e) and 7(a) of the RMA require Councils to recognise and provide for the relationship of Maori culture / traditions and ancestral lands / water / sites and other taonga and to have particular regard to kaitiakitanga, directions which the regional higher order documents emulate. The current plan does not expressly allow for traditional cultural practices within conservation areas. It is possible to acknowledge and allow for kaitiakitanga and cultural harvesting without degrading the area or adversely affecting its values. If this is not provided for then there is a risk that these activities could be prevented from being undertaken or could require consent under the framework intended to preserve these overlay areas, which would not be achieving the higher order direction. 	<ul style="list-style-type: none"> Identify with iwi traditional activities that need to be provided for Introduce provisions that allow for traditional activities while maintaining the natural character values.
PA		
<p>PA Issue 1: The need to manage public and customary access to and along the margin of waterbodies and the coast</p>	<ul style="list-style-type: none"> Section 6(d) of the RMA lists the maintenance and enhancement of public access to and along the coastal marine area, lakes and rivers as a matter of national importance. People value access to waterways and the coast. The provision of riparian and coastal margins, and their management, are key to achieving the outcomes sought for other issues, such as protecting indigenous biodiversity, public access, 	<ul style="list-style-type: none"> Introduction of new public access and coastal environment chapters that contain policy direction for both the margins of the coast and waterbodies. Requiring esplanade areas, but allowing flexibility for decision makers. Create a public access chapter which contains clear objectives and policies in one place. Include rules throughout the plan including in the subdivision, residential,

Issue	Comment	Response
	<p>natural hazard risk management, and natural character. They also contribute to the regional council's function of maintaining and enhancing water quality.</p> <ul style="list-style-type: none"> • Increased urban growth and rural activities threaten public access to the coastal environment and waterbodies. • Subdivision, use and development can impact on public access to the coastal environment by restricting key access points to the coast. • There may be some areas of the coastal environment in which it will not be appropriate to promote public access due to the areas being of significance to tangata whenua. • Where public access requires built structures and tracks, it has the potential to cause environmental harm to other natural environment features, including landscapes, significant natural areas, and the coastal environment. 	<p>coastal environment and natural character chapters.</p> <ul style="list-style-type: none"> • Require subdivision to provide esplanade reserves or strips (or other legal instruments) to ensure that public access to the coast and along waterbodies is provided. • Recognise the potential for public access to impact areas of significance to Maori. • Consult with tangata whenua to understand where public access may be sensitive and avoid promoting these areas as public accessways. • Ensure the provisions recognise the potential for public access to have adverse effects on other features. • Include objectives and policies which recognise that whilst public access is important, it should not have any adverse effects on other natural environment features.

6. Evaluation of the Proposal

This section of the report evaluates the objectives of the proposal to determine whether they are the most appropriate means to achieve the purpose of the RMA, as well as the associated policies, rules and standards relative to these objectives. It also assesses the level of detail required for the purposes of this evaluation, including the nature and extent to which the benefits and costs of the proposal have been quantified.

6.1 Scale and Significance

Section 32(1)(c) of the RMA requires that this report contain a level of detail that corresponds with the scale and significance of the environmental, economic, social and cultural effects that are anticipated from the implementation of the proposal.

The level of detail undertaken for this evaluation has been determined by assessing the scale and significance of the environmental, economic, social and cultural effects anticipated through introducing and implementing the proposed provisions (i.e. objectives, policies and rules) relative to a series of key criteria.

Based on this the scale and significance of anticipated effects associated with this proposal are identified below:

Criteria	Scale/Significance			Comment
	Low	Medium	High	
Basis for change	✓			<ul style="list-style-type: none"> Part of full District Plan review Compliance with National Planning Standards Improve provisions to provide clearer guidance and achieve better protection of natural character and public access
Addresses a resource management issue		✓		<ul style="list-style-type: none"> Natural character and public access are both matters of national importance under s6 of the RMA District Plan provisions can assist in the preservation and protection of natural character and the maintenance and enhancement of public access.
Degree of shift from the status quo	✓			<ul style="list-style-type: none"> While providing greater guidance and improving clarity the proposed provisions do not introduce any significant changes from the existing provisions.
Who and how many will be affected / geographical scale of effects	✓			<ul style="list-style-type: none"> There is only a limited number of qualifying waterbodies to which the natural character and public access (including esplanade requirements) provisions apply. While there are extensive coastal margins these are mostly in public ownership and the relevant provisions are located in the Coastal Environment chapter
Degree of impact on or interest from iwi/ Māori		✓		<ul style="list-style-type: none"> Tangata whenua have a particular interest in riparian margins and public access Specific provisions to provide for customary practices and to protect sites of significance from public access (if appropriate) have been included.
Timing and duration of effects		✓		<ul style="list-style-type: none"> Effects will be ongoing
Type of effects	✓			<ul style="list-style-type: none"> There may be effects on social, economic and cultural wellbeing, as well as on environmental wellbeing.

Criteria	Scale/Significance			Comment
	Low	Medium	High	
				<ul style="list-style-type: none"> These effects may be positive, such as enhanced natural character and improved public access, or negative, such as the limitation of activities within riparian margins.
Degree of risk and uncertainty	✓			<ul style="list-style-type: none"> The approach to protecting natural character and providing for public access is well understood and therefore the degree of risk and uncertainty is low.

Overall, the scale and significance of the proposed provisions are considered to be low.

Consequently, a high level evaluation of these provisions has been identified as appropriate for the purposes of this report.

6.2 Quantification of Benefits and Costs

Section 32(2)(b) requires that, where practicable, the benefits and costs of a proposal are to be quantified.

Based on the assessment of the scale and significance of the proposed provisions in section 6.1, specific quantification of the benefits and costs in this report is considered neither necessary, beneficial nor practicable in relation to this topic. Instead, this report identifies more generally where any additional costs or cost may lie and a qualitative assessment of identifiable costs and benefits associated with this proposal is provided in the assessment of policies, rules and other methods contained in section 11 of this report.

7. Overview of Proposal/s

The proposed provisions relevant to this topic are set out in detail in the ePlan and should be referred to in conjunction with this evaluation report.

Natural Character (NATC)

The proposed Natural Character chapter includes objectives, policies and rules that apply to all rivers in the district. It introduces the concept of a consistent *riparian margin* which is defined as ‘*all land within a horizontal distance of 10 metres landward from the bed of a river, excluding piped rivers,*’ and applies in all zones. Within riparian margins certain activities are restricted in order to protect the natural character values of rivers and their margins. The proposed 10m setback is consistent with margins in other legislation (e.g. the NES-FW) and consolidates and aligns the current provisions, which range from 5m to 20m depending on the underlying zone.

The NATC chapter does not apply to lakes – simply because there are no known lakes in the district beyond those located within the Zealandia Sanctuary and the natural character of the margins of these lakes is considered to be sufficiently protected by their restrictive zoning, the SNA and ONFL overlays, and the Zealandia Living with Nature Strategy (2016).

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)

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. The NPS-FM and NES-FW 2020 provide a direction that regional councils must map wetlands within 10 years and clarify that wetland identification and protection is the responsibility of regional councils, as Clause 5 of the NES-FW requires regional councils to regulate activities in or near wetlands.

Where wetlands form part of a wider area of significant terrestrial indigenous biodiversity WCC does have a role in terms of integrated management. Wetlands that have been identified as being a part of an SNA usually have wider areas of terrestrial biodiversity surrounding them meaning they fall within Council’s s31 jurisdiction. Any activities in or near wetlands will be regulated under the PNRP and the FW. Under the NES-FW, earthworks within a wetland is prohibited under clause 53 of the NES-FW, and vegetation clearance or earthworks within 10m of a wetland are non-complying under clause 54. Only a regional council can enforce these rules under clause 5.

The protection of aquatic ecosystem health lies within GWRC’s responsibility. 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.

The protection of coastal margins and riparian margins within the coastal environment is included in the Coastal Environment chapter.

Public Access (PA)

The Public Access chapter contains objectives and policies that outline Council’s management of public access to, adjacent to and along the coastal environment and waterbodies. The intention is to maintain and enhance public access.

The public access chapter does not contain any rules. If, and where needed, such rules and standards are included in other chapters and supported by the objectives and policies of the public access chapter

	NATC	PA
Definitions	<ul style="list-style-type: none"> • Amenity Values • Bed • Coastal Environment • Coastal Margin • Customary Harvesting (Hauhake) • Esplanade Reserve • Esplanade Strip • Functional Need • Lake • Land • Operational Need • Riparian Margin • River • Waterbody 	

	NATC	PA
	<ul style="list-style-type: none"> Wetland 	
	<p>Two objectives relating to</p> <ul style="list-style-type: none"> Natural Character; and Customary Harvesting. 	<p>Two objectives relating to</p> <ul style="list-style-type: none"> Public Access; and Adverse Effects of Public Access
Policies	<p>Three policies that address</p> <ul style="list-style-type: none"> Appropriate Use and Development; Restoration and Enhancement; and Customary Harvesting. 	<p>Three policies that address</p> <ul style="list-style-type: none"> Appropriate Activities; Maintenance and Enhancement of Public Access; and Restriction of Public Access.
Rules	<p>A rule framework that manages land use and building and structure activities as follows:</p> <ul style="list-style-type: none"> Land use activities within riparian margins are permitted subject to compliance with underlying zone provisions, and elevated to restricted discretionary in case of non-compliance with additional matters of discretion relating to Natural Character. Restoration and enhancement activities and customary harvesting within riparian margins are permitted activities. Buildings and structures for natural hazard mitigation purposes are permitted activities. Any other buildings and structures within riparian margins are restricted discretionary activities. 	<p>There are no rules proposed for the Public Access chapter.</p>
Standards	<p>There are no standards proposed for the Natural Character chapter.</p>	<p>There are no standards proposed for the Public Access chapter.</p>
Provisions in other chapters	<p>Infrastructure:</p> <ul style="list-style-type: none"> one policy relating to Infrastructure within riparian margins one standard limiting infrastructure within riparian margins several rules requiring compliance with the standard relating to infrastructure within riparian margins <p>Subdivision</p>	<p>Subdivision</p> <ul style="list-style-type: none"> one policy relating to Esplanade Requirements one standard relating to Esplanade Reserves and Esplanade Strips

	NATC	PA
	<ul style="list-style-type: none"> • one policy relating to subdivision within riparian margins <p>Earthworks</p> <ul style="list-style-type: none"> • one policy relating to earthworks within riparian margins • one rule relating to earthworks within riparian margins <p>Renewable Electricity Generation</p> <ul style="list-style-type: none"> • two policies that mention effects on natural character of riparian margins 	

8. Evaluation of Proposed Objective/s

8.1 Introduction

Section 32(1)(a) of the RMA requires that the evaluation report examine the extent to which the objectives of the proposal are the most appropriate way to promote the sustainable management of natural and physical resources.

An examination of the proposed objectives along with reasonable alternatives is included below, with the relative extent of their appropriateness based on an assessment against the following criteria:

1. Relevance (i.e. Is the objective related to addressing resource management issues and will it achieve one or more aspects of the purpose and principles of the RMA?)
2. Usefulness (i.e. Will the objective guide decision-making? Does it meet sound principles for writing objectives? Does it clearly state the anticipated outcome?)
3. Reasonableness (i.e. What is the extent of the regulatory impact imposed on individuals, businesses or the wider community? Is it consistent with identified tangata whenua and community outcomes?)
4. Achievability (i.e. Can the objective be achieved with tools and resources available, or likely to be available, to the Council?)

8.2 Evaluation of Objectives for Natural Character

While not specifically required under s32, it is appropriate to also consider alternative objectives to those currently included in the Proposed District Plan, so as to ensure that the proposed objectives are the most appropriate to achieve the purpose of the RMA.

For the purposes of this evaluation, the Council has considered two potential sets of objectives:

1. The proposed objectives
2. The current most relevant objectives - the status quo

Evaluation of Objectives for Natural Character
Proposed objectives: 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 or enhanced where appropriate. NATC-O2 Customary Harvesting Tangata whenua are able to exercise customary harvesting within riparian margins.
General intent: The proposed Objectives intend to preserve, protect, maintain and enhance the natural character within riparian margins and enable tangata whenua to exercise customary harvesting.
Other potential objectives
Status quo: 1.6.3 District Plan Objectives <ul style="list-style-type: none">• To maintain and enhance the quality of the City's coastal environment.• To maintain and enhance natural features (including landscapes and ecosystems) that contribute to Wellington's natural environment.• To facilitate the exercise of tino rangatiratanga and kaitiakitanga by Wellington's tangata whenua.

Evaluation of Objectives for Natural Character		
	Preferred objective	Status quo
<i>Relevance:</i>		
Addresses a relevant resource management issue	Yes – addresses the relevant resource management issues for Natural Character identified in section 5.3 above	Partially – status quo objectives do not specifically relate to the protection and enhancement of natural character or enabling tangata whenua to exercise customary harvesting but have a wider focus
Assists the Council to undertake its functions under s31 RMA	Yes – consistent with s31(1)(a), as it establishes objectives that manage the effects of the use, development, or protection of land and associated natural and physical resources (i.e. the natural character of riparian margins).	No – status quo objectives do not specifically address the management of effects identified in s31(1)(a)
Gives effect to higher level documents	Yes – gives effect to higher order documents: The reference to preserving, protecting, maintaining and enhancing natural character is consistent with the relevant matters under sections 6 and 7 of the RMA and the identified objectives and policies of the RPS	Partially – status quo objectives do not fully align with intention and wording of higher order documents.
<i>Usefulness:</i>		
Guides decision-making	Yes – provides clear guidance regarding the protection of natural character within riparian margins. Also states the intention to provide for maintenance and enhancement of and customary harvesting within riparian margins.	No – the lack of objectives relating to the protection of natural character and the management of activities within riparian margins does not provide sufficient guidance.
Meets best practice for objectives	Yes – achieves best practice by providing clear direction on what the intended outcome is and by describing the desired end state.	No - the lack of objectives relating to the protection of natural character and the management of activities within riparian margins does not meet best practice
<i>Reasonableness:</i>		
Will not impose unjustifiably high costs on the community/parts of the community	Yes – while some additional costs may occur due to additional resource consent requirements, the clearly articulated expectations regarding the protection of riparian margins, the management of adverse effects and the	Yes – the main cost related to the status quo are a result of uncertainty and lack of guidance.

