



Proposed Natural Resources Plan for the Wellington Region

Section 42A Hearing Report For Hearing commencing 5 September 2017

Report dated: 7 August 2017

Report to the Hearings Panel on submissions and further
submissions

Topic: Natural Form and Function

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On behalf of Greater Wellington Regional Council

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Table 1: List of abbreviations

List of Abbreviations	
Coastal Marine Area	CMA
Hutt City Council	HCC
KāpitiCoast District Council	KCDC
National Policy Statement for Freshwater Management	NPS-FM
New Zealand Coastal Policy Statement 2014	NZCPS
Porirua City Council	PCC
Proposed Natural Resources Plan	Proposed plan
Regional Policy Statement	RPS
Resource Management Act	RMA
Upper Hutt City Council	UHCC
Wellington Regional Council	WRC
Wellington City Council	WCC

1. Executive summary

This report has been prepared under section 42A of the Resource Management Act 1991 (RMA) by Yvonne Legarth on behalf of the Greater Wellington Regional Council.

This report considers submissions and further submissions (submissions) on the Proposed Natural Resources Plan provisions related to the Natural Form and Function topic and makes recommendations in response to the issues that have emerged from submissions on the proposed plan. The scope of the provisions addressed in this report is set out in Table 2¹ below.

A list of all submitters and a summary of all decisions requests in submissions is in Appendix C. I understand that the Hearing Panel has full copies of the submissions available to them and therefore I have not included these in full as part of this report.

Key Issues

The key issues raised in submissions on the objective and policies dealing with natural character are:

- that all of the RMA section 6(a) requirements are not included.
- lack of consistency with the NZCPS and NPS-FM
- effects of activities on the natural character of freshwater, especially flood management activities are not addressed
- timeframes should be added to implement the objective
- restrict management of natural character to ‘the beds’ of lakes and rivers and ‘significant’ wetlands
- replace ‘coastal marine area’ with ‘coastal environment’
- areas of outstanding natural character should be specified in the plan
- use of ‘avoid, without ‘remedy or mitigate’
- that Policy P25 duplicates Policy P24 (outstanding natural character).
- The key issues raised in submissions on the objective and policies dealing with natural processes are:
 - ‘Interference’ as used in Objective O19 is unclear
 - use "avoid, remedy or mitigate" rather than “minimise” (similar concerns are raised in respect of Policy P26)

¹ Note that the scope of this report differs from the Natural Character, Form and Function sections in the proposed plan

- to combine proposed Objective O19 (natural processes) and Objective O17 (natural character)
- add ‘where appropriate’ at the end of Objective O19
- that Policy P26 is too general to be useful.

The key issues raised in submissions on the objectives and policies dealing with outstanding natural features and landscapes are:

- undertake an assessment of outstanding natural features and landscapes, and include provisions to manage them
- only protect identified ‘outstanding’ natural features and landscapes identified in accordance with Method M7
- amend Objective O32 to focus on rivers, lakes, wetlands and the coastal marine area (CMA)
- specify areas of outstanding natural features and landscapes in the plan and apply a policy hierarchy
- add ‘inappropriate use and development’ to Policy P49
- enable Regionally Significant Infrastructure.
- The key issues raised in submissions on the objective and policies dealing with significant geological features are:
 - that Objective O32 is onerous
 - that Objective O32 should only apply to identified geological features
 - add ‘inappropriate use and development’ into Objective O36
 - delete ‘significant’ geological features and replace with ‘avoid, remedy or mitigate’ effects on geological features
 - strengthen the policy to avoid adverse effects, rather than just significant adverse effects
 - amend to manage effects using a mitigation hierarchy (including offsetting).

The key issues raised in submissions in the objective and policies dealing with significant surf breaks:

- delete Objective O37, Policy P51 and Schedule K
- clearly identify the relevant surf breaks and clarify how Policy P51 will be applied
- limit Objective O37 to Scheduled and identified surf breaks

- clarify the nature of potential adverse effects and measurement of these, and how the policy would be applied in practice
- replace ‘minimise’ with ‘avoid, remedy or mitigate’, and
- add Makara Point break to Schedule K.

The key issues raised in submissions on the objective and policies dealing with special amenity landscapes:

- that the location and reasons for identifying special amenity landscapes should be specified in the plan
- to include a schedule of the special amenity landscapes and to only protect those identified areas.

Summary of issues raised in submissions

A summary of the issues is set out at the beginning of each section that deals with the submissions on the proposed plan provisions.

Overlapping Topics

Other RMA section 42A officers’ reports with particularly strong overlap with this report are:

- Part A: section 32 and consultation that sets out how the Council approached section 32 evaluations, provides an overview of the consultation undertaken and discusses issues raised by submitters on these subjects
- Part B: Overall policy framework of the proposed plan² that deals with submissions on proposed Policy P4 (Minimising adverse effects); and
- The RMA section 42A report: Coast³ will deal with submissions made on proposed Policies P138, P143, and P144 which are to avoid structures, deposition and dumping in sites with significant values (including Schedule J); and also the rules that implement the objectives and policies dealt with in this report.
- RMA section 42A reports: Water quality, Water allocation, Wetlands and Biodiversity, Natural hazards and Land use in riparian margins and stock access to water bodies.

² RMA section 42A report: Part B: Overall policy framework of the proposed plan - Hearing Stream 1

³ RMA section 42 report: ‘Coast’ scheduled for Hearing Stream 6

2. Introduction

1. My name is Yvonne Legarth. I am a planning consultant trading as Resourceful Planning and Policy Limited based in Wellington.
2. My qualification and experience are as follows:
 - a) I hold a Bachelor of Regional Planning from Massey University, and I have over 27 years' experience in planning and policy development, predominantly under the Resource Management Act 1991.
 - b) My background includes planning and policy development with both local and central government. I have been involved in the development of government policy for legislative amendments, National Policy Statements, the preparation and implementation of the New Zealand Coastal Policy Statement 1994; and I also advised on the Minister's approval of a number of regional coastal plans.
 - c) My experience includes the development and analysis of plan provisions at a regional and district level, the preparation and implementation of notices of requirement for designations, and the assessment and preparation of applications for resource consents and the implementation of plan provisions. I also have experience with developing and implementing non-regulatory tools aimed at achieving sustainable management.
 - d) I have appeared as an expert witness before the Environment Court and Boards of Inquiry and I am a certificate holder under the Ministry for the Environment Making Good Decisions Programme.
 - e) Prior to the enactment of the RMA I held contract positions with a local authority monitoring compliance with resource consents, and analysing the effectiveness of plan provisions prepared under the Town and Country Planning Act.

3. In addition to reading the submissions coded to this topic, in preparing this section 42A officers' report I have relied on the following section 32 issues and evaluation reports published by the Council dated July 2015:
- Natural Heritage - proposed Objectives O17, O32, O36, O37, O38 (natural character, geological features and natural processes, including significant surf breaks)⁴
 - Activities in the Coastal Marine Area - proposed Objective O19 (significant geological features and natural processes)⁵
 - Recreation, public access and public open space .
4. I have also read the technical reports prepared by the Council that are relevant to this report. The two reports are the "Assessment of sites of Regional Geological Significance" prepared by Dr Dawe (dated June 2014) which is relevant to Schedule J Significance Geological Features in the Coastal Marine Area; and "Regionally Significant Surf breaks in the Greater Wellington Region" prepared by eCoast Marine Consulting and Research (dated May 2015) which is relevant to Schedule K Significant Surf Breaks.
5. I have not had any previous involvement with the preparation of the proposed Natural Resources Plan for the Wellington Region.

3. Code of conduct

6. I confirm that I have read and am familiar with the Code of Conduct for Expert Witnesses contained in the Environment Court Practice Note and that I agree to comply with it.
7. I confirm that I have considered all of the material facts that I am aware of that might alter or detract from the opinions that I express, and that this evidence is within my area of expertise, except where I state that I am relying on the evidence of another person.

⁴ RMA section 32 Report "Natural Heritage"

⁵ RMA section 32 Report "Activities in the Coastal Marine Area"

8. I am authorised to give this evidence on the Council's behalf.

4. Scope of hearing report

9. This report is prepared in accordance with section 42A of the RMA. This report considers and makes recommendations on submissions and further submissions (submissions) that were received by the Wellington Regional Council (Council) in relation to the provisions in the proposed Natural Resources Plan for the Wellington Region (proposed plan) relating to the Natural Form and Function topic.

10. The Natural Form and Function topic addresses submissions made on the provisions of the proposed Natural Resources Plan that deal with natural character, natural processes, significant geological features and significant surf breaks, and special amenity landscape values (see Table 2 below).

11. At the time of writing this report submitters had not yet presented their submissions and evidence at the hearing, therefore the recommendations contained within this report only deal with the written submissions.

12. Any conclusions reached or recommendations made in this report are not binding on the Hearings Commissioners. It should not be assumed that the commissioners will reach the same conclusions or decisions having considered all the evidence to be brought before them by the submitters.

13. There were no pre-hearing meetings held on the provisions in this report.

14. The following table identifies which RMA section 32 reports evaluate the provisions dealt with in this RMA section 42A report.

Table 2: Scope of this section 42A officer's report

Proposed Plan provisions	Evaluated in RMA section s32 report	Key statutory provisions and related provisions in the proposed plan
Objective O17 Natural Character	RMA s32 Natural Heritage	RMA s6(a); NZCPS; RPS;

Proposed Plan provisions	Evaluated in RMA section s32 report	Key statutory provisions and related provisions in the proposed plan
Objective O19 Natural processes	RMA s32 Activities in the Coastal Marine Area	RMA s6(a) NZCPS; RPS; proposed plan Policy P4 Interpretation of Objective O19 (as notified) is dependent on the proposed plan Policy P4 which contains criteria to assess 'minimising adverse effects'.
Objective O32 Outstanding Natural Features and Landscapes	RMA s32 Natural Heritage	RMA s6(a) and s6(b); NZCPS; RPS
Objective O36 Significant geological features	RMA s32 Natural Heritage	RMA s6(a) and s6(b); NZCPS; RPS
Objective O37 Significant surf breaks	RMA s32 Natural Heritage	RMA s6(a) and s6(b); NZCPS; RPS
Objective O38 Identified special amenity landscape values	RMA s32 Natural Heritage	RPS
Policy P24 Outstanding Natural Character	RMA s32 Natural Heritage	RMA s6(a); NZCPS; RPS
Policy P25 Natural Character	RMA s32 Natural Heritage RMA s32 Activities in the Coastal Marine Area	RMA s6(a); NZCPS; RPS
Policy P26 Natural Processes	RMA s32 Natural Heritage RMA s32 Activities in the Coastal Marine Area	RMA s6(a); NZCPS; RPS; proposed plan Policy P4 Interpretation of Policy P26 (as notified) is dependent on proposed plan Policy P4 which contains criteria to assess 'minimising adverse effects'.
Policy P48 Outstanding natural features and landscapes	RMA s32 Natural Heritage	RMA s6(b); NZCPS; RPS;

Proposed Plan provisions	Evaluated in RMA section s32 report	Key statutory provisions and related provisions in the proposed plan
Policy P49 Use and development adjacent to an outstanding natural feature or landscape or special amenity landscape	RMA s32 Natural Heritage	RMA s6(b); NZCPS; RPS;
Policy P50 Significant geological features	RMA s32 Activities in the Coastal Marine Area	RMA s6(b); NZCPS; RPS;
Policy P51 Significant surf breaks	RMA s32 Natural Heritage	RMA s6(a) and s6(b); NZCPS; RPS; proposed plan Policy P4 Interpretation of Policy P51 (as notified) is dependent on proposed plan Policy P4 which contains criteria to assess 'minimising adverse effects'.
Method M24 Outstanding natural features and landscapes and high natural character	RMA s32 Natural Heritage	Implements Objective O17, O38 and Policy P49; RPS
Schedule J Significant geological features in the coastal marine area	RMA s32 Activities in the Coastal Marine Area	Implements Objective O17; O19; O32, O36 and O38; Policy P25, P26 and P50
Schedule K Significant surf breaks	RMA s32 Natural Heritage	Implements Objective O17; O19; O32, and O37 Policy P25, P26 and P51

15. **Section 5** in this report sets out the statutory background to the provisions that address natural character, natural processes, significant geological features and significant surf breaks; and special amenity landscape values.

16. **Section 6** in this report sets out the background to the key issues discussed in this Natural Form and Function report.
17. **Section 7** in this report is the analysis of the submissions made on the Natural Form and Function topic: being the proposed plan Objectives O17, O19, O32, O36, O37, O38; Policies P24, P25, P26, P48, P49, P50, P51; Method M24; and Schedules K & J.
18. **Appendix A** contains the recommended amendments and RMA section 32AA evaluation
19. **Appendix B** contains the RMA section 32AA Evaluation Table
20. **Appendix C** contains a table of recommended decisions on submissions
21. **Appendix D** contains a list of the rules that are relevant to the Natural Form and Function topic, which will be addressed in other RMA section 42A reports
22. **Appendix E** contains a table setting out the Objectives in this report and the higher order planning instruments (based on the RMA section 32 tables
23. **Appendix F** contains a list of the rules that are relevant to the Natural Form and Function topic, which will be addressed in other RMA section 42A reports
24. This report is intended to be read in conjunction with the reports that were before the Hearing Panel in Hearing Stream 1; these are the RMA section 42A Reports:
 - a) Introduction and procedural matters (procedural background information, statutory context and administrative matters pertaining to the regional plan review and development of the proposed plan)
 - b) RMA section 32 and consultation
 - c) Part A: Overall policy framework of the proposed plan
 - d) Part B: Overall policy framework of the proposed plan.

Related provisions

Proposed Policy P4 (minimise adverse effects)

25. As notified Objective O19 and Policies P26 and P51 use the term ‘minimise’ in various forms⁶ when managing natural processes and the effects of use and development. Proposed Policy P4 is “*Where minimisation of adverse effects is required by policies in the Plan ...*” then the criteria contained in Policy P4 are to be applied.
26. This being the case, there is a relationship between proposed Objective O19 and Policies P26 and P51 that are dealt with in this report, and proposed Policy P4 which is dealt with in the report prepared by Ms Greenberg⁷ and the joint caucusing statement responding to the Hearing Panel’s Minutes 5 and 7.
27. Proposed Policy P4 specifies that it applies “Where minimisation of adverse effects is required by policies in the Plan” (my emphasis). I understand that in practice it could also be applied to Objectives O19 and O44⁸. In both instances, the recommendations are to amend the objectives, and ‘minimise’ is not used in the recommended alternative objectives.
28. The Hearing Panel Minute 5 (which directed caucusing) suggested that two themes emerged from submissions in respect of Policy P4; that the Policy be deleted in its entirety as it was considered unnecessary or that the Policy be substantially reworded. Minute 5 also asked “If the Policy was reworded, what form should it take and what would be the consequences for the objectives and policies that it pertains to”. Hearing Panel’s Minute 7 provided further clarification. I attended the caucusing held on 28 June 2017. Following the caucusing of planners a joint statement was signed by those that attended.
29. I support the caucusing version of Policy P4 as a policy, but not as a definition. The consequence of the redrafted Policy P4 as a policy is that the sub-clauses

⁶ Proposed Objective 19 uses the term ‘minimised’, Policy P26 uses ‘minimise’ and P51 uses ‘minimising’

⁷ RMA s42A report Overall policy framework of the proposed Plan – Part B dated 20 April 2017 prepared by Ms Greenberg at paragraphs 550 to 591

⁸ RMA s42A report: ‘land use in riparian margins and stock access’ prepared by Mr Lowe Recommendation at page 64 and 65

from Policy P4 would need to be duplicated throughout those provisions that require adverse effects to be ‘minimised’. The consequence of the caucusing draft of a definition of ‘minimise’ is that the element of discretion in ‘reasonably practicable’ is not certain, as this would be applied differently on a case by case basis depending on the individual circumstances. I consider that discretion is best applied through a policy. In both instances, the caucusing re-draft of Policy P4, means that the sub-clauses of proposed Policy P4 would need to be duplicated throughout those provisions in the proposed plan that address ‘minimising’ adverse effects, if the policy intent is to be retained.

Coastal management objectives and policies

30. The proposed plan provisions that are addressed in this report are also related to the provisions dealing with coastal management.
31. The RMA section 42A Hearing Report ‘Coast’ to be prepared by Mr Paul Denton will deal with the submissions on proposed Policy P149 which is directly related to the protection of the Tītahi Bay fossil forest and the use of motor vehicles in those areas containing the remnants of the fossil forest. Mr Paul Denton’s report will also deal with submissions on policies that address structures (P138), deposition (P143) and dumping (P144) within a site identified in Schedule J (geological features).

Coastal management rules

32. The proposed plan includes activity specific rules that control activities in the coastal marine area, and which implement the objectives and policies dealt with in this report.
33. This report deals with submissions on the objectives, policies and Method M24. The relevant rules are to be dealt with in the RMA section 42A Hearing Report ‘Coast’ prepared by Mr Paul Denton. In particular, Mr Paul Denton’s report will deal with the permitted activity Rule R190 that deals with boat launching and retrieval; R197 that provides for the disturbance of the foreshore by a motor vehicle used for certain purposes such as emergency and lifesaving vehicles; the non-complying activity Rule R198 that manages the disturbance

of the foreshore or seabed inside the area included in Schedule J and outside of the area identified Map 35 or where the fossil forest is exposed; and prohibited activity rule R199 that controls disturbance from motor vehicles at Titahi Bay beach in the area of the fossil forest.

Natural character of rivers, lakes, wetlands and their margins

34. There are provisions in the proposed plan that manage activities that may have potential adverse effects on the natural character and natural processes of rivers, lakes, wetlands and their margins. Other RMA section 42A reports deal with water quality, water quantity, wetlands and aquatic ecosystems, natural hazard mitigation and riparian management.

5. Background – Statutory and non-statutory documents

35. The purpose of a regional plan is to assist the council to carry out its functions to achieve the purpose of the RMA. When preparing a Regional Plan under the RMA the Council must fulfil a number of statutory requirements.
36. There is a requirement to prepare a regional coastal plan⁹, and discretion to prepare an integrated regional plan¹⁰ which is discussed in the RMA section 42A report Part A: Introduction and procedural matters and is not repeated here. Only the most relevant statutory and non-statutory documents relevant to the provisions addresses in this report are included in this section.

5.1 Resource Management Act 1991

37. RMA section 66(1) is that the council must prepare the plan in accordance with a number of matters; including its functions under RMA section 30 and the provisions of Part 2. This report deals with the provisions in the plan that address natural character, natural processes, significant geological features, significant surf breaks, and special amenity landscape values. The provisions dealt with in this report are all within the scope of RMA Part 2 and the powers and functions of a regional council.

⁹ RMA section 64(1)

¹⁰ RMA section 64(2) and RMA section 65

38. RMA section 66(2) and section 66(2A) requires regard to be given to the Crown's interests in the coastal marine area (CMA), other management plans, strategies under other Acts and documents recognised by iwi authorities and customary marine title groups that are lodged with Council. Based on the evidence of Mr Grace, the three Part A¹¹ and the relevant section 32 reports which discuss the concern expressed by iwi regarding a decline in the mauri of the region's fresh and coastal waters and the limitations of the Iwi Management Plans (IMPs) to address this, I consider that in preparing the provisions dealt with in this report, that regard has been had to the Crown's interests in the coastal marine area¹²; relevant management plans (including plans recognised by iwi) and relevant strategies prepared under other Acts to the extent that their content has a bearing on resource management issues of the region¹³.
39. RMA section 67 is that the proposed plan must give effect to relevant provisions of the New Zealand Coastal Policy Statement 2010 (NZCPS), National Policy Statement for Freshwater Management 2014 (NPS-FM) and the Regional Policy Statement for the Wellington Region 2013 (RPS)¹⁴; and having combined the regional plans the provisions in the proposed plan must not be inconsistent¹⁵.
40. RMA section 66 sets out the matters to be considered when preparing a regional plan. These include the Council's functions, the provisions of Part 2; and a requirement to have regard to relevant management plans and strategies. This report deals with matters that are addressed in the Wellington Conservation Management Strategy (CMS, the Wellington City South Coast Management Plan and the Titahi Bay Beach Reserves Management Plan (which applies above mean high water springs (MHWS))¹⁶.

