

OFFICER'S REPORT FOR:

Hearings Panel

SUBJECT:

**Proposed Waimakariri District Plan: Te taiao o
te takutai moana - Coastal Environment**

PREPARED BY:

Peter Wilson, Senior Policy Planner

REPORT DATED:

14 June 2023

DATE OF HEARING:

Hearing Stream 4 (17-21 July 2023)



WAIMAKARIRI
DISTRICT COUNCIL

Executive Summary

1. This report considers submissions received by the Waimakariri District Council in relation to the Coastal Environment overlay provisions. There are 69 original submission points, from 11 original submitters. 33 submission points support the provisions as notified. Seven submission points are opposed. 28 seek amendment, with 1 neutral. There are 2 further submission points from 2 further submitters.
2. The submissions received were diverse and sought a range of outcomes. The following are considered to be the key issues in contention in the chapter:
 - The need for controls on walkways and cycleways adjacent to the coastal marine area and areas of significance.
 - The treatment of infrastructure within the coastal environment.
3. This report addresses each of these matters, as well as any other issues raised by submissions.
4. I have recommended some changes to the Proposed Plan provisions to address matters raised in submissions and are summarised below:
 - Amendments to objectives CE-O1 and CE-O4 to ensure consistency with NZCPS.
 - Amendment to policy CE-P2.
5. Having considered all the submissions and reviewed all relevant statutory and non-statutory documents, I recommend that the Proposed Plan should be amended as set out in **Appendix A** of this report.
6. For the reasons set out in the Section 32AA evaluation and included in **Appendix C**, I consider that the proposed objectives and provisions, with the recommended amendments, will be the most appropriate means to:
 - achieve the purpose of the RMA where it is necessary to revert to Part 2 and otherwise give effect to higher order planning documents, in respect to the proposed objectives, and
 - achieve the relevant objectives of the Proposed Plan, in respect to the proposed provisions.

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Interpretation

7. This s42A Officer's reports utilise a number of abbreviations for brevity as set out in Table 1 below:

Table 1: Abbreviations

Abbreviation	Means
RMA	Resource Management Act 1991
RMAEHS	Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021
District Council	Waimakariri District Council / territorial authority
Operative Plan	Operative Waimakariri District Plan
Proposed Plan	Proposed Waimakariri District Plan
ECan	Environment Canterbury/Canterbury Regional Council
MDRS	Medium density residential standards, as defined in s2, RMA
NES	National Environmental Standard
NESAQ	National Environmental Standards for Air Quality 2004
NESCS	National Environmental Standards for Assessing and Managing Contaminants in Soil to Protect Human Health 2011
NESETA	National Environmental Standards for Electricity Transmission Activities 2009
NESF	National Environmental Standards for Freshwater 2020
NESPF	National Environmental Standards for Plantation Forestry 2017
NESSDW	National Environmental Standards for Sources of Drinking Water 2007
NESSTO	National Environmental Standards for Storing Tyres Outdoors 2021
NESTF	National Environmental Standards for Telecommunication Facilities 2016
NPS	National Policy Statement
NPSET	National Policy Statement on Electricity Transmission 2008
NPSFM	National Policy Statement for Freshwater Management 2020
NPSUD	National Policy Statement on Urban Development 2020
NPSUDC	National Policy Statement on Urban Development Capacity 2016 (superseded)
NPSREG	National Policy Statement for Renewable Electricity Generation 2011
NZCPS	New Zealand Coastal Policy Statement 2010
Our Space	Greater Christchurch Settlement Pattern Update Whakahāngai O Te Hōrapa Nohoanga (Our Space)
RPS	Operative Canterbury Regional Policy Statement

Table 2: Abbreviations of Submitters' Names

Abbreviation	Means
CCC	Christchurch City Council
CDHB	Christchurch District Health Board
Chorus	Chorus New Zealand Ltd
CIAL	Christchurch International Airport Ltd

Abbreviation	Means
Corrections	Ara Poutama Aotearoa the Department of Corrections
DoC	Department of Conservation Te Papa Atawhai
ECan	Environment Canterbury / Canterbury Regional Council
Federated Farmers	Federated Farmers
FENZ	Fire and Emergency New Zealand
Fish and Game	North Canterbury Fish and Game Council
Forest and Bird	Royal Forest and Bird Protection Society
Heritage NZ	Heritage New Zealand Pouhere Taonga
Hort NZ	Horticulture NZ
Kainga Ora	Kainga Ora - Homes and Communities
KiwiRail	KiwiRail Holdings Limited
Mainpower	Mainpower New Zealand Ltd
MoE	Minister / Ministry of Education
Ngāi Tūāhuriri	Te Ngāi Tūāhuriri Rūnanga
NZDF	New Zealand Defence Force
Police	Minister of Police / NZ Police
QEII Trust	Queen Elizabeth the Second National Trust
Ravenswood	Ravenswood Developments Ltd
RIDL	Rolleston Industrial Developments Limited
Spark	Spark New Zealand Trading Ltd
Tuhaitara Trust	Te Kohaka o Tuhaitara Trust
Transpower	Transpower New Zealand Ltd
Vodafone	Vodafone New Zealand Ltd / One.NZ
WDC	Waimakariri District Council (including as requiring authority)
Waka Kotahi	Waka Kotahi NZ Transport Agency

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

1 Introduction

1.1 Purpose

8. The purpose of this report is to provide the Hearing Panel with a summary and analysis of the submissions received on the Coastal Environment chapter and to recommend possible amendments to the Proposed Plan in response to those submissions.
9. This report is prepared under section 42A of the RMA. It considers submissions received by the District Council in relation to the relevant strategic directions objectives, objectives, policies, rules, definitions, appendices and maps as they apply to the Coastal Environment chapter in the Proposed Plan. The report outlines recommendations in response to the key issues that have emerged from these submissions.
10. The recommendations are informed by the s32 evaluation. In preparing this report I have also had regard to recommendations made in the Natural Features and Landscapes, Natural Character of Freshwater Bodies, Public Access, and Activities on the Surface of Water s42A reports.
11. This report is provided to assist the Hearings Panel in their role as commissioners. The Hearings Panel may choose to accept or reject the conclusions and recommendations of this report and may come to different conclusions and make different recommendations, based on the information and evidence provided to them by submitters.

1.2 Author

12. My name is Peter Wilson. My role in preparing this report is that of an expert planner.
13. My qualifications, experience, and history of involvement with the Proposed Plan are set out in **Appendix D** of this report.
14. Although this is a District Council hearing, I have read the Code of Conduct for Expert Witnesses contained in the Practice Note issued by the Environment Court January 2023. I have complied with that Code when preparing my written statement of evidence and I agree to comply with it when I give any oral evidence.
15. The scope of my evidence within this report is the provisions of the Coastal Environment chapter. I confirm that the issues addressed in this statement of evidence are within my area of expertise as an expert policy planner.
16. Any data, information, facts, and assumptions I have considered in forming my opinions are set out in the part of the evidence in which I express my opinions. Where I have set out opinions in my evidence, I have given reasons for those opinions.
17. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed.

1.3 Supporting Evidence

18. The expert evidence, literature, legal cases or other material which I have used or relied upon in support of the opinions expressed in this report includes the following:
 - The Mahaanui Iwi Management Plan.

- Waimakariri Coastal Natural Character Study 2018.
- Waimakariri District Landscape Evaluation Study 2019.

1.4 Key Issues in Contention

19. I consider the following to be the key issues in contention in the chapter:

- Concerns about the potential for tracks and cycleways adjacent to the coastal marine area to affect significant values.
- As with other 'protective' chapters in this stream, the provision of infrastructure has been raised by submitters.

20. I address each of these key issues in this report, as well as any other issues raised by submissions.

1.5 Procedural Matters

21. I note that as the natural hazards hearing (hearing stream 3) is now occurring after this hearing, there is the ability for matters raised in this report to be considered further during hearing stream 3. Environment Canterbury have requested that the coastal environment overlay boundaries be aligned with the coastal hazard layers. The technical content of this matter is covered within this s42A report as the relief sought more appropriately aligns with the provisions in the Coastal Environment chapter.

22. I have clarified by email with Forest and Bird on 9 May 2023 that their relief on cycleways and tracks in the coastal environment is concerned with the protection of significant indigenous biological diversity adjacent to significant natural areas and the CMA. Their submission relief was unclear to me.

2 Statutory Considerations

2.1 Resource Management Act 1991

23. The Proposed Plan has been prepared in accordance with the RMA and in particular, the requirements of:

- section 74 Matters to be considered by territorial authority, and
- section 75 Contents of district plans,

24. There are a number of higher order planning documents and strategic plans that provide direction and guidance for the preparation and content of the Proposed Plan. These documents are discussed in detail within the Section 32 Evaluation Report: Coastal Environment¹. I can confirm that there has been no change to these documents since the s32 evaluation was authored.

2.2 Section 32AA

25. I have undertaken an evaluation of the recommended amendments to provisions since the initial section 32 evaluation was undertaken in accordance with s32AA. Section 32AA states:

32AA Requirements for undertaking and publishing further evaluations

(1) A further evaluation required under this Act—

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

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

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

(d) must—

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

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

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

26. The required section 32AA evaluation for changes proposed as a result of consideration of submissions is appended to this report as **Appendix C**.

¹ https://www.waimakariri.govt.nz/__data/assets/pdf_file/0027/98226/17.-COASTAL-ENVIRONMENT-S32-REPORT-DPR-2021..pdf

2.3 Trade Competition

27. There are no known trade competition issues raised within the submissions.

3 Consideration of Submissions and Further Submissions

3.1 Overview

28. This report considers the coastal environment overlay provisions. There are 69 original submission points, from 11 original submitters. 34 submission points support the provisions as notified. Six submission points are opposed. 28 seek amendment, with 1 neutral. There are 2 further submission points from 2 further submitters.
29. When assessing submissions against strategic directions, I have assessed these against Mr Buckley's s42A recommendations. At the time of writing this report his right of reply has not been completed.

3.1.1 *Format for considering submissions*

30. For each identified topic, I have considered the submissions that are seeking changes to the Proposed Plan in the following format:
- Matters raised by submitters by section
 - Assessment
 - Summary of recommendations
31. A s32AA analysis related to the amended objectives and policies is provided in **Appendix C**. The s32AA for the rules and other remaining provisions is inline below the recommendations.

4 Analysis of submissions

4.1 Introduction and definitions

4.1.1 *Matters raised by submitters*

32. Clampett Investments Limited and RIDL [284.1, 326.1, 326.2, 326.3] seek general changes in relation to notification clauses and the use of absolute terms such as avoid. As indicated in other s42A reports these apply across the entire plan.
33. Transpower wish for this text to be changed to state that the energy and infrastructure chapter provisions “manage” rather than “allow for” existing infrastructure as well as new infrastructure, removing the “control” descriptor, and stating “rules in this chapter” (the CE provisions) do not apply, presumably to “high natural character areas”. Transpower’s requested amendments are as follows:
- Energy and Infrastructure: ~~this the Energy and Infrastructure~~ chapter contains ~~the~~ provisions that ~~allow for~~ manage existing infrastructure, ~~and~~ ancillary vehicle access tracks, ~~while controlling and~~ new infrastructure in within those areas of the coastal environment ~~and the rules in this chapter do not apply containing high~~ natural character.
34. ECan [316.152] request to amend the coastal environment overlay map to more closely align with the coastal flood assessment overlay.
35. The Kaiapoi-Tuahiwi Community Board [147.16] support the “provisions in the Coastal Environment section” and requests no change or amendment.
36. ECan [316.151] support advice note CE-AN1 as notified or to retain its original intent.

4.1.2 *Assessment*

Clampett and Rolleston relief

37. For the Clampett and RIDL relief [284.1, 326.1, 326.2, 326.3] to remove public and limited notification on all controlled and restricted discretionary activity rules, and to remove the terms avoid, remedy, and mitigate from PDP provisions, I have considered that:
- Nothing provided in the submission justifies the removal of public and/or limited notification from the coastal environment overlay rules.
 - Similarly, no specific and contextual information has been provided to justify the removal of the terms avoid, remedy, or mitigate from the objectives, policies, rules, and matters of discretion within the coastal environment overlay provisions.
 - I consider that the notification status and RMA sustainable management direction verb is appropriate.

Transpower submission

38. In relation to the Transpower submission, I note that they may have misread the text as the “chapters” in this context are the other chapters in the plan, not the coastal chapter. The EI chapter has provisions that apply to sensitive areas adjoining the coastal marine area and

these are not the subject of this submission. Nor, as far as I am aware, has Transpower sought to change those rules within the EI chapter. That is what this descriptive text describes.