Evaluation of Objectives for Natural Character		
	provision for certain activities will provide certainty around expected outcomes. Any additional costs that may occur are justifiable in the context of addressing an identified resource management issue.	
Acceptable level of uncertainty and risk	Yes – the proposed objectives clearly describe the intention to protect the natural character of riparian margins and to provide for enhancement and customary harvesting, thereby providing for greater certainty and reducing risk compared to the current provisions. The approach is well established and in line with best practice.	No - the status quo does not provide sufficient guidance as to expected outcomes and therefore create uncertainty and risk.
<i>Achievability:</i>		
Consistent with identified tangata whenua and community outcomes	Yes – no submissions were received in relation to the proposed objectives. It is therefore considered that they are consistent with identified tangata whenua and community outcomes.	No – the status quo is inconsistent with Council’s approved policies and strategic directions.
Realistically able to be achieved within the Council’s powers, skills and resources	Yes – The proposed objectives are achievable within Council’s powers, skills and resources by implementing the associated policies and rules that are proposed.	Yes - the status quo is currently being implemented within Council’s powers, skills and resources.
Summary		
<p>The above analysis shows that the proposed objectives relating to the protection of natural character and the management of activities within riparian margins are the most appropriate way to achieve the purpose of the RMA.</p> <p>The proposed objectives are in line with national best practice and implement national and regional guidance and direction (s5, s6, s7, RPS) by describing the envisaged preservation and protection of natural character within riparian margins and also stating the intention to provide for maintenance and enhancement of natural character as well as customary harvesting within riparian margins. They provide greater certainty to decision makers and plan users regarding the desired outcomes.</p> <p>The lack of existing objectives relating to natural character and riparian margins does not reflect or give effect to higher level direction and does not provide certainty and guidance to decision makers and plan users.</p>		

8.3 Evaluation of Objectives for Public Access

While not specifically required under s32, it is appropriate to also consider alternative objectives to those currently included in the Proposed District Plan, so as to ensure that the proposed objectives are the most appropriate to achieve the purpose of the RMA.

For the purposes of this evaluation, the Council has considered two potential objectives:

1. The proposed objectives
2. The current most relevant objectives - the status quo

Evaluation of Objectives for Public Access
Proposed objectives: PA-O1 Public Access Public Access to the coast and waterbodies is maintained and enhanced. PA-O2 Adverse Effects of Public Access Public access does not have a negative impact on existing values such as natural character, indigenous biodiversity, landscape values, historic heritage, sites of significance to Māori or the coastal environment.
General intent: The proposed objectives describe the desired outcome in relation to maintaining and enhancing public access while avoiding any potential negative impacts of public access on identified existing values.
Other potential objectives
Status quo 1.6.3 District Plan Objectives <ul style="list-style-type: none">• To maintain and enhance the quality of the City's coastal environment.• To maintain and enhance natural features (including landscapes and ecosystems) that contribute to Wellington's natural environment.• To facilitate the exercise of tino rangatiratanga and kaitiakitanga by Wellington's tangata whenua.

Evaluation of Objectives for Public Access		
	Preferred objective	Status quo
<i>Relevance:</i>		
Addresses a relevant resource management issue	Yes – addresses the relevant resource management issues for Public Access identified in section 5.3 above	Partially – status quo objectives do not specifically relate to the maintenance and enhancement of public access or managing the potential adverse effects of public access on identified values.
Assists the Council to undertake its functions under s31 RMA	Yes – consistent with s31(1)(a), as it establishes objectives that manage the effects of the use, development, or protection of land and associated natural and physical resources (i.e. the provision for public access to and along waterbodies and the coast).	No – status quo objectives do not specifically address the management of effects identified in s31(1)(a).
Gives effect to higher level documents	Yes – gives effect to higher order documents: The reference to maintaining and enhancing public access is consistent with the matter of national importance in section 6(d) and the relevant matters under 7 of the RMA and the identified objectives and policies of the RPS	Partially – status quo objectives do not fully align with intention and wording of higher order documents.
<i>Usefulness:</i>		
Guides decision-making	Yes – provides clear guidance regarding the maintenance and enhancement of public access to and along water bodies and the coast. Also states the intention to address the potential adverse effect of public access on identified values.	No – the lack of objectives relating to the maintenance and enhancement of public access and the management of potential adverse effects of public access does not provide guidance to decision makers.
Meets best practice for objectives	Yes – achieves best practice by providing clear direction on what the intended outcome is and by describing the desired end state.	No – the lack of objectives relating to the maintenance and enhancement of public access and the management of potential adverse effects of public access does not meet best practice

Evaluation of Objectives for Public Access		
<i>Reasonableness:</i>		
Will not impose unjustifiably high costs on the community/parts of the community	While the objectives will result in some costs for landowners when implemented through policies and methods especially relating to the requirement to provide Esplanade Reserves and Strips, these costs are well established and understood and are justifiable in context of addressing an identified resource management issue.	Under the status quo are there are established costs relating to the provision of Esplanade Reserves and Strips.
Acceptable level of uncertainty and risk	Yes – the proposed objectives clearly describe the intention to maintain and enhance public access while managing potential adverse effects, thereby providing for greater certainty and reducing risk compared to the current provisions. The approach is well established and in line with best practice.	No - the lack of specific objectives does not provide sufficient guidance as to expected outcomes and therefore create uncertainty and risk.
<i>Achievability:</i>		
Consistent with identified tangata whenua and community outcomes	Yes – no submissions were received in relation to the proposed objectives. It is therefore considered that they are consistent with identified tangata whenua and community outcomes.	No – the status quo is inconsistent with Council’s approved policies and strategic directions.
Realistically able to be achieved within the Council’s powers, skills and resources	Yes – The proposed objectives are achievable within Council’s powers, skills and resources by implementing the associated policies and rules that are proposed.	Yes - the status quo is currently being implemented within Council's powers, skills and resources.
Summary		
<p>The above analysis shows that the proposed objectives relating to the Public Access are the most appropriate way to achieve the purpose of the RMA.</p> <p>The proposed objectives are in line with national best practice and implement national and regional guidance and direction (s5, s6, s7, RPS) by describing the envisaged maintenance and enhancement of public access to and along water bodies and the coast and also stating the intention to manage potential adverse effect of public access on identified values. They provide greater certainty to decision makers and plan users regarding the desired outcomes.</p> <p>The lack of existing objectives relating to public access does not reflect or give effect to higher level direction and does not provide certainty and guidance to decision makers and plan users.</p>		

9. Evaluation of Reasonably Practicable Options and Associated Provisions

9.1 Introduction

Under s32(1)(b) of the RMA, reasonably practicable options to achieve the objectives associated with this proposal need to be identified and examined. This section of the report evaluates the proposed policies and rules, as they relate to the associated objectives.

The technical and consultation input used to inform this process is outlined in section 5 of this report.

Council has identified the status quo as the only reasonably practicable alternative option to achieve the objectives.

9.2 Evaluation method

For each potential approach an evaluation has been undertaken relating to the costs, benefits and the certainty and sufficiency of information (as informed by section 5 of this report) in order to determine the effectiveness and efficiency of the approach, and whether it is the most appropriate way to achieve the relevant objective(s).

This evaluation is contained in the following sections.

9.3 Provisions to achieve the Objectives for Natural Character

For the purpose of this evaluation, the Council has considered the following potential options:

1. The proposed provisions
2. The status quo

Evaluation of Provisions for Natural Character			
Objectives for Natural Character:			
NATC-O1 Natural character			
NATC-O2 Customary Harvesting			
Option 1: Proposed approach (recommended)	Costs	Benefits	Risk of Acting / Not Acting if there is uncertain or insufficient information about the subject matter of the provisions
<u>Summary of proposed provisions:</u> Policy NATC-P1 – Appropriate use and development NATC-R1 –Activities within riparian margins NATC-R4 – Buildings and structures for natural hazard mitigation NATC-R5 – Buildings and structures within riparian margins	<i>Environmental</i> <ul style="list-style-type: none"> • No direct or indirect environmental costs have been identified 	<i>Environmental</i> <ul style="list-style-type: none"> • The proposed provisions aim to retain the natural character values of riparian margins. 	It is considered that there is certain and sufficient information on which to base the proposed policies and methods as: <ul style="list-style-type: none"> • the proposed approach and provisions are well understood; • the proposed provisions reflect best practice; • the proposed provisions give effect to higher order direction; • previous consultation has not raised any significant issues with the proposed provisions.
	<i>Economic</i> <ul style="list-style-type: none"> • Some administrative costs associated with the proposed provisions, including the time and cost where resource consents are needed for buildings or structures in riparian margins. • Restrictions on subdivision, use and development in riparian margins can impact development opportunities of a site, and therefore may have opportunity costs for landowners. 	<i>Economic</i> <ul style="list-style-type: none"> • Acknowledging that some activities have an operational or functional need to locate in these areas will result in reduced consenting costs and economic benefits for those activities. • Any economic growth and employment benefits are likely to be negligible. 	

Evaluation of Provisions for Natural Character

<p>Policy NATC-P2 – Restoration and enhancement</p> <p>NATC-R2 – Restoration and enhancement</p> <p>Policy NATC-P3 – Customary harvesting</p> <p>NATC-R3 – Customary harvesting</p> <p>Related provisions in other chapters:</p> <p>INF - Infrastructure</p> <p>EW - Earthworks</p> <p>SUB - Subdivision</p> <p>REG - Renewable Electricity Generation</p>	<ul style="list-style-type: none"> Any economic growth and employment costs are likely to be negligible. 		
	<p>Social</p> <ul style="list-style-type: none"> No direct or indirect social costs have been identified. 	<p>Social</p> <ul style="list-style-type: none"> The preservation and protection of the natural character of riparian margins and the provision for the restoration and enhancement will ensure that they will be retained for the community and future generations to enjoy, thereby having social wellbeing benefits 	
	<p>Cultural</p> <ul style="list-style-type: none"> No direct or indirect cultural costs have been identified 	<p>Cultural</p> <ul style="list-style-type: none"> These provisions have cultural wellbeing benefits as the preservation and protection of natural character and the provisions for customary harvesting will help to provide for an ongoing relationship with waterbodies, a taonga, and better enable tikanga Māori and kaitiakitanga. 	
<p><u>Effectiveness and efficiency</u></p>	<p>Effectiveness</p> <p>The proposed provisions are the most effective method of meeting the objectives relating to Natural Character. They will introduce the consideration of the natural character values of riparian margins as an issue and a matter for consideration, while proposing appropriate restrictions on use and development in these areas.</p>		<p>Efficiency</p> <p>The proposed provisions are effective in meeting the objectives as the identified benefits outweigh the costs. They will allow for some use and development while also protecting the natural character.</p>

Evaluation of Provisions for Natural Character			
<u>Overall evaluation</u>	<p>The proposed provisions are the most appropriate way to achieve the objectives because they are effective and efficient in terms of protecting the natural character of riparian margins.</p> <p>It is considered that this option will achieve the objectives because:</p> <ul style="list-style-type: none"> • the provisions ensure that the natural character of riparian margins is protected through policies, rules and standards • the framework enables appropriate activities, including the restoration and enhancement of the natural character and customary harvesting, while managing potentially inappropriate activities. • the chapter and provisions (including definitions) align with the National Planning Standards and relevant higher order documents. 		
Option 2: Status Quo	Costs	Benefits	Risk of Acting / Not Acting if there is uncertain or insufficient information about the subject matter of the provisions
<u>Policies and rules as outlined in section 5.2.1 and Appendix 2 of this report</u>	<i>Environmental</i> <ul style="list-style-type: none"> • There is no evidence that the current provisions result in environmental costs. 	<i>Environmental</i> <ul style="list-style-type: none"> • The current provisions provide for limited protection of riparian margins, however the focus is not on the preservation and protection of the natural character but also relates to other matters such as natural hazards and amenity values. 	It is considered that there is certain and sufficient information on which to base the proposed policies and methods.
	<i>Economic</i> <ul style="list-style-type: none"> • The current provisions do not provide for certain activities such as restoration and enhancement or customary harvesting and do not always allow for the consideration of the operational or functional need of an activity to be located in the riparian margin. • Therefore there can be additional consenting costs. 	<i>Economic</i> <ul style="list-style-type: none"> • There may be savings in terms of time and cost as the Council and community are familiar with the provisions. • Any economic growth and employment benefits are likely to be negligible. 	

Evaluation of Provisions for Natural Character

	<ul style="list-style-type: none"> The current provisions lack clear and consistent policy direction and therefore provide little guidance for plan users, landowners or the Council for preparing, assessing and making decisions on consent applications. Any economic growth and employment costs are likely to be negligible. 		
	<p>Social</p> <ul style="list-style-type: none"> No direct or indirect social costs have been identified. 	<p>Social</p> <ul style="list-style-type: none"> The current provisions provide for limited protection of riparian margins which may result in their retention for the community and future generations to enjoy. 	
	<p>Cultural</p> <ul style="list-style-type: none"> The current provisions do not specifically allow for customary harvesting within riparian margins and may therefore result in cultural costs. 	<p>Cultural</p> <ul style="list-style-type: none"> No direct or indirect cultural benefits have been identified. 	
<p><u>Effectiveness and efficiency</u></p>	<p>Effectiveness</p> <p>The status quo provisions do not contribute towards achieving the identified objectives as they do not focus on the protection of the natural character of riparian margins.</p>	<p>Efficiency</p> <p>The current provisions are inefficient as they may result in unnecessary consenting costs for activities that are supported by the objectives (e.g. restoration of natural character and customary harvesting) or have a functional or operational need to locate in coastal or riparian margins.</p>	
<p><u>Overall evaluation</u></p>	<p>This option is not the most appropriate way to achieve the objectives, mostly because the current provisions</p> <ul style="list-style-type: none"> do not focus on the protection of the natural character; do not provide for the restoration and enhancement or for customary harvesting; and 		

Evaluation of Provisions for Natural Character

- do not always allow for the consideration of the operational or functional need of an activity to be located in the riparian margin.

The current provisions are not the most efficient and effective way of achieving the objectives.

The current provisions also do not align with the National Planning Standards and relevant national and regional policy.