¹¹ Part A: Introduction and procedural matters

Part A: Section 32 and consultation

Part A: Overall framework of the proposed plan prepared by Ms Greenberg page 49 and 50

¹² RMA section 66(2)(b)

¹³ RMA section 66(2)(i)

¹⁴ RMA section 67(3)

¹⁵ RMA section 67(4)(b)

¹⁶ <http://www.pcc.govt.nz/Publications/Titahi-Bay-Beach-Reserves-Management-Plan>

41. The relevant statutory provisions contained in RMA Part 2, include:
- a) RMA section 5 which is to promote the sustainable management of natural and physical resources.
 - b) RMA section 6 that is to recognise and provides for matters of national importance. The RMA section 6 provisions that are relevant to the Natural Form and Function provisions are the preservation of the natural character of the coastal environment, wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate use and development¹⁷ and the protection of outstanding natural features and landscapes¹⁸ from inappropriate use and development; and the maintenance and enhancement of public access to and along the coastal marine area¹⁹.
 - c) RMA section 7 requires that particular regard be given to the maintenance and enhancement of amenity values²⁰, the maintenance and enhancement of the quality of the environment²¹, and any finite characteristics of natural and physical resources²².
 - d) RMA section 8 requires that the principles of the Treaty of Waitangi (Te Tiriti o Waitangi) be taken into account.
 - e) RMA Part 3 contains the statutory provisions that describe the different presumptions in the Act that establish the scope of matters controlled under the RMA and the relevant default consenting requirements.

National Policy Statement Fresh Water Management 2014

42. NPS-FM is relevant to the provisions in this report that address natural character and natural processes associated with fresh water and its margins.

¹⁷ RMA s6(a)

¹⁸ RMA s6(b)

¹⁹ RMA section 6(d)

²⁰ RMA s7(c)

²¹ RMA s7(f)

²² RMA s7(g)

43. The NPS-FM deals with national policies for water quality, water quantity, integrated management, developing an approach to establish freshwater objectives for national values, and identifying and reflecting tangata whenua roles and interests. The approach taken by the Council is to work with communities to develop the Whaitua provisions, using the process prescribed in the NPS-FM.
44. The NPS-FM is relevant to the natural character and natural processes provisions as it deals with components of natural character such as water quality, ecosystem processes and the natural flow regime. The additional National Values identified in Appendix 1 of the NPS-FM include the natural form and character of freshwater.

New Zealand Coastal Policy Statement 2010

45. The provisions in the NZCPS that are relevant to this report are those that address natural character²³, effects on natural processes²⁴, outstanding natural features and landscapes²⁵, significant geological features²⁶, significant surf breaks²⁷ and special amenity landscapes²⁸ within the coastal environment.

NZCPS Objectives

46. The Objectives dealt with in this report (together with the rules in the plan) give effect to the NZCPS. NZCPS Objectives 1 to 4, and 6 are to safeguard the integrity, form, function and resilience of the coastal environment²⁹, the characteristics and qualities that contribute to natural character, natural features and landscape values³⁰, characteristics that are of special value to tangata whenua³¹, public open space qualities and recreation opportunities of the

²³ Proposed Objective O17 and Policies P24 and P25

²⁴ Proposed Objective O19 and Policy P26

²⁵ Proposed Objective O32 and Policies P48 and P49

²⁶ Proposed Objective O36 and P50

²⁷ Proposed Objective O37 and Policy P51

²⁸ Proposed Objective O38 and Policy P49

²⁹ NZCPS Objective 1

³⁰ NZCPS Objective 2

³¹ NZCPS Objective 3

coastal environment³²; and are to recognise that the protection of the values of the coastal environment does not preclude use and development in appropriate places and forms, and within appropriate limits³³.

NZCPS Policies

NZCPS Policies 13 and 15

47. NZCPS Policies 13 and 15 are to preserve the natural character and protect natural features and the natural landscapes (including seascapes) of the coastal environment from inappropriate subdivision, use, and development.
48. NZCPS Policies 13 and 15 establish a hierarchy for managing adverse effects. Adverse effects on outstanding natural character³⁴ and outstanding natural features and outstanding natural landscapes in the coastal environment³⁵ are to be avoided. In all other areas, significant adverse effects are to be avoided and other adverse effects of activities on natural character³⁶ and on other natural features and natural landscapes in the coastal environment³⁷ are to be avoided, remedied, or mitigated.

NZCPS Policy 1 and 13

49. NZCPS Policy 1 and 13 identify the extent, characteristics and components that make up natural character. Amongst other matters, NZCPS Policy 13 recognises that natural character is not the same as natural features and landscapes or amenity values and may include matters such as natural elements, processes and patterns; geological and geomorphological aspects³⁸;

³² NZCPS Objective 4

³³ NZCPS Objective 6

³⁴ NZCPS Policy 13 (a) and (b)

³⁵ NZCPS Policy 15(a)

³⁸ NZCPS 13(b)

³⁸ NZCPS 13(b)

³⁸ NZCPS 13(b)

natural landforms such as surf breaks³⁹; and the natural movement of water and sediment⁴⁰.

50. In addition to the broader provisions in the NZCPS that deal with natural character, natural processes, biophysical, ecological, geological and geomorphological features; and recreational values and vehicle access; NZCPS Policy 13(2) provides for the regional coastal plan to recognise values associated with significant surf breaks in the region.

NZCPS Policy 16

51. NZCPS Policy 16 is to protect significant surf breaks of national significance for surfing that are listed in NZCPS Schedule 1. There are no surf breaks of national significance identified in NZCPS Schedule 1 of the NZCPS that are located in the Wellington Region.

NZCPS Policy 20

52. The NZCPS has activity specific policies that are relevant to proposed Rule R199 which prohibits the disturbance of the foreshore or seabed from motor vehicles in the fossil forest in the coastal marine area at Tītahi Bay. NZCPS Policy 20 is to control the use of vehicles (apart from emergency vehicles) on beaches, foreshore, seabed and adjacent public land that might result in danger to other beach users⁴¹; or where such use may disturb the peaceful enjoyment of the beach environment, or damage dune or other geological systems and processes⁴².
53. The activity specific rules in the proposed plan that give effect to the provisions in the NZCPS will be covered in the RMA section 42A report on ‘Coastal Management’ to be prepared by Mr Paul Denton.

³⁹ NZCPS 13(c)

⁴⁰ NZCPS 13(d)

⁴¹ NZCPS Policy 20(1)(c)

⁴² NZCPS Policy 20(1)(a)

NZCPS Policies 3, 4, 5, and 14.

54. In conjunction with other provisions in the proposed plan, the objectives, policies, method and schedules addressed in this report also contribute to the proposed plan giving effect to NZCPS Policies 3, 4, 5, and 14.
55. NZCPS Policy 3 is to adopt a precautionary approach towards proposed activities when the effects are uncertain, unknown, or little understood, but are potentially significantly adverse; and where coastal resources are potentially vulnerable to effects from climate change so that natural adjustments and natural defences are allowed to occur; and the natural character, public access, amenity and other values of the coastal environment meet the needs of future generations.
56. NZCPS Policy 4 is to provide for the integrated management of natural and physical resources, and requires particular consideration to be given to public use and enjoyment of public space; and requires particular consideration of situations where significant adverse cumulative effects are occurring, or can be anticipated.
57. NZCPS Policy 5 is to consider effects on land or waters held under the Conservation Act or other Acts for conservation or protection purposes.
58. NZCPS Policy 14 is to promote the restoration or rehabilitation of the natural character of the coastal environment.

Regional Policy Statement for the Wellington Region 2013

59. The provisions in the proposed plan that deal with Natural Form and Function must give effect to the Regional Policy Statement for the Wellington Region (RPS).
60. The RPS is divided into sections. RPS Section 3 sets out the resource management issues and the RPS Objectives; RPS Section 4.1 contains policies that direct provisions in district or regional plans, and RPS Section 4.2 contains policies that are to be considered when processing and deciding upon a resource consent, notices of requirement, or a change, variation or replacement to a plan. RPS Section 5 contains provisions for monitoring of the RPS and

identifies anticipated environmental results; and RPS Section 6 states the principal reasons for adopting the objectives, policies and methods of the RPS.

RPS Definitions

61. Provisions in the RPS that are relevant to Natural Form and Function include the following:
62. The RPS defines Natural features as “*Elements or patterns arising as a result of natural processes.*”⁴³”

Habitats and features in the coastal environment

RPS Objective 3

63. The RPS Section 3.2 states that: “*Matters that contribute to the natural character of the coastal environment include: the dynamic coastal processes and ecosystems of escarpments, sand dunes, estuaries and salt marshes, significant landscapes and seascapes, geological features and landforms, sand dunes and beach systems, sites of historic or cultural significance, an area’s amenity and openness, and in some places its remoteness.*”⁴⁴”
64. RPS Objective 3 has broad applicability to the provisions addressed in this report. RPS Objective 3 is that “*..... Habitats and features in the coastal environment that have recreational, cultural, historical or landscape values that are significant are protected from inappropriate subdivision, use and development*”.

Natural Character and natural processes

RPS Objectives 4 and 5; RPS Policy 3, 18, 35 and 36

65. RPS Objectives 4 and 5 are to protect natural character from the adverse effects of inappropriate subdivision, use and development; and to restore areas of the coastal environment where natural character has been degraded.

⁴³ RPS Appendix 3 Definitions page 193

⁴⁴ Regional Policy Statement for the Wellington Region - Section 3.2 Coastal Environment - page 21

66. RPS Policy 3 directs regional plans to include provisions to protect high natural character in the coastal environment; and identifies the matters to be used to determine sites which have high natural character.
67. RPS Policy 18 is to protect aquatic ecological function of water bodies, and this includes retaining natural features, such as pools, runs, riffles, and the river's natural form and natural flow regimes.
68. RPS Policy 35 deals with preserving the natural character of the coastal environment and sets out the matters to have particular regard to when considering consent applications. These include physical processes associated with coastal features, maintaining or enhancing amenity, and protecting scientific and geological features from inappropriate subdivision, use and development.
69. RPS Policy 36 manages effects on natural character in the coastal environment and identifies matters to have particular regard to when considering consent applications. Matters include the nature and intensity of the proposed activity, cumulative adverse effects, and the resilience of the site or area to change.
70. Objectives O17 and O19 in the proposed plan deal with preserving and protecting natural character from inappropriate use and development and minimising the effects of use and development on coastal processes. Proposed Policies 24 and 25 manage areas of outstanding natural character and effects on natural character. The proposed plan provisions give effect to provisions in the RPS and support decisions on applications for consent that have potential effects on natural character.

Regional Policy Statement categories of 'Natural features and landscapes'

71. The RPS identifies three broad categories of landscape⁴⁵:
 - 'outstanding' natural features and landscapes (exceptional and iconic);

⁴⁵ Regional Policy Statement for the Wellington Region - Section 3.7 Landscape - page 56

- special amenity landscapes (highly valued for their visual and physical attributes); and
- all other landscapes that contribute to the amenity and character of the region.

Outstanding natural features and landscapes

RPS Objective 17; RPS Policy 25, 26 and 50

72. The proposed plan provisions that deal with ‘outstanding natural features and landscapes’ give effect to the following provisions in the RPS:
73. RPS Objective 17 is that *“the region’s outstanding natural features and landscapes are identified and their landscape values protected from inappropriate subdivision, use and development”*.
74. RPS Policy 25 is to identify outstanding natural features and landscapes, and sets out criteria to be used. Once identified against the criteria in RPS Policy 25, RPS Policy 26 is to include provisions in regional plans to protect outstanding natural features and landscape values from inappropriate use or development.
75. Where outstanding natural features and landscapes have not been assessed, RPS Policy 50 provides the assessment framework to be used in decisions on applications for consents and an outstanding landscape or feature is present.
76. Objective O32 in the proposed plan is to protect outstanding natural features and landscapes from inappropriate use and development; and proposed Policies P48 and P49 manage effects on both ‘outstanding’ and ‘natural’ landscapes and features. Proposed Method M24 is to work with territorial authorities and the community to identify and produce a list of outstanding natural features, landscapes, and areas with outstanding/high natural character within the region.

Special amenity landscapes

RPS Objective 18; RPS Policy 6, 19, 27 and 28

77. The proposed plan provisions that deal with ‘special amenity landscapes’ give effect to the following provisions in the RPS.

78. RPS Objective 18 is that *“The region’s special amenity landscapes are identified and those landscape values that contribute to amenity and the quality of the environment are maintained or enhanced.”*
79. RPS Policy 6 directs regional plans to include provisions that recognise the regional significance of Te Awarua-o-Porirua Harbour (including the Pauatahanui Inlet and Onepoto Arm; and to recognise and provide for the maintenance, protection and enhancement of the significant amenity, recreational, ecological and cultural values associated with the Te Awarua-o-Porirua Harbour⁴⁶.
80. RPS Policy 19(b) is to include provisions in a regional plan to maintain or enhance the amenity and recreational values of rivers and lakes.
81. RPS Policy 27 and RPS Policy 28 deal with the identification and management of special amenity landscapes which are distinctive, widely recognised and highly valued by the community for their contribution to the amenity and quality of the environment of the district, city or region.
82. Objective O38 in the proposed plan deals with maintenance and enhancement of special amenity landscapes, and proposed Policy P49 manages use and development in the CMA that is adjacent to an outstanding natural feature or landscape or special amenity landscape identified in a district plan. Implementation occurs in part through the management of cross boundary effects in a consenting process.

Amenity landscapes

83. The proposed plan deals with the above two categories identified in the RPS. The RPS states that the effects of activities on landscapes in the third category ‘all other landscapes that contribute to the amenity and character of the region’ or ‘amenity landscapes’, are predominantly managed by territorial authorities through district plans.

⁴⁶ RPS Policy 6 is also given effect to by provisions which will be addressed in the RMA section 42A report to be prepared by Ms Pam Guest ‘Wetlands and Biodiversity’; including Objective O18 in the proposed plan which deals with the values (including amenity values) of estuaries.

Significant geological features

RPS Policy 25, 26 and 35

84. Geological features are amongst the natural science values identified in RPS. Policy 25 is used to identify outstanding natural features and landscapes. RPS Policy 26 is that regional plan provisions shall protect those outstanding natural features and landscapes identified in accordance with Policy 25 from inappropriate use or development.
85. Protecting scientific and geological features from inappropriate subdivision, use and development is a matter identified in RPS Policy 35 (g) which is to preserve the natural character of the coastal environment. RPS Policy 35 (d) is to minimise any significant adverse effects from the use and enjoyment of the coast by the public.
86. Objective O36 and proposed Policy P50 of the proposed plan are to protect significant geological features. The RPS and the NZCPS⁴⁷ both identify significant geological features and landforms as a component of natural character. Proposed Schedule J identifies Significant Geological Features in the coastal marine area.

Significant surf breaks

RPS Objective 3 and RPS Policy 35

87. In addition to the natural character and natural process provisions, the relevant provisions in the RPS are those that deal with amenity and landscape values, cultural and recreational use, and include RPS Objective 3 and RPS Policy 35.
88. RPS Objective 3 is to protect features in the coastal environment that have recreational, cultural, historical or landscape values that are significant. RPS Policy 35 (c) is to maintain or enhance amenity, and this includes opportunities for recreation and the enjoyment of the coast by the public.
89. Objective O37 in the proposed plan is to protect significant surf breaks from inappropriate use and development, and proposed Policy P51 of the proposed

⁴⁷ NZCPS Policy 13 (2) b and c

plan is to manage use and development by minimising adverse effects on, and access to, significant surf breaks. Proposed Schedule K identifies Significant Surf Breaks.

Other relevant strategies and plans

90. This report deals with matters that are addressed in the Wellington Conservation Management Strategy (CMS) which is a management strategy prepared under the Conservation Act. The CMS includes objectives for the protection of the diversity of landforms, geological and soil sites and geological features amongst the values in the ecological districts within the region. A revised draft CMS was released for submissions (that closed on 4 April 2017). The draft CMS Appendix 8 identifies significant geological features and landforms, including the Titahi Bay Pleistocene fossil forest. Where these places are located in the CMA, the provisions in the CMS may be considered to express some of the Crown's interests in the coastal marine area.
91. The Wellington City South Coast Management Plan manages land that is held under the Reserves Act and extends that management to other land along the south coast. The primary objective in the management plan is: "To protect and enhance the coastal character of Wellington's South Coast". There are a number of secondary objectives; those most relevant to the provisions addressed in this report are: "To enhance and, where possible, restore the natural values of the coast, while providing for the recreational and leisure desires of visitors/users; to reduce conflict between the many users and values of the area; and to meet the needs of coastal visitors/users and the City, while ensuring any infrastructure or facilities are developed in sympathy with the coastal environment."
92. The Porirua City Council has prepared the 'Titahi Bay Beach Reserves Management Plan'. This management plan is prepared under the Reserves Act and is relevant when considering cross boundary issues arising from the protection of the management of the Titahi Bay Fossil forest. The plan applies to the area held subject to the Reserves Act, above MHWS. The Porirua City Council identified the following six actions:

1. Seek to agree a Memorandum of Understanding (or similar) with Greater Wellington over regulatory management of Titahi Bay Beach.
2. Work to ensure that, where possible all land subject to the Plan is held under the Reserves Act 1977; and that land status changes will not make building/planning restrictions for beachfront properties more permissive.
3. Work with residents to develop a landscape concept plan that will also guide upgrade/development of facilities (over the life of the plan).
4. Work with experts, Greater Wellington, residents and interest groups to develop a natural systems action plan to consider management of dunes, vegetation, pollution and erosion.
5. Proceed with bylaw controls for management of Titahi Bay Beach (including vehicle use) above Mean High Water Springs.
6. Ensure clear signage is provided to residents and visitors about who to contact when there are concerns over use of the beach.

6. Background – Overview of the issues that the plan seeks to address

93. The provisions dealt with in this report on Natural Form and Function address eight broad issues that I have identified from the RMA section 32 reports on the Natural Form and Function topic.
94. The RMA s32 Natural Heritage report identifies four issues⁴⁸ that are addressed by the Objectives, and other provisions in the proposed plan:
95. *Degradation, modification and destruction of outstanding natural features and landscapes result in the loss of values associated with those landscapes and features.*

⁴⁸ RMA section 32 report: 'Natural Heritage' pages 4 and 5

96. *Inappropriate use and development of significant amenity landscapes result in a loss of amenity values associated with those landscapes.*
97. *Activities and structures in the coastal marine area continue to degrade the natural character of the coastal environment.*
98. *The use of vehicles on the foreshore can adversely affect the coastal environment.*
99. The RMA s32 report on management of the coastal marine area promotes integrated management of activities and identifies a number of issues⁴⁹ that have a relationship with the provisions dealt with the Natural Form and Function topic. The most relevant are:
100. *Activities and structures in the coastal marine area continue to degrade the natural character of the coastal environment.*
101. *Structures in the CMA have adverse effects on the coastal environment, particularly natural character.*
102. *Reclamation and drainage of the foreshore and seabed in the CMA have significant adverse effects on the coastal environment, particularly coastal habitats and ecosystems.*
103. The RMA section 32 report on activities in the coastal marine area deals with the effects of activities in the coastal marine area on the coastal environment. The issues dealing with the effects of reclamation and drainage, disposal of material, introduction of exotic or introduced plants, and the disturbance on the foreshore or seabed in the CMA⁵⁰ are relevant to the topics in this report.