39. Transpower's submission relates to the "other potentially relevant District Plan provisions" guidance text. I note that this is not an objective, policy, or a rule, and is not necessarily binding in terms of its direction. Even if Transpower's changes were agreed to, it may not have the effect that they desire.
40. Rule EI-R23 governs the construction of new vehicle access tracks ancillary to infrastructure which are located in specific sensitive environments (including adjoining the coastal marine area) as a restricted discretionary activity. The other EI provisions where they specify a "sensitive environment", which includes ONCs, VHNCs, and HNCs, ONF, ONL, SAL, SNAs, and "places adjoining the coastal marine area", provide control over existing and new infrastructure activities.
41. I consider that the notified text in question does accurately describe how the EI provisions work in respect of the coastal environment overlay.
42. I note that various NZCPS policies², particularly those that require adverse effects to be avoided, set a more stringent direction than the EI provisions. Therefore, infrastructure provisions cannot be fully delegated to the energy and infrastructure chapter, and if they were, the Proposed Plan would fail to give effect to the NZCPS.
43. Furthermore, Mandatory Direction 4.3 of the National Planning Standards requires that these provisions are in the Coastal Environment chapter, which I consider results in the need to read the plan as a whole.
44. The general issue raised by Transpower, as I consider it, is that district-wide energy and infrastructure provisions do need to integrate with the coastal environment overlay, and any other overlays, zones, and chapters within the Proposed Plan where these conflict, differ, or introduce additional stringency over and above the EI provisions. Mr McLennan, the s42A reporting officer for the EI chapter advises the following preliminary comments about this issue:
 - The EI report currently includes a recommendation for a new rule setting out how to interpret and apply the provisions of the Proposed Plan. The general direction of the proposed rule is to describe the relationship between the EI chapter and the other relevant chapters of the Proposed Plan to remove overlap where possible.
 - The proposed rules list a number of chapters of the Proposed Plan where the all the provisions of a chapter apply in addition to the provisions in the EI chapter. It also lists a number of overlay chapters where the objectives and policies of the chapters apply in addition to Energy and Infrastructure objectives and policies but the rules within these listed chapters will not apply (unless specified).
 - This will resolve the scenario where a plan user proposing an energy and infrastructure activity needs to read through all the provision in the Proposed Plan to understand the

² NZCPS Policies 5, 6, 11, 13, 15, 19, 25

activity status of the activity. However, energy and infrastructure activities may still have to reconcile competing objective and policy direction within a consent process.

45. I consider that there is a residual issue whereby a plan user may start their assessment in the CE chapter, and potentially arrive at a different interpretation than if they started with the energy and infrastructure chapter. For this reason, I have proposed amendments to clarify that the coastal provisions do not apply to energy and infrastructure except by way of the energy and infrastructure chapter. These amendments are discussed in the rules section.

Environment Canterbury Submission

46. For the ECan relief [316.152], requesting that the coastal environment overlay is more closely aligned with the coastal flood assessment overlay, I note the following:
- The notified coastal environment overlay does not align with the full extent of the notified coastal flood hazard assessment overlay. The difference between the notified coastal environment boundary and the full coastal flood hazard assessment overlay is significant, for instance, the hazard overlay extends another three kilometres inland and includes part of the urban area of Kaiapoi. I understand that the preliminary view of the s42A author for Natural Hazards is that the notified coastal and fluvial natural hazard layers will be merged with a recommendation for one overall layer for natural hazards.
 - If this recommendation is accepted, then there is no longer any coastal-specific hazard layer, which would mean that matters other than hazards would be used to delineate the extent of the coastal environment. I note that the non-urban flood assessment overlay covers the entire non-urban area of the district including the areas assessed by this submitter.
 - NZCPS Policy 1(2) recognises that the coastal environment *includes* areas at risk from coastal hazards (d), and areas where coastal processes, influences, or qualities are significant (c). It also includes a range of other matters, such as coastal vegetation, and habitat for indigenous coastal species.
47. In summary, I consider that extending the coastal environment boundary further inland would not achieve any greater recognition or protection of that area from natural hazards, as the natural hazards chapter already applies to that area. I consider that the extent of the coastal environment overlay should be determined on coastal processes, influences, or qualities, such as coastal vegetation, and habitat for coastal species, which is the extent in the Proposed Plan.
48. I support the ECan submission seeking to retain advice note CE-AN1.

4.1.3 Summary of recommendations

49. I recommend the following outcomes for the submissions:
- The Transpower relief [195.98] is **rejected**, noting that that EI chapter report will address the integration matter that Transpower raise.
 - The ECan relief [316.152] is **rejected**.
 - The Kaiapoi-Tuahiwi Community Board [147.16], ECan [316.151] relief is **accepted**
50. I recommend no change to the Proposed District Plan.

4.2 Definitions:

4.2.1 Matters raised by submitters

51. The following Proposed Plan definitions apply primarily to the coastal environment chapter:
- Coastal environment
 - Coastal marine area
 - Coastal water
 - Public amenities
52. There are no submissions on the definition of “coastal marine area” and “coastal water”, noting that both definitions are NPS/RMA definitions. There are submissions on the other definitions.
53. The Te Kohaka o Tuhaitara Trust [113.12] seek to delete ‘visitor information centres’ from the definition of ‘public amenities’ to allow a visitor information centre within the Tūhaitara Coastal Park under the Natural and Open space zone standard BFS1.
54. Forest and Bird [192.25]³ seek to amend the definition of public amenities to delete items that have a “*clear link to the building and structure conditions and standards found in the rules such as cycle and walkways*”.
55. Waka Kotahi oppose Forest and Bird in a further submission [FS 110], stating “Waka Kotahi considers that cycleways and walkways would, depending on their formation, comply with the definition of a structure, and as such they may also provide amenity and assist the public, Waka Kotahi also consider they also comply with the notified definition of a ‘public amenity’. However, Waka Kotahi also request that Forest and Bird’s submission is “accepted”, despite the opposition.
56. Federated Farmers [414.15] seek to amend the definition of public amenities to “*means public land and buildings or other structures on that land used to provide amenity and assist the public*”.
57. Forest and Bird [192.4] submit to retain the definition of “coastal environment” as notified.

4.2.2 Assessment

Te Kohaka o Tuhaitara Trust Submission

58. The Te Kohaka o Tuhaitara Trust is the owner of the Tūhaitara Coastal Park, which is also the largest fee-simple landowner in the coastal environment overlay. This land is primarily zoned as Natural and Open Space (NOSZ). They have a similar submission on Rule CE-R2 [113.13], and on the Natural and Open Space Zone provisions. Given the link between the definition and the rule framework, I will make a preliminary recommendation on the rule here as well but leave the final recommendation to the rules section of the report.

³ Oppose – Waka Kotahi [FS 110]

59. The Proposed Plan definition of “public amenities” is:
- means land, buildings or other structures used to provide amenity and assist the public. This is limited to:*
- a. public toilets;*
 - b. changing rooms;*
 - c. visitor information centres;*
 - d. shelters and shade structures;*
 - e. security and amenity lighting (excluding flood or training lights);*
 - f. fences;*
 - g. outdoor furniture (such as seats, picnic tables, barbeques and rubbish bins);*
 - h. walking and cycling paths, viewing platforms and accessways; bridges;*
 - i. play and fitness equipment;*
 - j. memorials;*
 - k. memorial plantings; and*
 - l. public artworks.*
60. Rule CE-R2 uses this definition of ‘public amenities’, and sets a permitted activity status for any new public amenities, where:
- Any building or structure is set back a minimum of 20m from any identified coastal natural character area, as listed in CE-SCHED1 or CE-SCHED2;
 - Any individual building has a maximum building footprint of 75m²
 - The maximum height of any building is 4m
 - Where non-compliance with these standards is not achieved, the activity status is restricted discretionary, with CE-MD1 buildings and structures matters of discretion.
 - Any public amenity in the Te Kōhanga Wetlands - HNC area, Tūtaepatu Lagoon - HNC area is restricted discretionary, with CE-MD1 buildings and structures as matters of discretion.
 - Any public amenity in the Jockey Baker Creek - VHNC area and Ashley River / Rakahuri Saltwater Creek Estuary – ONC is discretionary.
61. A visitor information centre under 75m² in footprint and 4m in height, with a 20m setback from any natural character area, and which meets the exterior paint standards would be a permitted activity. A larger visitor information centre would require either restricted discretionary or discretionary consent. I agree that this is an appropriate trigger for consents.
62. The Natural and Open Space Zones (NOSZ) provisions would treat it as a permitted activity, provided it also meets the relevant zone built form standards, which are consistent with the coastal overlay rules.
63. For any consent application the matters of discretion in CE-MD1 Buildings and Structures are:
- The extent of indigenous vegetation clearance.
 - Measures to minimise any adverse effects on sensitive habitats such as dunes, rivers, lakes or wetlands.

- The extent to which the proposal will integrate into, and be sympathetic to the landscape, including the scale, form, design and finish (materials) proposed and mitigation measures such as planting.
 - Mitigation measures to minimise the tsunami risk to people and property.
 - The extent to which the proposal would compromise existing public access to the CMA.
 - The use of natural elements such as landforms and vegetation within the site to mitigate the visibility of the proposal.
 - Where Te Ngāi Tūāhuriri Rūnanga has been consulted, the outcome of that consultation, and how the development or activity responds to, or incorporates the outcome of that consultation.
64. An exemption for visitor information centres from the definition of public amenities would still result it being treated as a building under Rule CE-R2, and subject to the same and additional standards. I note that the submitter has not asked for visitor information centres to be exempt from the definition of a building or structure.
65. I consider that the requested relief would fail to meet the requirements of objective CE-O1, natural character value, and policies CE-P2 preservation of natural character, CE-P6 activities in the coastal environment.

Forest and Bird

66. I consider Forest and Bird's concern about cyclepaths and walking paths in rule CE-R2 below, but I acknowledge the concern and recommend accepting it in part in case the definition needs to change as a result of the rule.

Federated Farmers

67. Federated Farmers [414.15] request to change the definition of public amenities to limit it to public land and buildings or other structures on that land. If the relief was accepted, I consider that trying to achieve an appropriate definition of public land is challenging, and it may introduce further uncertainty.
68. Instead, the focus of the definition of public amenities steps away from the nature of the land itself and focuses on if the facilities on the land "assist" the public. It is not the nature of the land itself that determines if something is a public amenity, it is the purpose of the building or the structure on the land (which also includes walking and cycle paths) if they exist on that land.
69. Private land can contain facilities that assist the public, a case of this being where cycle and walking paths cross private land (which must have prior agreement with the landowner). I do not believe that the Federated Farmers relief would add or assist in the interpretation of the provisions that utilise this definition.

4.2.3 Recommendations

70. I recommend the following outcomes for the submissions:
- Te Kohaka o Tuhaitara Trust [113.12, 113.13], Federated Farmers [414.15] are **rejected**.

- Further submission Waka Kotahi [FS 110] is **rejected**
- Forest and Bird [192.24] is **accepted**
- Forest and Bird [192.25] is **accepted in part**

71. I do not recommend any changes to the plan.

5 Objectives

5.1 Objective CE-O1

5.1.1 *Matters raised by submitters*

72. Forest and Bird [192.84], Federated Farmers [414.158], the Department of Conservation [419.115] seek changes to CE-O1:
- *Forest and Bird – “The natural character attributes of the coastal environment of the District are preserved, ~~maintained~~ protected, ~~and~~ enhanced and restored”.*
 - *Federated Farmers – “The natural character attributes of the coastal environment of the District are preserved and restored in identified areas ~~maintained, and enhanced.~~”*
 - *Department of Conservation - “The natural character attributes of the coastal environment of the District are preserved, ~~maintained, and enhanced~~ restored and rehabilitated.”*
73. ECan [316.141] seek to retain CE-O1 as notified or to retain the original intent and Rolleston Industrial Developments Limited (RIDL) [326.396] seek to retain CE-O1 as notified.

5.1.2 *Assessment*

74. Forest and Bird, Federated Farmers, and the Department of Conservation have similar relief, all seeking to better align CE-O1 with the relevant objectives and policies of the NZCPS, in particular NZCPS objective 2, and NZCPS policies 13 and 14. All of these submitters seek the removal of the term “maintenance” from the notified objective. These submitters differ on the phrase “enhancement”, with Federated Farmers and the Department of Conservation wishing it to be removed, whilst Forest and Bird seek to retain it in its proposed relief, but does not explicitly discuss it in its submission point.
75. Forest and Bird, Federated Farmers, and the Department of Conservation seek varying versions of “restore” or “restoration” added to the objective. Forest and Bird seek “and restored” added to the objective, the Department of Conservation seeks “restored and rehabilitated”, in line with Policies 13 and 14 of the NZCPS which refer to restoration and rehabilitation. Federated Farmers seeks “restored in identified areas”.
76. ECan and RIDL support the objective as notified.

Maintenance and enhancement

77. None of the natural character objectives and policies in the NZCPS use the term “maintain” or “maintenance”. The phrasing in the primary natural character objective of the NZCPS – objective 2 – is “preserve”, giving effect to s6(a) RMA. Neither NZCPS policy 13 – *preservation of natural character*, or policy 14 – *restoration of natural character* use the terms “maintenance”, or “enhancement”. “Protect” in relation to natural character comes from NZCPS Policy 13.

78. Whilst noting the *King Salmon*⁴ requirements to give effect to higher order instruments and not refer back to Part 2 except where higher order instruments have uncertain or incomplete judgement. “Maintenance and enhancement” appears in the RMA in the context of public access only⁵, which is more relevant for the consideration of relief on CE-O3 below.
79. The RPS also does not set a requirement to maintain or enhance in the context of natural character. I note the CRPS objectives 8.2.4 and 8.3.4:
- 8.2.4 Preservation, protection and enhancement of the coastal environment*
- In relation to the coastal environment:*
1. *Its natural character is preserved and protected from inappropriate subdivision, use and development; and*
2. *Its natural, ecological, cultural, amenity, recreational and historic heritage values are restored or enhanced.*
- 8.3.4 To preserve and restore the natural character of the coastal environment by:*
1. *protecting outstanding natural features and landscapes including seascapes from inappropriate occupation, subdivision, use and development;*
2. *protecting and enhancing indigenous ecosystems and associated ecological processes;*
3. *promoting integrated management of activities that affect natural character in the coastal environment and the coastal marine area, in particular coastal landforms and landscapes that are significant, representative or unique to the region;*
4. *avoiding new development adjacent to the coastal marine area that will compromise areas of high natural character; and*
5. *in appropriate situations, imposing or reviewing restoration or rehabilitation conditions on resource consents and designations.*
80. There are also no provisions in the Regional Coastal Environmental Plan for the Canterbury Region (Coastal Plan) for natural character that require “maintenance” or “enhancement”.
81. The Operative Waimakariri District Plan objective 7.1.1 states “The protection and enhancement of the natural character of the coastal environment”, which may be where the “enhancement” term has come from.