9.4 Provisions to achieve Objectives for Public Access

For the purpose of this evaluation, the Council has considered the following potential options:

1. The proposed provisions
2. The status quo

Evaluation of Objectives for Public Access			
Objectives Public Access:			
PA-O1 Public Access			
PA-O2 Adverse Effects of Public Access			
Option 1: Proposed approach (recommended)	Costs	Benefits	Risk of Acting / Not Acting if there is uncertain or insufficient information about the subject matter of the provisions
Policies PA-P1 – Appropriate Activities PA-P2 – Maintenance and Enhancement of Public Access PA-P3 – Restriction of Public Access Rules No rules are proposed	Environmental <ul style="list-style-type: none"> No direct or indirect environmental costs have been identified. 	Environmental <ul style="list-style-type: none"> The proposed policies provide clear guidance regarding the provision of public access thereby limiting the potential adverse effects of public access on other identified values. 	It is considered that there is certain and sufficient information on which to base the proposed policies and methods as: <ul style="list-style-type: none"> the proposed approach and provisions are well understood; the proposed provisions reflect best practice; the proposed provisions give effect to higher order direction; previous consultation has not raised any significant issues with the proposed provisions.
	Economic <ul style="list-style-type: none"> The requirement for esplanade strips and reserves have opportunity costs for landowners (i.e. lost land for grazing). These costs are usually relatively small as esplanade areas are a comparatively small part of any site over four hectares. 	Economic <ul style="list-style-type: none"> The provision for esplanade strips as an alternative to esplanade reserves can result in reduced administration costs and reduced maintenance costs for Council. Any economic growth and employment benefits are likely to be negligible. 	

Evaluation of Objectives for Public Access		
Related provisions in other chapters: SUB - Subdivision	<ul style="list-style-type: none"> The taking of esplanade reserves will result in ongoing maintenance costs for Council. Any economic growth and employment costs are likely to be negligible. 	
	Social <ul style="list-style-type: none"> No direct or indirect social costs have been identified. 	Social <ul style="list-style-type: none"> Improving public access to and along waterbodies and the coast will ensure more people get to experience their values. Policy support for appropriate activities that maintain and enhance public access could result in wider opportunities, such as new activities and increased access and use, and enjoyment of these areas
	Cultural <ul style="list-style-type: none"> No direct or indirect cultural costs have been identified. 	Cultural <ul style="list-style-type: none"> These provisions have cultural wellbeing benefits as protection and enhancement of customary access will better enable tikanga Māori and kaitiakitanga. Similarly, recognising and managing the potential adverse effects of public access on cultural values helps with the protection of those values.
<u>Effectiveness and efficiency</u>	Effectiveness The proposed provisions are the most effective method of meeting the objectives given they will provide increased environmental, social and cultural benefits as outlined above.	Efficiency The proposed provisions are the most efficient method of meeting the objectives given the benefits identified above outweigh the costs.

Evaluation of Objectives for Public Access			
<u>Overall evaluation</u>	<p>The proposed provisions are the most appropriate way to achieve the objectives because they are effective and efficient in terms of providing public access where possible while managing any potential adverse effects.</p> <p>It is considered that this option will achieve the objectives because:</p> <ul style="list-style-type: none"> • the provisions ensure that the concept of public access will be a matter for consideration. • the policies provide for appropriate activities, encourage the maintenance and enhancement of public access and provide clear guidance on where/when it is appropriate to restrict public access to protect other values. • the chapter and provisions (including definitions) align with the National Planning Standards and relevant higher order documents. 		
Option 2: Status Quo	Costs	Benefits	Risk of Acting / Not Acting if there is uncertain or insufficient information about the subject matter of the provisions
<u>Policies and rules as outlined in section 5.2.1 and Appendix 2 of this report</u>	<i>Environmental</i>	<i>Environmental</i>	It is considered that there is certain and sufficient information on which to base the proposed policies and methods.
	<ul style="list-style-type: none"> • No direct or indirect environmental costs have been identified. 	<ul style="list-style-type: none"> • No direct or indirect environmental benefits have been identified. 	
	<i>Economic</i>	<i>Economic</i>	
	<ul style="list-style-type: none"> • Limited guidance on appropriate activities and potential restrictions of public access may result in uncertainty and additional compliance costs. • The requirement for esplanade strips and reserves has opportunity costs for landowners (i.e. lost land for grazing). These costs are usually relative small as esplanade areas are a comparatively small part of any site over four hectares. • The taking of esplanade reserves will result in ongoing maintenance costs for Council. 	<ul style="list-style-type: none"> • There may be savings in terms of time and cost as the Council and community are familiar with the provisions. • Any economic growth and employment benefits are likely to be negligible. 	

Evaluation of Objectives for Public Access		
	<ul style="list-style-type: none"> Any economic growth and employment costs are likely to be negligible. 	
	<p>Social</p> <ul style="list-style-type: none"> No direct or indirect social costs have been identified. 	<p>Social</p> <ul style="list-style-type: none"> Improving public access to and along waterbodies and the coast will ensure more people get to experience their values.
	<p>Cultural</p> <ul style="list-style-type: none"> The lack of policy guidance regarding the potential adverse effects of public access on cultural values does result in a lack of protection for those values. 	<p>Cultural</p> <ul style="list-style-type: none"> The current provisions may have cultural wellbeing benefits as the protection and enhancement of customary access may better enable tikanga Māori and kaitiakitanga.
<u>Effectiveness and efficiency</u>	<p>Effectiveness</p> <p>The status quo provisions do not contribute towards achieving the identified objectives as they do not provide clear policy direction.</p>	<p>Efficiency</p> <p>The current provisions are inefficient as the identified costs outweigh the benefits and are unlikely to achieve the identified objectives.</p>
<u>Overall evaluation</u>	<p>This option is not the most appropriate way to achieve the objectives, mostly because the current provisions provides only limited guidance in relation to public access;</p> <p>The current provisions are not the most efficient and effective way of achieving the objectives.</p> <p>The current provisions also do not align with the National Planning Standards and relevant national and regional policy.</p>	

10. Conclusion

This evaluation has been undertaken in accordance with section 32 of the RMA in order to identify the need, benefits and costs and the appropriateness of the proposal having regard to its effectiveness and efficiency relative to other means in achieving the purpose of the RMA. The evaluation demonstrates that this proposal is the most appropriate option as it:

- best gives effect to higher order documents, including the national planning standards; and
- is the most effective and efficient way to achieve the purpose of the Act.

Appendix 1: NES-FW and NES-ETA – Relevant Regulations

NES-FW relevant regulations	
<p><i>Part 3</i></p> <p><i>Subpart 1 – Natural Wetlands</i></p> <p><i>Regulation 37</i></p>	<p>When this subpart does not apply</p> <p><i>This subpart does not apply to the customary harvest of food or resources undertaken in accordance with tikanga Māori.</i></p>
<p><i>Regulation 38</i></p> <p><i>Restoration of natural wetlands</i></p>	<p>Permitted activities</p> <p>(1) <i>Vegetation clearance within, or within a 10m setback from, a natural wetland is a permitted activity if it-</i></p> <p style="padding-left: 20px;">(a) <i>is for the purpose of natural wetland restoration; and</i></p> <p style="padding-left: 20px;">(b) <i>complies with the conditions.</i></p> <p>(2) <i>Earthworks or land disturbance within, or within a 10m setback from, a natural wetland is a permitted activity if it-</i></p> <p style="padding-left: 20px;">(a) <i>is for the purpose of natural wetland restoration; and</i></p> <p style="padding-left: 20px;">(b) <i>complies with the conditions.</i></p> <p>(3) <i>The taking, use, damming, diversion, or discharge of water within, or within a 100 m setback from, a natural wetland is a permitted activity if it—</i></p> <p style="padding-left: 20px;">(a) <i>is for the purpose of natural wetland restoration; and</i></p> <p style="padding-left: 20px;">(b) <i>complies with the conditions.</i></p> <p>Conditions</p> <p>(4) <i>The conditions are that-</i></p> <p style="padding-left: 20px;">(a) <i>the activity must comply with the general conditions on natural wetland regulations in regulation 55; and</i></p> <p style="padding-left: 20px;">(b) <i>if the activity is vegetation clearance, earthworks, or land disturbance, the activity must not occur over more than 500m² or 10% of the area of the natural wetland, whichever is smaller.</i></p> <p>(5) <i>However, the condition in subclause (4)(b) does not apply if the earthworks or land disturbance is for planting.</i></p>
<p><i>Regulation 39</i></p> <p><i>Restoration of natural wetlands</i></p>	<p>Restricted discretionary activities</p> <p>(1) <i>Vegetation clearance within, or within a 10m setback from, a natural wetland is a restricted discretionary activity if it-</i></p> <p style="padding-left: 20px;">(a) <i>is for the purpose of natural wetland restoration; and</i></p> <p style="padding-left: 20px;">(b) <i>does not comply with either of the conditions in regulation 38(4).</i></p> <p>(2) <i>Earthworks or land disturbance within, or within a 10m setback from, a natural wetland is a restricted discretionary activity if it-</i></p> <p style="padding-left: 20px;">(a) <i>is for the purpose of natural wetland restoration; and</i></p> <p style="padding-left: 20px;">(b) <i>does not comply with either of the conditions in regulation 38(4).</i></p>

NES-FW relevant regulations	
	<p>(3) <i>The taking, use, damming, diversion, or discharge of water within, or within a 100 m setback from, a natural wetland is a restricted discretionary activity if it—</i></p> <p style="padding-left: 40px;">(a) <i>is for the purpose of natural wetland restoration; and</i></p> <p style="padding-left: 40px;">(b) <i>does not comply with the condition in regulation 38(4)(a).</i></p> <p><i>Matters to which discretion restricted</i></p> <p>(4) <i>The discretion of a consent authority is restricted to the matters set out in regulation 56.</i></p> <p><i>Requirement when applying for resource consent</i></p> <p>(5) <i>An application for a resource consent for the restricted discretionary activity must include a restoration plan that includes the information set out in Schedule 2.</i></p> <p><i>Condition required in resource consent</i></p> <p>(6) <i>A resource consent granted for the restricted discretionary activity must impose a condition that requires compliance with the restoration plan.</i></p>
<p>Regulation 40</p> <p><i>Scientific research</i></p>	<p>Permitted activities</p> <p>(1) <i>Vegetation clearance within, or within a 10m setback from, a natural wetland is a permitted activity if it-</i></p> <p style="padding-left: 40px;">(a) <i>is for the purpose of scientific research; and</i></p> <p style="padding-left: 40px;">(b) <i>complies with the conditions.</i></p> <p>(2) <i>Earthworks or land disturbance within, or within a 10m setback from, a natural wetland is a permitted activity if it-</i></p> <p style="padding-left: 40px;">(a) <i>is for the purpose of scientific research; and</i></p> <p style="padding-left: 40px;">(b) <i>complies with the conditions.</i></p> <p>(3) <i>The taking, use, damming, diversion, or discharge of water within, or within a 100 m setback from, a natural wetland is a permitted activity if it—</i></p> <p style="padding-left: 40px;">(a) <i>is for the purpose of scientific research; and</i></p> <p style="padding-left: 40px;">(b) <i>complies with the conditions.</i></p> <p><i>Conditions</i></p> <p>(4) <i>The conditions are that-</i></p> <p style="padding-left: 40px;">(a) <i>the activity must comply with the general conditions on natural wetland regulations in regulation 55; and</i></p> <p style="padding-left: 40px;">(b) <i>the activity must not result in the formation of new pathways, boardwalks or other accessways; and</i></p> <p style="padding-left: 40px;">(c) <i>if the activity is vegetation clearance, earthworks, or land disturbance, the activity must not</i></p> <p style="padding-left: 80px;">(i) <i>occur over a single area within the natural wetland that is more than 10m²; or</i></p>

NES-FW relevant regulations	
	<p>(ii) occur over a total area within the natural wetland that is more than 100m².</p> <p>(5) However, the condition in subclause (4)(c) does not apply if the earthworks or land disturbance is for planting.</p>
<p>Regulation 41</p> <p>Scientific research</p>	<p>Restricted discretionary activities</p> <p>(1) Vegetation clearance within, or within a 10m setback from, a natural wetland is a restricted discretionary activity if it-</p> <p>(a) is for the purpose of scientific research; and</p> <p>(b) does not comply with either of the conditions in regulation 40(4).</p> <p>(2) Earthworks or land disturbance within, or within a 10m setback from, a natural wetland is a restricted discretionary activity if it-</p> <p>(a) is for the purpose of scientific research; and</p> <p>(b) does not comply with either of the conditions in regulation 40(4).</p> <p>(3) The taking, use, damming, diversion, or discharge of water within, or within a 100 m setback from, a natural wetland is a restricted discretionary activity if it—</p> <p>(a) is for the purpose of scientific research; and</p> <p>(b) does not comply with any of the conditions in regulation 40(4), but does comply with the conditions in subclause (4) of this regulation.</p> <p>Conditions</p> <p>(4) The conditions are that-</p> <p>(a) the activity must be undertaken only for as long as necessary to achieve its purpose; and</p> <p>(b) before the activity starts, a record must be made (for example, by taking photographs) of the original condition of the natural wetland's bed profile and hydrological regime that is sufficiently detailed to enable compliance with paragraph (c) to be verified; and</p> <p>(c) the bed profile and hydrological regime of the natural wetland must be returned to their original condition no later than 30 days after the start of the activity.</p> <p>(5) However, the condition in subclause (4)(c) does not apply to any part of the bed that is in direct contact with scientific research equipment.</p> <p>Matters to which discretion restricted</p> <p>(6) The discretion of a consent authority is restricted to the matters set out in regulation 56.</p>
<p>Regulation 42</p> <p>Construction of a wetland utility structure</p>	<p>Restricted discretionary activities</p> <p>(1) Vegetation clearance within, or within a 10m setback from, a natural wetland is a restricted discretionary activity if it is for the purpose of constructing a wetland utility structure.</p>