6.1 Operative plans

104. The RMA s32 report discusses the provisions in the operative Regional Coastal Plan⁵¹ that are relevant to natural character, outstanding natural features and

⁴⁹ RMA section 32 report: 'Management of the Coastal Marine Area' pages 4 and 5

⁵⁰ RMA section 32 report 'Activities in the coastal marine area' page 4

⁵¹ RMA section 32 report 'Natural Heritage' at pages 10 to 12

landscapes, significant geological features, significant surf breaks, and special amenity landscapes. The approach to managing natural character is similar to that in the proposed plan. Significant geological features are identified and managed as 'areas of significant conservation values'. The conclusion drawn in the RMA section 32 report is that the proposed provisions are considered to be necessary to give effect to the NZCPS and RPS, and to better address outstanding natural features and landscapes, significant geological features, and significant surf breaks.

105. The operative Regional Freshwater Management Plan addresses natural character in the context of adverse effects of use and development on natural values, such as natural character, natural features, habitats, and ecosystems. The objectives in the operative plan dealing with natural values (including natural character) are more detailed than those in the proposed plan. Objective 4.1.4 is: The natural character of wetlands, and lakes and rivers and their margins, is preserved and protected from inappropriate subdivision, use and development; Objective 4.1.5 The life-supporting capacity of water and aquatic ecosystems is safeguarded from the adverse effects of any subdivision, use and development; and Objective 4.1.6 Significant indigenous aquatic vegetation and significant habitats of fresh water fauna in water bodies are protected.
106. The policies in the operative plan are also more specific, and are to consider the characteristics of wetlands, and lakes and rivers and their margins. Characteristics of natural values (including natural character) that are identified in the operative plan are water quality; the natural flow characteristics and hydraulic processes (such as sediment transport) of rivers or the pattern and range of water level fluctuations that occur naturally in wetlands or lakes; and the topography and physical composition of river or lake beds and the course of the river.

6.2 Consultation

107. Consultation on the proposed plan was dealt with in the RMA section 42A report considered at Hearing Stream 1 on RMA section 32 reports and consultation.

7. Analysis of submissions

108. I have set out my analysis of the provisions by respective components of the Natural Form and Function topic, under the following headings:

- Group 1 – Natural Character:
 - Issue 1: Submissions on Definition: Natural Character
 - Issue 2: Submissions on Objective O17
 - Issue 3: Submissions on Policy P24
 - Issue 4: Submissions on Policy P25⁵²
- Group 2 – Effects of activities in the Coastal Marine Area on natural processes:
 - Issue 5: Submissions on Definition: Natural Processes
 - Issue 6: Submissions on the definition of Natural Processes
 - Issue 7: Submissions on Objective O19
 - Issue 8: Submissions on Policy P26
- Group 3 – Sites of Significance

Outstanding natural features and landscapes are protected from inappropriate use and development:

 - Issue 9: Submissions on Objective O32
 - Issue 10: Submissions on Policies P48
 - Issue 11: Submissions on P49 (and also implemented by Method M24)

⁵² Related provision Policy P26 effects on natural processes

Significant geological features

- Issue 12: Submissions on Objective O36
- Issue 13: Submissions on Policy P50 and
- Issue 14: Submissions on Schedule J: Significant Geological Features

Significant surf breaks:

- Issue 15: Submissions on Submissions on Objective O37
- Issue 16: Submissions on and Policy P51
- Issue 17: Submissions on Schedule K: Significant Surf Breaks

Special amenity landscape values:

- Issue 18: Submissions on Submissions on Objective O38
- Issue 19: Submissions on Method M24⁵³.

⁵³ Related provision Policy P49 use and development in the CMA adjacent to an outstanding natural feature or landscape or special amenity landscape.

8. Overview – Proposed Plan – Natural character, form and function

109. The scope of this report differs from the set of provisions that sit under the heading “Section 3.4 ‘Natural character form and function’” in the notified plan.
110. Section 3.4 of the proposed plan deals with natural character, values of estuaries, natural processes, risk from natural hazards and high hazard areas, and hard engineering options. The submissions made on the proposed plan provisions that address the value of estuaries⁵⁴ and natural hazards⁵⁵ will be dealt with in the RMA s42 reports to be prepared by Ms Pam Guest and Ms Amber Carter.
111. The Objectives and Policies in this report are implemented by Method 24 dealt with in this report; as well as the related rules and Method M22 that will be addressed in the RMA s42 report ‘Coast’ to be prepared by Mr Paul Denton; and in the RMA s42A reports that deal with riparian margins, water quality and quantity, natural hazards and wetlands.

Group 1 – Natural Character

112. This part of the report deals with the submissions on the proposed provisions that address natural character (Objective 17, Policies P24 and P25). These provisions are evaluated in the RMA section 32 report entitled: ‘Natural Heritage’.

Issue 1. Definition of natural character

Background

113. The proposed plan does not repeat definitions that are included in the RMA. Some definitions in the RPS have been added and are marked in the proposed plan with an asterix. The proposed plan does not include a definition of natural character.

⁵⁴ RMA s42A report “Wetlands and biodiversity” prepared by Ms Pam Guest

⁵⁵ RMA s42A report “Natural hazards” prepared by Ms Amber Carter

Submissions

114. The submission made by Fish and Game S308/007 is to include the following definition for natural character:
115. *The Natural Character of rivers lakes and wetlands may include such attributes and characteristics as:*
- a) natural elements, processes and patterns, chemical, biophysical, ecological, geological, geomorphological and morphological aspects,*
 - b) natural landforms;*
 - c) the natural movement of water and sediment including hydrological and fluvial processes;*
 - d) places that are wild and scenic*
 - e) a range of natural character from pristine to modified*

Assessment

116. Natural character is well defined in case law, and the NZCPS also sets out what the components of natural character are.

Recommendation on the definition of natural character

117. I recommend that a definition for natural character is not included in the plan.

Issue 2. Objective O17 Natural Character

Background – Natural Character

118. Objective O17 is *“The natural character of the coastal marine area, rivers, lakes and their margins and natural wetlands is preserved and protected from inappropriate use and development.”*
119. There is a direct relationship between proposed Objective O17 and the matters of national significance in RMA s6(a), and at a policy level there is a close relationship between natural character and natural processes.
120. Natural character is not defined in the RMA however the NZCPS Policy 13(2) sets out the main components; including natural processes, natural elements and natural patterns; biophysical, ecological, geological and geomorphological

aspects; the natural movement of water and sediment, and that there is a range of natural character from pristine to modified⁵⁶.

121. RMA section 6(a) applies to the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins; and the NZCPS only applies to the coastal environment. NZCPS Policy 13(2) provides direction on the meaning of the term natural character, and recognises that natural character may include matters such as natural elements, processes and patterns.
122. While there is general national level guidance on natural character⁵⁷, rather than specific guidance that can be applied to natural character associated with lakes, rivers, wetlands and their margins; the regional plan should be internally consistent, therefore I consider that it is appropriate to apply the policy approach in the NZCPS to the management of natural character associated with lakes, rivers, wetlands and their margins as well as the coastal marine area.
123. The relevant provisions the RMA and the higher order planning documents are identified in Section 5 of this report. The approach in all of the higher order statutory planning documents that deal with natural character is similar.
124. Broadly, the NZCPS and RPS provide for the protection of natural character in the context of the appropriateness or otherwise of any use and development; with appropriateness determined by the scale of effects, the significance and character of the particular coastal environment and on the nature of the activity proposed.
125. The approach in the NZCPS Objective 2 is to preserve the natural character of the coastal environment and protect natural features and landscape values. The NZCPS includes a policy hierarchy established for managing effects on high natural character, significant effects, and adverse effects from inappropriate

⁵⁶ NZCPS 2010 Guidance note Policy 13: Preservation of natural character

⁵⁷ NZCPS 2010 Guidance note Policy 13: Preservation of natural character
<http://www.doc.govt.nz/Documents/conservation/marine-and-coastal/coastal-management/guidance/policy-13.pdf>

subdivision, use, and development; and which recognises that natural character is not the same as natural features and landscapes or amenity values. The NPS-FM does not address natural character directly, but does manage the elements that contribute to the natural character of fresh water and its margins.

126. The RPS provisions also recognise that indigenous ecosystems contribute to the regional natural character⁵⁸; and are to protect high natural character from the adverse effects of inappropriate subdivision, use and development⁵⁹. The RPS Policies⁶⁰ include criteria for assessing natural character; and for determining whether an activity may affect natural character in the coastal environment, and whether an activity is inappropriate.
127. The issues identified from the submissions on proposed Objective O17 are:
- That the objective needs to be re-worded to address all of the requirements in RMA s6
 - provide consistency with the relevant national policy framework for coastal environment and freshwater
 - increase specificity to manage effects of activities on the natural character of freshwater, especially flood management activities
 - allow a timeframe to implement the Objective
 - focus on ‘the beds’ of lakes and rivers and ‘significant’ wetlands, and managing those in partnership with landowners and community.

Submissions on Objective O17

128. There are twelve submissions on Objective O17.
129. Proposed Objective O17 is supported by Friends of the Paekakariki Streams S112/012, and KāpitiCoast District Council S117/014, NZ Transport Agency

⁵⁸ RPS section 3.6 page 51

⁵⁹ RPS Policy 3

⁶⁰ RPS Policy 3,35 and 36

S146/046, and Kahungunu Ki Wairarapa S300/006 and they seek that Objective O17 is retained.

Issue 2.1 Amendment to include margins of wetlands

130. The submissions made by the Minister of Conservation S75/018 and Royal Forest and Bird Protection Society of New Zealand (Royal Forest and Bird Protection Society) S353/018 support proposed Objective O17. The Minister requests that the words ‘natural wetlands’ be relocated in the objective to include the margins of wetlands. Land Matters Ltd FS65/004 opposes the Minister’s submission and seeks to delete any reference to margins. Rangitāne o Wairarapa FS74/184 supports the Minister’s submission.

Assessment

131. Proposed Objective O17 applies to the margins of lakes and rivers, but I consider that, as notified, it might be interpreted as not applying to the margins of wetlands and should be amended to ensure the meaning is clear and is consistent with the approach in RMA s6(a).

Issue 2.2 Replace ‘coastal marine area’ with ‘coastal environment’

132. Royal Forest and Bird Protection Society S353/018 request that ‘coastal marine area’ is replaced with ‘coastal environment’ to be more consistent with the legislation and the NZCPS.

Assessment

133. As notified, the proposed objective manages the CMA rather than the ‘coastal environment’. The term ‘coastal environment’ is not used anywhere in the proposed plan, and the rules are limited to the coastal marine area.

134. Where there is an issue around integrated management, the council can develop objectives and policies to address that issue. Those objectives do not need to be implemented through rules, but can instead be implemented through other methods.

135. I consider that it is also appropriate for the council to decide to prepare a plan that has provisions that only apply in the CMA. The legal advice is that

Objective O17 should be limited to the CMA (as well as the recognising and providing for the natural character of freshwater that are within the council's functions).

136. Based on the legal advice, and the advice from the Council, I consider that it is administratively efficient to keep its regional coastal plan functions that manage the coastal marine area clearly separate and identifiable in the plan provisions. This is to ensure that it is clear which parts of the plan that the Minister of Conservation is to approve.
137. I recommend that Objective O17 is retained as notified.

Issue 2.3 Consistency with RMA s6 and the relevant national policy framework

Submissions

138. The submission made by Dairy NZ and Fonterra Cooperative Group Limited S316/029 is to amend proposed Objective O17 to ensure that coastal and fresh waters are subject to requirements consistent with their respective national policy frameworks; that this may include drafting separate objectives for these resources; and that the management of the natural character of freshwater resources should omit the terms "preserved and protected" and replace with "maintained or improved". Horticulture NZ FS71/038 supports the submission.

Assessment

139. The relevant national policy framework that addresses natural character is informed by RMA Part 2.
140. RMA section 6 includes 'preserving' and 'protecting' natural character of both the coastal environment and of freshwater and its margins as a matter of national importance.
141. Proposed Objective O17 follows RMA section 6(a) in combining natural character of the CMA and of freshwater bodies; and provides a platform for recognising the characteristics of the CMA identified in NZCPS Policy 1; and managing those natural and physical resources in accordance with NZCPS Policy 13.

142. While the NPS-FM does not use the term ‘natural character’ the NPS-FM does identify National Values in Appendix 1, including ecosystem health based on maintaining ecological processes and natural form and character, that may be considered to form part of the natural character of a freshwater management unit (being its visual and physical characteristics that are valued by the community, including its flow regime, colour, clarity, morphology or location)⁶¹.
143. In my opinion it does not improve the effectiveness of the proposed plan to separate out the coastal management and freshwater management parts of Objective O17. Proposed Objective O17 manages natural character of both the CMA and of freshwater and its margins, promotes integrated management and gives effect to the NZCPS.

Submission

144. The submission made by Wellington International Airport Limited S282/010 opposes Objective O17 and seeks that it is deleted; as they consider that Objective O17 ascribes a level of protection to natural character which is more appropriate to areas of outstanding natural character; and imposes a higher level of protection than NZCPS Policy 13(1)(b).

Assessment

145. RMA section 6(a) is not limited to recognising and providing for ‘high’ or ‘outstanding’ natural character. Similarly, the NZCPS Policy 13(1)(a) is to ‘avoid adverse effects of activities on natural character in areas of the coastal environment with outstanding natural character’ (my emphasis); and NZCPS Policy 13(1)(b) is to ‘avoid significant adverse effects and avoid, remedy or mitigate other adverse effects of activities on natural character (my emphasis) in all other areas of the coastal environment’.
146. Objective O17 provides a necessary link through to the policies that implement it. The policy hierarchy in NZCPS Policy 13 is applied in proposed Policy P24

⁶¹ NPS-FM 2014 Appendix 1

which addresses outstanding natural character; and Policy P25 which deals with significant adverse effects on natural character.

147. Deleting Objective O17 (and the policies that implement it) would create a gap in the plan, and would fail to recognise and provide for the matters of national importance in RMA section 6(a) and would fail to give effect to the NZCPS.
148. While Objective O17 closely follows RMA section 6(a) and as such it may be argued that it adds little to the standing requirements in the RMA, including the objective in the proposed plan reduces the need to look to other documents when considering the appropriate management of effects on natural character.

Issue 2.4 Level of specificity to manage effects of activities on the natural character of freshwater, and controlling flood protection and river management

Submissions

149. The submission made by Fish and Game S308/018 is to amend section 3.4 of the plan, by combining Objectives O17, O19, and O22 and re-wording to recognise and preserve natural character, and enhance it where degraded, and to specifically require flood management activities to be undertaken in a manner which recognises and protects the natural character of freshwater.
150. The submission by Fish and Game provides a detailed revision of Objectives O17, O19 and O22 to be more specific about preservation of aquatic habitat diversity and quality, preservation of freshwater habitats, avoid the effects of land use on aquatic values, to ensure the placement of structures does not create barriers for fish, and to restore the connections between fragmented aquatic habitats. Masterton District Council FS30/034; Roding, Parks and Gardens and Solid Waste departments of Hutt City Council and Upper Hutt City Council FS59/015; South Wairarapa District Council FS26/035 and FS26/054; and Horticulture NZ FS71/039 oppose the submission. Carterton District Council FS85/075 opposes in part as they consider that RMA section 6(a) requires recognition and provision for the preservation of the natural character of water and not the features themselves.

151. Coastal Ratepayers United Incorporated S93/012 seek that Objectives O19 to O22 be deleted and replaced with an objective that manages natural hazard risks taking into account climate change.

Assessment

152. Objectives O17 and O19 are addressed in this report, and Objective O22⁶² will be addressed in the RMA section 42A report: Natural Hazards' being prepared by Ms Carter.
153. I do not support combining the three Objectives (O17, O19 and O22) because the three Objectives deal with different matters. Objective O17 deals with natural character and Objective O19⁶³ deals with natural processes; and deal with the two matters in different ways. Objective O22 manages effects of hard engineering on many things in addition to natural character and natural processes (which are the subject of O17 and O19).
154. Combining Objective O17 and O19 would remove the distinction in the proposed plan for managing adverse effects on natural character, and managing activities that may interfere with the natural functioning of natural physical and biological processes; to the extent reasonably practicable.
155. Objective O17 should not be deleted as it gives effect to NZCPS Policy 13 that manages natural character, and the RPS recognises the contribution that natural processes make to landscape⁶⁴ and the relationship that natural processes have with natural hazards⁶⁵ and ecosystems and the biodiversity values within them⁶⁶.
156. The relief sought by Fish and Game combines the natural process and natural character objectives and includes management of effects on biodiversity and habitats that are addressed in other proposed plan provisions. While not

⁶² Objective O22 Hard engineering mitigation and protection methods are only used as a last practicable option.

⁶³ Objective O19 "The interference from use and development on natural processes is minimised."

⁶⁴ RPS section 3.7 page 55

⁶⁵ RPS section 3.8 page 61

⁶⁶ RPS section 3.6 page 51

inconsistent with the approach in the relevant higher order planning instruments, the revised and combined Objectives in the relief sought have a level of detail that is complex when compared with the majority of objectives in the proposed plan.

157. The relief sought by Fish and Game also includes a number of matters addressed by other provisions in the proposed plan. Objective O17 addresses the natural character in the CMA and in the beds of lakes, rivers and wetlands together. The policies that implement Objectives O17 and O19 deal with the natural character and natural processes associated with freshwater in relatively general terms.
158. In my opinion Objectives O17, O19 and O22 should not be combined, however I recommend that an amendment be made to Policy P25 to specifically address natural processes associated with freshwater.
159. The approach is comparable with the approach in the operative plan. The operative regional fresh water plan includes Policy 4.2.9 which requires regard to be had to characteristics of wetlands, rivers lakes and their margins, when considering the protection of their natural character from the adverse effects of use and development. The natural flow characteristics, hydrologic processes and the pattern and range of water level fluctuations describe the natural processes that are part of the natural character of a freshwater body.
160. I recommend accepting the submission made by Fish and Game S308/018 in part. Rather than amending and combining Objectives O17 and O19; I recommend that those matters which specifically address natural processes that contribute to the natural character associated with lakes, rivers and their margins are added into Policy P25. This recommendation is dealt with in this report in Issue 4.8, and in the recommendation on pages 59 -62 of this report.
161. Policy P25 in the proposed plan deals with natural character in the CMA and in the beds of lakes and rivers. Amending Policy P25 to include specific matters associated with the natural character of freshwater would provide a more specific reference to freshwater natural character values and assist with the assessment of consent applications and the implementation of Objective O17.

Issue 2.5 Allow time to implement the Objective

Submissions

162. The submission made by Carterton District Council S301/026 is to amend Objective O17 (and Objectives O5, O16, O23, O25, O26, O27, O33, O35 and O50) and the accompanying explanatory text to acknowledge the need to allow time (longer than the 10-year life of the proposed plan) to implement proposed Objective O17.

Assessment

163. The regional plan sits within a framework that has been in place for more than 25 years. RMA s6(a) places an immediate and existing obligation on all those exercising functions and powers under the RMA to preserve and protect natural character from inappropriate use and development. The rules in the proposed plan have had legal effect since the plan was notified on 31 July 2015.
164. In my opinion including an explanation that suggests a timeframe for achieving the Objective suggests a lag might be applied when implementing the provision, which would create uncertainty for considering resource consents and would run contrary to the direction in RMA s6 and RPS Objective 4 and 5; and RPS Policy 3, 35 and 36. The higher order planning instruments all follow a general theme of protecting natural character from the adverse effects of inappropriate subdivision, use and development. This is an on-going obligation when assessing consents as applications are made.
165. Proposed Objective O17 responds to RPS Policy 3 which requires regional plans to protect natural character from inappropriate use and development; and RPS Policies 35 and 36 by providing directions for decision makers when making a decision on resource consents, notices of requirement, plan changes or review of plans under the RMA. Amending the objective as proposed has the potential to diminish the degree to which natural character is recognised and provided for, and would fail to give effect to the higher order planning instruments.

Issue 2.6 Focus on the beds of lakes and rivers and significant wetlands and management in partnership with landowners and the community

Submissions

166. The submission made by Federated Farmers of New Zealand S352/068 is that the values of natural wetlands should not be elevated above other values as many have been significantly modified. The submission seeks to amend proposed Objective O17 to focus on the ‘beds of’ lakes and rivers and ‘significant wetlands’, and managing them in partnership with landowners and community; and to delete the reference to ‘the margins’ of the beds of rivers and lakes. Rangitāne o Wairarapa Inc FS74/034 and Fish and Game FS89/024 oppose the submission.