⁴ Environmental Defence Society Incorporated v The New Zealand King Salmon Company Limited & Ors - [2014] NZSC 38

⁵ s 6(d) RMA

82. The Section 32 does not outline the origin of the term “maintenance”. However, I consider it may have come from NZCPS Policy 11(b)(vi) ... “maintaining biological values identified under this policy”.
83. I also note the Proposed Selwyn District Plan only has two objectives for their coastal environment, which do not contain the terms maintenance or enhancement:
- CE-O1: The natural character of the coastal environment is preserved while enabling people and communities to provide for their social, economic, and cultural well-being in a manner appropriate for the coastal environment.
- CE-O2: The relationship of Ngāi Tahu with their cultural values, traditions and ancestral lands in the coastal environment is recognised and maintained and Ngāi Tahu are able to exercise Kaitiakitanga.
84. As outlined above, there is no support from national and regional direction instruments for “maintenance”, and Forest and Bird, Federated Farmers, and the Department of Conservation are in agreement that it should be removed. I consider that ‘maintain’ has a different meaning to ‘preserve’. ‘Preserve’ implies an original state, with some degree of active work to keep something that way, whereas maintain has less strength, and could simply mean the status quo. While “maintaining” natural character attributes is one way in which to meet the “preserve” directive and “enhancing” is one way in which to meet the “restoration/rehabilitation” directive, I agree with these submitters that the terms used in the NZCPS should be used.
85. As outlined above, there is also no support from national and regional direction instruments for enhancement, and Federated Farmers and the Department of Conservation are in agreement that this should be removed. Forest and Bird’s drafting still contains the term “enhanced”, however, its submission does not refer to that term.
86. I recommend similarly that “enhanced” is removed from CE-O1.
- CE-O1 - Natural character values:

The natural character attributes of the coastal environment of the District are preserved ~~maintained, and enhanced.~~

Restoration

87. All submitters agree that some version of ‘restoration’ should be added to the objective. They differ on the exact wording to use, and in the case of Federated Farmers, for the objective to constrain the areas for restoration to an “identified” list, and for DOC, to also include the phrase “rehabilitate”. Federated Farmers may have been focusing in NZCPS Policy 14(a) – identifying areas and opportunities for restoration and rehabilitation.
88. There is a difference between the more directive relief of Forest and Bird and DOC, and the specific and targeted relief of Federated Farmers to “identified sites”.
89. In my view, ‘enhance’ is not the same as ‘restore’. Enhance means to intensify, increase, or further improve the quality, value, or extent of something, whereas restore means to bring something back to a previous or former condition. In the context of coastal natural character, which may have undergone modification or degradation as a result of human activity, I

consider that 'restoration' is a more appropriate verb. It is also the language of the NZCPS Objective 2.

90. NZCPS Objective 2 states the following:

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

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

91. NZCPS Policy 14 states "promote restoration or rehabilitation" of the natural character of the coastal environment, which is the purpose of policy CE-P3. The NZCPS recognises the natural state of coastal natural character as it would be with minimum or limited human interference as the baseline, and 'restoration' is compared to and referenced to that baseline. 'Enhancement' in contrast, is relatively arbitrary with no clear end goal. "Rehabilitation" adds to that original or natural state interpretation.

92. I consider that the notified plan fails to give effect to NZCPS Objective 2 and Policy 14 by its lack of an explicit restoration objective. The cascade from Part 2 RMA to the NZCPS is not complete, as the notified NATC-O3 uses different verbs to the NZCPS. I also note that policy CE-P3 uses the NZCPS verbs of restoration and rehabilitation, which would not be supported by its objective unless amendments are made.

93. I consider that a minor change to the Department of Conservation relief replacing "and", with "or", would achieve the NZCPS restoration or rehabilitation requirements:

NATC-O1: "The natural character attributes of the coastal environment of the District are preserved, ~~maintained, and enhanced~~ restored or rehabilitated."

94. A consequential change to the Matters of Discretion is also needed, as currently there is no direct link to the policies. I propose the following change to CE-MD1 to explicitly include restoration:

CE-MD1

Buildings and structures

1. The extent of indigenous vegetation clearance.
2. Measures to minimise any adverse effects on sensitive habitats such as dunes, rivers, lakes or wetlands.

3. The extent to which the proposal will integrate into, and be sympathetic to the landscape, including the scale, form, design and finish (materials) proposed and mitigation measures such as planting.
4. Mitigation measures to minimise the tsunami risk to people and property.
5. The extent to which the proposal would compromise existing public access to the CMA.
6. The use of natural elements such as landforms and vegetation within the site to mitigate the visibility of the proposal.
7. Where Te Ngāi Tūāhuriri Rūnanga has been consulted, the outcome of that consultation, and how the development or activity responds to, or incorporates the outcome of that consultation.
8. Whether any restoration or rehabilitation of the natural character of the coastal environment is proposed;

5.1.3 Recommendation

95. I recommend the following outcomes for the submissions:
- Forest and Bird [192.84], Federated Farmers [414.158], the Department of Conservation [419.115] are **accepted in part**
 - ECan [316.141], RIDL [326.396] are **accepted**
96. That that changes to NATC-O1 and CE-MD1 above and in Appendix A are adopted.

5.1.4 S32AA Evaluation

97. The s32AA evaluation is in Table C1 of Appendix C.

5.2 Objective CE-O2

5.2.1 Matters raised by submitters

98. RIDL [326.397] seek to retain CE-O2 as notified and ECan [316.142] seek to retain it as notified or retain the original intent.

5.2.2 Assessment

99. These two submitters seek to retain the objective as notified. ECan note that this provision gives effect to the RPS.

5.2.3 Recommendation

100. I recommend the following outcomes for the submissions:
- RIDL [326.397], ECan [316.142] are **accepted**
101. I recommend that no change be made to the Proposed District Plan.

5.3 Objective CE-O3

5.3.1 Matters raised by submitters

102. Federated Farmers [414.159] seek to amend CE-O3 to:

"Public access to and along the landward edge of the CMA is maintained where this exists. Not all land adjoining the coastal marine area has public access and enhanced where this does not create adverse effects".

103. RIDL [326.398] seek to retain CE-O3 as notified and ECan [316.143] seek to retain it as notified or retain the original intent.

5.3.2 Assessment

104. I have considered NZCPS policy 19 – *walking access*, and policy 20 – *vehicle access*, in the context of the PA objectives and policies, and whilst there is a district-wide Public Access chapter, and s42A authors have worked to minimise duplication between overlay and zone provisions and district-wide matters, I consider that because of the specific direction in the NZCPS to provide for public access that Objective CE-O3 should remain.

105. I consider that Federated Farmers concern about recognition of private property rights and ensuring access improvements are by negotiation are already covered by PA-O1, PA-P2(2), and PA-P3(5)

106. Because RIDL and ECan supported CE-O3 as notified, and this is recommended for deletion, albeit with the same intent carried through by the PA objectives, I am unable to support their relief.

5.3.3 Recommendations

107. I recommend that:

- Federated Farmers [414.159] is **rejected**
- RIDL [326.398], ECan [316.143] are **accepted**

108. I recommend no changes to the plan.

5.4 Objective CE-O4

5.4.1 Matters raised by submitters

109. ECan [316.144] seek to amend CE-O4 to give effect to NZCPS policy 15.

110. Forest and Bird [192.85], Federated Farmers [414.158], Transpower [195.99] seek changes to CE-O4:

- Forest and Bird [192.85] - *"People and communities are able to provide for their social, economic and cultural well-being, recognising that the protection of natural character ~~and indigenous biodiversity~~, public access or cultural values does not preclude subdivision, use or development, where this does not compromise these values."*
- Federated Farmers [414.160] - *"People and communities are able to provide for their social, economic and cultural well-being, recognising that the protection of natural*

character and indigenous biodiversity, public access or cultural values does not always preclude subdivision, use or development, ~~where this does not compromise these values.~~"

- Transpower [195.99] - *"People and communities are able to provide for their social, economic and cultural well-being, recognising that the protection of natural character and indigenous biodiversity, public access or cultural values does not preclude subdivision, use or development, where this does not inappropriately compromise these values."*

111. RIDL [326.399] and Mainpower [249.2] seek to retain CE-O4 as notified.

5.4.2 Assessment

112. I agree with Forest and Bird's request to remove reference to indigenous biodiversity, as inclusion of this in the objective could override the district-wide indigenous biodiversity provisions, and I consider it is inconsistent with NZCPS Policy 11. I also consider that this is consistent with the National Planning Standards which state that any other provisions that relate to the coastal environment which are located in other topic chapters "must be cross-referenced in the coastal environment chapter"⁶.

113. I disagree with Federated Farmers request to add "always" into CE-O4 as this could weight CE-O4 above other objectives when that weighting was not intended.

114. I consider that Transpower's request is inconsistent with the RPS and NZCPS, recommend reject. The EI chapter has enabling provisions for infrastructure.

115. I consider that the ECan relief is unnecessary, as NZCPS Policy 15 is given effect to by the district-wide natural features and landscape provisions.

116. I recommend the following changes to the objective:

CE-O4 Activities in the Coastal Environment

People and communities are able to provide for their social, economic and cultural well-being, recognising that the protection of natural character and ~~indigenous biodiversity~~, public access or cultural values does not preclude subdivision, use or development, where this does not compromise these values.

5.4.3 Recommendation

117. I recommend the following outcomes for the submissions:

- ECan [316.144], Transpower [195.99], Federated Farmers [414.160] are **rejected**
- Forest and Bird [192.85], Mainpower [249.2] and RIDL [326.399] are **accepted**

118. The changes as outlined above and in Appendix A are adopted.

119. The s32AA evaluation is in Table C2 of Appendix C.

⁶ Para 7, Pg 8, National Planning Standards 2019

6 Policies

6.1 CE-P1: Recognising natural character

6.1.1 Matters raised by submitters

120. Forest and Bird [192.86], RIDL [326.400] seek to retain CE-P1 as notified, ECan [316.145] seek to retain it as notified or retain its original intent.

6.1.2 Assessment

121. The three submissions on CE-P1 are in support of the policy as notified.

6.1.3 Recommendations

122. I recommend that:

- Forest and Bird [192.86], RIDL [326.400], and ECan [316.145] are **accepted**

123. I recommend no drafting changes.

6.2 CE-P2: Preservation of natural character

6.2.1 Matters raised by submitters

124. Forest and Bird [192.87] seek to amend CE-P2(6) to:

"...maintaining indigenous biodiversity, where it is not already covered by ECO-P7-including remnant vegetation and habitats of indigenous species."

125. Transpower [195.100]⁷ seek to amend CE-P2 to:

"Recognise the natural character values identified in CE-SCHED1, CE-SCHED2, and other areas of the coastal environment, and protect them by:

- 1. avoiding, where possible, all adverse effects from inappropriate subdivision, use or development within areas of ONC, and areas adjoining the CMA;*
- 2. avoiding, where possible, significant adverse effects, including cumulative effects, from inappropriate subdivision, use or development within areas of HNC, or VHNC;*
- 3. avoiding, remedying or mitigating any other adverse effects on natural character attributes in the coastal environment;*
- 4. avoiding, where possible, the clearance of indigenous vegetation, and the planting of non-indigenous vegetation within identified coastal natural character areas;*
- 5. avoiding, where possible, activities that damage the stability of coastal dune systems; and*
- 6. maintaining indigenous biodiversity, including remnant vegetation and habitats of indigenous species."*

⁷ Oppose – Department of Conservation [FS 77]

126. The Department of Conservation oppose Transpower in a further submission [FS 77]
127. Mainpower [249.3] wish to amend CE-P2 to clarify the term “areas adjoining the CMA”.
128. ECan [316.146] seek to amend CE-P2 “such that indigenous biodiversity is dealt with in its own policy, with CE-P2 limited to the natural character values of vegetation”
129. Federated Farmers [414.161] seek to “provide for maintenance of improved pasture as per the other policies and rules in this plan” through amendments to CE-P2(7):
- “... 7. Providing for the maintenance of existing improved pasture and grazing associated with that pasture.”*
130. RIDL [326.401] seek to retain CE-P2 as notified.