NES-FW relevant regulations

	<p>(2) <i>Earthworks or land disturbance within, or within a 10m setback from, a natural wetland is a restricted discretionary activity if it is for the purpose of constructing a wetland utility structure</i></p> <p>(3) <i>The taking, use, damming, diversion, or discharge of water within, or within a 100 m setback from, a natural wetland is a restricted discretionary activity if it—</i></p> <p style="padding-left: 20px;">(a) <i>is for the purpose of constructing a wetland utility structure; and</i></p> <p style="padding-left: 20px;">(b) <i>complies with the conditions.</i></p> <p><i>Conditions</i></p> <p>(4) <i>The conditions are that-</i></p> <p style="padding-left: 20px;">(a) <i>the activity must be undertaken only for as long as necessary to achieve its purpose; and</i></p> <p style="padding-left: 20px;">(b) <i>before the activity starts, a record must be made (for example, by taking photographs) of the original condition of the natural wetland's bed profile and hydrological regime that is sufficiently detailed to enable compliance with paragraph (c) to be verified; and</i></p> <p style="padding-left: 20px;">(c) <i>the bed profile and hydrological regime of the natural wetland must be returned to their original condition no later than 30 days after the start of the activity.</i></p> <p>(5) <i>However, the condition in subclause (4)(c) does not apply to any part of the bed that is in direct contact with the wetland utility structure.</i></p> <p><i>Matters to which discretion is restricted</i></p> <p>(6) <i>The discretion of a consent authority is restricted to the matters set out in regulation 56.</i></p>
<p>Regulation 43</p> <p><i>Maintenance of wetland utility structures</i></p>	<p>Permitted activities</p> <p>(1) <i>Vegetation clearance within, or within a 10m setback from, a natural wetland is a permitted activity if it-</i></p> <p style="padding-left: 20px;">(a) <i>is for the purpose of maintaining a wetland utility structure; and</i></p> <p style="padding-left: 20px;">(b) <i>complies with the conditions.</i></p> <p>(2) <i>Earthworks or land disturbance within, or within a 10m setback from, a natural wetland is a permitted activity if it-</i></p> <p style="padding-left: 20px;">(a) <i>is for the purpose of maintaining a wetland utility structure; and</i></p> <p style="padding-left: 20px;">(b) <i>complies with the conditions.</i></p> <p>(3) <i>The taking, use, damming, diversion, or discharge of water within, or within a 100 m setback from, a natural wetland is a permitted activity if it—</i></p> <p style="padding-left: 20px;">(a) <i>is for the purpose of maintaining a wetland utility structure; and</i></p> <p style="padding-left: 20px;">(b) <i>complies with the conditions.</i></p> <p><i>Conditions</i></p> <p>(4) <i>The conditions are that-</i></p>

NES-FW relevant regulations	
	<ul style="list-style-type: none"> (a) <i>the activity must comply with the general conditions on natural wetland regulations in regulation 55; and</i> (b) <i>the activity must not be for the purpose of increasing the size of the wetland utility structure</i> (c) <i>the activity must not result in the formation of new pathways, boardwalks, or other accessways; and</i> (d) <i>if the activity is vegetation clearance, earthworks, or land disturbance, the activity must not</i> <ul style="list-style-type: none"> (i) <i>occur over more than 2m² around the base of each pile or post of the wetland utility structure, or over 10% of the area of the natural wetland, whichever is a smaller area in total; or</i> (ii) <i>occur more than 1m away from the structure, if the activity is vegetation clearance.</i> (5) <i>However, the condition in subclause (4)(d) does not apply if the earthworks or land disturbance is for planting.</i>
<p>Regulation 44</p> <p><i>Maintenance of wetland utility structures</i></p>	<p>Restricted discretionary activities</p> <ul style="list-style-type: none"> (1) <i>Vegetation clearance within, or within a 10m setback from, a natural wetland is a restricted discretionary activity if it-</i> <ul style="list-style-type: none"> (a) <i>is for the purpose of maintaining a wetland utility structure; and</i> (b) <i>does not comply with either of the conditions in regulation 43(4).</i> (2) <i>Earthworks or land disturbance within, or within a 10m setback from, a natural wetland is a restricted discretionary activity if it-</i> <ul style="list-style-type: none"> (a) <i>is for the purpose of maintaining a wetland utility structure; and</i> (b) <i>does not comply with either of the conditions in regulation 43(4).</i> (3) <i>The taking, use, damming, diversion, or discharge of water within, or within a 100 m setback from, a natural wetland is a restricted discretionary activity if it—</i> <ul style="list-style-type: none"> (a) <i>is done for the purpose of maintaining a wetland utility structure; and</i> (b) <i>does not comply with any of the conditions in regulation 43(4), but does comply with the conditions in subclause (4) of this regulation.</i> <p>Conditions</p> <ul style="list-style-type: none"> (4) <i>The conditions are that-</i> <ul style="list-style-type: none"> (a) <i>the activity must be undertaken only for as long as necessary to achieve its purpose; and</i> (b) <i>before the activity starts, a record must be made (for example, by taking photographs) of the original condition of the natural wetland's bed profile and hydrological regime that is sufficiently detailed to enable compliance with paragraph (c) to be verified; and</i>

NES-FW relevant regulations	
	<p>(c) <i>the bed profile and hydrological regime of the natural wetland must be returned to their original condition no later than 30 days after the start of the activity.</i></p> <p>(5) <i>However, the condition in subclause (4)(c) does not apply to any part of the bed that is in direct contact with a part of the wetland utility structure that was constructed for maintenance purposes.</i></p> <p><i>Matters to which discretion restricted</i></p> <p>(6) <i>The discretion of a consent authority is restricted to the matters set out in regulation 56.</i></p>
<p>Regulation 45</p> <p><i>Construction of specified infrastructure</i></p>	<p>Discretionary activities</p> <p>(1) <i>Vegetation clearance within, or within 10m setback from, a natural wetland is a discretionary activity if it is for the purpose of constructing specified infrastructure.</i></p> <p>(2) <i>Earthworks or land disturbance within, or within 10m setback from, a natural wetland is a discretionary activity if it is for the purpose of constructing specified infrastructure.</i></p> <p>(3) <i>Earthworks or land disturbance outside a 10 m, but within a 100 m, setback from a natural wetland is a discretionary activity if it—</i></p> <p style="padding-left: 20px;">(a) <i>is for the purpose of constructing specified infrastructure; and</i></p> <p style="padding-left: 20px;">(b) <i>results, or is likely to result, in the complete or partial drainage of all or part of the natural wetland.</i></p> <p>(4) <i>The taking, use, damming, diversion, or discharge of water within, or within a 100 m setback from, a natural wetland is a discretionary activity if it is for the purpose of constructing specified infrastructure.</i></p>
<p>Regulation 46</p> <p><i>Maintenance and operation of specified infrastructure and other infrastructure</i></p>	<p>Permitted activities</p> <p>(1) <i>Vegetation clearance within, or within a 10m setback from, a natural wetland is a permitted activity if it-</i></p> <p style="padding-left: 20px;">(a) <i>is for the purpose of maintaining or operating specified infrastructure or other infrastructure; and</i></p> <p style="padding-left: 20px;">(b) <i>complies with the conditions.</i></p> <p>(2) <i>Earthworks or land disturbance within, or within a 10m setback from, a natural wetland is a permitted activity if it-</i></p> <p style="padding-left: 20px;">(a) <i>is for the purpose of maintaining or operating specified infrastructure or other infrastructure; and</i></p> <p style="padding-left: 20px;">(b) <i>complies with the conditions.</i></p> <p>(3) <i>The taking, use, damming, diversion, or discharge of water within, or within a 100 m setback from, a natural wetland is a permitted activity if it—</i></p> <p style="padding-left: 20px;">(a) <i>is for the purpose of maintaining or operating specified infrastructure or other infrastructure; and</i></p> <p style="padding-left: 20px;">(b) <i>complies with the conditions.</i></p>

NES-FW relevant regulations

	<p><i>Conditions</i></p> <p>(4) <i>The conditions are that-</i></p> <p>(a) <i>the activity must comply with the general conditions on natural wetland regulations in regulation 55 (but regulation 55(2), (3)(b) to (d), and (5) do not apply if the activity is for the purpose of maintaining or operating hydro-electricity infrastructure); and</i></p> <p>(b) <i>the activity must not be for the purpose of increasing the size of the specified infrastructure or other infrastructure; and</i></p> <p>(c) <i>the activity must not result in the formation of new pathways, boardwalks, or other accessways; and</i></p> <p>(d) <i>if the activity is vegetation clearance, earthworks, or land disturbance, the activity must not occur over more than 500m² or 10% of the natural wetland, whichever is smaller; and</i></p> <p>(e) <i>if the activity is earthworks or land disturbance-</i></p> <p>(i) <i>trenches dug (for example, to maintain pipes) must be backfilled and compacted no later than 48 hours after being dug; and</i></p> <p>(ii) <i>the activity must not result in drains being deeper, relative to the natural wetland's water level, than they were before the activity.</i></p> <p>(5) <i>However, the condition in subclause (4)(d) does not apply if the earthworks or land disturbance is for planting.</i></p>
<p>Regulation 47</p> <p><i>Maintenance and operation of specified infrastructure and other infrastructure</i></p>	<p>Restricted discretionary activities</p> <p>(1) <i>Vegetation clearance within, or within a 10m setback from, a natural wetland is a restricted discretionary activity if it-</i></p> <p>(a) <i>is for the purpose of maintaining or operating specified infrastructure or other infrastructure; and</i></p> <p>(b) <i>does not comply with either of the conditions in regulation 46(4).</i></p> <p>(2) <i>Earthworks or land disturbance within, or within a 10m setback from, a natural wetland is a restricted discretionary activity if it-</i></p> <p>(a) <i>is for the purpose of maintaining or operating specified infrastructure or other infrastructure; and</i></p> <p>(b) <i>does not comply with either of the conditions in regulation 46(4).</i></p> <p>(3) <i>The taking, use, damming, diversion, or discharge of water within, or within a 100 m setback from, a natural wetland is a restricted discretionary activity if it—</i></p> <p>(a) <i>is for the purpose of maintaining or operating specified infrastructure or other infrastructure; and</i></p> <p>(b) <i>does not comply with any of the conditions in regulation 46(4), but does comply with the conditions in subclause (5) of this regulation.</i></p> <p>(4) <i>However, the conditions in subclause (5) of this regulation do not apply if the activity is for the purpose of maintaining or operating hydro-electricity infrastructure.</i></p>

NES-FW relevant regulations	
	<p>Conditions</p> <p>(5) <i>The conditions are that-</i></p> <p>(a) <i>the activity must be undertaken only for as long as necessary to achieve its purpose; and</i></p> <p>(b) <i>before the activity starts, a record must be made (for example, by taking photographs) of the original condition of the natural wetland's bed profile and hydrological regime that is sufficiently detailed to enable compliance with paragraph (c) to be verified; and</i></p> <p>(c) <i>the bed profile and hydrological regime of the natural wetland must be returned to their original condition no later than 30 days after the start of the activity.</i></p> <p>(6) <i>However, the condition in subclause (5)(c) does not apply to any part of the bed that is in direct contact with a part of the wetland utility structure that was constructed for maintenance purposes.</i></p> <p>Matters to which discretion restricted</p> <p>(6) <i>The discretion of a consent authority is restricted to the matters set out in regulation 56.</i></p>
<p>Regulation 50</p> <p><i>Arable and horticultural land use</i></p>	<p>Permitted activities</p> <p>(1) <i>Vegetation clearance outside, but within a 10m setback from, a natural wetland is a permitted activity if it-</i></p> <p>(a) <i>is for the purpose of arable land use or horticultural land use in an area that was used for either of those uses at any time between the start of 1 January 2010 and the close of 2 September 2020; and</i></p> <p>(b) <i>complies with the general conditions on natural wetland activities in regulation 55 (but regulation 55(2) does not apply).</i></p> <p>(2) <i>Earthworks or land disturbance outside, but within a 10m setback from, a natural wetland is a permitted activity if it-</i></p> <p>(a) <i>is for the purpose of arable land use or horticultural land use in an area that was used for either of those uses at any time between the start of 1 January 2010 and the close of 2 September 2020; and</i></p> <p>(b) <i>complies with the general conditions on natural wetland activities in regulation 55 (but regulation 55(2) does not apply).</i></p>
<p>Regulation 51</p> <p><i>Natural hazard works</i></p>	<p>Permitted activities</p> <p>Meaning of natural hazard works</p> <p>(1) <i>In this regulation, natural hazard works means works for the purpose of removing material, such as trees, debris, and sediment, that—</i></p> <p>(a) <i>is deposited as the result of a natural hazard; and</i></p> <p>(b) <i>is causing, or is likely to cause, an immediate hazard to people or property.</i></p> <p>Permitted activities for purpose of natural hazard works</p>

NES-FW relevant regulations

	<p>(2) <i>Vegetation clearance within, or within a 10m setback from, a natural wetland is a permitted activity if it-</i></p> <p>(a) <i>is for the purpose of natural hazard works; and</i></p> <p>(b) <i>complies with the conditions.</i></p> <p>(3) <i>Earthworks or land disturbance within, or within a 10m setback from, a natural wetland is a permitted activity if it-</i></p> <p>(a) <i>is for the purpose of natural hazard works; and</i></p> <p>(b) <i>complies with the conditions.</i></p> <p>(4) <i>The taking, use, damming, diversion, or discharge of water within, or within a 100 m setback from, a natural wetland is a permitted activity if it—</i></p> <p>(a) <i>is for the purpose of natural hazard works; and</i></p> <p>(b) <i>complies with the conditions.</i></p> <p><i>Conditions</i></p> <p>(5) <i>The conditions are that-</i></p> <p>(a) <i>the activity must not-</i></p> <p>(i) <i>result in land becoming unstable; or</i></p> <p>(ii) <i>result in, or involve, debris or other materials being deposited in the natural wetland; and</i></p> <p>(b) <i>the activity must be undertaken only to the extent necessary to achieve the purpose of the natural hazard works; and</i></p> <p>(c) <i>if the activity changes the profile of the bed of the natural wetland, the profile must be restored so that it does not inhibit the passage of fish; and</i></p> <p>(d) <i>if the activity is earthworks or land disturbance, erosion and sediment control measures must,-</i></p> <p>(i) <i>during and after the earthworks, be applied and maintained at the site of the activity to minimise adverse effects of sediment on the natural wetland; and</i></p> <p>(ii) <i>include stabilising or containing soil that is exposed or disturbed by the activity as soon as practicable after the activity ends; and</i></p> <p>(e) <i>as soon as practicable (but no later than 3 months) after the activity ends,-</i></p> <p>(i) <i>debris, materials, and equipment relating to the activity must be removed from the site; and</i></p> <p>(ii) <i>the site must be free from litter.</i></p>
<p><i>Regulation 52</i></p> <p><i>Drainage of natural wetlands</i></p>	<p>Non-complying activities</p> <p>(1) <i>Earthworks outside, but within a 100 m setback from, a natural wetland is a non-complying activity if it—</i></p>