Assessment

167. The natural character of wetlands is identified in RMA section 6(a) and remains even in respect of a modified wetland. The term ‘natural character’ refers to those features derived through nature, and to exist on a continuum from pristine through to modified.
168. Natural characteristics can remain even when an environment is modified. Components of natural character have been described as including natural processes, natural elements and natural patterns, and the interrelationship between them. The species and habitats present (or periodically present), underlying landforms of the coastal environment and underlying ecological processes all contribute to natural character.
169. Objective O17, together with Policies P24 and P25 ensures that the degree to which natural character is affected by inappropriate use and development can be considered on a case by case basis when consents are required.
170. Managing the natural character values of both significant and modified wetlands is in line with the direction in RPS Policy 36. RPS Policy 36 requires both the nature of the effects and the nature of the receiving environment to be considered. This thread follows through into the proposed plan, for example Policy P25 includes the extent of human-made changes and the presence or absence of structures and buildings to be taken into account.

171. Submission points seek that Objective O17 only manages the natural character of ‘beds of’ lakes and rivers, and ‘significant’ wetlands, and that these are managed in partnership with landowners and community.
172. I consider that limiting Objective O17 to ‘the beds of’ lakes and rivers and only ‘significant’ wetlands falls short of the requirements in the RMA, RPS and NZCPS which apply much more broadly as a matter of national importance.
173. I agree that it is appropriate to manage the natural character of the beds of lakes and rivers and significant wetlands in partnership with landowners and community (in addition to rules in the plan). However I consider that managing a natural resource through in partnership with the community is more appropriate and effective as a non-regulatory tool such as Methods M12, M22 and M24. My understanding is that the Council is working with landowners and the community to promote environmental projects. This approach sits alongside the planning and regulatory tools available to the council for managing natural and physical resources.

Recommendation on Objective O17

174. I recommend that Objective O17 is largely retained as notified, but with a minor amendment to ensure the margins of wetlands clearly are addressed. I agree with the relief sought by the Minister of Conservation to relocate the words ‘natural wetlands’ in the objective, as follows:
175. Objective O17: The natural character of the coastal marine area, natural wetlands, and rivers, lakes and their margins ~~and natural wetlands~~ is preserved and protected from inappropriate use and development.
176. I recommend that the submission of Fish and Game (S308/018) is accepted in part, and a sub-clause be added to Policy P25 that addresses the natural processes that form part of the natural character of rivers, lakes and wetlands as follows:
177. Policy P25 *(f) the natural flow characteristics and hydrodynamic processes, and the natural pattern and range of water level fluctuations in rivers, lakes and natural wetlands.*

178. Assessments of the recommended changes pursuant to s32AA of the RMA are attached in Appendix 3.

Policies that implement Objective O17

179. Objective O17 in the proposed plan is implemented by proposed Policy P24 (Outstanding natural character) and Policy P25 (Natural character)⁶⁷

Issue 3. Policy P24: Outstanding natural character

180. Policy P24: Outstanding natural character is:

“Areas of outstanding natural character in the coastal marine area will be preserved by:

(a) avoiding adverse effects of activities on natural character in areas of the coastal marine area with outstanding natural character, and

(b) requiring use and development to be of a type, scale and intensity that will maintain the natural character values of the area, and

(c) requiring built elements to be subservient to the dominance of the characteristics and qualities that make up the natural character values of the area, and

(d) maintaining the high levels of naturalness of these areas, and

(e) avoiding the adverse effects of activities, including those located outside the area, that individually or cumulatively detract from the natural character values of the outstanding natural character area.”

181. The issues identified from the submissions on proposed Policy P24 (Outstanding natural character) are:

- the policy be amended to apply to the coastal environment
- the policy is inconsistent with the NZCPS policy direction, and should include a policy hierarchy

⁶⁷ RMA section 32 Natural Heritage Table 2

- identify areas of outstanding natural character in a Schedule
- not controlling activities located outside of an area of outstanding natural character
- replace ‘avoid’ with ‘avoid, remedy and mitigate’, or ‘protect’.

Submissions on Policy P24

182. The submissions made by Friends of the Paekakariki Streams S112/041, Minister of Conservation S75/057, Trelissick Park Group S88/016, Royal Forest and Bird Protection Society S353/065, KāpitiCoast District Council S117/034 and Hamish Trolove S31/031 support Policy P24 and most of the submissions also specify that the policy be retained as notified. The submission by the Minister of Conservation is that the approach in proposed Policy P24 to preserve outstanding natural character is consistent with Policy 13(a) NZCPS.
183. Coastal Ratepayers United Incorporated FS41/009 oppose the Minister’s submission and Land Matters Ltd FS65/021 supports the submission in part, opposing P24(e) where it references areas outside the Outstanding Natural Landscapes where boundaries are set. The boundaries of these areas need to be mapped to provide certainty to landowners.

Issue 3.1 Replace ‘coastal marine area’ with ‘coastal environment’

184. The submission of Royal Forest and Bird Protection Society S353/065 is to amend Policy P24 by replacing ‘coastal marine area’ with ‘coastal environment’ to be consistent with RMA s6(a) and NZCPS Policy 11.

Assessment

185. RMA section 64(1) requires the regional council to prepare a regional coastal plan that applies to the coastal marine area; and RMA section 64(2) provides the council with the ability to prepare a combined regional plan that incorporates the coastal plan, and which applies to any related part of the coastal environment.

186. The RMA, NZCPS and the Regional Policy Statement provide for the integrated management of the coastal environment. At an objective and policy level, the regional plan may promote the integrated management of the coastal marine area and related parts of the coastal environment.
187. Policy P24 operates at a different level than the objective, and the matters addressed apply to Areas of Outstanding Natural Character in the CMA, and managed by rules in the proposed plan. Policy P24 is designed to assist the council with its responsibilities for managing use and development located in an area of outstanding natural character where that is regulated by RMA section 12. The rules that implement the objectives and policies that address natural character only apply in the CMA. I consider that it is appropriate that the Policy P24 also only applies in the CMA to assist decision makers with managing potential effects of activities on areas with Outstanding Natural Character that are located in the CMA.

Issue 3.2 Identify areas of outstanding natural character in a Schedule

188. Wellington International Airport Limited S282/032 seeks to add “identified in a schedule to this Plan” and to delete that sub-clause (e), which is to avoid the adverse effects of activities, including those located outside the area, that individually or cumulatively detract from the natural character values of the outstanding natural character area.

Assessment

189. There is no Schedule in the plan that identifies ‘Outstanding natural character’. The RPS Policy 35 and 36 set out the matters that are to be considered to determine if an activity is inappropriate. This would be considered on a case by case basis taking into account the nature of the activity and the natural character of the receiving environment. Method M24 is to work with territorial authorities and the community to identify areas of outstanding natural features and landscapes, outstanding/high natural character in the coastal environment, and to produce a regional list for inclusion in the Plan by plan change. I understand that considerable progress on that has already been made in identifying such areas.

190. I consider that the relief sought is unworkable because there is no natural character schedule in the proposed plan. Deleting sub-clause (e) would not give effect to the provisions in the RPS that are to preserve natural character and which set out criteria for establishing of an activity is inappropriate and would be inconsistent with the requirements in RMA section 6(a).

Issue 3.3 Inconsistent with the NZCPS policy direction, identify areas in the plan and include a policy hierarchy

191. The submission of Rangitāne o Wairarapa Inc S279/089 is to redraft Policy P24 to include ‘protection’; to add ‘(b) where adverse effects cannot be avoided as described in (a), by not allowing activities that may cause adverse effects on areas of outstanding natural character; to be consistent with the NZCPS; that sub-clause (c) and (d) are not required; to add a Schedule for areas of outstanding natural character including Wairarapa Moana; and that the policies and objectives dealing with natural character may need to be amended once assessments to identify natural character values have been completed. Federated Farmers of New Zealand FS54/041 support the submission in part, submitting that Method M7 addresses the submission point.

Assessment

192. Proposed Policies P24 and P25 work together to implement the provisions in the NZCPS that address natural features and landscapes. Read together with Policy P25, I do not consider that Policy P24 is inconsistent with the NZCPS policy direction. Natural character is addressed in the NZCPS in NZCPS Objective 2, Policy 1, 13 and 15. The policy hierarchy in NZCPS Policy 13 is particularly relevant to the policy approach in the proposed plan.
193. NZCPS Policy 13(1) is *“To preserve the natural character of the coastal environment and to protect it from inappropriate subdivision, use, and development: (a) avoid adverse effects of activities on natural character in areas of the coastal environment with outstanding natural character”; and (b) avoid significant adverse effects and avoid, remedy or mitigate other adverse effects of activities on natural character in all other areas of the coastal environment; including by: ...”*

194. The submission is that sub clauses (c) and (d) be deleted as these are unnecessary. Policy P24 sub-clause (c) in the proposed plan requires built elements to be subservient to the characteristics and qualities that make up the natural character values of the area, and sub-clause (d) in the proposed plan is to maintain the high levels of naturalness of areas of outstanding natural character in the CMA. I consider that both of these sub-clauses are appropriate for managing effects on outstanding natural character, and should be retained as they provide additional detail that will assist decision makers in managing the effects of activities on outstanding natural character.
195. The submission also seeks the addition of a Schedule of Outstanding Natural Features and Landscapes, and that it includes Wairarapa Moana. I do not consider that it is appropriate to include a Schedule of Outstanding Natural Features and Landscapes at this stage of the process, because there would be no opportunity to make a submission on that change to the proposed plan. The submission would have needed to contain an appropriate level of detail specifying what would be contained in the Schedule so that further submissions could be made.
196. In the absence of a schedule, the criteria in RPS Policy 36 would be applied on a case by case basis to identify and assess effects on areas of outstanding natural character. While a schedule would give more certainty, specifying areas in the regional plan requires a comprehensive analysis of the whole region, which is the intention of Method M7 and M24. The objectives and policies will be used when consents are applied and areas that meet the criteria in the RPS will be assessed on a case by case basis. I consider that the suite of policies (including Policy P24, P25 and P26) that control effects on outstanding, high and natural character and associated natural processes give effect to Policy 13(a) NZCPS.
197. RMA Schedule 1 sets out the statutory process for including a new schedule (and relevant provisions) in the plan. While this might occur through a submission, the process requires a high level of specificity so that people with an interest have an opportunity to make a further submission on the proposed plan provisions. In this instance, the Wairarapa Moana is specifically

identified, and there are no further submissions that directly oppose that submission point. Wairarapa Moana is identified in the definition of “Ngā Taonga Nui a Kiwa Huanga (tohu/attributes)”, as Te Mana o te Wai; included in Schedule B: Ngā Taonga Nui a Kiwa; and is addressed in Method M9.

198. The RMA section 42A report: Wetlands and Biodiversity that is to be prepared by Ms Pam Guest will address the management of Wairarapa Moana in the provisions of the proposed plan.

Issue 3.4 Plan should not control activities located outside of an area of outstanding natural character

199. The submissions of the NZ Transport Agency S146/089 and Kiwi-Rail Holdings Limited S140/035 share the concern about the use of ‘avoiding’ and seek that it is replaced with ‘protecting’, and seek that sub-clause (e) (which manages cumulative effects) is deleted. The Minister of Conservation FS61/026 opposes the submission point and Masterton District Council FS30/056 and South Wairarapa District Council FS26/077 support the submission point.
200. The submission of the Fertiliser Association of New Zealand S302/033 submits that they support the overall intent of proposed Policy P24 as it gives effect to the NZCPS; and seek the deletion of sub-clause P24(e) which manages cumulative effects and effects on areas of outstanding natural character from adjacent activities, as they are concerned that the sub-clause is too stringent and goes beyond the NZCPS.

Assessment

201. The submission point is concerned about controls on activities located outside an area of outstanding natural character where these have adverse effects on the values of that natural character.
202. The NZCPS and RPS deal with the coastal environment, and require protection of natural character from inappropriate subdivision, use, and development; and are to avoid adverse effects of activities on natural character in areas of the coastal environment with outstanding natural character.

203. Particularly where an activity may have effects that occur beyond a property boundary, it is appropriate that the adverse effects, including cumulative effects are identified and managed in accordance with provisions in the proposed plan, RPS and NZCPS.
204. Similarly, the sub-clauses in Policy P24 implement the higher order planning documents by setting out how effects are to be managed to ensure built elements in the CMA, and other use and development is managed to preserve values in areas of outstanding natural character.
205. I do not recommend any amendments to Policy P24, as the policy addresses issues associated with use and development located in the coastal marine area that has potential adverse effects on outstanding natural character in the CMA. Sub-clause (e) should be retained because it addresses the effects of activities in the CMA that have effects on areas of outstanding natural character located in the CMA.

Issue 3.5 replace ‘avoid’ with ‘avoid, remedy and mitigate’, or ‘protect’

206. The submissions made by Chorus New Zealand Limited S144/014 and Spark New Zealand Trading Limited S98/016 support the intent of proposed Policy P24, however they consider that the use of the word 'avoid' without sequential words remedy or mitigate is not appropriate. Wellington Electricity Lines Limited FS73/039 and Powerco FS56/052 support the submissions.
207. The submission from Federated Farmers of New Zealand S352/133 is to delete Policy P24, and the submissions by Joan Allin and Rob Crozier is to delete proposed Policy P24 or revise it to make it less extreme and by giving effect to the NZCPS.

Assessment

208. Submissions are that ‘avoid’ is extreme and amounts to a prohibition on appropriate use and development in the coastal marine area; and that the RMA and NZCPS require the use of both ‘preserve’ and ‘protect’ when dealing with outstanding natural character.

209. The NZCPS includes criteria for identifying natural character, and establishes a policy hierarchy for managing natural character. As dealt with above, the RPS adds to that approach.
210. When dealing with outstanding natural character, NZCPS Policy 13 is: “To preserve the natural character of the coastal environment and to protect it from inappropriate subdivision, use, and development: (a) avoid adverse effects of activities on natural character in areas of the coastal environment with outstanding natural character....”
211. I consider that Policy P24 in the proposed plan is consistent with and gives effect to the NZCPS and RPS.

Recommendations on Policy P24

212. I recommend Policy P24 is retained as notified.

Issue 4. Policy P25 - Significant adverse effects on natural character

213. Policy P25: Natural character is:

“Use and development shall avoid significant adverse effects on natural character in the coastal marine area (including high natural character in the coastal marine area) and in the beds of lakes and rivers, and avoid, remedy or mitigate other adverse effects of activities, taking into account:

(a) the extent of human-made changes to landforms, vegetation, biophysical elements, natural processes and patterns, and the movement of water, and

(b) the presence or absence of structures and buildings, and

c) the particular elements, features and experiential values that contribute significantly to the natural character value of the area, and the extent to which they are affected, and

(d) whether it is practicable to protect natural character from inappropriate use and development through:

(i) using an alternative location, or form of development that would be more appropriate to that location, and

(ii) considering the extent to which functional need or existing use limits location and development options.”

214. The policy hierarchy follows the policy approach in the NZCPS, and also applies that to natural character associated with the natural character of freshwater.

215. The issues identified from the submissions on proposed Policy P25 (Natural character) are concerns about:

- the use of ‘avoid, without ‘remedy or mitigate’
- apply the policy to the coastal environment
- enable regionally significant infrastructure
- delete the policy and specify areas of natural character and high natural character in the plan
- overlaps with Policy P24 (outstanding natural character)
- replace ‘and’ with ‘or’ in sub-clause (d)
- the lack of a policy hierarchy
- the scope of the policy manages natural character in more than ‘the beds of lakes and rivers’.

Proposed Policy P25 Natural character

Submissions on Policy P25

216. The submission by The Oil Companies S55/019, Friends of the Paekakariki Streams S112/042, Kāpiti Coast District Council S117/035 and Powerco S29/021 are to retain Policy P25 as notified. The Trelissick Park Group S88/017 supported Policy P25.

Issue 4.1 use of ‘avoid, without ‘remedy or mitigate’

217. Submissions by Spark New Zealand Trading Limited S98/014 and Chorus New Zealand Limited S144/015 seek that 'avoid' should be followed with the sequential words ‘remedy or mitigate’. Wellington Electricity Lines Limited FS73/040 supports the submission of Chorus.

Assessment

218. The submissions raise a similar issue in respect of proposed Policy P25 as those submissions on proposed Policy P24, about the use of the word 'avoid' without sequential words ‘remedy or mitigate’.

219. Policy P24 and Policy P25 in the proposed plan apply a similar approach to the policy hierarchy managing natural character in the NZCPS. In the NZCPS and in the proposed plan, a policy hierarchy sets out how the management of adverse effects is to occur in more detail; with areas that are ‘outstanding’ in the CMA being managed through Policy P24 to avoid adverse effects; and Policy P25 dealing with significant adverse effects, and avoiding, remedying or mitigating other adverse effects on the natural character of the CMA, lakes and rivers. The NZCPS policy hierarchy is set out above in the section of the report dealing with ‘NZCPS Policies’ at paragraph 45 to 59.

220. I do not consider that adding the words ‘remedy or mitigate’ would assist a decision maker in managing the potential adverse effects on natural character. Simply duplicating the RMA section 5 requirement to avoid, remedy or mitigate adverse effects would not be the most efficient way of implementing the objective, or of giving effect to the NZCPS. While the policy approach from the NZCPS has been extended in Policy P25 to also manage the natural character of lakes and rivers, I consider that this approach promotes internal consistency in the plan.

Issue 4.2 Apply the policy to the coastal environment

221. The submission made by the Royal Forest and Bird Protection Society S353/066 is to replace ‘CMA with ‘coastal environment’. Horticulture NZ FS71/081 oppose the submission.

Assessment

222. I do not agree that Policy P25 should be amended to refer to the coastal environment. While the Objective has a broader application and is implemented by non-regulatory tools; Policy P25 specifically manages areas of Outstanding Natural Character that are located in the CMA. Policy P25 implements Objective O17 to the extent that it applies in the CMA.
223. I agree with Horticulture NZ that the change from coastal marine area to coastal environment creates uncertainty. The proposed plan must recognise and provide for the management of areas of Outstanding Natural Character that are specific to the CMA and does so through the rules that applying the CMA. It may also address effects on Outstanding Natural Character on the landward side of the CMA, however the plan does so through Policy P49 and non-regulatory methods. The relief sought would duplicate other provisions in the plan.
224. I am advised that the territorial authorities are in the process of identifying the extent of the coastal environment, but this exercise had not been completed when the plan was notified. The policy would be less effective if there is uncertainty about where the policy applies.

Issue 4.3 Enable Regionally significant infrastructure

225. The submission made by NZ Transport Agency S146/090 on Policy P25 is to use ‘avoid, remedy and mitigate’ and adding a sub-clause to enable regionally significant infrastructure. The submission made by Wellington International Airport Limited S282/033 and First Gas Ltd S145/033 also raise a submission point in respect of the benefits of regionally significant infrastructure.

Assessment

226. Policy P25 addresses ‘significant adverse effects’ on natural character, reflecting the policy approach to managing natural character in the NZCPS. Activity specific policies are already included in the proposed plan that address the appropriateness of regionally significant infrastructure (e.g Policy P139 which deals with the construction of seawalls except where it is required to protect regionally significant infrastructure); and the benefits of regionally

significant infrastructure (e.g. Policy P12). Not all regionally significant infrastructure has a functional need to locate in the CMA or the beds of lakes and rivers.

227. It is not necessary to duplicate those provisions, or to specifically refer to regionally significant infrastructure, in Policy P25 which deals with significant adverse effects of use and development on natural character. 'Use and development' already encompasses 'Regionally significant infrastructure'.

Issue 4.4 Specify areas of natural character and high natural character in the plan

228. The submission made by Coastal Ratepayers United Incorporated S93/054 is to delete Policy P25 and to undertake a variation to identify the areas of natural character and high natural character in the plan. A similar submission point is made by Joan Allin and Rob Crozier S175/038, and Wellington International Airport Limited S282/033 seek that the policy applies to "outstanding natural character" that has been identified in the plan.