6.2.2 Assessment

131. I consider that accepting Forest and Bird’s relief in part allows the district-wide indigenous biodiversity provisions to better apply to the coastal environment. Policy ECO-P7 – indigenous biodiversity in the coastal environment, which Forest and Bird’s relief refers to, implements NZCPS Policy 11. I note that ECO-P7 is more consistent with the NZCPS and I do not consider that there is a need to retain the reference to indigenous biodiversity when another district-wide policy covers it. This is the same for ECan, as CE-P2 is limited to the natural character of values of vegetation only, with indigenous biodiversity dealt with in its own policy, which is already is by way of Policy ECO-P7.
132. I consider that that the ECan request combined with the Forest and Bird amendment, would better link CE-P2 with the objectives and the NZCPS requirements. The recommended amendment is as follows:

CE-P2 Preservation of natural character

Recognise the natural character values identified in CE-SCHED1, CE-SCHED2, and other areas of the coastal environment, and protect them by:

1. avoiding all adverse effects from subdivision, use or development within areas of ONC, and areas places adjoining the CMA;
 2. avoiding significant adverse effects, including cumulative effects, from subdivision, use or development within areas of HNC, or VHNC;
 3. avoiding, remedying or mitigating any other adverse effects on natural character attributes in the coastal environment;
 4. avoiding the clearance of indigenous vegetation, and the planting of non-indigenous vegetation within identified coastal natural character areas;
 5. avoiding activities that damage the stability of coastal dune systems; and
 - ~~6. maintaining indigenous biodiversity, where it is not already covered by ECO-P7 including remnant vegetation and habitats of indigenous species.~~
133. Transpower seek the words “where possible” for the avoid policies. Policy CE-P2(1) implements Policy 13(1)(a) NZCPS which is an avoid test for areas of outstanding natural

character. The District Plan must implement this requirement and I cannot support Transpower's requested amendments.

134. However, I understand Transpower's concern in principle. The NESETA sets activity standards, including many permitted and controlled activity standards, for activities on existing transmission lines in the coastal marine area. The NPSET is also required to be addressed.
135. The s42A reporting officer for Energy and Infrastructure, Mr McLennan, has advised me that his preliminary recommendation is the following approach to address, in part, this issue:
- The EI report will include a recommendation for a new rule setting out how to interpret and apply the provisions of the Proposed Plan. The general direction of the proposed rule is to describe the relationship between the EI chapter and the other relevant chapters of the Proposed Plan to remove overlap where possible.
 - The proposed rule lists a number of chapters of the Proposed Plan where the all the provisions of a chapter apply in addition to the provisions in the EI chapter. It also lists a number of overlay chapters where the objectives and policies of the chapters apply in addition to Energy and Infrastructure objectives and policies but the rules within these listed chapters will not apply (unless specified).
 - This will resolve the scenario where an energy and infrastructure activity needs to read through all the provisions in the Proposed Plan to understand the activity status of the activity. However, energy and infrastructure activities may still have to reconcile competing objective and policy direction within a consent process.
136. Despite this, I am concerned at the residual risk of a plan user starting with CE chapter and arriving at a different set of rules than if a plan user started with the more permissive EI chapter, which will be consistent with national instrument direction for infrastructure, including electricity.
137. To assist Transpower, I am recommending the following addition to the chapter to address this:

How to interpret and apply the rules

(1) The rules within the CE Chapter do not apply to energy and infrastructure activities

138. Mainpower seek clarification on what the term "areas adjoining the CMA" means. I agree that this needs clarification. There is a similarity with the term "places adjoining the coastal marine area", which is used elsewhere in the Proposed Plan. The definition of "Places adjoining the coastal marine area" in the Proposed Plan, means in relation to infrastructure and section 51 of the NESTF "places in the area between MHWS and the inland base of the dunes".
139. I recommend that the term "areas adjoining the CMA" be replaced with the existing Proposed Plan definition of "places adjoining the coastal marine area" for consistency.
140. Federated Farmers' concern about the treatment of improved pasture in the coastal environment may be in part resolved by the ECan amendments, which limit the application of the policy to the effects of the clearance of indigenous vegetation and the planting of non-indigenous vegetation within identified coastal natural character areas. I note that there is

very little improved pasture within these identified natural character areas, but where there are some, such as on the margins of the Ashley/Rakahuri estuary, the changes to CE-P2(4) and the existing ECO-R2(3)(i) should ensure that the maintenance of improved pasture is not inadvertently captured.

141. Whilst accepting the concern, I do not believe that the specific Federated Farmers relief [414.161] is needed.

6.2.3 Recommendations:

142. I recommend the following outcomes for the submissions:

- Federated Farmers [414.161] is **rejected**
- Further submission Department of Conservation [FS 77] is **rejected**
- Forest and Bird [192.87], ECan [316.146], Mainpower [249.3], RIDL [326.401] is **accepted**
- Transpower [195.100] is **accepted in part**, noting that the drafting recommendations on the energy and infrastructure provisions will occur in hearing five.

143. I recommend the amendments as set out above and in Appendix A are adopted.

6.2.4 S32AA Evaluation

144. The s32AA evaluation for the policy is in Table C3 of Appendix C. For the additions to improve rule interpretation in the context of energy and infrastructure, in my opinion, the amendments recommended are more appropriate in terms of achieving the objectives than the notified rules. The amended rules are more efficient and effective than the notified rules in achieving the objectives and policies of the CE chapter.

6.3 CE-P3: Restoration of natural character

6.3.1 Matters raised by submitters

145. Forest and Bird [192.88], RIDL [326.402] seek to retain CE-P3 as notified.

6.3.2 Assessment

146. All three submitters support the policy as notified.

6.3.3 Recommendation

147. I recommend that:

- Forest and Bird [192.88], RIDL [326.402] are **accepted**.

148. I recommend that no change be made to the Proposed Plan.

6.4 CE-P4: Ngāi Tūāhuriri cultural values

6.4.1 Matters raised by submitters

149. ECan [316.147] seek to retain CE-P4 as notified or retain the original intent. RIDL [326.403] seek to retain CE-P4 as notified.

6.4.2 Assessment

150. All three submitters support the policy as notified.

6.4.3 Recommendation

151. I recommend that:

- ECan [316.147] and RIDL [326.403] are **accepted**.

152. I recommend that no change be made to the Proposed Plan.

6.5 CE-P5: Public access to the Coastal Marine Area

6.5.1 Matters raised by submitters

153. Federated Farmers [414.162] wish to amend CE-P5 to:

"Maintain existing public access where this does not create adverse effects"

And an additional clause 2, stating:

"New public access over private land must be agreed by the landowner"

154. Forest and Bird [192.89], RIDL [326.404] seek to retain CE-P5 as notified, ECan [316.148] seek to retain CE-P5 as notified or retain its original intent.

6.5.2 Assessment

155. For Federated Farmers, I consider that policies PA-P2 and PA-P3 may better capture the concerns of Federated Farmers in regard to the rights of landholders. These still apply in addition to the CE public access provisions. I do not support change to CE-P5 accordingly. I agree with Ms Stevens recommendations in her s42 for Public Access.

156. Forest and Bird [192.89], RIDL [326.404] and ECan [316.148] sought to retain CE-P5 as notified or to retain its original intent, and as my recommendation is for this policy to be retained as notified, I support these submissions.

6.5.3 Recommendations

157. I recommend that:

- Federated Farmers [414.162] is **rejected**.
- Forest and Bird [192.89], RIDL [326.404] and ECan [316.148] are **accepted**.

158. There are no recommended changes to the Proposed Plan.

6.6 CE-P6: Activities in the coastal environment

6.6.1 Matters raised by submitters

159. ECan [316.149] seek to amend CE-P6 to give effect to NZCPS policies 11 and 15.

160. Federated Farmers [414.163] raise concerns about when an existing activity might become a new activity and note that the provisions do not give any indication on when the permitted baseline might apply.

161. Forest and Bird [192.90], RIDL [326.405] seek to retain CE-P6 as notified.

6.6.2 Assessment

162. ECan have concerns about the implementation of NZCPS policies 11 – *indigenous biological diversity* and 15 – *natural features and natural landscapes*. I consider that NZCPS policy 11 is given effect to by ECO-P7, and NZCPS policy 15 by NFL-P1. Wider than this, these two district-wide chapters comprehensively deal with indigenous biodiversity and natural features and landscapes. I also note that none of the CE objectives relate to indigenous biodiversity or natural features and landscapes, nor are required to, if those NZCPS requirements are given effect to elsewhere in the Proposed Plan.

163. Federated Farmers [414.163] concern about existing activities being treated as a new activity in the context of natural character values may have already be addressed in part with the changes to CE-P2(4). I also note that the rules that implement CE-P6 do not capture existing farming activities. New buildings or structures over a certain size, and new roads, would require a consent, but there is no rule that would manifest Federated Farmers concern about an existing activity being treated as a new activity. Thus, I do not agree with this relief.

6.6.3 Recommendation

164. I recommend that:

- ECan [316.149], Federated Farmers [414.1643] are **rejected**
- Forest and Bird [192.90], RIDL [326.405] be **accepted**.

165. I recommend that no change be made to the Proposed Plan.

6.7 CE-P7: Infrastructure in the coastal environment

6.7.1 Matters raised by submitters

166. Forest and Bird [192.91] seek to amend the infrastructure definition to constrain it to regionally and national significant infrastructure.

167. Transpower [195.101] seek to amend CE-P7 as follows:

“Notwithstanding Policy CE-P2, recognise and provide for the maintenance, upgrade and development of infrastructure that has a functional need or operational need to be located in the coastal environment, where ~~this does not create adverse effects on the values of the~~ the-identified coastal natural character areas are avoided, or where this is not practicable, remedied or mitigated.”

168. Mainpower [294.4] seek to amend CE-P7 to better align with the hierarchy set out in CE-P2.

169. ECan [316.150] seek to amend CE-P7 to give effect to NZCPS policies 11 and 15.

170. RIDL [326.406] seek to retain CE-P7 as notified.

6.7.2 Assessment

171. I do not support Forest and Bird [192.91]’s recommendation to limit infrastructure to regionally and nationally significant infrastructure. I consider that NZCPS policy 6 recognises the provision of infrastructure, as an activity in the coastal environment that should be provided for. Policy 10 recognises the potential need for reclamation to support the efficient operation of infrastructure, including hard structures and, Policy 25 encourages infrastructure

in the coastal environment to be sited away from areas of hazard where practicable. Only Policy 27 of the NZCPS recognises that hard coastal protection structures should only be built to support regionally and nationally significant infrastructure, in the context of coastal hazard risk, not the overall coastal environment. I do not consider that the NZCPS places a specific direction for regional and nationally significant infrastructure only.

172. For Transpower, I consider that CE-P7 is the carve-out policy for infrastructure in the coastal environment, where that infrastructure has a functional or operational need to be there. I consider that CE-P7 operationalises the “inappropriate” test in NZCPS Policy 13(1) in the context of activities that are *appropriate*, such as activities regulated and/or permitted under the NESETA, or NESTF, as well as other activities that may be “appropriate”. The “avoid” requirement in the context of the NZCPS is carried through primarily by CE-P2, with CE-P6 and CE-P6 undertaking the use and development function.
173. However, as discussed above, if a plan user begins with the coastal provisions, I accept that it isn't clear which rules apply⁸. I recommend the following additional text on how to interpret the rules:

How to interpret and apply the rules

(1) The rules within the CE Chapter do not apply to energy and infrastructure activities

174. I agree, and recommend Transpower's relief [191.101] without the “Notwithstanding Policy CE-P2”:

Recognise and provide for the maintenance, upgrade and development of infrastructure that has a functional need or operational need to be located in the coastal environment, where ~~this does not create~~ adverse effects on the values of the identified coastal natural character areas are avoided, or where this is not practicable, remedied or mitigated.”

175. Mainpower requested that CE-P7 align with the hierarchy in CE-P2. I am not sure that this achieves the purpose of what this submitter may want, as CE-P2 does not mention infrastructure. However, as a lines company, their submission is supportive of infrastructure. The amendments that reflect Transpower's submission would also apply to them. I cannot support their relief for this reason.
176. For ECan, I consider CE-P7 is not the vehicle to give effect to NZCPS Policy 11 – indigenous biological diversity, which is given effect to by the ECO provisions, and NZCPS Policy 15 natural features and landscapes is given effect to by the NFL provisions. I cannot support this relief.

6.7.3 Recommendations

177. I recommend the following outcomes for the submissions:

- Forest and Bird [192.91], Mainpower [294.4], ECan [316.150] are **rejected**
- Transpower [191.101] is **accepted in part**

⁸ The objectives and policies still apply as these cannot be exempted.

- RIDL [326.406] is **accepted**

6.7.4 S32AA Evaluation

178. For the additions to improve rule interpretation in the context of energy and infrastructure, in my opinion, the amendments recommended are more appropriate in terms of achieving the objectives than the notified rules. The amended rules are more efficient and effective than the notified rules in achieving the objectives and policies of the CE chapter.

7 Rules: Matters raised by submitters

7.1 CE-R1: Use of motor vehicles

7.1.1 *Matters raised by submitters*

179. The New Zealand Defence Force [166.28] support CE-R1 on the basis that the New Zealand Defence Force (NZDF) be included in the definition of 'emergency service'. This amendment would appropriately mean that NZDF vehicles could be used in these areas of higher value, when required.

180. RIDL [326.407] seek to retain the rule as notified.

7.1.2 *Assessment*

181. For the New Zealand Defence Force relief, the Civil Defence and Emergency Management Act 2002 defines emergency services as:

“emergency services means the New Zealand Police, Fire and Emergency New Zealand, Taumata Arowai, and providers of health and disability services”

182. This definition applies regardless of if there is a declared state of civil defence emergency, and the definition does not include the NZ Defence Forces. As I understand it, the NZ Defence Forces require ministerial approvals⁹ before they can be deployed to assist civil powers in an emergency.