NES-FW relevant regulations	
	<p>(a) results, or is likely to result, in the complete or partial drainage of all or part of a natural wetland; and</p> <p>(b) does not have another status under any of regulations 38 to 51.</p> <p>(2) The taking, use, damming, diversion, or discharge of water outside, but within a 100 m setback from, a natural wetland is a non-complying activity if it—</p> <p>(a) results, or is likely to result, in the complete or partial drainage of all or part of a natural wetland; and</p> <p>(b) does not have another status under any of regulations 38 to 51.</p>
<p>Regulation 53</p> <p><i>Drainage of natural wetlands</i></p>	<p>Prohibited activities</p> <p>(1) Earthworks within a natural wetland is a prohibited activity if it—</p> <p>(a) results, or is likely to result, in the complete or partial drainage of all or part of a natural wetland; and</p> <p>(b) does not have another status under any of regulations 38 to 51.</p> <p>(2) The taking, use, damming, diversion, or discharge of water within a natural wetland is a prohibited activity if it—</p> <p>(a) results, or is likely to result, in the complete or partial drainage of all or part of a natural wetland; and</p> <p>(b) does not have another status under any of regulations 38 to 51.</p>
<p>Regulation 54</p> <p><i>Other activities</i></p>	<p>Non-complying activities</p> <p>The following activities are non-complying activities if they do not have another status under this subpart:</p> <p>(a) vegetation clearance within, or within a 10m setback from, a natural wetland:</p> <p>(b) earthworks within, or within a 10m setback from, a natural wetland:</p> <p>(c) the taking, use, damming, diversion, or discharge of water within, or within a 100 m setback from, a natural wetland.</p>
<p>Regulation 55</p> <p><i>General matters</i></p>	<p>General conditions on natural wetland activities</p> <p>(1) This regulation applies if a regulation in this subpart refers to the compliance of an activity with the general conditions in this regulation.</p> <p>General condition for permitted activities: prior notice of activity</p> <p>(2) If this regulation applies in relation to a permitted activity, the 1 or more persons responsible for undertaking the activity must, at least 10 working days before starting the activity, provide the relevant regional council with the following information in writing:</p> <p>(a) a description of the activity to be undertaken; and</p> <p>(b) a description of, and map showing, where the activity will be undertaken; and</p> <p>(c) a statement of when the activity will start and when it is expected to end; and</p>

NES-FW relevant regulations

(d) a description of the extent of the activity; and

(e) their contact details.

General conditions: water quality and movement

(3) *The general conditions relating to water quality and movement are as follows:*

(a) *the activity must not result in the discharge of a contaminant if the receiving environment includes any natural wetland in which the contaminant, after reasonable mixing, causes, or may cause, 1 or more of the following effects:*

(i) *the production of conspicuous oil or grease films, scums or foams, or floatable or suspended materials;*

(ii) *a conspicuous change in colour or visual clarity;*

(iii) *an emission of objectionable odour;*

(iv) *the contamination of freshwater to the extent that it is not suitable for farm animals to drink;*

(v) *adverse effects on aquatic life that are more than minor; and*

(b) *the activity must not increase the level of flood waters that would, in any flood event (regardless of probability), inundate all or any part of the 1% AEP floodplain (but see subclause (4)); and*

(c) *the activity must not alter the natural movement of water into, within, or from any natural wetland (but see subclause (5)); and*

(d) *the activity must not involve taking or discharging water to or from any natural wetland (but see subclause (5)); and*

(e) *debris and sediment must not—*

(i) *be placed within a setback of 10 m from any natural wetland; or*

(ii) *be allowed to enter any natural wetland.*

(4) *Subclause (3)(b) does not apply if the person undertaking the activity—*

(a) *owns or controls the only land or structures that would be affected by a flood in all or any part of the 1% AEP floodplain; or*

(b) *has—*

(i) *obtained written consent to undertaking the activity from each person who owns or controls the land or structures that would be affected by a flood in all or part of the 1% AEP floodplain, after informing them of the expected increase in the level of flood waters; and*

(ii) *satisfied the relevant regional council that they have complied with subparagraph (i).*

(5) *Despite subclause (3)(c) and (d), the temporary taking, use, damming, or diversion of water around a work site, or discharges of water into the water around a work site, may be undertaken if the following conditions are complied with:*

NES-FW relevant regulations

- (a) *the activity must be undertaken during a period when there is a low risk of flooding; and*
 - (b) *the activity must be undertaken only for as long as necessary to achieve its purpose; and*
 - (c) *before the activity starts, a record must be made (for example, by taking photographs) of the original condition of any affected natural wetland's bed profile and hydrological regime that is sufficiently detailed to enable compliance with paragraph (d) to be verified; and*
 - (d) *the bed profile and hydrological regime of the natural wetland must be returned to their original condition no later than 14 days after the start of the activity; and*
 - (e) *if the activity is damming, the dam must be no higher than 600 mm; and*
 - (f) *if the activity is a diversion that uses a pump, a fish screen with mesh spacing no greater than 3 mm must be used on the intake.*
- (6) *In subclauses (3) and (4), 1% AEP floodplain means the area that would be inundated in a flood event of a size that has a 1% or greater probability of occurring in any one year.*

General condition: earth stability and drainage

- (7) *The general condition relating to earth stability and drainage is that the activity must not create or contribute to—*
- (a) *the instability or subsidence of a slope or another land surface; or*
 - (b) *the erosion of the bed or bank of any natural wetland; or*
 - (c) *a change in the points at which water flows into or out of any natural wetland; or*
 - (d) *a constriction on the flow of water within, into, or out of any natural wetland; or*
 - (e) *the flooding or overland flow of water within, or flowing into or out of, any natural wetland.*

General conditions: earthworks, land disturbance, and vegetation clearance

- (8) *The general conditions on earthworks, land disturbance, and vegetation clearance are as follows:*
- (a) *during and after the activity, erosion and sediment control measures must be applied and maintained at the site of the activity to minimise adverse effects of sediment on natural wetlands; and*
 - (b) *the measures must include stabilising or containing soil that is exposed or disturbed by the activity as soon as practicable after the activity ends; and*
 - (c) *the measures referred to in paragraph (b) must remain in place until vegetation covers more than 80% of the site; and*
 - (d) *if the activity is vegetation clearance, it must not result in earth remaining bare for longer than 3 months.*

NES-FW relevant regulations

General conditions: vegetation and bird and fish habitats

- (9) *The general conditions relating to vegetation and bird and fish habitats are as follows:*
- (a) *only indigenous species that are appropriate to a natural wetland (given the location and type of the natural wetland) may be planted in it; and*
 - (b) *the activity must not result in the smothering of indigenous vegetation by debris and sediment; and*
 - (c) *the activity must not disturb the roosting or nesting of indigenous birds during their breeding season; and*
 - (d) *the activity must not disturb an area that is listed in a regional plan or water conservation order as a habitat for threatened indigenous fish; and*
 - (e) *the activity must not, during a spawning season, disturb an area that is listed in a regional plan or water conservation order as a fish spawning area.*

General condition: historic heritage

- (10) *The general condition relating to historic heritage is that the activity must not destroy, damage, or modify a site that is protected by an enactment because of the site's historic heritage (including, to avoid doubt, because of its significance to Māori), except in accordance with that enactment.*
- (11) *In subclause (10), enactment includes any kind of instrument made under an enactment.*

General conditions: machinery, vehicles, equipment, and construction materials

- (12) *The general conditions on the use of vehicles, machinery, equipment, and materials are as follows:*
- (a) *machinery, vehicles, and equipment used for the activity must be cleaned before entering any natural wetland (to avoid introducing pests, unwanted organisms, or exotic plants); and*
 - (b) *machinery that is used for the activity must sit outside a natural wetland, unless it is necessary for the machinery to enter the natural wetland to achieve the purpose of the activity; and*
 - (c) *if machinery or vehicles enter any natural wetland, they must be modified or supported to prevent them from damaging the natural wetland (for example, by widening the tracks of track-driven vehicles or using platforms for machinery to sit on); and*
 - (d) *the mixing of construction materials, and the refuelling and maintenance of vehicles, machinery, and equipment, must be done outside a 10 m setback from any natural wetland.*

General conditions: miscellaneous

- (13) *The other general conditions are as follows:*
- (a) *the activity must be undertaken only to the extent necessary to achieve its purpose; and*

NES-FW relevant regulations	
	<p>(b) <i>the activity must not involve the use of fire or explosives; and</i></p> <p>(c) <i>if there is existing public access to a natural wetland, the activity must not prevent the public from continuing to access the natural wetland (unless that is required to protect the health and safety of the public or the persons undertaking the activity); and</i></p> <p>(d) <i>no later than 5 days after the activity ends,—</i></p> <p style="padding-left: 20px;">(i) <i>debris, materials, and equipment relating to the activity must be removed from the site; and</i></p> <p style="padding-left: 20px;">(ii) <i>the site must be free from litter.</i></p>
<p><i>Regulation 56</i></p> <p><i>General matters</i></p>	<p>Restricted discretionary activities: matters to which discretion is restricted</p> <p><i>The discretion of a consent authority is restricted to the following matters if an activity is a restricted discretionary activity under this subpart:</i></p> <p>(a) <i>the extent to which the nature, scale, timing, intensity, and location of the activity may have adverse effects on—</i></p> <p style="padding-left: 20px;">(i) <i>the existing and potential values of the natural wetland, its catchment, and the coastal environment; and</i></p> <p style="padding-left: 20px;">(ii) <i>the extent of the natural wetland; and</i></p> <p style="padding-left: 20px;">(iii) <i>the seasonal and annual hydrological regime of the natural wetland; and</i></p> <p style="padding-left: 20px;">(iv) <i>the passage of fish in the natural wetland or another water body:</i></p> <p>(b) <i>whether there are practicable alternatives to undertaking the activity that would avoid those adverse effects:</i></p> <p>(c) <i>the extent to which those adverse effects will be managed to avoid the loss of the extent of the natural wetland and its values:</i></p> <p>(d) <i>other measures to minimise or remedy those adverse effects:</i></p> <p>(e) <i>how any of those adverse effects that are more than minor may be offset or compensated for if they cannot be avoided, minimised, or remedied:</i></p> <p>(f) <i>the risk of flooding upstream or downstream of the natural wetland, and the measures to avoid, minimise, or remedy that risk:</i></p> <p>(g) <i>the social, economic, environmental, and cultural benefits (if any) that are likely to result from the proposed activity (including the extent to which the activity may protect, maintain, or enhance ecosystems).</i></p>

NES-ETA - Relevant Regulations

Trimming, felling, and removing trees and vegetation

Regulation 30

Permitted activities

(1) *Trimming, felling, or removing any tree or vegetation, in relation to an existing transmission line, is a permitted activity if all of the applicable conditions in subclauses (2) to (6) are complied with.*

Conditions

- (2) *Any tree or vegetation must not be trimmed, felled, or removed if—*
 - (a) *a rule prohibits or restricts its trimming, felling, or removal (as the case may be); or*
 - (b) *it is in a natural area.*
- (3) *Any tree or vegetation located on any land must not be felled or removed if a regional plan controls the use of the land for the purpose of—*
 - (a) *soil conservation; or*
 - (b) *avoiding or mitigating flooding.*
- (4) *Any tree or vegetation must not be trimmed, felled, or removed if it is on land administered by the Department of Conservation under the Conservation Act 1987 or an Act specified in Schedule 1 of that Act.*
- (5) *The felling or removal of any tree or vegetation must not create or contribute to—*
 - (a) *instability of a slope or another land surface; or*
 - (b) *erosion of the bed or bank of a water body or the coastal marine area.*
- (6) *Debris resulting from the trimming, felling, or removal must not enter a water body or the coastal marine area.*

Trimming, felling, and removing trees and vegetation

Regulation 31

Controlled activities

- (1) *Trimming, felling, or removing any tree or vegetation, in relation to an existing transmission line, is a controlled activity if—*
 - (a) *first,—*
 - (i) *the condition in regulation 30(2) is breached because the tree or vegetation is in a natural area; but*
 - (ii) *the trimming, felling, or removal is done to reduce the risk to a transmission line; and*
 - (b) *second, all of the applicable conditions in regulation 30(3) to (6) are complied with.*

Matters over which control reserved

- (2) *Control is reserved over the following matters in relation to a controlled activity under this regulation:*
 - (a) *replanting; and*
 - (b) *disposal of trees and vegetation; and*
 - (c) *visual, landscape, and ecological effects.*

NES-ETA - Relevant Regulations	
<p><i>Trimming, felling, and removing trees and vegetation</i></p> <p>Regulation 32</p>	<p>Restricted discretionary activities</p> <p>(1) <i>Trimming, felling, or removing any tree or vegetation, in relation to an existing transmission line, is a restricted discretionary activity if 1 or both of the following paragraphs apply:</i></p> <p>(a) <i>first,—</i></p> <p>(i) <i>the condition in regulation 30(2) is breached; and</i></p> <p>(ii) <i>it does not satisfy the exception in regulation 31(1)(a)(ii):</i></p> <p>(b) <i>second, 1 or more of the conditions in regulation 30(3) to (6) are breached.</i></p> <p><i>Matters to which discretion restricted</i></p> <p>(2) <i>Discretion is restricted to the following matters in relation to a restricted discretionary activity under this regulation:</i></p> <p>(a) <i>replanting; and</i></p> <p>(b) <i>disposal of trees and vegetation; and</i></p> <p>(c) <i>control of erosion and sediment; and</i></p> <p>(d) <i>visual, landscape, and ecological effects; and</i></p> <p>(e) <i>the effects on drainage, flooding, and overland flow paths.</i></p>
<p><i>Earthworks</i></p> <p>Regulation 33</p>	<p>Permitted activities</p> <p>(1) <i>Earthworks relating to an existing transmission line are a permitted activity if all of the conditions in subclauses (2) to (9) are complied with.</i></p> <p><i>Conditions</i></p> <p>(2) <i>Earthworks in a natural area must not, in a calendar year, exceed—</i></p> <p>(a) <i>50m³ per transmission line support structure; or</i></p> <p>(b) <i>100m³ per access track.</i></p> <p>(3) <i>Erosion sediment control must be applied and maintained at the site of earthworks, during and after the earthworks, to avoid the adverse effects of sediment on water bodies and the coastal marine area.</i></p> <p>(4) <i>All areas of soil exposed by the earthworks must be stabilised against erosion as soon as practicable after the earthworks end to avoid the adverse effects of sediment on water bodies and the coastal marine area.</i></p> <p>(5) <i>The earthworks must not create or contribute to—</i></p> <p>(a) <i>instability or subsidence of a slope or another land surface; or</i></p> <p>(b) <i>erosion of the bed or bank of a water body or the coastal marine area; or</i></p> <p>(c) <i>drainage problems or flooding of overland flow paths.</i></p> <p>(6) <i>Soil or debris from the earthworks must not be placed where it can enter a water body or the coastal marine area.</i></p>