Assessment

229. It is not necessary to prescribe areas of natural character in the plan, albeit that approach provides a higher level of certainty. Consideration of effects of use and development in areas that have natural character can occur on a case by case basis, by applying RPS Policy 35 and 36 which address natural character and have criteria for determining whether proposed use and development would be considered inappropriate. Deleting Policy P25 would fail to give effect to the NZCPS Policy 13, and would be inconsistent with RMA section 6(a). Policy P25, together with the RPS Policy 35 and 36 manage effects on natural character, and set out matters to have particular regard to when determining if an activity is inappropriate. The provisions support decisions on the effect on natural character from inappropriate use and development, and can be applied on a case by case basis, as consents are sought.
230. I do not agree that Policy P25 should be deleted, as the plan must recognise and provide for the RMA section 6(a) matter of national importance, and would fail to give effect to the NZCPS.

Issue 4.5 Replace the word "and" with the word "or"

231. The submission made by DairyNZ and Fonterra Co-operative Group Limited S316/053 is to reword Policy P25 by replacing the word "and" with the word "or" at the end of sub-clause (d)(i).

Assessment

232. Replacing 'and' with 'or' is inconsistent with the approach in NZCPS Policy 6(2), which focuses on use and development that has a functional need to locate in the CMA. I do not agree with the relief sought, however I have recommended an amendment to Policy P25(d) below.

Issue 4.6 Overlaps with natural character provisions

233. The submission made by Fertiliser Association of New Zealand S302/034 is of general support, but that there may be an overlap between Policy P24 and P25. The submission seeks the deletion of the reference to 'high natural character in the CMA'.

Assessment

234. The distinction between Policy P24 and P25 is in the values that are being managed. Policy P24 deals with avoiding effects and 'outstanding natural character'; and Policy P25 deals with 'significant adverse effects' and 'avoiding, remedying and mitigating' effects on other natural character values. I consider that while there is a close relationship between the two, they do not duplicate each other. Both policies are necessary to implement Objective O17 which addresses the natural character of the CMA, rivers, lakes, natural wetlands and their margins.

Issue 4.7 Amend Policy P25, delete sub-clause (d) and map areas

235. The submission by Rangitāne o Wairarapa Inc S279/090 provides a re-drafted Policy P25. Rangitāne o Wairarapa Inc S279/090 supports the general intent of Policy P24 [sic]⁶⁸ which seeks to avoid significant adverse effects on natural character and avoid, remedy and mitigate other adverse effects; and seek the

⁶⁸ ROW submission point and relief sought at page 56 and 57 clearly reference Policy P25

deletion of sub-clause (d) to align with the NZCPS and RMA section 6 which direct that natural character is to be protected from inappropriate use and development. The concern raised is that the NZCPS directs that areas of at least high natural character be identified and mapped. Meridian Energy Limited FS32/044 opposes the submission in part and submits that the proposed amendments are at odds with the ‘cascade’ approach to managing effects that is adopted in the proposed plan.

236. The submission made by the Minister of Conservation S75/058 is to retain Policy P25(a), (b), and (c); and to amend (d): (d) ~~whether it is practicable~~ the ability to protect natural character ~~from inappropriate use and development~~ through...” Meridian Energy Limited FS32/043 and Carterton District Council FS85/142 oppose the submission.

Assessment

237. A similar concern seeking that areas are identified and mapped areas is dealt with in Issue 3.3. the same assessment applies to this submission point by Rangitāne o Wairarapa Inc S279/090.
238. I agree with the submission made by the Minister of Conservation and by Rangitāne o Wairarapa Inc that Policy P25(d) does not align with RMA s6(a) or the NZCPS Policy 6. The test in the policy in the proposed plan is ‘whether it is practicable (my emphasis) to protect natural character ... ’ however the focus in the NZCPS is on managing a limited resource and whether there is a functional need to locate in the CMA.
239. The NZCPS recognises that the protection of the values of the coastal environment does not preclude use and development in appropriate places, and that in some circumstances there may be a functional need to locate on the coast or in the CMA⁶⁹; and also recognises that activities that do not have a

⁶⁹ NZCPS Objective 6

functional need for location in the coastal marine area generally should not be located there⁷⁰.

240. RPS Policy 35 approaches the management of natural character by placing an emphasis on protecting scientific and geological features from inappropriate subdivision, use and development.
241. RPS Policy 36 sets out criteria to be used in determining whether an activity is inappropriate; these include the nature and intensity of the proposed activity including: the functional need or operational requirement to locate within the coastal environment and the opportunity to mitigate anticipated adverse effects of the activity. The test is not on ‘whether it is practicable’ to locate elsewhere, but on the functional need.
242. Policy P25(d) in the proposed plan deals with ‘functional need’. The definition of ‘functional need’ in the proposed plan already considers functional dependency; and is ‘*When an activity is dependent on having its location in the CMA or beds of lakes and rivers*’, so this does not need to be repeated in this policy.
243. Simply deleting Policy P25(d) may however create a gap in the direction provided to decision makers on managing activities that have functional requirements to locate in the CMA. Deleting Policy P25(d) from the proposed plan would mean that the proposed plan fails to give effect to the provisions of the NZCPS that address natural character in the context of functional needs.
244. Policy P25 in the proposed plan appears to be intended to give effect to NZCPS Objective 6 which is “*...to recognise that functionally some uses and developments can only be located on the coast or in the coastal marine area*” and NZCPS Policy 6(2)(c) which is “*to recognise that there are activities that have a functional need to be located in the coastal marine area, and provide for those activities in appropriate places.*”

⁷⁰ NZCPS Policy 6(2)(c) and (d)

245. Rather than deleting Policy P25(d)(i) and (ii) as requested in the relief sought in the submission made by Rangitāne o Wairarapa Inc S279/090, I recommend that Policy P25(d) is amended to provide firmer direction that is consistent with NZCPS Objective 6, and NZCPS Policies 6(2)(c) that recognises that there are activities that have a functional need to locate on the coast or in the coastal marine area; and NZCPS Policy 6(2)(d) that recognises that activities that do not have a functional need for location in the coastal marine area generally should not be located there.
246. I consider that an amendment is needed to Policy P25 to more directly address the natural character of freshwater. In response to the submission by Fish and Game (S308/018) that seeks amendments to Objective O17 to add a range of matters associated with the natural character of rivers, lakes, natural wetlands and their margins, I recommend (above) that a sub-clause be added to Policy P25 to apply the RMA s6(a) principle that applies to the protection of the natural character of wetlands, and rivers and lakes and their margins.
247. RMA section 6(a) deals with natural character in a manner that is broader again than just ‘the beds of lakes and rivers’; it applies to wetlands, and rivers and lakes and their margins. The water is a part of the natural character of freshwater. Other parts of the plan address water quality, quantity, wetlands and aquatic ecosystems, and riparian management.
248. While other parts of the plan address many of the component parts of the natural character of rivers, lakes and their margins and natural wetlands, those component parts are not placed within the plan framework that specifically deals with ‘natural character’.
249. The recommended amendment assists with the implementation of the natural character of freshwater in Objective O17.

Issue 4.8 Natural character of freshwater and implementing Objective O17

250. In implementing Objective O17 there is a policy gap around the management of natural character associated with fresh water. While the objective deals with

natural character of rivers, lakes and their margins and natural wetlands; the policy only deals with natural character of the ‘beds of lakes and rivers’.

251. The submission by Fish and Game (S308/018) on Objective O17 seeks comprehensive changes to address the natural character of fresh water; and I have recommended that submission is accepted in part, with an amendment to Policy P25 to address the concern.
252. The natural character of water is not limited to the ‘beds of lakes and rivers’. The water flowing in a wetland, lake or river is a part of the natural character of freshwater. Other components of the natural character of fresh water are water quality, quantity, wetlands and aquatic ecosystems, and riparian management.
253. While other parts of the plan manage activities that may have adverse effects on the components of natural character of rivers, lakes, natural wetlands and their margins; those component parts are not placed within the plan framework that specifically deals with ‘natural character’.

Recommendations on Policy P25

254. The proposed recommended changes to Policy P25 are set out below.
255. In response to the submission made by Rangitāne o Wairarapa Inc S279/090⁷¹ I recommend that Policy P25(d) is amended as follows:

Use and development shall avoid significant adverse effects on natural character in the coastal marine area (including high natural character in the coastal marine area) and ~~in the beds of~~ natural wetlands⁷², lakes and rivers and avoid, remedy or mitigate other adverse effects of activities, taking into account:

⁷¹ Responds to submission point on Policy P25 by Rangitāne o Wairarapa Inc S279/090; which is opposed in part by Meridian Energy Limited FS32/044

⁷² Fish and Game S308/O18 submission on Objective O17; Further submissions made by Rangitāne o Wairarapa Inc FS74/034 and Fish and Game FS89/024

(a) the extent of human-made changes

(b) the ...

(c) the ...; and

256. Delete proposed (d)(i) and (ii)

~~(d) whether it is practicable to protect natural character from inappropriate use and development through:~~

~~(i) using an alternative location, or form of development that would be more appropriate to that location, and~~

~~(ii) considering the extent to which functional need or existing use limits location and development options.~~

257. Add new Policy P25 (d) and add (e):

(d) alternative locations, design or form of development that have less adverse effects; and

(e) the extent to which the activity has a functional need to be located in the coastal marine area that limits location and development options, and.

258. In response to the submission by Fish and Game (S308/018) on Objective O17⁷³, I recommend that a sub-clause be added as Policy P25(f), as follows:

259. Add Policy P25(f):

(f) the ecosystems, natural flow characteristics and hydrodynamic processes, and the natural pattern and range of water level fluctuations in natural wetlands, and rivers and lakes and their margins.

⁷³ Responds to submission point made on Objective O17: Natural character by Fish and Game S308/018; which is opposed by Masterton District Council FS30/034; Roading, Parks and Gardens and Solid Waste departments of Hutt City Council and Upper Hutt City Council FS59/015; South Wairarapa District Council FS26/054; Horticulture NZ FS71/039; South Wairarapa District Council FS26/035; Carterton District Council FS85/075

260. Assessments of the recommended changes pursuant to s32AA of the RMA are attached in Appendix 3.

Group 2 – Effects of Activities on Natural Processes

Definition of Natural processes, Objective O19 and Policy P26

Background

261. This part of the report deals with the submissions on the definition of natural processes, and on Objective O19 and Policy P26 that address the effects of activities on natural processes in the beds of lakes and rivers and in the coastal marine area. These provisions are evaluated in the RMA section 32 report entitled: ‘Activities in the Coastal Marine Area’.

Issue 5. Definition of natural processes

262. The definition of ‘natural processes’ in the proposed plan is *“Dynamic natural, physical and ecological relationships and events that are characteristically natural in their occurrence and effects, that act to shape the natural environment, its landforms and features, such as beaches, dunes, wetlands, and rivers; and including processes of: wave formation, breaking and dissipation; wash run-up; nearshore currents; sediment transport, erosion and deposition, flooding, river meandering, aggradation and mass movement.”*

263. The issue raised in submissions is:

- the definition is too broad.

Submissions on the definition of natural processes

Issue 5.1 The definition is too broad

264. There are 2 submissions on the definition of natural processes.
265. The submission made by GBC Winstone is that the inclusion of ‘ecological relationships’ is confusing and inappropriate particularly given how the term is used in policy elsewhere in the proposed plan. This could become the basis for the protection of vegetation inadvertently. The submission made by Federated Farmers is to clarify or delete the definition.

Assessment

266. Natural processes are not defined in the RMA, or national policy statements therefore it is appropriate in my view to include a definition in the proposed plan. Ecological relationships are a part of natural processes. An example of an ecological relationship is the role of spinifex in dune building, and wetland plants and the ecology of a wetland.

Recommendation on the definition 'Natural processes'

267. I recommend that the definition of natural processes is retained as notified.

Issue 6. Objective O19 Natural processes

268. Objective O19 manages natural processes. Natural processes are a component of natural character, and Objective O19 works alongside other provisions in the proposed plan that deal with natural character, outstanding natural features and landscapes, significant sites, biodiversity and aquatic ecosystem health.

269. Outstanding natural features and landscapes included in RMA section 6(b) may be formed by natural processes, which includes geological features and surf breaks; and natural processes also form part of natural character, which is an RMA section 6(a) matter.

270. The management of natural processes in the operative plans focuses on allowing activities (such as realignment of river mouths) to be undertaken in a manner that provides for natural processes to occur; and addresses the potential for structures to prevent the natural functioning of physical and biological processes. The operative plans recognise the contribution to higher water quality that accrues from allowing natural processes to continue unimpeded.

271. Drawing from this, I understand that the intention is to recognise that some activities are appropriate or necessary, and that nevertheless these may have adverse effects that can be managed, or designed in a way that minimises potential adverse effects on natural processes.

272. Objective O19 in the proposed plan is that *'Interference from use and development on natural processes is minimised.'*

273. The issues identified from the submissions on proposed Objective O19:

- ‘Interference’ as used in the objective is unclear
- use "avoid, remedy or mitigate" rather than “minimise” (similar concerns are raised in respect of Policy P26)
- address duplication between Objectives O17 and O19
- Combine proposed Objective O19 (natural processes) and Objective O17 (natural character)
- strengthen Objective O19 to safeguard natural processes
- add ‘where appropriate’ at the end of the objective.

Submissions on Objective 19.

274. Ngā Hapū o Ōtaki S309/008 support Objective O19. The submissions from KāpitiCoast District Council S117/016, Wellington Civic Trust S62/004 and the Minister of Conservation S75/020 are to retain Objective O19 as notified.

Issue 6.1 Objective O19 is uncertain and ambiguous

275. The submissions made by First Gas Ltd S145/018, NZ Transport Agency S146/048, Meridian Energy Limited S82/010, Dairy NZ, Fonterra Cooperative Group Ltd S316/030, Carter Families S295/031, Fertiliser Association of New Zealand S302/015, Julian and Ruth Blackett S299/031, Kennott Family Trust S297/031, Land Matters LTD S285/031, Bell Camp Trust S294/031, Mahaki Holdings LTD S370/031, Max Lutz S348/073, Federated Farmers of New Zealand S352/070, Tim Mansell and Family S351/031 and USNZ S349/031 are to delete Objective O19.

276. The concern of a number of the submitters seeking that the objective be deleted is that Objective O19 (in respect of ‘interference’) is uncertain and overly broad. Examples of the concern include that ‘interference’ could include dewatering, and that a bridge or a road may interfere with natural processes but the activity may be appropriate as there may be an operational need for such structures.

277. The submissions made by CentrePort Limited (CentrePort) S121/026, Kiwi Rail Holdings Limited S140/018, Horticulture NZ S307/016 and Wellington International Airport Limited S282/011 provide general support for Objective O19, however their submission is that ‘interference’ is not appropriate in an objective. The submissions seek that the objective be reworded, replacing “Interference from use and development on natural processes is ‘minimised’ with “The adverse effects” from ... is ‘avoided, remedied, or mitigated’. The submission of CentrePort raises a concern about the expression ‘interference’ being unclear that is supported in part by Meridian Energy Limited FS32/014. Carterton District Council FS85/076 supports the submission.
278. The submission from Wairarapa Regional Irrigation Trust S127/007 is that interference has pejorative overtones and is open to wide interpretation, and seeks that proposed Objective O19 is amended to refer to ‘minimisation of adverse effects on natural processes’. GBC Winstone FS51/006 supports the submission.

Assessment

279. The operative plans use ‘interference’ when discussing the natural course or flow of the river or stream, and any diversion of water; and in the context of relationships and activities that may affect ground water replenishment and use. The issue identified in the RPS is that “*Human activities have modified and continue to interfere with natural physical and ecological coastal processes.*” The word ‘interference’ is intended to describe the potential adverse effects.
280. The RPS recognises that “The land and everything within and upon it is interrelated. Land management, river management, and maintaining and developing transport or housing infrastructure all utilise resources and can have an effect upon natural processes⁷⁴” and “Ecosystems are dynamic (constantly changing) and the many diverse natural processes that drive ecosystems are as important as the biodiversity values within them. In addition, all parts of an

⁷⁴ RPS 2.4 Integrating management of natural and physical resources page 11

ecosystem are interconnected⁷⁵” and “Landscape is shaped by a combination of natural processes and human actions⁷⁶”.

281. I consider that Objective O19 as notified describes an outcome that would allow activities to be undertaken in a manner that provides for natural processes to occur. Nevertheless, an amendment to Objective O19 could more clearly state the intended outcome sought in terms of ensuring natural elements, patterns and ecological processes continue to occur, and the integrity and functioning of natural processes and forms are retained.

Issue 6.2 Use "avoid, remedy or mitigate" rather than "minimise"

282. The submission made by Wellington International Airport Limited S282/011 is to either delete Objective O19 or amend as follows: ~~The interference from~~ Any adverse effects of use and development on natural processes is are avoided, remedied or mitigated.
283. Submissions by Michael Gunson FS79/001 and Surfbreak Protection Society Incorporated FS75/001 oppose that submission in part. Masterton District Council FS30/035, Meridian Energy Limited FS32/016, South Wairarapa District Council FS26/055 and FS26/036 support the submission point in part as they consider that the relief sought reduces the subjective nature of the notified wording. The concern records that while the submitters did not directly oppose the use of the term ‘minimised’ or its interpretation as provided in Policy P4, that they consider it is unclear how the term “minimised” works in context of a generic objective such as Objective O19. Carterton District Council FS85/079 supports the submission.
284. The relief sought in the submission of Holcim (New Zealand) Ltd S276/005 is to either delete Objective O19; or replace “minimise” with "avoid, remedy or mitigate".

⁷⁵ RPS 3.6 Indigenous ecosystems page 51

⁷⁶ RPS 3.7 Landscapes page 55

Assessment

285. In my opinion simply replacing the word ‘minimise’ and repeating the RMA requirement of ‘avoid, remedy or mitigate’ does not assist the council with performing its functions because it provides little additional instruction to decision makers. When used in a policy in the plan Policy P4 sets out what is required to ‘minimise an adverse effect’. Policy P4 contains an element of discretion, when considering what may be ‘reasonably practicable’. Like all qualifiers what is ‘reasonably practicable’ requires an assessment and the outcome on the ground will vary on a case by case basis.
286. The use of ‘minimised’ in an objective is problematic. An Objective should address the issue, be clear, self-contained, and describe the intended outcome. Objective O19 as notified is not self-contained. I recommend an amendment to Objective O19 that draws on the intent of the Objective. The intent is that (appropriate) use and development does not prevent or interfere with the natural functioning of physical and biological processes, effects are managed to ensure that natural elements, patterns and processes continue to occur, natural processes are not modified to a more than minor extent, and the integrity and functioning of natural processes and forms is retained.

Issue 6.3 Address duplication

287. The submission made by Rangitāne o Wairarapa Inc S279/030 is that the matters are already dealt with under proposed Objective O17, and to amend proposed Objective O19 to ensure that the natural processes referred to in the objective are clearly identified; and that it is adverse effects from use and development, and not interference that needs to be managed. Alternative relief is to delete Objective O19 in its entirety (as the outcome is achieved by Objective O17).
288. Meridian Energy Limited FS32/017 supports the submission in part and considers that the suggested alternative wording accords better with the framework of the RMA, and that the expression ‘interference’ has no clear meaning in this context. Carterton District Council FS85/080 and Wellington International Airport Limited FS69/017 support the submission as they consider that it is ambiguous.

Assessment

289. There is a relationship between natural character and natural processes, and this means there is some overlap between the matters addressed in Objective O19 and Policies P25(a) and P26; and Objective O17 and Policies P24 and P25; and Policy P51.
290. Natural processes are often an important factor in an area of natural character and an outstanding nature feature and landscape. While human activities may interfere with natural processes, this can be reversible where the integrity and functioning of natural processes and forms is retained. In my opinion the specificity in Objective O19 (and Policy P26) addresses the potential effects of activities on natural processes that may not be so significant as to diminish natural character as a whole.
291. I consider that including specific provisions that address natural processes in Objective O19 (and Policy P26) will assist the Council in carrying out its coastal and freshwater management functions. Use and development may be appropriate and Objective O19 (and Policy P26) recognise that this may have adverse effects on the integrity of natural processes that need to be managed. Therefore, I do not consider that Objective O19 should be deleted.