183. The Proposed Plan definition of “emergency service” is wider. It does not exclude the NZ Defence Force, nor does it include it, perhaps reflecting the authorisation regime in the Defence Act. The underline is mine, for effect:

... an authority or service that is responsible for the safety and welfare of people and property in the community during times of emergency that include, but are not necessarily limited to, fire service, ambulance, police and emergency co-ordination authorities or services.

184. I consider that the Proposed Plan definition of emergency service does not exclude the NZ Defence Force. They are not the primary emergency management service, but if authorised to respond, I consider that they would meet the Proposed Plan definition due to the “but not necessarily limited to” wording, and as such, would be a permitted activity in terms of rule CE-R1. This is consistent with the recommendations in the s42A report for ASW, as defence force activities can occur once activated and authorised by the civil power.

185. I also note that in times of declared Civil Defence emergency, the emergency provisions of the RMA under s330 apply. That exempts the NZ Defence Force from the provisions of RMA sections 9, 12, 13, 14, and 15. It also does not apply to the Minister of Defence when they certify as necessary for reasons of national security¹⁰.

⁹ Section 9, Defence Act 1990

¹⁰ Section 4(2)(b) RMA

7.1.3 Recommendations

186. I recommend the following outcomes for the submissions:

- the New Zealand Defence Force's relief [166.28] is **rejected**
- RIDL [326.407] relief is **accepted**

7.2 CE-R2: Public amenities

7.2.1 Matters raised by submitters

187. Te Kohaka o Tuhaitara Trust [113.13] seek the deletion of visitor information centres from the definition of 'public amenities' to allow a visitor information centres within the Tūhaitara Coastal Park under NOSZ-BFS1.

188. Forest and Bird [192.92] seek to amend CE-R2 Coastal Environment Overlay to exclude certain amenities that have a large impact and are not clearly covered as either a building or structure, such as walking and cycling pathways. They also seek to insert an additional rule for these excluded activities, such as cycleways, that have pertinent standards, or to make them discretionary activities.

189. Forest and Bird [192.93] seek to amend CE-R2 Te Kōhanga Wetlands - HNC area Tūtaepatu Lagoon - HNC area by excluding amenities that have a large impact and are not clearly covered as a building or structure, such as walking and cycling pathways. They also seek to insert an additional rule for these excluded activities, such as cycleways, that have pertinent standards, or make them discretionary activities.

190. RIDL [326.408] seek to retain the rule as notified.

7.2.2 Assessment

Te Kohaka o Tuhaitara Trust

191. I have considered the Te Kohaka o Tuhaitara Trust submissions in the discussion on definitions above and made a preliminary recommendation to amend rule CE-R2 as part of that recommendation. I do not make any further recommendations here.

Forest and Bird Submission

192. Forest and Bird [192.92, 192.93] seek to amend rule CE-R2 to ensure that the standards that apply to structures and buildings also apply to cycleways and walkways which they consider are not currently captured by the definition of public amenities. They also seek similar relief on the definition of public amenities which I am considering here. Forest and Bird have since clarified the nature of their relief¹¹ as it was not fully clear to me, and their clarified relief is as follows:

What we are asking is for the definition of "public amenities" to exclude walking, cycling paths and accessways as these are not "buildings" or "structures". It is also within scope of our

¹¹ Email 09 May 2023 from N. Snoyink to P. Wilson

submission to exclude memorial plantings (for the same reasons below) although these are not of particular concern to Forest & Bird.

This is because the permitted activity rules that provide for “public amenities” only set conditions/standards for buildings and structures. This means that the rules for “public amenities” potentially permit walking and cycling paths without any conditions. This means that unlike a building or structure for public amenity, a walking/cycling path could be within a scheduled natural character freshwater or coastal area as a permitted activity under NATC-R5 or CE-R2.

Clarified relief is:

Delete walking and cycling paths from clause h. of the definition for “public amenities”

Add a permitted rule specific to walking and cycling paths in the CE and NATC that includes pertinent standards (ie that they are outside/setback from scheduled natural character areas) or make new walking and cycling paths a discretionary activity.

193. I agree that the building footprint and structure standards do not apply well to linear infrastructure like walking and cycling paths. However, I consider that exempting them from the definition of public amenities would also not grant the relief sought, as they would then potentially be treated as a building or structure, which is a permitted activity under CE-R3, with the same issue. If not then, there is no default activity status for this overlay as a catch all, and they would be still treated as a permitted activity.
194. Cycleways and walkways also do not usually meet the legal definition of “road” in either s2 RMA or s315 Local Government Act 1974, and rule CE-R5 which sets discretionary or non-complying status for their building in the coastal environment overlay would also not apply.
195. The submitter has requested similar relief for cycleways and walkways in Natural Features and Landscapes (NFL). I have discussed this with the NFL chapter author Ms Milosavljevic to ensure consistency in recommendations. We have agreed to consider a maximum width restriction on cyclepaths and walking paths in both the NFL and CE provisions.
196. I have obtained maximum width recommendations from the Ministry of Building, Innovation and Employment New Zealand Cycle Trail design specifications¹², which set a range of recommended widths for cycle trails of different grades. Grade 1 is the “easiest” rating, and recommended for flat ground. Width is on the basis of either single riders or two riders side by side, and for two riders, the preferred width is 2.5-4m. The Waimakariri District Council Engineering Code of Practice (ECOP) section 8.16¹³ provides guidance on widths of pedestrian, cycle, and shared paths. It recommends a *minimum* width of 2.5m for shared paths with a “minimum overall width” of 10m. However, I am conscious that these are in the context of urban traffic facilities, rather than recreational tracks.

¹² <https://www.mbie.govt.nz/assets/new-zealand-cycle-trail-design-guide.pdf>, pg 21

¹³ <https://www.waimakariri.govt.nz/building-services/engineering-code-of-practice>

197. I would support a maximum width of cycleways and walkways in the coastal environment overlay to be 2.5m.

Question of setbacks

198. However, in the context of the coastal environment there is also a need to consider whether the same 20m setbacks from identified natural character areas should also apply to cyclepaths and walking paths. I note that Forest and Bird did not specifically ask for this, but given their clarified relief, this requires assessment and I believe that it is within scope.
199. The default setbacks from natural character areas are 20m, however this only applies to “building or structures for public amenities”, whereas the definition of public amenities is wider, meaning “land, building, or structures”. It is arguable both ways if a cycleway or walkway is a “building or structure” in the definition of the Proposed Plan, which in turn uses the National Planning Standard definitions. They may involve the use of structures, such as a bridge, but not all of a cycleway or walkway is a structure. Cycleways and walkways are however, “land”.
200. Much of the coastal environment is either public land, or land that the public has access to (including reserves). It includes existing unformed legal roads, which the public have right of access to pass and repass, and where there may be an expectation to be able to construct a path as a permitted activity. Unformed legal roads are also usually, 20 metres (or 1 chain) wide, and are often laid out next to rivers, estuaries, and the coastal marine areas.
201. Often, cycle paths and walking paths are designed and constructed to be close to water and other natural features, due to public demand for recreation close to or access to these features.
202. Some of the identified natural character areas, such as the Te Kohanga wetland at Pegasus, and cycle and walking paths are an integral part of them. There is a risk that bringing cyclepaths and walking paths into the setback requirement could trigger non-compliance with CE-R2 and R3 upon minor upgrading.
203. The RMA, NZCPS, RPS, Regional Coastal Plan, and Proposed Plan all have policy settings to maintain and enhance public access. The Northern Pegasus Bay Bylaw seeks to control motorised vehicle access to the coastal marine area and estuaries, and the Proposed Plan Natural and Open Space rules, Activities on Surface of Water rules seek to manage and control watercraft, where District Council jurisdiction exists.
204. I have no expert evidence to suggest that cycle paths and walking paths adjacent to these areas has a negative effect on the values sufficient to require district-plan level rules. There may be site-specific needs and landowner desires and requirements which would influence or determine the final design and location of any new path, including, whether permission to construct one was given at all (in the case of private or reserve land).
205. I thus do not believe that the 20m setback should apply to cycle paths and walking paths. If walkway or cycleway wider than 2.5m is built, it will require a consent.
206. I recommend the following amendments to CE-R2 as it applies in the Coastal Environment Overlay:
- Where:

1. any building or structure for public amenities shall be set back a minimum of 20m from any identified coastal natural character area, as listed in CE-SCHED1 or CE-SCHED2;
 2. any individual building shall have a maximum building footprint of 75m²; and
 3. the maximum height of any building shall be 4m; and
 4. The use of land for any walking or cycling path for public amenities shall be limited to 2.5m maximum width, with no minimum setback from any identified coastal natural character area.
207. I do not support any changes to the definition as requested in Forest and Bird [192.25] as I consider the changes to the rule achieves their requested relief.
208. RIDL [326.408] support the rule as notified.

7.2.3 Recommendations

209. I recommend the following outcomes for the submissions:

- Te Kohaka o Tuhaitara [113.13] are **rejected**
- Forest and Bird [192.92, 192.93] are **accepted in part**
- RIDL [326.408] is **accepted**.

210. I recommend that the amendments above and in Appendix A are adopted.

7.2.4 S32AA Evaluation

211. In my opinion, the amendments recommended are more appropriate in terms of achieving the objectives than the notified rules. The amended rules are more efficient and effective than the notified rules in achieving the objectives and policies of the CE chapter.

7.3 CE-R3: Any building or structure

7.3.1 Matters raised by submitters

212. The New Zealand Defence Force [166.29] seek to amend CE-R3 as follows:

"This rule does not apply to buildings or structures located in existing Residential Zones that are within 20m of identified coastal natural character areas, or to buildings or structures that are part of a temporary military training activity.

..."

213. Federated Farmers [414.164] seek to amend the title of CE-R3 to: "New buildings or structures".

214. Mainpower [249.5] and RIDL [326.409] seek to retain CE-R3 as notified.

7.3.2 Assessment

215. For the NZ Defence Force [166.29] who seek the addition of temporary military training activities into the scope of the permitted rule, I have considered the recommendation of Ms

Steven in the ASW s42A report¹⁴ in the context of surface water in the Coastal Environment overlay, all of which are identified areas of natural character. She does not support temporary military training activities in these areas as a permitted activity due to their potential for significant adverse effects. In the context of coastal natural character, I concur with her assessment. I consider that if the areas are needed for TMTA, then a temporary activity consent is the most appropriate pathway to assess the activity. I note that the NZ Defence Force has also submitted on the temporary activities provisions.

216. For Federated Farmers [414.164] s10A RMA covers existing use rights for buildings, and as such, this plan rule would only apply to new buildings or structures. I cannot support it for this reason.

7.3.3 Recommendations

217. I recommend the following outcomes for the submissions:

- New Zealand Defence Force [166.29], Federated Farmers [166.29] are **rejected**.
- Mainpower [249.5] and RIDL [326.409] be **accepted**.

218. I recommend no change be made to the Proposed Plan.

7.4 CE-R4: Plantation forestry

7.4.1 Matters raised by submitters

219. Federated Farmers [414.165] seek to replace “plantation forestry” in CE-R4 with “all afforestation activities”.
220. The New Zealand Defence Force [166.27] and RIDL [326.410] seek to retain the rule as notified.

7.4.2 Assessment

221. For Federated Farmers, their concern is in relation to carbon forestry, which is outside of the scope of the NESPF and not currently subject to any controls in the coastal environment overlay. I have discussed this with Mr Mark Buckley, the reporting officer for the Rural chapter, as he is considering similar Federated Farmers’ submission points on the same issue. Much of the underlying zoning in the coastal environment overlay is Rural.
222. Mr Buckley and I agree that in the context of the coastal environment overlay, the objectives and policies seek to preserve natural character, and are intended to limit *all* existing forestry to its current footprint (where that footprint is setback at least 20 metres from any identified coastal natural character area). However, the notified rule may be inconsistent with existing use rights in s 10 RMA. It is *new* plantation forestry that can be restricted in the coastal environment under the NESPF.
223. From the perspective of natural character, plantation forestry and carbon forestry are indistinguishable, and I consider that the objectives, in particular CE-O1 would not be achieved if carbon forestry remained outside the scope of CE-R4. As carbon forests can be

¹⁴ Paras 89-93, s42A Activities on Surface of Water

planted without being a plantation forest – with no intention for harvest – and thus are not captured under “existing”, any amendments to the rule should reference *new* carbon forests. This way, there is no loophole to allow the establishment of carbon forests as well as ensuring that existing forest owners that are compliant with CE-R4 are still able to place and/or keep their trees in the emissions trading scheme if they so choose.

224. I note that the definition of carbon forest in the Proposed Plan definition, of:
means forest land, other than Production Forest, that is for the purpose of carbon sequestration.

225. I consider that the following amendments be made to Rule CE-R4:

CE-R4 Plantation forestry and Carbon forest

Coastal Environment Overlay

Activity status: ~~PER~~ NC

Where:

~~1. the activity shall be limited to plantation forestry existing prior to the enactment of the NESPF, and new carbon forests, that is are set back at least 20m from any identified coastal natural character area, as shown on the planning map.~~

~~Activity status when compliance not achieved: NC~~

7.4.3 Recommendations

226. I recommend the following outcomes for the submissions:

- Federated Farmers [414.65] is **accepted in part**
- NZ Defence Force [166.27] and RIDL [326.410] are **accepted**

227. I recommend that the amendments above and in **Appendix A** are adopted.

7.4.4 S32AA Evaluation

228. In my opinion, the amendments recommended are more appropriate in terms of achieving the objectives than the notified rules. The amended rules are more efficient and effective than the notified rules in achieving the objectives and policies of the CE chapter.