NES-ETA - Relevant Regulations	
	<p>(7) <i>Earthworks must not be carried out on the bed of a lake or river or in the coastal marine area.</i></p> <p>(8) <i>Earthworks must not be carried out in a historic heritage area unless they are carried out on an archaeological site in accordance with the Heritage New Zealand Pouhere Taonga Act 2014.</i></p> <p>(9) <i>Earthworks must not be carried out on land that a local authority has identified as containing, or possibly containing, contaminants that pose a risk to the environment.</i></p>
<p>Earthworks Regulation 34</p>	<p>Controlled activities</p> <p>(1) <i>Earthworks relating to an existing transmission line are a controlled activity if—</i></p> <p style="padding-left: 40px;">(a) <i>1 or more of the conditions in regulation 33(2) to (7) are breached; but</i></p> <p style="padding-left: 40px;">(b) <i>both of the conditions in regulation 33(8) and (9) are complied with.</i></p> <p><i>Matters over which control reserved</i></p> <p>(2) <i>Control is reserved over the following matters in relation to a controlled activity under this regulation:</i></p> <p style="padding-left: 40px;">(a) <i>the extent and nature of any disturbance; and</i></p> <p style="padding-left: 40px;">(b) <i>management of the earthworks and the methods used to carry out the earthworks; and</i></p> <p style="padding-left: 40px;">(c) <i>control of erosion and sediment and restoration of the land; and</i></p> <p style="padding-left: 40px;">(d) <i>visual, landscape, and ecological effects; and</i></p> <p style="padding-left: 40px;">(e) <i>the effects on historic heritage; and</i></p> <p style="padding-left: 40px;">(f) <i>the effects on drainage, flooding, and overland flow paths.</i></p>
<p>Earthworks Regulation 35</p>	<p>Restricted discretionary activities: historic heritage areas</p> <p>(1) <i>Earthworks relating to an existing transmission line are a restricted discretionary activity if the condition in regulation 33(8) is breached.</i></p> <p><i>Matters to which discretion restricted</i></p> <p>(2) <i>Discretion is restricted to the following matters in relation to a restricted discretionary activity under this regulation:</i></p> <p style="padding-left: 40px;">(a) <i>the extent and nature of any disturbance; and</i></p> <p style="padding-left: 40px;">(b) <i>management of the earthworks and the methods used to carry out the earthworks; and</i></p> <p style="padding-left: 40px;">(c) <i>control of erosion and sediment and restoration of the land; and</i></p> <p style="padding-left: 40px;">(d) <i>visual, landscape, and ecological effects; and</i></p> <p style="padding-left: 40px;">(e) <i>the effects on historic heritage; and</i></p> <p style="padding-left: 40px;">(f) <i>the effects on drainage, flooding, and overland flow paths.</i></p>
<p>Earthworks</p>	<p>Restricted discretionary activities: potentially contaminated land</p>

NES-ETA - Relevant Regulations

Regulation 36

(1) *Earthworks relating to an existing transmission line are a restricted discretionary activity if the condition in regulation 33(9) is breached.*

Matters to which discretion restricted

(2) *Discretion is restricted to the following matters in relation to a restricted discretionary activity under this regulation:*

- (a) restoration of the land; and*
- (b) management of the earthworks and the methods used to carry out the earthworks; and*
- (c) the extent and nature of any disturbance in relation to ecological and health effects.*

Appendix 2: Relevant Provisions of the Operative District Plan

NATC – Setbacks from Waterbodies and the Coast

Residential Area:

Rules

General Yards

- 5.6.2.2.11** *No building or structure, including a fence or wall, shall be located closer than 10 metres to the Porirua Stream (and its tributaries), 10 metres to the coastal marine area, or 5 metres to any other water body, excluding artificial ponds or channels. For the purpose of this standard the tributaries to the Porirua Stream include any part of the Stebbings Stream below the toe of the Stebbings Dam and the stream below the Seton Nossitor Dam.*
- 5.6.2.2.12** *No impervious surface associated with the use of the site shall extend closer than 5 metres to a waterbody or the coastal marine area, excluding artificial ponds or channels.*

Subdivision standards

- 5.6.4.6** *No part of any allotment being subdivided may be within 20 metres of any river whose bed has an average width of 3 metres or more where the river flows through or adjoins an allotment.*
- 5.6.4.7** *No part of any allotment being subdivided may be within 20 metres of the line of mean high water springs.*

Centres

Rules

Subdivision standards

- 7.6.4.1.6** *No part of any allotment being subdivided may be within 20 metres of any river whose bed has an average width of 3 metres or more where the river flows through or adjoins an allotment.*
- 7.6.4.1.7** *No part of any allotment being subdivided may be within 20 metres of the line of mean high water springs. This rule shall not apply in the Operational Port Area, provided the land is utilised for operational port purposes.*

Airport and Golf Course Recreation Precinct

Objective

- 10.2.4** **Protect the character and amenities of identified areas within the Airport area from inappropriate non-airport related uses and development**

Policy 10.2.4.5

Allow non-airport activities in the South Coast Area in a manner which will protect and enhance the character of the south coast.

Council will be guided by the following matters when assessing applications for resource consent:

- (1) sensitive land uses such as residential use are generally inappropriate in this location given the constraints posed by the airport and sewage treatment plant;*
- (2) development proposals involving the creation of an enhanced secondary gateway to the airport will be encouraged;*
- (3) Low rise development may be acceptable on land fronting Moa Point Road provided:*

- compliance with Wellington airport's Obstacle Limitation Surface (OLS)
- views within and through the site are maintained;
- development protects and enhances the natural character of the south coast in this locality.

Open Space

16.3 Open Space B

Open Space B land is valued for its natural character and informal open spaces. It involves areas that are used for types of recreation that, in the broadest sense, do not involve buildings or structures. The intention is to keep such areas in an unbuilt or natural state. This type of open space encompasses both formal and informal open space elements. It includes walkways, scenic areas and open grassed areas where buildings are inappropriate. Its characteristics are minimal structures, largely undeveloped areas and open expanses of land. Most Open Space B areas are vegetated and often have ecological values or may buffer Conservation Sites.

Renewable Energy

Objective

25.2.1 To encourage efficiency in energy use, and the development and use of energy from renewable sources.

Policy 25.2.1.1

Provide for renewable energy development, while:

- Avoiding, remedying or mitigating adverse effects on the environment; and
- Recognising the potential renewable energy resources that exist in the Rural Area including in identified ridgeline and hilltop areas.

Renewable energy provides recognised environmental and economic benefits. But renewable energy developments, such as wind energy facilities can have adverse effects that must be carefully considered. Wind energy facilities often need to be sited on ridgelines, hilltops or other elevated positions. This can lead to potential conflict with landscape and amenity values. It is considered that renewable energy developments such as wind energy facilities can successfully exist within the Wellington City boundary if adverse effects on the environment, including the natural character of the coast, ecological, heritage and amenity values, and cumulative impacts are avoided, remedied or mitigated. This potential conflict needs to be carefully managed and assessed on a case by case basis. The Discretionary (Unrestricted) Rule will ensure that the effects and benefits of any application are given full consideration through the resource consent process.

Rules

26.3.1 Wind energy facilities in the Rural Areas are Discretionary Activities (Unrestricted).

Assessment Criteria

26.3.1.3 The visual effects of the proposal, including:

- The extent to which the proposal will impact on rural character;
- The extent to which the proposal will be visible from residences, key public places including roads, and recreation areas;
- The relationship of the proposal to the Ridgelines and Hilltop overlay;
- The visibility of the proposed development;
- The extent to which the proposal will impact on the natural character of the coastal environment, including on cliffs and coastal escarpments;
- The extent to which any aspects of the proposal can be sited underground.

- *The scale of any proposed development, including the number of turbines, their height and the cumulative visual effects of the development as a whole.*

Earthworks:

Objective

29.2.1 To provide for the use, development and protection of land and physical resources while avoiding, remedying or mitigating any adverse effects of earthworks and associated structures on the environment.

Policy 29.2.1.4

Require earthworks to be designed and managed to minimise erosion, and the movement of dust and sediment beyond the area of the work, particularly to streams, rivers, wetlands and the coastal marine area.

Erosion can take place on exposed or excavated soils. Dust and dirt carried by wind or water or vehicles from an area of earthworks can cause a nuisance to neighbouring properties, on roads and footpaths, in drainage channels and sumps, and in the stormwater system. Sediment carried into rivers, streams, wetlands the harbour and the coastal marine area can adversely impact on water quality while multiple earthworks projects can have a cumulative effect on suspended and bedload sediment levels within a river or stream system, the harbour or the coastal marine area.

The potential effects of dust and sediment can be minimised by requiring those undertaking earthworks for subdivision, construction or other activities, to use the best practical options as recognised by the Council and the Greater Wellington Regional Council. These options include, minimising the area of disturbance preventing water running onto the site, the control of erosion, managing dust, and installing sediment control structures and maintaining these structures to ensure their ongoing effectiveness.

Earthworks are restricted close to rivers and streams, wetlands and the coastal marine area to prevent direct contamination and to protect vegetation cover. Vegetation has an important role in capturing sediment and associated nutrients, which are carried across the ground by rainwater. The effectiveness of vegetated riparian areas is dependant on a range of factors including the width of the riparian strip and type of vegetation beside the river or stream, the slope of surrounding land and amount of pasture or disturbed ground draining to the river or stream.

Erosion, dust and sediment control in relation to rivers, streams, wetlands and the coastal marine area is controlled by rules in both the District Plan and the regional plans administered by Greater Wellington Regional Council. The issue is addressed in the District Plan because erosion, dust and sediment are all matters that are a direct effect of earthworks that the District Plan controls.

In situations where resource consents are required from both authorities for activities involving earthworks, the Council will work with the Regional Council to ensure a coordinated approach to consent issues.

When assessing applications that do not comply with the permitted activity standards the following matters will be taken into account:

- *The extent that vegetation, natural soil structure and natural drainage patterns are retained, to intercept dust or precipitation, filter sediment and to reduce the volume and speed of runoff from the site. Particular consideration will be given to the protection or restoration of suitable vegetation, soils and drainage patterns, adjacent to rivers, streams, wetlands and the seashore*
- *The extent that the work will be designed and managed to address the principles and methods in Greater Wellington Regional Council's "Erosion and sediment control guidelines for the Wellington Region" 2003, or it's "Erosion and sediment control for small sites" 2006*
- *Whether any special measures are necessary to prevent dust and sediment entering and clogging street channels (gutters), drainage sumps or stormwater pipes*
- *The extent that the work or subsequent erosion will cumulatively add to existing or expected sediment levels in the relevant stream system, the harbour or the coastal marine area.*
- *The extent that the proposal uses 'soft engineering' practices to control erosion, dust and sediment, to prevent short term and long term effects beyond the area of the work, particularly to rivers and, streams, wetlands and coastal waters.*

- The extent that dust or sediment will be a nuisance to residents of other properties or affect the amenities of streets or public places
- The need for an earthworks and construction plan to define acceptable performance standards for environmental and amenity protection and public safety during the construction process.

The environmental result will be earthworks that are designed and managed to minimise the effects of erosion, and the movement of dust and sediment beyond the area of the work, particularly to rivers, streams, wetlands, the coastal marine area.

Rules

30.1.1 Earthworks in the:

- (i) Residential Area (except the Urban Coastal Edge shown on Map 62 and Map 63);
- (ii) Centres and Business Areas (except the Churton Park Concept Area as shown in Appendix 1 to this chapter);
- (iii) Institutional Precincts;
- (iv) Rural Area (excluding the Ridgelines and Hilltops Overlay); and
- (v) Open Space A and C Areas;

are Permitted Activities provided that they comply with the following conditions:

30.1.1.2 The cut or fill is no closer than the following (measured on a horizontal plane) to a river (including streams), a wetland or the coastal marine area:

Rural Area	20m
Centres and Business Areas adjoining the Porirua Stream	10m
All other areas	5m

30.1.2 Earthworks in the:

- (i) Urban Coastal Edge (as shown on Map 62 and Map 63);
- (ii) Open Space B Areas
- (iii) Conservation Sites
- (iv) Ridgelines and Hilltops Overlay (Rural Area) ; and
- (v) in Heritage Areas and on sites containing listed Heritage Items;

are Permitted Activities provided that they comply with the following conditions:

30.1.2.2 The cut or fill is no closer than the following (measured on a horizontal plane) to a river (including streams), a wetland or the coastal marine area:

Ridgelines and Hilltops (Rural Area), Conservation Sites, Open Space B	20m
Centres and Business Areas adjoining the Porirua Stream	10m
All other areas	5m

Business Area:

Rules

Subdivision standards

- 34.6.4.1.6 No part of any allotment being subdivided may be within 20 metres of any river whose bed has an average width of 3 metres or more where the river flows through or adjoins an allotment.
- 34.6.4.1.7 No part of any allotment being subdivided may be within 20 metres of the line of mean high water springs. This rule shall not apply in the Operational Port Area, provided the land is utilised for operational port purposes.

PA – Public Access and Esplanade Requirements

Residential Area:

Objective – Subdivision

4.2.6 To ensure that the adverse effects of new subdivisions are avoided, remedied or mitigated.

Policy 4.2.6.2

Ensure the sound design, development and servicing of all subdivisions.

...Access to waterways and the coast remains an important issue. Council aims to continue to provide access to waterbodies and the coastal marine area and to conserve their natural values. Each subdivision is assessed on its merits. Each application for subdivision should address the issue of providing esplanade land in the context of the listed criteria. Esplanade land may also be considered for reserves contributions where esplanade reserves or strips are not deemed to be necessary. With regard to esplanade land, section 345(3) of the Local Government Act, 1974 also applies. ...