Issue 6.4 Combine proposed Objective O19 (natural processes) and Objective O17 (natural character)

292. The submission made by Fish and Game S308/019⁷⁷ to combine and amend Objectives O17, O19, and O22 is dealt with above under Objective O17 in pages 36 to 41 of this report. Horticulture NZ FS71/040 opposes the submission.
293. Joan Allin and Rob Crozier S175/017 seek that Objectives O19 to O22 are reconsidered, and consider the approach in the NZCPS is being applied out of context with the other provisions in the NZCPS.

⁷⁷ see Fish and Game submission point S308/018 for detailed relief sought / amendments

Assessment

294. Combining Objectives O17, O19 and O22 would mean that natural character, natural processes, and natural hazards need to be dealt with at a very broad level. The RPS deals with each of those matters with some detail. There are several layers of natural values and characteristics that are dealt with in the RPS provisions that apply to natural character and natural processes.
295. While the RPS addresses natural processes as part of natural character, it also recognises the role of natural processes in the broader geographical context, as part of natural features (definitions) and landscape (RPS section 3.7). Combining Objectives O17, O19 and O22 would result in a more generalised objective, dealing with natural character, landscapes, and natural hazards together. The outcomes sought in the RMA section 6(a) and section 6(c) differ from the outcomes sought in respect of natural hazards. I consider that combining the objectives is not necessary, and that the specificity in the separate objectives will assist decision makers to manage the issues associated with use and development and potential effects on natural character and natural processes.

Issue 6.5 Safeguard Natural Processes

296. The submission made by Royal Forest and Bird Protection Society S353/020 is to replace Objective O19 with "Natural processes are safeguarded from use and development".

Assessment

297. Strengthening Objective O19 by requiring that natural processes be safeguarded would go beyond what is required by the planning instruments. RMA section 6(a) and RPS Policy 3 both envisage that there may already be a degree of modification on a continuum and provide for the protection from inappropriate use and development in that context.
298. I consider that Objective O19, with my recommended amendment will ensure that natural processes are not adversely affected to the extent that integrity and functioning of natural processes are undermined.

Issue 6.6 Add a qualifier

299. The submission from Hammond Limited S132/002 is to add the qualifier ‘where appropriate’ to Objective O19.

Assessment

300. Decision makers should be able to rely on the plan provisions (and in this case the criteria in the RPS provisions) to determine the appropriateness or otherwise of use and development.

301. The use of qualifiers in plan provisions has been discussed in other RMA section 42A reports⁷⁸ and is also addressed in response to the Hammond Limited submission on Policy P26 (below). I agree with the conclusions drawn in other RMA section 42A reports that the addition of qualifiers weakens the provisions, leaving it open to interpretation, reduces certainty and effectiveness, and creates uncertainty as to whether and when the provision will be applied or achieved, making it difficult to monitor effectiveness.

Recommendation on Objective O19

302. I recommend that the submissions of Royal Forest and Bird Protection Society S353/020, Carterton District Council FS85/080 and Wellington International Airport Limited FS69/017 and Holcim (New Zealand) Ltd S276/005 are accepted in part, and Objective O19 is amended to improve the specificity about what is being managed, and to more clearly describe the outcome sought from the management of natural processes, as follows:

303. “The interference from use and development on natural processes, is minimised including natural elements, patterns and ecological processes continue to occur, and the integrity and functioning of natural processes and forms are retained.”

⁷⁸ section 42A report prepared by Mr Paul Denton ‘Beneficial Use and Development paragraph 129 page 28 and paragraph 219 and 220 page 51; section 42A report prepared by Ms Pam Guest ‘Areas and Sites with Significant Mana Whenua Values paragraph 128 page 44 / 45; and section 42A report: Part B Overall policy framework of the proposed plan prepared by Ms Greenberg at paragraph 401 and 402

Provisions that implement Objective O19

Issue 7. Policy P26 – The integrity and functioning of natural processes

Background

304. Natural processes are a part of the natural character of the coastal environment, wetlands, rivers, lakes and their margins. As with the Objective O19, proposed Policy P26 works alongside other provisions in the proposed plan. Policy P26 addresses natural processes, which is one component of natural character, and is relevant to the management of effects of natural hazards, and on outstanding natural features and landscapes, significant sites, biodiversity and aquatic ecosystem health.
305. As discussed above, there is a relationship between the natural character of the coastal marine area, wetlands, lakes and rivers, and natural processes that is addressed by Policy P26. As notified Policy P26 would be interpreted in light of Policy P4: Minimising adverse effects. Policy P4 is addressed in the RMA section 42A report prepared by Ms Greenberg and in the response to the Hearing Panel’s Minutes 5 and 7, and the responding joint caucusing statement.
306. Proposed Policy P26 (together with Policy P25) implements both Objective O17 (natural character) and Objective O19 (interference with natural processes).
307. Policy P26 (and Objective O19) in the proposed plan apply within, and also extend beyond, the coastal marine area and the natural processes in freshwater, and the interrelationships between them. Policy P26 manages matters that fall within the definition of “Natural processes”.
308. Policy P26 in the proposed plan is that *“Use and development will be managed to minimise effects on the integrity and functioning of natural processes.”*

Submissions on Policy P26

309. Friends of the Paekakariki Streams S112/043, and KāpitiCoast District Council S117/036 supports Policy P26 as notified.

310. The submission of the Minister of Conservation S75/059 supports Policy P26. This is opposed by Coastal Ratepayers United Incorporated FS41/011 and Land Matters Ltd FS65/022
311. The issues identified from the concerns raised in submissions on proposed Policy P26 are that:
- the policy approach is not effects based (replace with ‘avoid’ or ‘avoid, remedy or mitigate’)
 - ‘where appropriate’ should be added to the policy
 - effects on natural processes should be managed within a policy hierarchy
 - Policy P26 is too general to be useful.

Issue 7.1 Use of either ‘avoid’ or ‘avoid, remedy or mitigate’ rather than minimise’

312. The submissions by NZ Transport Agency S146/091 and First Gas Ltd S145/074 are that the policy is not consistent with effects based management, and that development may interfere with natural processes but can be acceptable from an effects based perspective.
313. The submissions by NZTA, First Gas Ltd, Horticulture NZ S307/036, Wellington International Airport Limited S282/034, Holcim (New Zealand Ltd S276/010 and First Gas Ltd S145/074 are to amend Policy P26 by replacing “minimise” with "avoid, remedy or mitigate" to be consistent with the RMA. Relief sought is: Use and development will ~~be managed to minimise~~ avoid, remedy or mitigate adverse effects on the integrity and functioning of natural processes. Further submissions that support (or support in part) replacing ‘minimise’ in P4 and P26 with "avoid, remedy or mitigate" are Carterton District Council FS85/147, FS85/145 and FS85/144; Powerco FS56/054; Queen Elizabeth II National Trust FS96/035; Wellington Water Limited FS25/022 and CentrePort Properties Limited FS49/065.
314. The submission by Rangitāne o Wairarapa Inc S279/091 generally supports the intent of the policy and seeks that ‘minimise’ is replaced with ‘avoid, remedy

or mitigate’, as they consider that strengthens the policy and aligns the provision more closely with the RMA. Carterton District Council FS85/148 supports the submission and considers that the submitter’s relief is more consistent with the RMA.

Assessment

315. The submissions appear to be seeking the certainty of the familiar wording in the RMA. Ideally, the objective and policy should apply the RMA to the specific circumstances of the district or region, and not just restate the RMA.
316. I consider that it is important for the plan to state what ‘minimise’ means. I would not support the use of ‘minimise’ in a policy where the term is open to interpretation and / or is not sufficiently clear about the outcomes being sought in respect of an issue. However, in this case proposed Policy P4 sets out how ‘minimise’ will be applied, which promotes consistency in decisions on applications and across the suite of the regional council’s planning instruments. In the context of the regional planning provisions that specifically use the term, ‘minimise’ means reducing adverse effects of the activity to the smallest amount practicable. Proposed Policy P4 underpins proposed Policy P26 by identifying the matters to be considered to achieve that outcome.

Caucusing statement on Policy P4

317. The caucusing of planning experts discussed the drafting of Policy P4, and that clarification might occur by adding the Policy P4 sub-clauses into other policies where they are relevant.
318. If the decision of the Hearing Panel is to amend Policy P4 either as a definition or as a policy in the form identified in caucusing, then the following sub-clauses would be relevant to the matters addressed by proposed Policy P26:

Policy P26: Use and development will be managed to minimise effects on the integrity and functioning of natural processes by:

(a) considering alternative locations and methods for undertaking the activity that would have less adverse effects, and

(b) locating away from areas identified in Schedule A (outstanding water bodies), Schedule C (mana whenua), Schedule E (historic heritage), Schedule F (indigenous biodiversity), and

(c) timing the activity, or the adverse effects of the activity, to avoid times when adverse effects may be more severe, or times when receiving environments are more sensitive to adverse effects, and

(d) using good management practices, and

(e) designing the activity so that the effects of the scale or footprint of the activity is as small as practicable.

Issue 7.2 Amend to ‘limit effects on natural processes and minimise effects on significant sites’

Submissions

319. The submissions made by Carter Families S295/032, Land Matters Ltd S285/032, Bell Camp Trust S294/032, Kennott Family Trust S297/032, Julian and Ruth Blackett S299/032, USNZ S349/032, Tim Mansell and Family S351/032, Mahaki Holdings Ltd S370/032, and Max Lutz S348/074 is to amend Policy P26 to “limit adverse effects on the integrity and functioning of natural processes and minimise adverse effects on significant habitats and landscapes”.

Assessment

320. I understand that the concern in the submissions relates to Policy P4; and is that a mitigation hierarchy is opposed, and that applicants should not be required to consider alternative locations or require activities to be located away from scheduled sites. The submitters consider that in some circumstances interference from use and development on natural processes may be justified.⁷⁹.

321. The effect of the relief sought is to establish a hierarchy in Policy P26 by ‘limiting adverse effects on the integrity and functioning of natural processes’ and to ‘minimise adverse effects on significant habitats and landscapes’.

⁷⁹ Carter Families S295/032 submission paragraph 3.9.3 page 9 and 10

322. Protecting areas of significant indigenous vegetation and significant habitats of indigenous fauna is an RMA section 6(c) matter; and the protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development is an RMA section 6(b) matter. I do not agree with the submitter that ‘minimise’ be applied to management of adverse effects on significant habitats and landscapes. The relief sought would be contrary to RMA section 6(b) and (c) matters of national importance.
323. The approach in the relief sought has the potential to complicate the policy scope by managing matters other than natural processes. The relief sought would also be internally inconsistent with the management of significant habitats and landscapes in the proposed plan; e.g Objective O35 is “*Ecosystems and habitats with significant indigenous biodiversity values are protected and restored.*”

Issue 7.3 Add a qualifier

324. The submission by Hammond Limited S132/013 is that it is not always possible or appropriate to minimise interference with natural processes, and to amend Policy P26 by adding ‘where appropriate’.

Assessment

325. Policy P26 does not use ‘interference’, but instead is to ‘minimise’ the effects of use and development. In my opinion amending the policy to include ‘where appropriate’ would make the policy unclear.
326. The use of qualifiers in plan provisions has been discussed in other RMA section 42A reports⁸⁰. I agree with the conclusions drawn that adding qualifiers weakens the provisions, leaving it open to interpretation, reduces certainty and effectiveness, and creates uncertainty as to whether and when the provision will be applied or achieved, making it difficult to monitor effectiveness.

⁸⁰ section 42A report prepared by Mr Denton ‘Beneficial Use and Development paragraph 129 page 28 and paragraph 219 and 220 page 51; section 42A report prepared by Ms Pam Guest ‘ Areas and Sites with Significant Mana Whenua Values paragraph 128 page 44 / 45; and section 42A report Part B: Overall policy framework of the plan prepared by Ms Greenberg at paragraphs 400 to 402

327. While the earlier discussions by report writers during Hearing Stream 1 were mainly in respect of objectives, a similar set of principles can be applied to policies in the plan. Is it clear what outcome is being sought? Is there room for unintended consequences or subjective interpretations that might have a contrary outcome?
328. In my opinion, adding ‘where appropriate’ to Policy P26 would open the provision to unintended consequences; and possibly subjective and inconsistent interpretations. Qualifiers require an assessment and the environmental outcomes may vary on a case by case basis.

Issue 7.4 Manage effects within a policy hierarchy

329. The submission made by Royal Forest and Bird Protection Society S353/067 is that the reference to ‘minimise’ is inappropriate; and that the requirement to ‘minimise’ effects in Policy P26 be replaced with a policy hierarchy which provides significant adverse effects on natural processes to be avoided; and in relation to adverse effects on natural processes that are not significant that a policy hierarchy be applied that includes offsetting where residual adverse effects that cannot be mitigated.
330. Wellington International Airport Limited S69/044, Wairarapa Regional Irrigation Trust FS52/010 and Carterton District Council FS85/149 oppose the submission.

Assessment

331. The relief sought in the submissions made on managing effects of use and development on natural processes propose redrafting that would alter the policy approach across several policies that work together to implement Objectives that address natural character and natural processes.
332. A comprehensive explanation of the mitigation hierarchy and offsetting will be included in the RMA section 42A report prepared by Ms Pam Guest “Wetlands and Biodiversity”. In order to apply the government guidance on offset

mitigation⁸¹, Policy P26 would need to be redrafted to establish a policy hierarchy which then applies to offsetting residual effects once all adverse effects have been avoided, remedied or mitigated as far as practicable. The government guidance for offsetting also recognises that there are some values that are of such significance that complete avoidance is required and offsetting would never be appropriate. The hierarchy that applies to offsetting includes the ability to assess the significance and ability of values to recover from change.

333. Offset mitigation is most commonly found in the management of biodiversity rather than in the management of natural processes. The relief sought broadly follows the New Zealand Government guidance on biodiversity offsetting. It is not clear how the steps for good practice that focus on ‘like for like’ mitigation and implementing an offset with no net loss could be applied to the management of the integrity and functioning of natural processes. Therefore I recommend that Policy P26 is not amended as sought in the submissions.

Issue 7.5 Policy P26 is too general to be useful

334. There are two submissions to delete Policy P26. Fertiliser Association of New Zealand S302/035 is concerned that the definition of natural processes includes a wide range of matters such as erosion and deposition, swash-up and flooding, and that Policy P26 is too general to be useful.
335. The submission made by Federated Farmers of New Zealand S352/135 is to delete the policy. Fish and Game FS89/071 oppose the submission as it is inconsistent with RMA and NPS-FM.

Assessment

336. The interconnected nature of natural processes is reflected in the definition of ‘natural processes’ in the proposed Plan. Outstanding natural features and landscapes may be formed by natural processes; and natural processes form part of natural character. In managing effects on natural processes Policy P26

⁸¹ <http://www.doc.govt.nz/Documents/our-work/biodiversity-offsets/the-guidance.pdf>

assists with decisions on activities that may result in any more than minor adverse change in the natural variability of flows or level of any fresh water.

337. Policy P26 promotes decision making that considers the implications of use and development on natural processes, and contributes to managing a risk that activities may have permanent or irreversible effects on the flow regime, prior to freshwater management units developed using the process in the NPS-FM being set in place.
338. NPS-FM Appendix 1 ‘Additional National Values’ recognises that the natural form and character of a freshwater management unit include natural processes such as its flow regime, colour, clarity, morphology or location. NPS-FM A1 is to safeguard the life-supporting capacity of ecosystem processes, and (to paraphrase) of ecosystems associated with indigenous species. Proposed Policy P26 is consistent with NPS-FM Policy B7 which directs councils to consider matters such as the natural variability of flows or level of any fresh water⁸².
339. Together with other provisions in the proposed plan that manage water and ecosystems; Policy P26 expressly gives effect to RPS Policy 18. RPS Policy 18 directs councils to include policies that “... (a) promote the retention of in-stream habitat diversity by retaining natural features, such as pools, runs, riffles, and the river’s natural form; and (b) promote the retention of natural flow regimes, such as flushing flows.
340. While there is some overlap with the natural character, ecosystem and management of activities in the beds of lakes and rivers provisions; I consider that Policy P26 should be retained as notified because it explicitly manages the effects of use and development on natural processes, and in doing so provides a basis for consideration of the effects of activities on natural processes.

Recommendations on Policy P26

341. It is recommended that Policy P26 is retained as notified.

⁸² NPS-FM Policy B7 direction (under section 55) to regional councils

342. If the Panel is of a mind to amend Policy P4 in line with the caucusing statement of expert planners; I recommend that the following subclasses be added to Policy P26:
343. Policy P26: Use and development will be managed to minimise effects on the integrity and functioning of natural processes, by
- (a) considering alternative locations and methods for undertaking the activity that would have less adverse effects, and
 - (b) locating away from areas identified in Schedule A (outstanding water bodies), Schedule C (mana whenua), Schedule E (historic heritage), Schedule F (indigenous biodiversity), and
 - (c) timing the activity, or the adverse effects of the activity, to avoid times when adverse effects may be more severe, or times when receiving environments are more sensitive to adverse effects, and
 - (d) using good management practices, and
 - (e) designing the activity so that the effects of the scale or footprint of the activity is as small as practicable.

Group 3 - Sites with Significant Values

344. This section of the report deals with the submissions on Objective O32 and Policies P48 and P49 (Outstanding and natural features and landscapes); Objective O36, Policy 50, Schedule J (Significant geological features in the coastal marine area); Objective O37, Policy P51, Schedule K (Significant surf breaks); Objective O38, Method M24 (special amenity landscapes).
345. These provisions are evaluated in the RMA section 32 reports entitled: ‘Natural Heritage’ and ‘Activities in the Coastal Marine Area’ and ‘Recreation, public access and public open space’.
346. Technical reports were prepared that identified significant geological features and significant surf breaks in the region.

347. This section of the report groups submissions on the provisions dealt with in this report as follows:

- Objective O32 and Policy P48 that deal with outstanding and natural features and landscapes; and Policy P49 that deals with effects on outstanding natural features or landscapes or special amenity landscapes identified in a district plan;
- Objective O36, Policy 50 and Schedule J that deal with significant geological features in the coastal marine area;
- Objective O37, Policy P51 and Schedule K that deal with significant surf breaks;
- Objective O38 that deals with special amenity landscapes; and
- Method M24 which is to identify outstanding natural features and landscapes in the region and areas of high /outstanding natural character in the CMA.

Issue 8. Objective O32: Outstanding natural features and landscapes

Background

348. Objective O32 and Policy P48 deal with outstanding natural features and landscapes.

349. Objective O32 is '*Outstanding natural features and landscapes are protected from inappropriate use and development*'.

350. RMA section 6(b) is to recognise and provide for the protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development.

351. The common approach in the RMA and the higher order planning instruments is to protect significant, high or outstanding natural features and natural

landscapes (including seascapes), and to protect the natural features and the coastal environment from inappropriate subdivision, use, and development⁸³. Significant adverse effects on natural features and landscapes are to be avoided⁸⁴.

352. The main issues identified from the submissions on proposed Objective O32, are:

- undertake an assessment of outstanding natural features and landscapes
- limit the objective to only protect identified features of value
- amend the objective to focus on rivers, lakes, wetlands and the CMA.

Submissions on Objective O32: Outstanding natural features and landscapes

353. The submissions made by the Minister of Conservation S75/034 and NZ Transport Agency S146/055 are to retain Objective O32 as notified. Queen Elizabeth II National Trust FS96/025 supports in part.