7.5 CE-R5: Construction of a new road

7.5.1 Matters raised by submitters

229. RIDL [326.411] seek to retain the rule as notified.

7.5.2 Assessment

230. RIDL support the rule as notified.

7.5.3 Recommendations

231. I recommend the following outcomes for the submissions:

- RIDL [326.411] is **accepted**

232. I recommend no change be made to the Proposed Plan.

8 Matters of discretion

8.1 Matters of discretion: CE-MD1

8.1.1 *Matters raised by submitters*

233. Forest and Bird [192.94] seek to amend CE-MD1 to:

2. Measures to ~~minimise~~ avoid, remedy or mitigate any adverse effects on sensitive habitats such as dunes, rivers, lakes or wetlands.

x. Measures to avoid, remedy, and mitigate adverse effects on natural character values

234. Mainpower NZ [249.6] seek to amend CE-MD1 to:

Where there is a functional or operational need to locate critical infrastructure, or carry out maintenance, repair and upgrade of existing critical infrastructure, within the coastal environment.

235. Federated Farmers [414.24] seek to amend CE-MD1 as follows

1. ~~The extent of indigenous vegetation clearance.~~ The extent to which indigenous vegetation clearance is minimised.

236. RIDL [326.412] seek to retain CE-MD1 as notified.

8.1.2 *Assessment*

237. For Forest and Bird, I accept that the notified Proposed Plan contains no linkage between the matter of discretion and the outstanding natural character areas in the schedules, and that this linkage is required to properly implement the objectives and policies. I also accept that minimise is not consistent with the requirements of the objectives and policies to avoid, remedy, and mitigate. I recommend changes to CE-MD1.

238. For Mainpower [249.6], I consider that there is a need to reflect CE-P7 in the matters of discretion, however I note that CE-P7 does not limit it to critical infrastructure. I recommend this relief is accepted in part, noting that I prefer the term “infrastructure” over “critical infrastructure”.

239. For Federated Farmers [414.24] I note the changes to the objectives and policies to remove indigenous vegetation, except where that indigenous vegetation forms part of natural character. Indigenous vegetation is governed by the district-wide indigenous biodiversity provisions. However, there is still a requirement in CE-P2 to preserve the natural character aspects of indigenous vegetation, which requires discretion. The extent of indigenous vegetation clearance will be commensurate with the effect on natural character, and therefore I consider that to achieve CE-P2, as well as the objectives, that this CE-MD1(1) should remain as notified.

8.1.3 *Recommendations*

240. I recommend the following outcomes for the submissions:

- Federated Farmers [414.24] is **rejected**
- Forest and Bird [192.94], Mainpower [249.6], RIDL [326.412] are **accepted**

241. I recommend that no change be made to the Proposed Plan.

9 Schedules

9.1 CE-SCHED1: Outstanding Natural Character Areas in the Coastal Environment

9.1.1 *Matters raised by submitters*

242. Forest and Bird [192.95] seek to amend CE-SCHED1 to include “dunes”, for the Ashworth Spit in the Ashley/Rakahuri estuary

9.1.2 *Assessment*

243. I support the Forest and Bird request. Whilst technically in the CMA, the mapped area of outstanding natural character does include dunes, and that this should be added to the list.

9.1.3 *Recommendations*

244. I recommend that Forest and Bird [192.95] be **accepted**

245. I recommend that “dunes” be inserted into the Ashley/Rakahuri “Abiotic Systems and Landforms” values in SCHED1:

Abiotic Systems and Landforms

- Braided Ashley River/Rakahuri mouth and saltmarshes retain high legibility through lack of modification.
- It is a largely unmodified example of a large river mouth and saltmarsh community with its hydrological and geomorphological processes largely intact.
- The Ashworth Spit contains sand dunes.

9.1.4 *S32AA Evaluation*

246. In my opinion, the amendments better reflect the values of the environment in the Ashley/Rakahuri estuary. The amended value list will thus be more efficient and effective than the notified rules in achieving the objectives and policies of the CE chapter.

10 Minor Errors and Changes

247. I recommend that an amendment/s be made to CE-AN1 to clarify the jurisdiction of the district plan in respect of the CMA as follows:

The Ashley River/Rakahuri Saltwater Creek Estuary - Outstanding Natural Character area and Jockey Baker Creek – Very High Natural Character Area ~~is~~ are located on both the landward side and seaward side of the CMA. ~~Resource consent is required from~~ The District Council manages for any land use and subdivision activities occurring on the landward side of the CMA. The regional council manages land use activities For activities seaward of the CMA, ~~resource consent must be given from the Regional Council.~~

11 Conclusions


248. Submissions have been received in support of, and in opposition to the Coastal Environment Provisions of the Proposed District Plan.
249. Having considered all the submissions and reviewed all relevant statutory and non-statutory documents, I recommend that Proposed Plan should be amended as set out in Appendix A of this report.
250. For the reasons set out in the Section 32AA evaluation attached at Appendix C, I consider that the proposed objectives, policies and other provisions, with the recommended amendments, will be the most appropriate means to:
- achieve the purpose of the Resource Management Act 1991 (RMA) where it is necessary to revert to Part 2 and otherwise give effect to higher order planning documents, in respect to the proposed objectives, and
 - achieve the relevant objectives of the Proposed Plan, in respect to the proposed provisions.

12 Recommendations:

251. I recommend that:

1. The Hearing Commissioners accept, accept in part, or reject submissions (and associated further submissions) as outlined in Appendix B of this report; and
2. The Proposed Plan is amended in accordance with the changes recommended in Appendix A of this report.

Signed:

Name and Title		Signature
Peter Wilson		

Appendix A. Recommended Amendments

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

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

Other notes

- [e.g. Consequential changes have been made in this chapter in response to...]

How to interpret and apply the rules

(2) The rules within the CE Chapter do not apply to energy and infrastructure activities¹⁵

<p>CE-R2</p>	<p>Public amenities</p>	
<p>Coastal Environment Overlay</p>	<p>Activity status: PER</p> <p>Where:</p> <ol style="list-style-type: none"> 1. any building or structure for public amenities shall be set back a minimum of 20m from any identified coastal natural character area, as listed in CE-SCHED1 or CE-SCHED2; 2. any individual building shall have a maximum building footprint of 75m²; and 3. the maximum height of any building shall be 4m; <u>and</u> 4. <u>the use of land for any walking or cycling path for public amenities shall be limited to 2.5m maximum width, with no minimum setback from any identified coastal natural character area¹⁶.</u> 	<p>Activity status when compliance not achieved: RDIS</p> <p>Matters of discretion are restricted to:</p> <ul style="list-style-type: none"> • CE-MD1 - Buildings and structures
<p>Te Kōhanga Wetlands - HNC area</p> <p>Tūtaepatu Lagoon - HNC area</p>	<p>Activity status: RDIS</p> <p>Matters of discretion are restricted to:</p>	
<p>Activity status when compliance not achieved: N/A</p>		

¹⁵ Transpower [191.101]

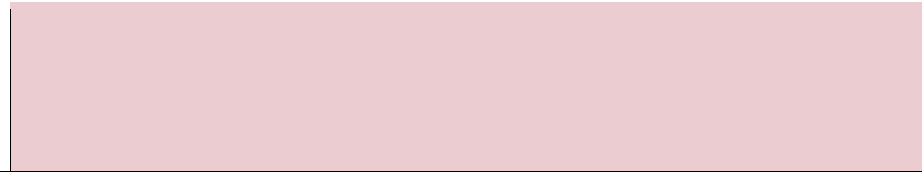
¹⁶ Forest and Bird [192.92, 192.93]

	<ul style="list-style-type: none"> • CE-MD1 - Buildings and structures 	
Jockey Baker Creek - VHNC area Ashley River / Rakahuri Saltwater Creek Estuary - ONC	Activity status: DIS	Activity status when compliance not achieved: N/A

CE-R4	Plantation forestry and Carbon Forest¹⁷	
Coastal Environment Overlay	Activity status: PER Where: 1. the activity shall be limited to plantation forestry existing prior to the enactment of the NESPF , that is set back at least 20m from any identified coastal natural character area, as shown on the planning map.	Activity status when compliance not achieved: NC
Coastal Environment Overlay Jockey Baker Creek - VHNC Te Kōhanga Wetlands - HNC	Activity status: NC	Activity status when compliance not achieved: N/A

¹⁷ Federated Farmers [414.165]

Tūtaepatu Lagoon - [HNC](#)
Ashley [River](#)/ Rakahuri
Saltwater Creek Estuary
- [ONC](#)



CE-AN1

The Ashley River/Rakahuri Saltwater Creek Estuary - Outstanding Natural Character area and Jockey Baker Creek – Very High Natural Character Area is are located on both the landward side and seaward side of the CMA. ~~Resource consent is required from~~ The District Council manages for ~~any~~ land use and subdivision activities occurring on the landward side of the CMA. The regional council manages land use activities For activities seaward of the CMA, ~~resource consent must be given from the Regional Council.~~

[CE-MD1](#)

Buildings and structures

1. The extent of indigenous vegetation clearance.
2. Measures to minimise any adverse effects on sensitive habitats such as dunes, rivers, lakes or wetlands.
3. The extent to which the proposal will integrate into, and be sympathetic to the landscape, including the scale, form, design and finish (materials) proposed and mitigation measures such as planting.
4. Mitigation measures to minimise the tsunami risk to people and property.
5. The extent to which the proposal would compromise existing public access to the CMA.
6. The use of natural elements such as landforms and vegetation within the site to mitigate the visibility of the proposal.
7. Where Te Ngāi Tūāhuriri Rūnanga has been consulted, the outcome of that consultation, and how the development or activity responds to, or incorporates the outcome of that consultation.

8. Whether any restoration or rehabilitation of the natural character of the coastal environment is proposed¹⁸.

Abiotic Systems and Landforms

- Braided Ashley [River](#)/Rakahuri mouth and saltmarshes retain high legibility through lack of modification.
- It is a largely unmodified example of a large [river](#) mouth and saltmarsh community with its hydrological and geomorphological processes largely intact.
- The Ashworth Spit contains sand dunes¹⁹

¹⁸ Consequential change arising from Forest and Bird [192.84], Federated Farmers [414.158], Department of Conservation [419.115] changes to Objective CE-O1

¹⁹ Forest and Bird [192.95]

Appendix B. Recommended Responses to Submissions and Further Submissions

The recommended responses to the submissions made on this topic are presented in Table B 1 below.

Table B 1: Recommended responses to submissions and further submissions

[Arrange this table in groups by topic for all but those chapters which have few submission points on them and those don't need to be grouped. Use the same groupings you have used in the body of the report so it is easy for the submitters to follow]

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Requested (Summary)	Section of this Report where Addressed	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to Proposed Plan?
316.152	ECan	General	Amend the coastal environment overlay to more closely align with the coastal flood assessment overlay	Section 4.1	Reject	As discussed in section 4.1	No
316.151	ECan	CE-AN1	Retain CE-AN1 as notified or retain the original intent.	Section 4.1	Accept	As discussed in section 4.1	No
147.16	Kaiapoi-Tuahiwi Community Board	General	Supports the provisions in the Coastal Environment section.	Section 4.1	Accept	As discussed in section 4.1	No
195.98	Transpower New Zealand Limited	Introduction	Amend 'Other potentially relevant District Plan provisions': "As well as the provisions in this chapter, other District Plan chapters that contain provisions that may also be relevant to the topic of the coastal environment include: ... - Energy and Infrastructure: this the Energy and Infrastructure chapter contains the provisions that allow for manage existing infrastructure, and ancillary vehicle access tracks, while controlling and new infrastructure in within those areas of the coastal environment and the rules in this chapter do not apply containing high natural character. ..."	Section 4.1	Reject	As discussed in section 4.1	No
Definitions							
192.4	Forest and Bird	Definition of coastal environment	Retain the 'coastal environment' definition as notified.	Section 4.2	Accept	As discussed in section 4.2	No
113.12	Te Kohaka o Tuhaitara Trust	Definition of public amenities	Delete visitor information centres from the definition of 'public amenities' to allow a visitor information centre within the Tūhaitara Coastal Park under NOSZ-BFS1.	Section 4.2	Reject	As discussed in section 4.2	No
192.25 ²⁰	Forest and Bird	Definition of public amenities	Amend the definition of 'public amenities': Delete items that do have a clear link to the building and structure conditions / standards found in the rules such as cycle and walk ways.	Section 4.2	Accept in part	As discussed in section 4.2	Yes
FS 110	Waka Kotahi	Definition of public amenities	Oppose the Forest and Bird submission	Section 4.2	Reject	As discussed in section 4.2	No

²⁰ Oppose - Waka Kotahi [FS 110]