Matters to consider when assessing all applications for subdivision include:

- *Whether esplanade land is required to be set aside as part of the subdivision. Esplanade land to a maximum of 20 metres is required as a part of subdivision on the following water bodies or the coastal marine area where they meet the criteria specified in the Act:*
 - *all parts of the Wellington Coast*
 - *the Porirua Stream and tributaries*
 - *the Kaiwharawhara Stream and tributaries.*

A reduction in the width of land required and the appropriate type of land tenure will be assessed as part of the subdivision application. The need for esplanade land will be assessed against the following:

- *whether the land holds conservation or ecological values*
- *whether the land is necessary to maintain or enhance conservation or ecological values of the adjacent land, water or the water quality of the waterbody or coastal water*
- *whether the land is necessary to provide or maintain public access, both present and future, to or along the edge of the waterbody or the coastal marine area*
- *whether the land is necessary to maintain or enhance other natural values of the esplanade land.*

The requirement to provide 20 metres of esplanade land may be waived totally where the land will not:

- *contribute to the protection of conservation values*
- *enable public access along or to water bodies or the coastal marine area*
- *enable public recreational use of esplanade land or waterbodies or the coastal marine area.*

Where there is no necessity for Council to own esplanade land to achieve these outcomes, esplanade strips will be considered as a way of ensuring access or maintaining natural values.

Objective – Coastal Environment

4.2.9 To maintain and enhance the quality of the coastal environment within and adjoining Residential Areas.

Policy 4.2.9.1

Maintain the public's ability to use and enjoy the coastal environment by requiring that access to and along the coastal marine area is maintained, and enhanced where appropriate and practicable.

Maintenance and enhancement of public access to and along the coast is an important issue. However, there are occasions when public access will not be appropriate or practicable. "Appropriate and practicable" means:

"Public access may not be appropriate where it is necessary to protect any Area of Significant Conservation Value, Area of Important Conservation Value, sites of significance to tangata whenua, public health or for safety, animal health, security, defence purposes, or quarantine facilities. In other cases, particularly along sections of coastal cliff, access along the foreshore may not be practicable." Practicable includes recognition of both technical and financial constraints." (Coastal Plan for Wellington Region – Explanation to policy 4.2.17).

Rules - Subdivision

5.2.2 Any subdivision that is not a Permitted Activity and which creates five or less allotments, except those that:

- **create an allotment of less than 400 sq.m.; or**
- **create an allotment which cannot contain a circle with a radius of 7 metres; or**
- **create more than 10 linear metres of legal road; or**
- **are on an identified ridgeline or a hilltop; or**
- **involve a requirement to set aside esplanade land; or**
- **result in an increase in the degree of non-compliance with the residential standards contained in 5.6.1 and 5.6.2; or**
- **involve the subdivision of land shown in Appendix 18 (Tapu Te Ranga Land, 16-50 Rhine Street, Island Bay) (see Rule 5.4.6)**
- **are within the Airnoise boundary depicted on Map 35 (see rule 5.3.13)**

is a Controlled Activity in respect of:

5.2.2.1 *site design, frontage and area*

5.2.2.2 *standard, construction and location of vehicular access, and parking*

5.2.2.3 *road design and construction*

5.2.2.4 *landscaping*

5.2.2.5 *utility and/or services provision*

5.2.2.6 *protection of any special amenity feature.*

provided that all activities, buildings and structures (existing and proposed) must meet the conditions for subdivision (5.6.4.1-5.6.4.10) in relation to all existing and proposed fee simple allotments, or meet the terms of any relevant resource consent, or have existing use rights under section 10 of the Act. In terms of standard 5.6.4.4, applications must either meet the vehicular access and parking standards, or demonstrate an ability to meet those standards..

5.3.12 Any subdivision that is not a Permitted or Controlled Activity and which creates five or less allotments, except those that:

- **create more than 10 linear metres of legal road; or**
- **are on a ridgeline or a hilltop; or**
- **involve a requirement to set aside esplanade land; or**
- **result in an increase in the degree of non-compliance with the residential standards contained in section 5.6.2; or**
- **involve the subdivision of land shown in Appendix 18 (Tapu Te Ranga Land, 16-50 Rhine Street, Island Bay) (see Rule 5.4.6)**

is a Discretionary Activity (Restricted) in respect of:

5.3.12.1 *site design, frontage and area*

5.3.12.2 *lot size*

5.3.12.3 *standard, construction and location of vehicular access, and parking*

5.3.12.4 *road design and construction*

5.3.12.5 *landscaping*

5.3.12.6 *utility and/or services provision*

5.3.12.7 *protection of any special amenity feature*

5.3.12.8 earthworks

provided that all lots containing existing buildings and structures, all activities, buildings and structures must meet the standards for subdivision in 5.6.4 (except 5.6.4.4, 5.6.4.5 and 5.6.4.11) in relation to all existing and proposed fee simple allotments or meet the terms of any relevant resource consent or have existing use rights under section 10 of the Act.

For all other lots the application must show that the proposed development meets, or that the allotments are capable of meeting, standards for subdivision in 5.6.4 (except 5.6.4.4, 5.6.4.5 and 5.6.4.11).

Centres:

Objective – Subdivision

6.2.7 To ensure that the adverse effects of new subdivisions are avoided, remedied or mitigated.

Policy 6.2.7.1

Ensure the sound design, development and servicing of all subdivisions.

Matters to consider in assessing all applications for subdivisions adjoining the coast and waterbodies include:

- *the extent to which the coast's natural and physical character is maintained or enhanced;*
- *the provision of public access to, and along, the coast and waterbodies;*
- *whether esplanade land is required to be set aside as part of the subdivision. Esplanade land to a maximum of 20 metres is required as a part of subdivision on the following waterbodies or the coastal marine area where they meet the criteria specified within the Resource Management Act*
 - *all parts of the Wellington Coast*
 - *the Porirua Stream and tributaries*
 - *the Kaiwharawhara Stream and tributaries.*

A reduction in the width of land required and the appropriate type of land tenure will be assessed as part of the subdivision application. The need for esplanade land will be assessed against whether the land:

- *holds conservation or ecological values;*
- *is necessary to provide or maintain access to the coast or waterbodies for recreational purposes;*
- *is necessary to maintain or enhance conservation or ecological values of the adjacent land, water or the water quality of the sea or waterbodies;*
- *is necessary to provide or maintain public access, both present and future, along the coast or waterbodies;*
- *is necessary to maintain or enhance other natural values of the esplanade land.*

The requirement to provide 20 metres of esplanade land may be waived totally where the land will not:

- *contribute to the protection of conservation values;*
- *enable public access along or to water bodies or the coastal marine area; or*
- *enable public recreational use of esplanade land or waterbodies or the coastal marine area.*

Where there is no necessity for Council to own esplanade land to achieve these outcomes, esplanade strips will be considered as a way of ensuring access or maintaining natural values.

Esplanade land may also be considered for financial contributions where esplanade reserves or strips are not deemed to be necessary. With regard to esplanade land, section 345(3) of the Local Government Act 1974 also applies.

Central Area

Objective – Sensitive Development Areas

- 12.2.4 To ensure that any future development of large land holdings within the Central Area is undertaken in a manner that is compatible with, and enhances the contained urban form of the Central Area.**

Policy 12.2.4.1

Enhance the public environment of the Port Redevelopment Precinct (shown in Appendix 2, Chapter 13) by managing the design of new buildings and public space development, by enhancing accessibility to and within the precinct, and by providing for a range of activities and uses.

...Public access to the waters edge is a key feature of the master-plan for the Port Redevelopment Precinct (see Appendix 2), and Council will seek to facilitate the provision of pedestrian access along the waters edge to enhance the existing waterfront route. However at present the operational requirements of the Port mean that a freight way is needed along the waters edge adjacent to Glasgow Wharf and Kings Wharf to allow freight to be moved from these wharves to the container port. While this freight way is in place, public access to the waters edge in this area will be restricted.

Objective – Lambton Harbour Area

- 12.2.8 To ensure that the development of the Lambton Harbour Area, and its connections with the remainder of the city's Central Area, maintains and enhances the unique and special components and elements that make up the waterfront**

Policy 12.2.8.2

Ensure that a range of public open spaces, public walkways and through routes for pedestrians and cyclists and opportunities for people, including people with mobility restrictions, to gain access to and from the water are provided and maintained.

Substantial and varied areas of open space near and adjacent to the water are important to ensure that uninterrupted public access to the water's edge is maintained and enhanced. Some water-based activities (such as rowing) require vehicular access and short term parking. There will be a public walkway/promenade along the length of the waterfront, predominantly at the water's edge. A series of different open spaces that cater for diverse uses and activities will predominate. In addition to Frank Kitts Park there will be a second large green open space at Chaffers.

Objective - Subdivision

- 12.2.11 To ensure that the adverse effects of new subdivisions are avoided, remedied or mitigated.**

Policy 12.2.11.1

Ensure the sound design, development and servicing of all subdivisions.

Council wishes to ensure that all new subdivisions are developed to high standards, and imposes controls to bring this about. Council seeks to ensure that all new sites in the Central Area are suitable for their intended use, and that appropriate site arrangements are established at the time of subdivision. In particular, continued access to off-street loading facilities is to be safeguarded together with efficient arrangement of units. Important matters for land subdivision adjoining the coastal environment are to maintain and enhance public access to this area and the natural and conservation values of the coastal environment. Within the Pipitea Precinct public access to the coastal environment is restricted by the operational requirements of the port. As a result providing public access to the water's edge may be inappropriate as long as the land to be subdivided is required for operational port activities.

Objective – Coastal Environment

- 12.2.12 To maintain and enhance access to, and the quality of the coastal environment within and adjoining the Central Area.**

Policy 12.2.12.1

Maintain the public's ability to use the coastal environment by requiring that, except in Operational Port Areas, public access to and along the coastal marine area is maintained and enhanced where appropriate and practicable.

The coastal environment is an important asset for Wellington, and Council is concerned that its qualities and character are not degraded through inappropriate activities or development. Council aims to maintain and enhance the character and public amenity of the coastal environment by means of rules and strategies. The development of the Lambton Harbour Area as a unique and special part of the city and as a predominantly public area is an important element of the Council's coastal policy.

Maintaining and enhancing public access to and along the coast is an important issue. This is particularly important with regard to requiring esplanade land in respect of subdivision. In this regard, each application shall be assessed on its merit, including:

- *In relation to subdivisions adjoining the coast*
 - *the extent to which the coast's natural and physical character is maintained or enhanced*
 - *the provision of public access to, and along the coast*
 - *whether esplanade land is required to be set aside as part of the subdivision.*
- *Esplanade land to a maximum of 20 metres is required as a part of subdivision on the Wellington Coast where the criteria specified in Part X of the Act are met.*
- *A reduction in the width of land required and the appropriate type of land tenure will be assessed as part of the subdivision application. The need for esplanade land will be assessed against whether the land:*
 - *is necessary to provide or maintain access to the coast for recreational purposes*
 - *holds conservation or ecological values*
 - *is necessary to maintain or enhance conservation or ecological values of the adjacent land, water or the water quality of the sea*
 - *is necessary to provide or maintain public access, both present and future, along the coast*
 - *is necessary to maintain or enhance other natural values of the esplanade land.*
- *The requirement to provide 20 metres of esplanade land may be waived totally where the land will not:*
 - *contribute to the protection of conservation values;*
 - *enable public access along or to waterbodies; or*
 - *enable public recreational use of esplanade land or waterbodies.*
- *Where there is no necessity for Council to own esplanade land to achieve the above outcomes, esplanade strips will be considered as mechanisms to ensure access or the maintenance of natural values.*
- *For structures in the coastal yard, consider whether public access to, and along, the coastal marine area is maintained or enhanced where appropriate and practicable.*

There are occasions when public access will not be appropriate or practicable. The term "appropriate and practicable" means:

"Public access may not be appropriate where it is necessary to protect any Area of Significant Conservation Value, Area of Important Conservation Value, sites of significance to tangata whenua, public health or for safety, animal health, security, defence purposes, or quarantine facilities. In other cases, particularly along sections of coastal cliff, access along the foreshore may not be practicable. Practicable includes recognition of both technical and financial constraints." (Coastal Plan for the Wellington Region - Explanation to Policy 4.2.17). Greater Wellington Regional Council is responsible for the resource management administration of activities and structures on wharves on the seaward side of the coastal marine area boundary eg. the Outer Tee at Queens Wharf and Overseas Passenger Terminal (refer Policy 4.2.45 of the Regional Coastal Plan).

Landward of the coastal marine area (ie mean high water springs) is the boundary of Wellington City Council's resource management jurisdiction.

Within the Operational Port Areas access may need to be restricted. In this area, safety, security and operational requirements, as well as the existence of wharves below mean high water springs, means that esplanade land is not required. This exception only applies as long as the land is utilised for operational port purposes.

Open Space

Rules

Assessment Criteria include:

17.2.3.8, 17.2.5.12, 17.3.2.6 *Whether established public access or the possibility of such access is maintained.*

Conservation Sites

Objective

18.2.1 To maintain and enhance indigenous and part indigenous habitats and ecosystems, especially those classified as Conservation Sites, by protecting them from modification and loss.

Policy 18.2.1.4

Recognise the value of public access to and recreational use of publicly owned Conservation Sites provided that such use does not significantly damage or disrupt the Site's ecosystems.

Earthworks

Objective

29.2.1 To provide for the use, development and protection of land and physical resources while avoiding, remedying or mitigating any adverse effects of earthworks and associated structures on the environment.

Policy 29.2.1.9

Control earthworks in the Urban Coastal Edge, areas within the Ridgelines and Hilltops Overlay, Open Space B Areas Conservation Sites, Heritage Areas and on sites containing listed Heritage Items to protect the character, visual amenity or heritage value these areas provide to their immediate surrounds and the City.

Open Space B Areas can often be enjoyed and experienced from a distance creating a visual distinction between built and unbuilt areas. Conservation Sites are significant areas of Wellington's natural heritage with high ecological values. Earthworks have the potential to impact on the visual and ecological values these areas provide to the city and therefore the earthworks in these areas will be controlled. However, earthworks are necessary to create tracks for public access within reserve areas and therefore earthworks for the purpose of providing walking and cycling tracks are provided for.

Business Areas

Objective – Subdivision

33.2.8 To ensure that the adverse effects of new subdivisions are avoided, remedied or mitigated.

Policy 33.2.8.1

Ensure the sound design, development and appropriate servicing of all subdivisions.

Within the Miramar/Burnham Wharf Operational Port Area public access to the coastal environment is restricted by the operational requirements of the port. As a result providing public access to the waters edge may be inappropriate, as long as the land to be subdivided is required for operational port activities.

...