Issue 8.1 Undertake an assessment of outstanding natural features and landscapes

354. The submission made by Rangitāne o Wairarapa Inc S279/091 is that Objective O32 should be retained, but that a thorough assessment of the outstanding natural features and landscapes of the Wellington Region be undertaken with particular consideration given to those natural features and landscapes with value to tangata whenua. Alternatively, significant natural features and landscapes and areas of at least high natural character in the coastal environment should be derived from the existing studies and provided with sufficient interim protection.

355. The submission made by Federated Farmers of New Zealand S352/090 is to amend Objective O32 to read: The values of Outstanding natural features and landscapes to be identified in accordance with Method M24 are protected from

⁸³ RMA section 6(b); NZCPS Policy 13 and 15; RPS Objective 17, RPS Policies 25, 26 and 50

⁸⁴ NZCPS Policy 15

inappropriate use and development. Method M24 is to identify outstanding natural features and landscapes in the region; and areas of outstanding/high natural character in the CMA, by working with city and district councils and the community. Waa Rata Estate FS1/033 supports the submission. Fish and Game FS89/044 opposes the submission.

356. The submissions made by Masterton District Council S367/052 and South Wairarapa District Council S366/052 are to amend Objectives O31 to O38 (inclusive) to clearly identify that the protective requirements of those provisions only relate to the identified features and matters determined to be of value within that relevant Schedule; and to delete and redefine maps to provide certainty as to the extent and location of scheduled items, including provision for specific values to be determined, rather than generic values. Horticulture NZ FS71/050 supports the submission.

Assessment

357. The plan addresses the desire to have certainty in the long term about where outstanding natural features and landscapes and outstanding/high natural character are located with the processes in Method M24. Proposed Method M24 is to work with territorial authorities to identify a regional list of outstanding natural features and landscapes and high natural character for inclusion in the Plan by a plan change or variation.
358. Until such time as the process in Method M24 is completed and any plan changes undertaken, an assessment of outstanding natural features and landscapes will occur on a case by case basis, as resource consent applications are made. RPS Policy 25 sets out the criteria to be used to identify outstanding natural features and landscapes and RPS Policy 26 is to include policies, rules and/or methods in plans that protect outstanding natural features and landscape values from inappropriate subdivision, use or development. RPS Policy 50 is that decision makers are to first determine whether an activity may affect an outstanding natural feature and/or landscape; and sets out the matters which decision makers are to have particular regard to when determining if an activity is inappropriate.

359. The issue identified in the RPS is that *“Inappropriate modification and destruction of outstanding natural features and landscapes, and significant amenity landscapes, is causing a loss of the values associated with those landscapes and features”* and RPS Objective 17 is *“The region’s outstanding natural features, landscapes and significant amenity landscapes, are identified and their values protected, maintained or enhanced.”*
360. Objective O32 and Policy 48 give effect to the RPS Objective O17 and Policies 25 and 50; and Method M24 gives effect to RPS Policy 26.
361. I consider that Objective O32 is appropriate as notified, and that it is necessary to give effect to the RPS.

Issue 8.2 Amend to focus on rivers, lakes, wetlands and the CMA

362. The submission made by Porirua City Council S163/043 is that the plan does not cover all outstanding natural features and landscapes, only sites involving water are identified in Schedule A (wetlands, lakes, rivers, coastal marine area), and no other landscape features such as ridgelines and hilltops. The submission seeks that this is clarified in the objective. The submission is to amend Objective O32 to read: *“Outstanding natural features and landscapes of the coastal marine area, rivers, lakes and their margins and natural wetlands are protected from...”* Queen Elizabeth II National Trust FS96/071 supports the submission in part, opposing the omission of reference to subdivisional development work.

Assessment

363. Outstanding natural features and landscapes have not been identified in a schedule in the plan. Method M24 is to work with city and district councils to identify areas of outstanding natural features and landscapes and high/outstanding natural character.
364. In deciding to prepare a regional plan, the council considers whether there is any significant conflict between the use, development, or protection of natural and physical resources or the avoidance or mitigation of such conflict; and any

significant need or demand for the protection of natural and physical resources or of any site, feature, place, or area of regional significance.⁸⁵

365. Where there are outstanding natural features and landscapes, the RPS includes directive provisions that require the regional plan to include policies, rules and/or methods that protect outstanding natural features and landscape values from inappropriate subdivision, use or development. This identification and management requirement is not limited to beds of lakes and rivers or the CMA, therefore I do not recommend any change is made to Objective O32.

Recommendations on Objective O32

366. It is recommended that Objective O32 is retained as notified.

Issue 9. Policy P48 Natural features and landscapes

367. The NZCPS Objective 2 and NZCPS Policy 15 deal with Natural features and landscapes in the CMA, and sets out a policy hierarchy for their management. There are provisions in the RPS that deal with identification and consideration of outstanding natural features and landscapes.
368. Policy P48 in the proposed plan takes a consistent approach with a policy hierarchy managing outstanding natural features and landscapes, and other natural features and landscapes in those areas in both the CMA and applies to the CMA; and to rivers, lakes, natural wetlands and their margins, and in rivers, lakes, natural wetlands and their margins.
369. Policy P48 establishes a management hierarchy based on the significance of the values and effects on those values. Policy P48 manages adverse effects on both outstanding and other natural features and landscapes (including seascapes) in the coastal marine area, and of rivers, lakes and their margins and natural wetlands.
370. Proposed Policy P48 is *“The natural features and landscapes (including seascapes) of the coastal marine area, rivers, lakes and their margins and*

⁸⁵ RMA section 65(3)

natural wetlands shall be protected from inappropriate use and development by:

(a) avoiding adverse effects of activities on outstanding natural features and landscapes, and

(b) avoiding significant adverse effects and avoiding, remedying or mitigating other adverse effects of activities on natural features and landscapes”.

371. The issues identified from the submissions on proposed Policy P48 are:

- identify outstanding natural features and landscapes, and apply a policy hierarchy
- manage the values of ‘outstanding’ natural features and landscapes in the beds of lakes and rivers that have been identified in accordance with M7.

Submissions on Policy P48 Protection of natural features and landscapes in the CMA

372. The submission made by Royal Forest and Bird Protection Society S353/083 and Friends of the Paekakariki Streams S112/058 is to retain Policy P48 as notified.

Issue 9.1 Identify areas and apply a policy hierarchy

373. The submission made by CentrePort Limited (CentrePort) S121/063 is to support in part; to amend the sub-clauses of Policy P48 by “..... (a) seeking to avoid adverse effects of activities on identified outstanding natural features and landscapes, and (b) ~~avoiding significant adverse effects and avoiding, remedying or mitigating other adverse effects of activities on natural features and landscapes~~”.

374. The submission made by Meridian Energy Limited S82/020 and NZ Transport Agency S146/108 is to amend the policy to delete the reference to ‘avoid significant adverse effects’. Wellington International Airport Limited FS69/051 supports in part, Queen Elizabeth II National Trust FS96/047 opposes in part, and the Minister of Conservation FS61/032 opposes the submission.

375. The submission made by the Minister of Conservation S75/078 is to amend the sub-clauses of Policy P48 by “.... (a) *avoiding adverse effects of activities on the characteristics and qualities that contribute to the values of outstanding natural features and landscapes, and (b) avoiding significant adverse effects and avoiding, remedying or mitigating other adverse effects of activities on the characteristics and qualities that contribute to the values of other natural features and landscapes.* Masterton District Council FS30/047 support, and Rangitāne o Wairarapa Inc FS74/315 and South Wairarapa District Council FS26/068 support the submission in part. Land Matters Ltd FS65/029 opposes the submission in part.
376. The submission of Rangitāne o Wairarapa Inc S279/109 is to undertake an assessment to identify the outstanding natural features and landscapes in the Region and include them in the proposed plan, along with appropriate policies, rules and other methods. A similar point is made by Wellington International Airport Limited S282/043 to add “identified in a schedule to this Plan” to the policy.
377. The submission of Porirua City Council S163/063 is to delete sub-clause (a) to avoid repetition; to clarify whether the outstanding natural features and landscapes referred to in this policy are those specified in the Schedules, and if not to provide guidance on how or who determines what is outstanding. Queen Elizabeth II National Trust FS96/081 opposes in part.
378. The submission by Waa Rata Estate S152/014 is to delete ‘natural wetlands’ and sub-clause (b). The concern is that the policy protects landscapes and features that are not identified as outstanding natural landscapes or features. A similar submission is made by Anders and Emily Crofoot S304/004.
379. Dairy NZ and Fonterra Co-operative Group Ltd S316/063 seek the redrafting of Policy P48 as two separate policies that refer separately to outstanding natural features and landscapes and other natural features and landscapes. Horticulture NZ FS71/084 supports the submission.
380. Joan Allin and Rob Crozier S175/044 and Coastal Ratepayers United Incorporated S93/058 make similar submissions, to delete the policy or notify a

variation to identify the outstanding and other areas of natural features and landscapes (including seascapes) being referred to, and to make the policy less extreme.

Assessment

381. When the plan was notified, it did not identify areas of outstanding natural features and landscapes. I consider that amending Policy P48 to limit its application to 'identified' natural features and landscapes would nullify the policy. Method M24 is to identify outstanding natural features and landscapes in the region, and areas with outstanding /high natural character in the CMA, and those areas would then be included in the plan by way of a plan change. I do not consider that any amendment should be made to Policy P48 to refer to 'identified' areas until those areas have been identified.
382. As dealt with above, Policy P48 in the proposed plan manages effects on outstanding natural features and landscapes; these can be identified using the criteria in the RPS; Policy P48 applies the policy hierarchy from the NZCPS. Method M24 is to work to identify and specify those areas in the plan.
383. As the identification of outstanding natural features and landscapes is still being undertaken, I do not recommend any changes to Policy P48.

Issue 9.2 Manage the values of 'outstanding' natural features and landscapes only in the beds of lakes and rivers identified in accordance with Method M7

384. The submission point made by Federated Farmers of New Zealand S352/154 is to amend the policy as follows: "The values of outstanding natural features and landscapes of the coastal marine area, beds of rivers, and beds of lakes to be identified in accordance with M7, shall be protected from inappropriate use and development by: a) avoiding, remedying or mitigating adverse effects of activities on the values of outstanding natural features and landscapes, and to delete sub-clause (b). Waa Rata Estate FS1/040 supports the submission.

Assessment

385. Method M7 deals with outstanding water bodies, but Policy P48 in the proposed plan deals with outstanding natural features and landscapes. The

RPS includes the criteria for identifying those features and landscapes, and the RPS provision is not limited to just those values and characteristics associated with the beds of rivers. Outstanding natural features may occur in the coastal environment, and in rivers, lakes, wetlands and their margins.

386. I do not recommend any changes to Policy P48.

Recommendation on Policy P48

387. It is recommended that Policy P48 is retained as notified.

Issue 10. Policy P49 Use and development adjacent to outstanding natural features and landscapes and special amenity landscapes

388. Policy P49 is *“Use and development in the coastal marine area on sites adjacent to an outstanding natural feature or landscape or special amenity landscape identified in a district plan shall be managed by:*

(a) protecting visual and biophysical linkages between the site and the outstanding natural feature or landscape, and

(b) avoiding adverse cumulative effects on the values of an outstanding natural feature or landscape.”

389. Issues identified from the concerns raised in the submissions are:

- add ‘inappropriate use and development’
- manage characteristics and qualities of outstanding natural features and landscapes rather than the features
- enable Regionally Significant Infrastructure
- limit the policy to the CMA
- assess and identify sites, and to include provisions to manage them
- be consistent with district plans.

Submissions on Policy P49

390. The submission made by Royal Forest and Bird Protection Society S353/084 is to retain the policy as notified.

Issue 10.1 Manage characteristics and qualities of outstanding natural features and landscapes

391. The Minister of Conservation S75/079 seeks to amend Policy P49 to ensure that Policy P49 does not introduce a management framework that overrides the requirements of P48, and to amend it to read “Use and development...~~be managed~~ shall (a) protect visual and biophysical linkages between the site and the outstanding natural feature or landscape, and (b) avoid adverse cumulative effects on the ~~values~~ characteristics and qualities that contribute to an outstanding natural feature or landscape.

Assessment

392. Policy P49 is unlikely to over-ride Policy P48 because the two policies (P48 and P49) manage different things. Policy P48 manages natural features and landscapes (including seascapes) in the coastal marine area, rivers, lakes and their margins and natural wetlands. Policy P49 applies in the CMA, and manages effects of activities on sites located adjacent to significant sites identified in district plans.
393. The second part of the relief sought focuses on the ‘characteristics and qualities’ of outstanding natural features or landscapes or special amenity landscape, and that approach is more consistent with the language used in the NZCPS and the RPS⁸⁶ that describe natural features, cultural and landscape values. Therefore I have recommended an amendment to Policy P49(b) to align the proposed plan with those higher order planning instruments.

Issue 10.2 Add ‘inappropriate use and development’ and enable Regionally Significant Infrastructure

394. CentrePort Limited (CentrePort) S121/064, Chorus New Zealand Limited S144/018 and Spark New Zealand Trading Limited S98/018 seek to amend

⁸⁶ NZCPS Objective 2 and 3; NZCPS Policy 1; RPS Issue statement page 57,

Policy P49 to add ‘seeking to’ and to: “avoid adverse cumulative effects on the values ‘from inappropriate use and development’ on the values of an outstanding natural feature or landscape”. Powerco FS56/064 Roding, Parks and Gardens and Solid Waste departments of Hutt City Council and Upper Hutt City Council FS59/036 and Powerco FS56/065 support the submission.

395. NZ Transport Agency S146/109 seek that ‘avoid’ should not be used, and to add ‘where practicable’ and to amend the policy to add: “(c) whether it is necessary to enable the development, operation, maintenance or upgrade and development of regionally significant infrastructure.” GBC Winstone FS51/017 supports the submission.

Assessment

396. It is not necessary to add a reference to ‘inappropriate use and development’ or to enable regionally significant infrastructure, because that would duplicate other provisions in the proposed plan. The benefits of Regionally Significant Infrastructure (RSI) are already recognised in other parts of the plan (e.g. Policy P12); and provided for. For example, Policy P138 manages structure in sites with significant values except where it is necessary to enable the development, operation, maintenance and upgrade of regionally significant infrastructure.
397. It is not necessary to duplicate those provisions in a section of the plan that’s deals with effects of activities located adjacent to a site of significance identified in a district plan.

Issue 10.3 - Limit the policy to the CMA

398. Waa Rata Estate S152/017 seeks to amend the heading and the policy to exclusively apply to development in the CMA, and a similar submission point made by Dairy NZ and Fonterra Co-operative Group Ltd S316/064 seeks that Policy P49 only applies in the coastal marine area adjacent to outstanding natural features.
399. The submission point made by Carter Families S295/089, Land Matters LTD S285/089, Bell Camp Trust S294/089, Kennott Family Trust S297/089, Julian and Ruth Blackett S299/089, Waikanae Christian Holiday Park (El Rancho)

S346/089, USNZ S349/089, Tim Mansell and Family S351/089, Mahaki Holdings LTD S370/089 and Max Lutz S348/131 opposes the inclusion of provisions signalling the inclusion of special amenity landscapes in district plans, and is to delete references to ‘special amenity landscapes’.

400. The submission made by Meridian Energy Limited S82/021 opposes Policy P49 to the extent to which it refers to special amenity landscapes and goes further than is required by the RPS; and is to delete reference to special amenity landscapes. Wellington International Airport Limited FS69/052 supports the submission.
401. The submission made by Federated Farmers of New Zealand S352/155 is to delete Policy P49.

Assessment

402. Policy P49 (together with other provisions) implements Objective O32 and O38. Policy P48 manages natural features and landscapes (including seascapes) that are located in the coastal marine area, rivers, lakes and their margins and natural wetlands.
403. Policy 49 manages use and development in the CMA; where that is adjacent to an outstanding natural feature or landscape or special amenity landscape identified in a district plan.
404. RPS Policy 27 is that district and regional plans may identify special amenity landscapes which are distinctive, widely recognised and highly valued by the community for their contribution to the amenity and quality of the environment of the district, city or region; and the evaluation of a special amenity landscape shall take into account the factors listed in RPS Policy 25.
405. The RPS provides the discretion to identify special amenity landscapes. Where these have been identified; Objective O38 in the proposed plan offers direction on the management of those areas.
406. The regional council, through the plan has jurisdiction to manage the effects of use and development in the CMA, where those effects may cross the boundary into an outstanding natural feature or landscape, or special amenity landscape

identified in a district plan. Therefore I do not recommend any amendment or that Policy P49 is deleted.

Issue 10.4 Assess and identify sites, and to include provisions to manage them

407. The submission by Rangitāne o Wairarapa Inc S279/110 is that the council undertake an assessment and identification of sites considered to be outstanding natural features and landscapes (including the areas within the coastal environment near existing mapped Outstanding Natural Features (ONF) and Outstanding Natural Landscapes (ONL) where activities may affect those landscapes and features) and to develop a suite of objectives and policies to appropriately manage activities in these areas.
408. Horticulture NZ S307/040 seeks that areas where the policy applies should be identified and to delete Policy P49.

Assessment

409. Policy P49 in the proposed plan deals with the potential for activities in the CMA to have effects on outstanding natural features and landscapes, and special amenity areas located above MHWS. The RPS includes criteria for assessing outstanding natural features and landscapes and Method M24 is to undertake an assessment and identify outstanding natural features and landscapes in collaboration with the city and district councils and the community. The intention is for district plan to address outstanding natural features and landscapes and special amenity areas that are located above MHWS; and for the regional plan to address outstanding natural features and landscapes located in the CMA.
410. Policy P49 in the proposed plan applies to use and development in the CMA; and to cross boundary effects where outstanding natural features and landscapes and special amenity areas have been identified in a district plan. The RMA section 32 report⁸⁷ identifies a number of territorial authorities that have included outstanding natural features and landscapes in their district

⁸⁷ RMA section 32 report 'Natural Heritage' page 19

plans; and Policy P49 will assist decision makers to manage effects on those areas in district plans.

411. I do not recommend that Policy P49 be deleted because it is necessary to manage an issue associated with cross boundary effects arising from use and development. I do not recommend that Objective O32 and Policies P48 and P49 are duplicated by adding a suite of objectives and policies to manage activities in areas of outstanding natural features and landscapes. Once the process in Method M24 has been completed the efficiency and effectiveness of the provisions in the proposed plan can be re-evaluated and amended if need be as part of the plan change process envisaged in Method M24.

Issue 10.5 Consistency with district plans

412. Joan Allin and Rob Crozier S175/045 and Coastal Ratepayers United Incorporated S93/059 seek to revise the policy. The concern is that there is a risk that the policy is inconsistent with the various district plans, both now and over time, and that "protected" and "avoiding" are too extreme.

Assessment

413. RMA section 6(b) requires the protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development; as a matter of national importance; and district plans are not to be inconsistent with a regional plan objectives and policies that manage effects of the use, development, or protection of land which is of regional significance.
414. In my view no changes are needed to Policy P49 to ensure the policy is consistent with a district plan, or to adjust the degree of protection afforded to those areas.

Recommendation on Policy P49

415. In response the submission made by the Minister of Conservation S75/079 I recommend that Policy P49 is amended as follows:

Policy P49: Use and development in the coastal marine area on sites adjacent to an outstanding natural feature or landscape or special amenity landscape identified in a district plan shall be managed by:

(a) protecting visual and biophysical linkages between the site and the outstanding natural feature or landscape, and

(b) avoiding adverse cumulative effects on the ~~values~~ characteristics and qualities of an outstanding natural feature or landscape.

416. This alternative is evaluated in the attached Appendix and RMA section 32AA report.

Significant geological features – Objective O36, Policy P50, and Schedule J

Background

417. Geological features are amongst the outstanding natural features and landscapes that are specifically addressed in the proposed plan. Geological features also form part of the natural character of the coastal environment that sit within RMA section 6(a) and (c), and are recognised as such in NZCPS 13(2)(b). The natural character provisions in the NZCPS are also relevant. The provisions in the proposed plan that deal with ‘significant geological features’ also give effect to RPS Objective 3 “... *Habitats and features in the coastal environment that have recreational, cultural, historical or landscape values that are significant are protected from inappropriate subdivision, use and development.*”; and RPS Objective 17 states “*The region’s outstanding natural features and landscapes are identified and their landscape values protected from inappropriate subdivision, use and development.*”

418. RPS Policy 25 is that regional plans shall identify outstanding natural features and landscapes, taking into account (amongst other things) the natural science values. These values relate to the geological, ecological, topographical and natural process components of the natural feature or landscape; and RPS Policy 35 requires regard to be given to preserving natural character of the coastal environment by g) protecting scientific and geological features from inappropriate subdivision, use and development.