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Requested (Summary)	Section of this Report where Addressed	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to Proposed Plan?
414.15	Federated Farmers	Definition of public amenities	Replace the definition of 'public amenities' with: "means <u>public land and buildings or other structures on that land used to provide amenity and assist the public. ...</u> "	Section 4.2	Reject	As discussed in section 4.2	No
Objectives							
192.84	Forest and Bird	CE-O1	Amend CE-O1: "The natural character attributes of the coastal environment of the District are preserved, maintained protected, and enhanced <u>and restored.</u> "	Section 5.1	Accept in part	As discussed in section 5.1	Yes
316.141	ECan	CE-O1	Retain CE-O1 as notified or retain the original intent.	Section 5.1	Accept	As discussed in section 5.1	No
326.396	RIDL	CE-O1	Retain CE-O1 as notified.	Section 5.1	Accept	As discussed in section 5.1	No
414.158	Federated Farmers	CE-O1	Amend CE-O1: "Natural character values The natural character attributes of the coastal environment of the District are preserved and restored in identified areas maintained, and enhanced. "	Section 5.1	Accept in part	As discussed in section 5.1	Yes
419.115	Department of Conservation	CE-O1	Amend CE-O1: "The natural character attributes of the coastal environment of the District are preserved, maintained, and enhanced <u>restored and rehabilitated.</u> "	Section 5.1	Accept in part	As discussed in section 5.1	Yes
316.142	ECan	CE-O2	"Support the recognition in CE-O2 of Ngāi Tūāhuriri values" Retain CE-O3 as notified or retain the original intent.	Section 5.2	Accept	As discussed in section 5.2	No
326.397	RIDL	CE-O2	Retain CE-O2 as notified.	Section 5.2	Accept	As discussed in section 5.2	No
316.143	ECan	CE-O3	"Support CE-O3 as it gives effect to Objective 8.2.5 of the Canterbury Regional Policy Statement" Retain CE-O3 as notified or retain the original intent.	Section 5.3	Accept	As discussed in section 5.3	No
326.398	RIDL	CE-O3	Retain CE-O3 as notified.	Section 5.3	Accept	As discussed in section 5.3	No
414.159	Federated Farmers of New Zealand	CE-O3	Amend CE-O3: "Public access to and along the landward edge of the CMA is <u>maintained where this exists. Not all land adjoining the coastal marine area has public access</u> and enhanced where this does not create adverse effects ".	Section 5.3	Reject	As discussed in section 5.3	Yes

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Requested (Summary)	Section of this Report where Addressed	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to Proposed Plan?
192.85	Forest and Bird	CE-O4	Amend CE-O4: "People and communities are able to provide for their social, economic and cultural well-being, recognising that the protection of natural character and indigenous biodiversity, public access or cultural values does not preclude subdivision, use or development, where this does not compromise these values."	Section 5.4	Accept	As discussed in section 5.4	Yes
195.99	Transpower New Zealand Limited	CE-O4	Amend CE-O4: "People and communities are able to provide for their social, economic and cultural well-being, recognising that the protection of natural character and indigenous biodiversity, public access or cultural values does not preclude subdivision, use or development, where this does not <u>inappropriately</u> compromise these values."	Section 5.4	Reject	As discussed in Section 5.4	No
249.2	Mainpower NZ	CE-O4	Retain CE-O4 as notified.	Section 5.4	Accept	As discussed in Section 5.4	No
316.144	ECan	CE-O4	Amend CE-O4 to give effect to the New Zealand Coastal Policy Statement Policy 15.	Section 5.4	Reject	As discussed in Section 5.4	Yes
326.399	RIDL	CE-O4	Retain CE-O4 as notified.	Section 5.4	Accept	As discussed in Section 5.4	No
414.160	Federated Farmers of New Zealand	CE-O4	Amend CE-O4 to more fairly reflect the New Zealand Coastal Policy Statement: "People and communities are able to provide for their social, economic and cultural well-being, recognising that the protection of natural character and indigenous biodiversity, public access or cultural values does not <u>always</u> preclude subdivision, use or development, where this does not compromise these values."	Section 5.4	Reject	As discussed in Section 5.4	No
192.86	Forest and Bird	CE-P1	Retain CE-P1 as notified.	Section 6.1	Accept	As discussed in section 6.1	No
316.145	ECan	CE-P1	Retain CE-P1 as notified or retain the original intent.	Section 6.1	Accept	As discussed in section 6.1	No
326.400	RIDL	CE-P1	Retain CE-P1 as notified.	Section 6.1	Accept	As discussed in section 6.1	No
192.87	Forest and Bird	CE-P2	Amend CE-P2: "... 6. maintaining indigenous biodiversity, where it is not already covered by ECO-P7 including remnant vegetation and habitats of indigenous species."	Section 6.1	Accept	As discussed in section 6.1	Yes
195.100 ²¹	Transpower New Zealand Limited	CE-P2	Amend CE-P2: "Recognise the natural character values identified in CE-SCHED1, CE-	Section 6.1	Accept in part	As discussed in section 6.1	No

²¹ Oppose – Department of Conservation [FS 77]

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Requested (Summary)	Section of this Report where Addressed	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to Proposed Plan?
			<p>SCHED2, and other areas of the coastal environment, and protect them by:</p> <ol style="list-style-type: none"> 1. avoiding, where possible, all adverse effects from <u>inappropriate</u> subdivision, use or development within areas of ONC, and areas adjoining the CMA; 2. avoiding, where possible, significant adverse effects, including cumulative effects, from <u>inappropriate</u> subdivision, use or development within areas of HNC, or VHNC; 3. avoiding, remedying or mitigating any other adverse effects on natural character attributes in the coastal environment; 4. avoiding, where possible, the clearance of indigenous vegetation, and the planting of non-indigenous vegetation within identified coastal natural character areas; 5. avoiding, where possible, activities that damage the stability of coastal dune systems; and 6. maintaining indigenous biodiversity, including remnant vegetation and habitats of indigenous species." 				
FS 77	Department of Conservation	CE-P2	Decline the submission point	Section 6.2	Reject	As discussed in section 6.2	No
249.3	Mainpower	CE-P2	Amend CE-P2 by clarifying the term "areas adjoining the CMA".	Section 6.2	Accept	As discussed in section 6.2	Yes
316.146	ECan	CE-P2	Amend CE-P2 such that indigenous biodiversity is dealt with in its own policy, with CE-P2 limited to the natural character values of vegetation.	Section 6.2	Accept	As discussed in section 6.2	Yes
326.401	RIDL	CE-P2	Retain CE-P2 as notified.	Section 6.2	Accept	As discussed in section 6.2	No
414.161	Federated Farmers of New Zealand Inc	CE-P2	<p>Provide for maintenance of improved pasture as per the other polices and rules in this plan.</p> <p>Amend CE-P2: "..."</p> <p><u>7. Providing for the maintenance of existing improved pasture and grazing associated with that pasture."</u></p>	Section 6.2	Reject	As discussed in section 6.2	No
192.88	Forest and Bird	CE-P3	Retain CE-P3 as notified.	Section 6.3	Accept	As discussed in section 6.3	No
326.402	RIDL	CE-P3	Retain CE-P3 as notified.	Section 6.3	Accept	As discussed in section 6.3	No
316.147	ECan	CE-P4	Retain CE-P4 as notified or retain the original intent.	Section 6.4	Accept	As discussed in section 6.4	No
326.403	RIDL	CE-P4	Retain CE-P4 as notified.	Section 6.4	Accept	As discussed in section 6.4	No
192.89	Forest and Bird	CE-P5	Retain CE-P5 as notified.	Section 6.5	Accept	As discussed in section 6.5	No
316.148	ECan	CE-P5	Retain CE-P5 as notified or retain the original intent.	Section 6.5	Accept	As discussed in section 6.5	No

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Requested (Summary)	Section of this Report where Addressed	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to Proposed Plan?
326.404	RIDL	CE-P5	Retain CE-P5 as notified.	Section 6.5	Accept	As discussed in section 6.5	No
414.162	Federated Farmers of New Zealand Inc	CE-P5	Amend CE-P5: <u>"Maintain existing public access where this does not create adverse effects"</u> And an additional clause 2, stating: <u>"New public access over private land must be agreed by the landowner"</u>	Section 6.5	Reject	As discussed in section 6.5	No
192.90	Forest and Bird	CE-P6	Retain CE-P6 as notified.	Section 6.6	Accept	As discussed in section 6.6	No
316.149	ECan	CE-P6	Amend CE-P6 to give effect to the New Zealand Coastal Policy Statement Policies 11 and 15.	Section 6.6	Reject	As discussed in section 6.6	No
326.405	RIDL	CE-P6	Retain CE-P6 as notified.	Section 6.6	Accept	As discussed in section 6.6	No
414.163	Federated Farmers of New Zealand Inc	CE-P6	Not specified. [There is no test of when an existing activity might become a new activity. There is no indication that the permitted baseline applies. Existing use rights need to be protected.]	Section 6.6	Reject	As discussed in section 6.6	No.
192.91	Forest and Bird	CE-P7	Amend 'Infrastructure' definition to constrain it to regionally and nationally significant infrastructure.	Section 6.7	Reject	As discussed in section 6.7	No
195.101	Transpower New Zealand Limited	CE-P7	Amend CE-P7: <u>"Notwithstanding Policy CE-P2, recognise and provide for the maintenance, upgrade and development of infrastructure that has a functional need or operational need to be located in the coastal environment, where this does not create adverse effects on the values of the identified coastal natural character areas are avoided, or where this is not practicable, remedied or mitigated."</u>	Section 6.7	Accept in part	As discussed in section 6.7	Yes
249.4	Mainpower NZ	CE-P7	Amend CE-P7 to better align with the hierarchy set out in CE-P2.	Section 6.7	Reject	As discussed in section 6.7	No
316.150	ECan	CE-P7	Amend CE-P7 to give effect to the New Zealand Coastal Policy Statement Policies 11 and 15.	Section 6.7	Reject	As discussed in section 6.7	No
326.406	RIDL	CE-P7	Retain CE-P7 as notified.	Section 6.7	Accept	As discussed in section 6.7	No
Rules							
166.28	New Zealand Defence Force	CE-R1	Support CE-R1 on the basis that the New Zealand Defence Force (NZDF) be included in the definition of 'emergency service'. This amendment would appropriately mean that NZDF vehicles could be used in these areas of higher value, when required.	Section 7.1	Reject	As discussed in section 7.1	No

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Requested (Summary)	Section of this Report where Addressed	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to Proposed Plan?
326.407	RIDL	CE-R1	Retain CE-R1 as notified.	Section 7.1	Accept	As discussed in section 7.1	No
113.13	Te Kohaka o Tuhaitara Trust	CE-R2	Delete visitor information centres from the definition of 'public amenities' to allow a visitor information centre within the Tūhaitara Coastal Park under NOSZ-BFS1.	Section 7.2	Reject	As discussed in section 7.2	N/A
192.92	Forest and Bird	CE-R2	Amend CE-R2 Coastal Environment Overlay by excluding certain amenities that have a large impact and are not clearly covered as either a building or structure, such as walking and cycling pathways. Insert an additional rule for these excluded activities, such as cycleways, that have pertinent standards, or make them discretionary activities.	Section 7.2	Accept in part	As discussed in section 7.2	Yes
192.93	Forest and Bird	CE-R2	Amend CE-R2 Te Kōhanga Wetlands - HNC area Tūtaepatu Lagoon - HNC area by excluding amenities that have a large impact and are not clearly covered as a building or structure, such as walking and cycling pathways. Insert an additional rule for these excluded activities, such as cycleways, that have pertinent standards, or make them discretionary activities.	Section 7.2	Accept in part	As discussed in section 7.2	Yes
326.408	RIDL	CE-R2	Retain CE-R2 as notified.	Section 7.2	Accept	As discussed in section 7.2	No
166.29	New Zealand Defence Force	CE-R3	Amend CE-R3: "This rule does not apply to buildings or structures located in existing Residential Zones that are within 20m of identified coastal natural character areas, <u>or to buildings or structures that are part of a temporary military training activity.</u> ..."	Section 7.3	Reject	As discussed in section 7.3	No
249.5	Mainpower NZ	CE-R3	Retain CE-R3 as notified.	Section 7.3	Accept	As discussed in section 7.3	No
326.409	RIDL	CE-R3	Retain CE-R3 as notified.	Section 7.3	Accept	As discussed in section 7.3	No
414.164	Federated Farmers of New Zealand Inc	CE-R3	Amend CE-R3 title: " <u>New buildings or structures</u> ".	Section 7.3	Reject	As discussed in section 7.3	No
166.27	New Zealand Defence Force	CE-R4	Retain CE-R4 as notified.	Section 7.4	Accept	As discussed in section 7.4	No
326.410	RIDL	CE-R4	Retain CE-R4 as notified.	Section 7.4	Accept	As discussed in section 7.4	No
414.165	Federated Farmers of New Zealand Inc	CE-R4	Amend plantation forestry in CE-R4 to "All afforestation activities".	Section 7.4	Accept in part	As discussed in section 7.4	Yes
326.411	RIDL	CE-R5	Retain CE-R5 as notified.	Section 7.5	Accept	As discussed in section 7.5	No
Matters of discretion							
192.94	Forest and Bird	CE-MD1	Amend CE-MD1: "..." 2. Measures to minimise <u>avoid, remedy or mitigate</u> any adverse effects on sensitive habitats such as dunes, rivers, lakes or wetlands.	Section 8.1	Accept	As discussed in section 8.1	No

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Requested (Summary)	Section of this Report where Addressed	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to Proposed Plan?
			<u>x. Measures to avoid, remedy, and mitigate adverse effects on natural character values</u> ..."				
249.6	Mainpower NZ	CE-MD1	Amend CE-MD1: "Buildings and structures ... <u>8. Where there is a functional or operational need to locate critical infrastructure, or carry out maintenance, repair and upgrade of existing critical infrastructure, within the coastal environment.</u> "	Section 8.1	Accept	As discussed in section 8.1	No
326.412	RIDL	CE-MD1	Retain CE-MD1 as notified.	Section 8.1	Accept	As discussed in section 8.1	No
414.24	Federated Farmers	CE-MD1	For CE-MD1, the indigenous clearance thresholds and the lack of a clause to minimise that, similar to the mitigation clauses in 3 and 4 is a potential problem. Amend CE-MD1: <u>"1. The extent of indigenous vegetation clearance. The extent to which indigenous vegetation clearance is minimised.</u> ..."	Section 8.1	Reject	As discussed in section 8.1	No
Schedules							
192.95	Forest and Bird	CE-SCHED1	Amend CE-SCHED1 to include: " <u>Dunes</u> "	Section 9.1	Accept	Accept that mapped area does include the dunes, however, this is all CMA where district councils only have limited and residual functions. Add on dunes as a value for this natural character area.	Yes

Appendix C. Section 32AA Evaluation

C1. Overview and purpose

This evaluation is undertaken in accordance with section 32AA of the RMA. It examines the appropriateness of the recommended amendments to the objectives and policies for the Coastal Environment provisions following the consideration of submissions received on the Proposed Plan.