Matters to consider in assessing all applications for subdivisions adjoining the coast and waterbodies include:

- *the extent to which the coast's natural and physical character is maintained or enhanced;*

- the provision of public access to, and along, the coast and waterbodies;
- whether esplanade land is required to be set aside as part of the subdivision.

Esplanade land to a maximum of 20 metres is required as a part of subdivision on the following waterbodies or the coastal marine area where they meet the criteria specified within the Resource Management Act:

- all parts of the Wellington Coast
- Porirua Stream and tributaries
- Kaiwharawhara Stream and tributaries.

A reduction in the width of land required and the appropriate type of land tenure will be assessed as part of the subdivision application. The need for esplanade land will be assessed against the following criteria and whether the land:

- holds conservation or ecological values;
- is necessary to provide or maintain access to the coast or waterbodies for recreational purposes;
- is necessary to maintain or enhance conservation or ecological values of the adjacent land, water or the water quality of the sea or waterbodies;
- is necessary to provide or maintain public access, both present and future, along the coast or waterbodies;
- is necessary to maintain or enhance other natural values of the esplanade land.

The requirement to provide 20 metres of esplanade land may be waived totally where the land will not:

- contribute to the protection of conservation values;
- enable public access along or to waterbodies or the Coastal Marine Area; or
- enable public recreational use of esplanade land, waterbodies or the coastal marine area.

Where there is no necessity for Council to own esplanade land to achieve the above outcomes, esplanade strips will be considered as mechanisms to ensure access or the maintenance of natural values.

Esplanade land may also be considered for financial contributions where esplanade reserves or strips are not deemed to be necessary. With regard to esplanade land, section 345(3) of the Local Government Act 1974 also applies.

Objective – Coastal Environment

33.2.10 To maintain and enhance access to, and the quality of the coastal environment within and adjoining Business Areas.

Policy 33.2.10.1 Maintain the public's ability to use and enjoy the coastal environment by requiring that, except in the Operational Port Areas, public access to and along the coastal marine area is maintained, and enhanced where appropriate and practicable.

The coastal environment is an important asset for Wellington, and Council is concerned that its qualities and character are not lost through inappropriate activities or development. Council aims to maintain and enhance the character and public amenity of the coastal environment by means of rules and strategies.

Additional provisions cover re/development of site which may affect the coastal environment. These rules include limiting the scale and intensity of developments and the control of potential adverse effects, particularly in relation to Greta Point and Shelly Bay.

Maintaining and enhancing public access to and along the coast is an important issue. There are occasions when public access will not be appropriate or practicable. "Appropriate and practicable" means:

"Public access may not be appropriate where it is necessary to protect any Area of Significant Conservation Value, Area of Important Conservation Value, sites of significance to tangata whenua, public health or for safety, animal health, security, defence purposes, or quarantine facilities. In other cases, particularly along sections of coastal cliff, access along the foreshore may not be practicable. Practicable includes recognition of both technical and financial constraints." (Coastal Plan for the Wellington Region - Explanation to policy 4.2.17).

Within the Operational Port Areas access is to be restricted. In this area, safety, security and operational requirements, as well as the existence of wharves below mean high water springs, means that esplanade land is not required. This exception only applies where the land is utilised for operational port purposes.

Appendix 3: Feedback on Draft District Plan 2021

NATC		
Who	Feedback Received	Response
Esther Newman	Support for NATC-O2, NATC-P3 and NATC-R3	No changes requested
	<p>Amend NATC-P1 as follows:</p> <p><i>Provide for use and development within riparian margins where:</i></p> <ol style="list-style-type: none"> 1. <i>The natural character is protected;</i> 2. <i>It integrates with the landform and protects the natural character;</i> 3. <i>It has a functional or operational need to be located within the riparian margin;</i> 4. <i>It is for planned natural hazard mitigation works where undertaken by Wellington City Council, Greater Wellington Regional Council or their nominated agents.</i> 5. <u><i>The planned development does not create or exacerbate vulnerabilities within the riparian margins. (or similar wording).</i></u> 	<p>Reject proposed change for the following reason:</p> <p>The currently proposed points 1 and 2 do sufficiently provide for the protection of natural character.</p> <p>Changes made for the following reasons:</p> <p><i>Provide for use and development within riparian margins where:</i></p> <ol style="list-style-type: none"> 1. <i>The natural character is protected;</i> 2. <i>It integrates with the landform and protects the natural character; and</i> 3. <i>It has a functional or operational need to be located within the riparian margin;</i> <p>4. Also provide for use and development within riparian margins where it is for planned natural hazard mitigation works where undertaken by Wellington City Council, Greater Wellington Regional Council or their nominated agents.</p> <p>The policy as currently worded would require every use and development to be for planned natural hazard mitigation works, which was not the intention. The proposed change clarifies that use and development is provided for where it either meets points 1 to 3 or is for planned natural hazard mitigation works.</p>
WCC Environmental Group	Rename section to “natural character values of rivers and their margins” to more accurately describe the sections content.	No changes made for the following reasons:
	Include provisions for the protection of wetlands, in case the NES-FW gets changed to provide a consenting pathway for certain types	No changes made for the following reasons:

NATC		
Who	Feedback Received	Response
	of activities in or beside wetlands, including landfills, quarries, roads and other forms of infrastructure, as currently proposed.	The National Environmental Standards for Freshwater (NES-FW) and the Proposed Natural Resources Plan (PNRP) provide sufficient protection. Identification and protection of wetlands falls within Greater Wellington Regional Council's responsibility. The introduction of a consenting pathway for certain activities to the NES-FW would not necessarily mean that these activities are permitted but that their adverse effects are being assessed and the activities provided for if/where appropriate. Therefore even with the potential changes to the NES-FW it is considered that the regulations are still providing an appropriate form of wetland protection and duplication of these provisions is not required.
	<p>Amend Introduction as follows:</p> <p><i>This chapter does not rely on the identification of specific areas but applies a riparian margin setback from the beds of all rivers throughout the district. 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. It 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, <u>ecological function</u> and amenity of the area.</i></p>	<p>No changes made for the following reasons:</p> <p>Where the riparian margin forms part of an identified SNA the ecological function will be taken into account. The focus of the Natural Character is on the character and amenity values of the riparian margins.</p>
	Agree with NATC-O1 and NATC-O2, NATC-P2 and NATC-P3 and NATC-R1, NATC-R2 and NATC-R3	No changes requested
	<p>Amend NATC-P1 as follows</p> <p><i>Provide for use and development within riparian margins where:</i></p> <p>1. <i>The natural character is protected; <u>AND</u></i></p>	<p>Changes made for the following reasons:</p> <p><i>Provide for use and development within riparian margins where:</i></p> <p>1. <i>The natural character is protected;</i></p>

NATC		
Who	Feedback Received	Response
	<p>2. <i>It integrates with the landform and protects the natural character; <u>AND</u></i></p> <p>3. <i>It has a functional or operational need to be located within the riparian margin; <u>AND/OR</u></i></p> <p>4. <i>It is for planned natural hazard mitigation works where undertaken by Wellington City Council, Greater Wellington Regional Council or their nominated agents.</i></p>	<p>2. <i>It integrates with the landform and protects the natural character; <u>and</u></i></p> <p>3. <i>It has a functional or operational need to be located within the riparian margin; <u>and</u></i></p> <p>4. <i>Also provide for use and development within riparian margins where it is for planned natural hazard mitigation works where undertaken by Wellington City Council, Greater Wellington Regional Council or their nominated agents.</i></p> <p>The policy as currently worded would require every use and development to be for planned natural hazard mitigation works, which was not the intention. The proposed change clarifies that use and development is provided for where it either meets points 1 to 3 or is for planned natural hazard mitigation works.</p>
	<p>Amend NATC-R4 as follows:</p> <p>1. <i>Activity status: Restricted Discretionary</i></p> <p><i>Matters of discretion are restricted to:</i></p> <p>1. <i>The matters in NATC-P1.</i></p> <p>2. <i>Any measures proposed to avoid, remedy or mitigate the adverse effects.</i></p> <p><i>This rule does not apply to agricultural fences used to separate livestock from rivers and streams.</i></p> <p><u><i>No construction of new buildings other than as specified in NATC-R3 should be carried out. NATC-R4 should be restricted to additions and alterations only.</i></u></p>	<p>No changes made for the following reasons:</p> <p>The resource consent process will determine whether a proposed activity is appropriate or not and whether the effects of the activity are acceptable.</p> <p>The proposed change would be equivalent to a non-complying activity status for new buildings which is not the intention of the rule.</p>
	<p>Include a new rule which prohibits the piping of streams other than culverts under access roads/tracks which must have a maximum length of 10m in all zones. This rule should not apply to the replacement of existing pipes or to situations involving natural hazards carried out by a Regional or Territorial Authority, or an agent on their behalf where there is no other practical solution. Pipes are considered to be financially and ecologically</p>	<p>No changes made for the following reasons:</p> <p>The regulation of the piping of streams falls within the responsibility of Greater Wellington Regional Council and is sufficiently covered by other legislation (NPS-FM, NES-FW, PNRP).</p>

NATC		
Who	Feedback Received	Response
	unsustainable, they can quickly reach their capacity and limit fish passage and instream biodiversity.	
Transpower NZ Ltd	Transpower supports the cross reference and clarification	No changes requested
Greater Wellington Regional Council	<p>GWRC does not support the view that wetland protection is sufficiently covered by NES-FW and other legislation and considers that a District Plan has a role for integrated management of adverse effects on wetlands, including those not yet identified, under NPS-FM Clause 3.5.</p> <p>GWRC considers that the District Plan should provide for the identification and avoidance of waterways (both within and outside of SNAs) during structure planning and subdivision, such that waterways must be identified and protected prior to any development occurring. GWRC refers to shared responsibility for waterbodies, including wetlands, which is indicated in RPS Policies 40 and 43, which encourage enhancement and protection of aquatic ecosystem health and ecological function of water bodies through District Plan reviews, as well as RPS Policy 61, which does not exclude District Plans from managing activities in or near waterways to protect indigenous biodiversity. Including this protection in the District Plan would help to achieve NPS-FM Policies 6 and 7</p>	<p>No changes made for the following reasons:</p> <p>Policy 61(b) 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.</p> <p>The NPS-FM and NES-FW 2020 provide a direction that regional councils must map wetlands within 10 years and clarify that wetland identification and protection is the responsibility of regional councils, as Clause 5 of the NES-FW requires regional councils to regulate activities in or near wetlands.</p> <p>Where wetlands form part of a wider area of significant terrestrial indigenous biodiversity WCC does have a role in terms of integrated management. Wetlands that have been identified as being a part of an SNA usually have wider areas of terrestrial biodiversity surrounding them meaning they fall within Council's s31 jurisdiction.</p> <p>Any activities in or near wetlands will be regulated under the PNRP and the FW. Under the NES-FW, earthworks within a wetland is prohibited under clause 53 of the NES, and vegetation clearance or earthworks within 10m of a wetland are non-complying under clause 54. Only a regional council can enforce these rules under clause 5.</p> <p>The protection of aquatic ecosystem health lies within GWRC's responsibility. WCC's responsibility for the protection of ecological</p>

NATC		
Who	Feedback Received	Response
		function of water bodies is sufficiently covered through identified SNA's and related provisions of the ECO chapter.
	GWRC requests confirmation whether a natural character assessment for the riparian margin will be undertaken ahead of notification, or if not ensure it is clearly stated that this natural character assessment has not been undertaken.	No changes made for the following reasons: WCC does not intend to undertake a natural character assessment outside the coastal environment. The proposed provisions apply to all riparian margins that meet the relevant definitions.
Clair Bibby	<p>Identify and include freshwater springs on 395 Middleton Road for protection from earthworks and development.</p> <p>There are permanently running freshwater streams on the site, which must therefore have a freshwater spring source.</p> <p>The freshwater spring sources on 395 Middleton Road are not protected. Ecologically sensitive development should protect freshwater sources.</p> <p>Any development in rural Glenside should avoid earthworks around freshwater springs and protect the springs.</p>	No changes made for the following reasons: The proposed provisions apply to all streams/rivers within the jurisdiction of WCC which meet the relevant definitions. The identification of individual streams or freshwater springs is not considered necessary or appropriate.

PA		
Who	Feedback Received	Response
WCC Environmental Group	Introduction says that ' <i>While there are no large freshwater bodies such as lakes and rivers within Wellington, there are a number of streams that are highly valued by the community and provide important recreational opportunities</i> '. However, some streams meet the RMA definition of rivers and therefor public esplanade strips are required.	Changes made for the following reasons: <i>While there are no large freshwater bodies such as lakes and rivers within Wellington, there are a number of streams/<u>rivers</u> that are highly valued by the community and provide important recreational opportunities.</i> Introduction amended to avoid potential inaccuracies.
	Introduction says that ' <i>The coastal and riparian margins that are required by the Natural Character Chapter and the Coastal Environment Chapter aim to</i>	Changes made for the following reasons:

PA		
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	<p><i>maintain and improve public access to waterbodies and the coast'</i>. However, there are no explicit Objectives or Policies in the Natural Character Chapter that require or even encourage public access.</p>	<p>A reference to public access has been added to the relevant provisions of the NATC chapter (NATC-P1 and NATC-R4) and the CE chapter (CE-P6).</p>
	<p>Agree with PA-O1, PA-O2, PA-P1 and PA-P3</p>	<p>No changes requested</p>
	<p>Amend PA-P2 as follows:</p> <p><i>Maintain and enhance public access to, along or adjacent to the coast and waterbodies by:</i></p> <ol style="list-style-type: none"> 1. <i>Ensuring that subdivision design and layout in and along coastal and riparian margins allows for public access to the coastline and waterbodies;</i> 2. <i>Requiring the creation of esplanade reserves and/or esplanade strips along the coastal environment and waterbodies (in accordance with SUB-P8);</i> 3. <i>Requiring appropriate setbacks from existing public access corridors; and</i> 4. <i>Only allowing new activities within public access corridors where there is a functional need for the activity to be located within the public access corridor, there is no reasonably practicable alternative and adverse effects can be avoided, remedied or mitigated.</i> 5. <i><u>Only allowing new activities within riparian margin where there is a functional need for the activity to be located within the riparian margin, there is no reasonably practicable alternative and adverse effects can be avoided, remedied or mitigated.</u></i> 	<p>No changes made for the following reasons:</p> <p>Activities within riparian margins are sufficiently covered in the NATC and CE chapters.</p>