C2. Recommended amendments

A range of amendments are recommended to the Coastal Environment chapter as a result of submissions received on the Proposed Plan. The recommended amendments are shown in Appendix A, discussed in the main report, and summarised below:

- Amendments to CE-O1
- Amendments to CE-O4
- Amendment to CE-P2

C3. *Statutory Tests*

The District Council must ensure that prior to adopting an objective, policy, rule or other method in a district plan, that the proposed provisions meet the requirements of the RMA through an evaluation of matters outlined in Section 32.

In achieving the purpose of the RMA, the District Council must carry out a further evaluation under section 32AA if changes are made to a proposal as a result of the submissions and hearings process. This evaluation must cover all the matters in sections 32(1)-(4).

Objectives

The objectives are to be examined in relation to the extent to which they are the most appropriate way to achieve the purpose of the RMA.²² For the purposes of evaluation under section 32AA the following criteria form the basis for assessing the appropriateness of the proposed objectives:

- Relevance;
- Usefulness;
- Reasonableness; and
- Achievability.

Provisions

Each provision is to be examined as to whether it is the most appropriate method for achieving the objectives. For a proposed plan, the provisions are defined as the policies, rules, or other methods that implement, or give effect to, the objectives of the proposed plan.²³

²² RMA s32(1)(a)

²³ RMS s32(6)(a)

The examination must include assessing the efficiency and effectiveness (including costs and benefits of the environmental, economic, social, and cultural effects, quantified if practicable, and the risk of acting or not acting) and a summary of the reasons for deciding the provisions.

C4. Evaluation of Recommended Amendments to Objectives

Objectives CE-O1 and CE-O4 are recommended to be amended as set out in Appendix A and below: The following tables provide an evaluation of the recommended amendments to the objectives.

Table C 1: Recommended Amendments to Objectives – CE-O1

Objective CE-O1 - "The natural character attributes of the coastal environment of the District are preserved, maintained, and enhanced restored or rehabilitated."

Relevance	Addresses a relevant resource management issue The amendment better reflects section 6(a) RMA, NZCPS objective 2, policies 13 and 14, the Canterbury Regional Policy Statement, and the Canterbury Regional Coastal Environment Plan.
	Assists the District Council to undertake its functions under s31 The amendments better recognise the alignment between the Proposed District Plan and the NZCPS
	Gives effect to higher level documents The amendment better aligns with Section 6(a) RMA preservation of the natural character of the coastal environment, the direction within NZCPS objective 2 and policies 13 and 14, Canterbury RPS objectives 8.2.4 and 8.3.4.
Usefulness	Guides decision-making The amendment better guides decision makers as the objective now reflects the <i>King Salmon</i> ²⁴ requirement to implement higher order policy.
	Meets best practice for objectives The amendment clarifies the outcome sort within the coastal environment chapter and the provisions therein.
Reasonableness	Will not impose unjustifiably high costs on the community / parts of the community The amendment is relatively minor, and will not change or alter compliance costs associated with achieving the outcome.
	Acceptable level of uncertainty and risk There is less uncertainty and risk with using the NZCPS terminology of "preservation", "restoration" and "rehabilitation".
Achievability	Consistent with identified tāngata whenua and community outcomes The amendment does not affect the identified tāngata whenua and community outcome values within the proposed plan.
	Realistically able to be achieved within the District Council's powers, skills and resources The proposed amendment does not alter the ability of the Council to achieve it.

²⁴ Environmental Defence Society Incorporated v The New Zealand King Salmon Company Limited & Ors - [2014] NZSC 38

Conclusion	The recommended amended objectives are the most appropriate way to achieve the purpose of the RMA by providing a coherent package of desired outcomes consistent with sustainable management.
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Table C 2: Recommended Amendments to Objective – CE-O4

CE-O4 Activities in the Coastal Environment

People and communities are able to provide for their social, economic and cultural well-being, recognising that the preservation of natural character and indigenous biodiversity, public access or cultural values does not preclude subdivision, use or development, where this does not compromise these values.

Relevance	<p>Addresses a relevant resource management issue</p> <p>The amendment better aligns with the objectives and policies for indigenous biodiversity by ensuring that the district-wide provisions prevail in the coastal environment overlay, avoiding two sets of potentially inconsistent objectives, and the policies that may follow from them.</p> <p>It also better reflects the preservation requirement in s6(a) RMA, the NZCPS objective 2, policies 13 and 14, Canterbury RPS objectives 8.2.4 and 8.3.4.</p>
	<p>Assists the District Council to undertake its functions under s31</p> <p>The amendments will better assist the Council in undertaking its functions, including decisions on resource consents by streamlining the assessment with CE-O4 assessing natural character, public access and cultural values.</p>
	<p>Gives effect to higher level documents</p> <p>The amendment better reflects the preservation requirement in s6(a) RMA, NZCPS objective 2, policies 13 and 14, Canterbury RPS objectives 8.2.4 and 8.3.4.</p>
Usefulness	<p>Guides decision-making</p> <p>The amendment will ensure that the district-wide indigenous ecosystem and biodiversity provisions are given their appropriate weight in the absence of potentially conflicting and duplicating objectives for the coastal environment overlay only, improving the quality of decision-making.</p>
	<p>Meets best practice for objectives</p> <p>The amendments to the objective ensure consistent wording with higher order documents and consistency with the other district-wide objectives in the plan.</p>
Reasonableness	<p>Will not impose unjustifiably high costs on the community / parts of the community</p> <p>No additional costs on the community or parts of the community will be generated by the recommended amendment.</p>
	<p>Acceptable level of uncertainty and risk</p> <p>There is no additional uncertainty or risk associated with the recommended amendments.</p>
Achievability	<p>Consistent with identified tāngata whenua and community outcomes</p> <p>The amendments do not affect the consistency of the strategic objective with identified tāngata whenua and community outcomes.</p>

	<p>Realistically able to be achieved within the District Council's powers, skills and resources</p> <p>The amendments will make the implementation of the Proposed District Plan easier and avoid over complicating the assessment of activities within the coastal environment overlay.</p>
Conclusion	<p>The recommended amended objectives are the most appropriate way to achieve the purpose of the RMA by providing a coherent package of desired outcomes consistent with sustainable management.</p>

Evaluation of Recommended Amendments to Policies

Table C 2: Recommended Amendment to Policy CE-P2

CE-P2 Preservation of natural character

Recognise the natural character values identified in CE-SCHED1, CE-SCHED2, and other areas of the coastal environment, and protect them by:

1. avoiding all adverse effects from subdivision, use or development within areas of ONC, and ~~areas~~ places adjoining the CMA;
2. avoiding significant adverse effects, including cumulative effects, from subdivision, use or development within areas of HNC, or VHNC;
3. avoiding, remedying or mitigating any other adverse effects on natural character attributes in the coastal environment;
4. avoiding the clearance of indigenous vegetation, and the planting of non-indigenous vegetation within identified coastal natural character areas;
5. avoiding activities that damage the stability of coastal dune systems; and
- ~~6.~~ maintaining indigenous biodiversity, where it is not already covered by ECO-P7 ~~including remnant vegetation and habitats of indigenous species.~~

Relevance	<p>Addresses a relevant resource management issue</p> <p>The amendment to (6) better aligns with the objectives and policies for indigenous biodiversity by ensuring that these district-wide provisions prevail in the coastal environment overlay, avoiding two sets of potentially inconsistent policies and the policies that may follow from them.</p>
	<p>Assists the District Council to undertake its functions under s31</p> <p>The amendments will better assist the Council in undertaking its functions, including decisions on resource consents by streamlining the assessment of indigenous biodiversity under its district-wide provisions, and ensuring that the assessment of indigenous biodiversity in the coastal environment overlay is limited to natural character – which achieves the objectives.</p>
	<p>Gives effect to higher level documents</p> <p>The amendment better reflects the preservation of natural character requirement in s6(a) RMA, NZCPS objective 2, policies 13 and 14, Canterbury RPS objectives 8.2.4 and 8.3.4.</p>

	The amendment to (1) better implements the NESTF and Proposed Plan definition.
Usefulness	Guides decision-making The amendment will ensure that the district-wide indigenous ecosystem and biodiversity provisions are given their appropriate weight in the absence of potentially conflicting and duplicating objectives for the coastal environment overlay only, improving the quality of decision-making.
	Meets best practice for objectives The amendments to the objective ensure consistent wording with higher order documents and consistency with the other district-wide objectives in the plan.
Reasonableness	Will not impose unjustifiably high costs on the community / parts of the community No additional costs on the community or parts of the community will be generated by the recommended amendment.
	Acceptable level of uncertainty and risk There is no additional uncertainty or risk associated with the recommended amendments.
Achievability	Consistent with identified tāngata whenua and community outcomes The amendments do not affect the consistency of the strategic objective with identified tāngata whenua and community outcomes.
	Realistically able to be achieved within the District Council's powers, skills and resources The amendments will make the implementation of the Proposed District Plan easier and avoid over complicating the assessment of activities within the coastal environment overlay.
Benefits and costs	Benefits and costs The amendments are minor and will likely not alter benefits or costs compared with the Proposed Plan however the amendments better give effect to the Act and higher order documents and will likely improve plan readability and reduces the likelihood of unneeded consents being triggered, additional to what would have been required by the district-wide indigenous biodiversity provisions.
Conclusion	The recommended amended objectives are the most appropriate way to achieve the purpose of the RMA by providing a coherent package of desired outcomes consistent with sustainable management.

Overall, the recommended amendments proposed to the objectives and policies provide greater clarity of the outcomes sought to be achieved. For the purposes of sections 32 and 32AA, I consider that the revised objectives are the most appropriate way of achieving the purpose of the RMA.

Adequacy of Information and Risk of Acting or Not Acting

Section 32(2)(c) of the RMA requires an assessment of the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the provisions.

Submissions have raised a number of matters that need to be addressed to provide clarity to the Coastal Environment provisions of the Proposed Plan. If no action is taken and the Proposed Plan is retained as notified, it could cause confusion and may result in a lack of consistent interpretation of the Proposed Plan.

Submissions also seek to amend the Proposed Plan, so it better achieves the purpose of the RMA. The recommended amendments address this matter assist in making the provisions efficient and effective in achieving the objectives. The risk in not acting is that the provisions do not effectively or efficiently achieve the objectives.

After reviewing the Coastal Environment provisions of the Proposed Plan and considering the submissions on these provisions and matters raised in mediation, I consider there is sufficient information on which to base the recommended revised objectives.

C5. Conclusion

I have evaluated the recommended amendments to objectives to determine the extent to which they are the most appropriate way of achieving the purpose of the RMA where there is necessary, and otherwise to give effect to higher order planning documents. I have also evaluated the recommended amendments to the proposed provisions, including their efficiency and effectiveness of the provisions in achieving the proposed objectives. I consider the proposed objectives as recommended to be amended are an appropriate way of achieving the purpose of the RMA and the recommended changes to provisions are the most appropriate means of achieving the objectives.

Appendix D. Report Author's Qualifications and Experience

Peter Wilson

I hold the following qualifications:

- Master of Planning (MPlan) and Bachelor of Physical Geography (BSc) from the University of Otago.

I am an intermediate member of the New Zealand Planning Institute.

I am a certified hearings commissioner.

I have 17 years' experience in working as a planner for local, central government, private consultancy, and a range of non-government organisations.

My work experience includes:

- Principal advisor (water) for Federated Farmers of New Zealand.
- Extensive affected party, policy planning, Environment Court case management and litigation, central government liaison, and freshwater science experience with regional Fish and Game Councils and the New Zealand Fish and Game Council.
- Private consultancy, primarily on conservation and recreation planning issues to a range of non-government organisation and trust clients.
- Private aquaculture and geospatial businesses.
- Consent planning for the Waitaki District Council.
- Statutory, RMA, and recreation planning for the Department of Conservation.

I have worked on planning matters across all New Zealand.

I have been employed by the Waimakariri District Council since August 2022 as a senior planner.

Conflict of interest statement

In my role at Federated Farmers of New Zealand, I was the primary author of its submission on the Proposed Plan. I understand that this is a potential conflict of interest that requires declaration. I have no direct interest or benefit or gain from the outcome of the submission, not being from a farming background or having farming interests, and also being a new resident to the district (and region).

Since employment by Council, I have undertaken to:

- a) Not report on the Rural chapter
- b) Ensuring that any of my work that handles the Federated Farmers submission is checked and reviewed.
- c) Not participating in consultation and engagement with Federated Farmers, except with another staff member present.

My previous work at the Department of Conservation and Fish and Game Councils has not involved any Waimakariri district matter.