419. In line with the direction in the higher order planning instruments, Objective O36 is to protect significant geological features in the coastal marine area.

420. The technical document prepared by Dr Dawe assesses geological features against the criteria in RPS Policy 25. I understand that the report only includes those geological features that met the RPS criteria for ‘outstanding geological features’. The technical report also assesses the potential risks from use and development. The report assesses the vulnerability of sites; and the robustness of the site to impacts; as well as the potential for remediation if the site was disturbed. A decision on ‘inappropriate use and development’ can be based on the assessment in the technical report, and by applying the criteria in the RPS Policy 50; therefore a reference to ‘inappropriate use and development’ is unnecessary in the context of managing significant geological features. The geological features identified in the proposed plan are formed over magnificent timescales and are irreplaceable. Given the nature of those natural features, significant effects on geological features are likely to be irreversible. Policy P50 of the proposed plan is *‘The significant adverse effects of use and development on the significant geological features identified in Schedule J (geological features) shall be avoided.’*
421. The significant geological site at Titahi Bay is managed through rules in the proposed plan (including prohibited activity rule R199). The RMA section 42A report to be prepared by Mr Paul Denton ‘Coast’ will address submissions made on the rules that apply to the significant geological sites in Schedule J.
422. Schedule J is ‘Significant geological features in the coastal marine area’. Schedule J is based on criteria described in the technical report: Regional Plan Review - Schedule J - Significant geological features in the coastal marine area prepared by Dr Iain Dawe, dated June 2014.

Issue 11. Objective O36 Significant geological features

423. The RMA section 32 report identifies Issue 1.15 Outstanding natural features and landscapes as “Degradation, modification and destruction of outstanding natural features and landscapes result in the loss of values associated with those landscapes and features.”
424. Significant geological features are among the outstanding natural features and landscapes in the region. The assessment of significant values should be based

on whether the natural feature has attributes that are sufficient to meet the criteria of significance; a factual assessment based upon the inherent quality of the natural feature.

425. Objective O36 is “*Significant geological features in the coastal marine area are protected.*”

426. The issues identified from the submissions on proposed Objective O36, are:

- that the objective is onerous
- that the objective should only apply to identified geological features
- to add ‘from inappropriate use and development’ to the objective.

Submissions on Objective O36

427. The submission made by Rangitāne o Wairarapa Inc S279/047 is to retain Objective O36 as notified. The Minister of Conservation FS61/011 supports the submission.

Issue 11.1 Objective O36 is onerous

428. The submission made by Joan Allin and Rob Crozier S175/025 is to revise the objective to address their concern that Objective O36 (and related provisions) are onerous.

Assessment

429. Objective O36 gives effect to the RMA, NZCPS and the RPS, which deal with the protection of outstanding natural features and landscapes, which includes significant geological sites. The significance and vulnerability of the significant geological features is assessed in the technical report.

430. I do not consider that the objective is onerous, and I do not recommend any changes are made.

Issue 11.2 The Objective should only apply to identified geological features

431. The submission made by South Wairarapa District Council and S366/056 and Masterton District Council S367/056 are discussed under Objective O32 and

they seek to amend Objectives O31 to O38 (inclusive) to clearly identify that the protective requirements of those provisions only relate to the identified features and matters determined to be of value within that relevant Schedule; to delete and redefine the maps to provide certainty as to the extent and location of scheduled items, and to include provision for each specific value to be determined, rather than generic values.

Assessment

432. Amending Objective O36 so that it only refers to those geological features identified in Schedule J removes the possibility of a new discovery occurring that meets the criteria in RPS Policy 25. Where a geological feature in the region is exceptional or out of the ordinary; and meets the criteria in the RPS, Objective O36 enables the sustainable management of that feature. Sustainable management as described in RMA section 5 is the use, development and protection of a natural feature.
433. It is not necessary to specify that the objective only relates to scheduled geological features. The requirement to obtain a resource consent is triggered by activity specific rules when an activity is proposed within an area identified in Schedule J.

Issue 11.3 Add ‘inappropriate use and development’

434. The submission point made by NZ Transport Agency S146/059 is to amend Objective O36 to protect significant geological features “from inappropriate use and development”.
435. Wellington International Airport Limited S282/017 is to amend Objective O36 to read: “Significant geological features in the coastal marine area ‘identified in Schedule J to this plan’ are protected from ‘inappropriate use and development’”. A similar submission was made by Coastal Ratepayers United Incorporated S93/036.

Assessment

436. Objective O36 is to protect significant geological features, and these are a subset of outstanding natural features and landscapes, and the natural character of the CMA.

437. The addition of ‘inappropriate use and development’ to Objective O36 adjusts the management of the geological features from an assessment of its vulnerability and protection of its values to an assessment about doing so in the context of an overall judgement about what may be ‘inappropriate’ activities.
438. The technical report on geological features assessed the degree to which the features are vulnerable to change. Some geological features are historical and some are the result of contemporary processes. The sites are a limited resource, some are rare internationally and many are irreplaceable. Therefore I consider that the protection of significant geological features in the coastal marine area through Objective O36 should not be amended to focus an assessment on ‘inappropriate use and development’.
439. While both the NZCPS Policy 15 and RPS Objective 17 use ‘inappropriate use and development’, the plan provisions can be more specific about how the values associated with significant natural resources are managed. RPS Policy 25 is to identify outstanding natural features and landscapes that are exceptional or out of the ordinary; and sets out the criteria to be used. In assuring sustainable management of significant geological features in the CMA proposed Objective O36 gives effect to the provisions in the RPS, and the NZCPS.
440. I do not consider that the words ‘from inappropriate use and development’ need to be added to Objective O36.

Recommendation on Objective O36

441. I recommend Objective O36 is retained as notified.

Provisions to implement Objective O36

442. Proposed Policy P50 is to avoid significant adverse effects on the significant geological features identified in Schedule J. In addition to proposed Policy P50, there are activity based policies and rules that manage the effects of activities within those sites in the coastal marine area. Schedule J identifies significant geological features in the coastal marine area.

Issue 12. Policy P50 significant geological features

443. Proposed Policy P50 is “The significant adverse effects of use and development on the *significant geological features identified in Schedule J (geological features) shall be avoided.*”

444. The issues identified from the submissions on proposed Policy P50 are:

- delete ‘significant adverse effects’ and replace with ‘avoid, remedy or mitigate adverse effects’
- strengthen the policy to avoid adverse effects, not just those that are ‘significant’
- amend to use mitigation hierarchy (including offset),

Submissions on Policy P50:

445. The submission made by Royal Forest and Bird Protection Society S353/085 is to retain the submission as notified.

Issue 12.1 Delete ‘significant’ and replace with ‘avoid, remedy or mitigate’

446. The submission made by CentrePort Limited (CentrePort) S121/065 supports in part and seeks that the term ‘significant adverse effects’ be deleted and that it is replaced with ‘adverse effects be avoided, remedied or mitigated’.

Assessment

447. The policy intent is to manage adverse effects on the significant geological features. Based on the technical report, the sites identified in Schedule J are vulnerable, and activities directly impacting upon those sites are likely to have permanent effects. Permanent and irreversible effects would be considered to be significant. The approach in the policy envisages that some activities with minor effects can occur.

448. Adding ‘avoid, remedy or mitigate’ does not provide a lot of guidance for decision makers, therefore I do not consider that an amendment to Policy P50 is needed.

Issue 12.2 Strengthen the policy to avoid adverse effects

449. The submission made by Rangitāne o Wairarapa Inc S279/111 is to strengthen the policy to avoid all adverse effects on significant geological features rather than just significant adverse effects. Federated Farmers of New Zealand FS54/026 opposes the submission.

Assessment

450. The policy is pitched at the management of ‘significant adverse effects’. It is possible that use and development may be designed in a manner that avoids significant adverse effects on a significant natural feature.

451. The RMA section 6(b) framework does envisage that there may be ‘appropriate’ activities that have adverse effects, and which still must be undertaken in a manner that provides for the protection of those sites. The technical report assesses the degree of vulnerability to change, and where a site is vulnerable to change the adverse effects of use and development will always be significant.

Issue 12.3 Amend to use mitigation hierarchy (including offset)

452. The submission made by Porirua City Council S163/064 supports the policy in principle, and is concerned about the implications for council activities. The submission seeks that some flexibility is introduced to allow essential maintenance and activities required to achieve other objectives such as erosion protection to be undertaken while balancing the need for environmental protection; and to amend to read: "... avoided, or if not practicable, mitigated or offset."

Assessment

453. The relief sought in the submission seeks to change the way the assessment of effects is applied in proposed Policy P50. Where a significant geological feature is vulnerable to the effects of activities, and those potential effects may be irreversible the policy should provide certainty about how those effects will be managed.

454. Offsetting as used in the government guidance document⁸⁸ that applies to biodiversity includes offsetting ‘like for like’, and also acknowledges that some sites are of such significance that offsetting is not possible or appropriate. While some restoration of a geological feature may be possible, for the most part it is unlikely that a geological feature of significance can be re-created.
455. I do not recommend the change sought by the submitter is made to Policy P50.

Recommendation on Policy P50

456. I recommend that Policy P50 is retained as notified.

Issue 13. Schedule J (Significant geological features in the coastal marine area⁸⁹)

Background

457. The geological sites in Schedule J (Significant geological features in the coastal marine area) and on Map 35 are in the coastal marine area.
458. The technical report prepared by Dr Dawe identifies the criteria used to identify the ‘significant geological sites’ against the criteria in the RPS. The technical report states that “*The stumps are vulnerable to damage and disturbance from vehicles, boat launching, machinery, beach grooming and vandalism and there would be no way to remediate the damage if it occurred (Begg & Mazengarb, 1996; Campbell, 1996; Gibb, 2012; Mildenhall, 1993)*⁹⁰”.
459. The Titahi Bay fossil forest is periodically covered and uncovered by natural processes. The significant geological feature is mapped, and included within Schedule J. The fossil forest is vulnerable when the feature is uncovered, and less vulnerable when covered by sand.
460. The RPS requires the identification of natural features. A technical report “Regional Plan Review Schedule J - Significant geological features in the

⁸⁸ <http://www.doc.govt.nz/biodiversity-offsetting-guidance>

⁸⁹ Shown on Map 23

⁹⁰ Technical report ‘Regional Plan Review Schedule J - Significant geological features in the coastal marine area’ prepared by Dr Iain Dawe page 15

coastal marine area” prepared by Dr Iain Dawe discussed the jurisdictional limitations and explains that the significant geological sites assessed are those in the CMA. Dr Dawe’s report also explains that “*The New Zealand Coastal Policy Statement 2010 (NZCPS 2010) now requires local authorities to identify and protect natural features in the coastal environment, including sites with geological values. A small list of outstanding geological features was included in Chapter 7 of the Regional Policy Statement for the Wellington Region (1995), but this was excluded from the Regional Policy Statement for the Wellington Region (2013) (operative RPS) and replaced with a policy that requires the NZCPS 2010 policy to be given effect by regional and district plans*”; and that the operative Regional Coastal Plan for the Wellington Region (2000) contains areas of important and significant conservation and some of these sites, such as the Mana Bridge also have geological values, but that the operative plan does not contain a specific schedule of geological sites. The report applies the relevant criteria in the RPS Policy 15, which is used as a basis for the assessment of sites of geological significance⁹¹.

461. The issue identified from the submissions on proposed Schedule J is:

- include additional sites and clarify the extent of sites.

Submissions on Schedule J (Significant geological features in the coastal marine area)

462. The submission made by Titahi Bay Residents' Association S272/017 is to retain Schedule J as notified.

Issue 13.1 Include additional sites and clarify the extent of sites

463. The submission made by Conrad John Toussaint Edwards S73/006 is that cars should be allowed on Titahi Bay beach, except where they will damage the fossil forest.

464. The submission from Wellington Recreational Marine Fishers Association S32/018 is to amend Schedule J to record that the Wellington Harbour in

⁹¹ The report refers to Schedule O which was the reference in the draft regional plan. The proposed regional plan contains significant geological sites in Schedule J

[Schedule J and Map 30] has a number of submarine freshwater springs from off Petone Beach to alongside Somes Island, into Evans Bay and around the Falcon Shoals.

465. The submission from CentrePort Properties Limited S141/074 seeks clarification of whether the Inter-Island (Railway) Wharf and the Waterloo Quay Wharf are identified in Schedule J (geological), and is to remove Railway Wharf and Waterloo Quay Wharf and the underlying and adjacent coastal marine area from Schedule C (mana whenua), Schedule F4 (coastal sites), Schedule F5 (coastal habitats), and Schedule J (geological), and all associated maps, if these are considered to apply to the wharves.

Assessment

466. The management of activities within Schedule J sites is to be addressed in the RMA section 42A report: Coast that is to be prepared by Mr Paul Denton.
467. The significant geological sites identified in Schedule J are based on a technical assessment made against the RPS criteria in Policy 25. I have relied on the information provided in that report, and I consider that Schedule J as notified gives effect to RPS Objective 17, and RPS Policies 25, 26 and 50; and NZCPS Objective 2 and Policy 15. Together with other provisions in the plan, Schedule J contributes to the implementation of Objective O36.
468. The submission from CentrePort Properties is a general submission, opposing the inclusion of the commercial port area in any Schedule of the proposed plan. The Inter-Island (Railway) Wharf and the Waterloo Quay Wharf are not geological features and are not included in identified in Schedule J.
469. Any additions or deletions from Schedule J would need to be supported by a technical assessment against the criteria in the RPS Policy 25. I consider that Schedule J should be retained as notified.

Recommendation on Schedule J

470. I recommend that Schedule J is retained as notified.

Issue 14. Objective O37 Significant surf breaks

Background

471. “Surf Break” is defined in the NZCPS. Surf breaks are amongst the outstanding natural features and landscapes of regional significance that are specifically addressed in the proposed plan. Surf breaks also form part of the natural character of the coastal environment that sit within RMA section 6(a) and recognised as such in NZCPS Policy13(2)(c). As with the geological features, the natural character provisions in the NZCPS are relevant. NZCPS Policy 16 and Schedule 1 specifically address surf breaks of national significance; however these do not include surf breaks within the Wellington region.
472. Objective O37 is that *‘Significant surf breaks are protected from inappropriate use and development.’*
473. The issues identified from the submissions on proposed Objective O37 are:
- clearly identify the relevant surf breaks and to clarify how the policy will be applied
 - limit the objective to scheduled and identified surf breaks.

Submissions on Objective O37

Issue 14.1 Clearly identify the relevant surf breaks and clarify how the policy will be applied.

474. The submission made by CentrePort Limited (CentrePort) S121/033 is concerned that there is uncertainty associated with the surf breaks and the nature of potential adverse effects on those features in Schedule K; and seeks that the nature of potential adverse effects and measurement of these and how the policy would be applied in practice is clarified. The submission is supported by Wellington International Airport Limited S69/024.
475. The submission made by Wellington International Airport Limited S282/018 is to delete Objective O37. The submission is opposed by the Surfer Common Format submission (35 individual submitters) FS97/001; Michael Gunson FS79/002 and the Surfbreak Protection Society Incorporated FS75/002.

Assessment

476. The proposed plan does not have sections that provide explanations of the objectives and policies. Objective O37 is applied in the same way as other objectives in the plan. Objective O37 is implemented by Policy P51. Policy P51 uses ‘minimise’ and therefore the policy would be interpreted in light of Policy P4; which is to reduce adverse effects to the smallest amount reasonably practicable. An assessment of the effects of an activity on the surf break would be considered as part of a resource consent application where a consent is required by the rules in the plan. As is common with assessments made as part of a resource consent application, Objective O37 will be paired with other objectives and policies in the plan that are relevant depending on the matter at hand. For example, the objectives and policies that apply to the beneficial use of land and water, and the specific policies that deal with activities such as reclamations, and natural character, and natural processes might all be relevant and would be considered together. The practice is to apply an overall judgement using the sustainable management tests in RMA section 5.
477. As with features identified in Schedule J, those in Schedule K have been assessed as significant. I rely on the technical report that has assessed the significant surf breaks in the region. This provides a factual assessment based upon the inherent quality of the surf breaks that are included in the relevant Schedule.
478. I do not consider that Schedule K should be deleted. Objective O37 is implemented by Policy P51 in the proposed plan, which is to manage use and development to minimise adverse effects. Policy P4 and the joint caucusing statement deal with the interpretation of ‘minimise’.

Issue 14.2 Limit the Objective to Scheduled and identified surf breaks

479. South Wairarapa District Council S366/057 and Masterton District Council S367/057 seek to amend Objectives O31 to O38 (inclusive) to clearly identify that the protective requirements of those provisions only relate to the identified features and matters determined to be of value within that relevant Schedule; and to delete and redefine maps to provide certainty as to the extent and

location of scheduled items, including provision for reach specific values to be determined, rather than generic values.

Assessment

480. Surf breaks are part of the natural character of the coastal marine area, and as such fall within the matters of national importance in RMA section 6(a). The NZCPS and RPS include provisions that require the identification of natural features, and the NZCPS identifies surf breaks of national significance.
481. The regionally significant surf breaks are identified in the technical report “Regionally Significant Surf Breaks in the Greater Wellington Region”, prepared by eCoast. The report identifies the significant surf breaks, their values and the determination of their ‘swell corridors’, and is a first order assessment of the risks to these regionally significant surf breaks. Objective O37 is that “Significant surf breaks are protected from inappropriate use and development”. This objective is consistent with RMA section 6(a) and (b), and gives effect to the RPS. Therefore I do not recommend any amendments be made to Objective O37.

Recommendation on Objective O37

482. I recommend that Objective O37 is retained as notified.

Provisions that implement Objective O37

Issue 15. Policy P51 - Significant Surf Breaks

483. Objective O37 is implemented by Policies P25: Natural Character and Policy P51: Significant surf breaks. Proposed Policy P4⁹²: (Minimising adverse effects) and Policy P26: (Natural processes) are also relevant. Schedule K identifies significant surf breaks.
484. Proposed Policy P51 is that *‘Use and development in and adjacent to the significant surf breaks identified in Schedule K (surf breaks) shall be managed by minimising the adverse effects on: (a) natural processes, currents, seabed morphology and swell corridors that contribute to significant surf breaks, and*

⁹² dealt with in RMA s42 report Overall policy framework of the proposed Plan – Part B

(b) access to significant surf breaks within the coastal marine area, on a permanent or ongoing basis.'

485. The issues identified from the submissions on proposed Policy 51 are:

- replace 'minimise' with 'avoid, remedy or mitigate', and
- delete Policy P51.

Submissions on Policy P51

486. The submission made by the Royal Forest and Bird Protection Society S353/086 is to retain Policy 51 as notified. Wellington International Airport Limited FS69/055 opposes the submission.

Issue 15.1 Replace 'minimise' with avoiding, remedying, or mitigating' / delete Policy P51

487. The submission point by CentrePort Limited (CentrePort) S121/066 is to clarify the nature of potential adverse effects and measurement of these and how the policy would be applied in practice; and S121/067 is to amend Policy P51 by replacing 'minimise' with avoiding, remedying, or mitigating'. Wellington International Airport Limited FS69/054 supports the submissions in part, seeking clarification of how the policy is intended to be applied.

488. The submission made by Wellington International Airport Limited S282/044 is to delete the policy. Michael Gunson FS79/004, Surfer Common Format (35 individual submitters) FS97/002, and Surfbreak Protection Society Incorporated FS75/004 oppose the submission.

Assessment

489. Proposed Policy P51 (in conjunction with Policy P4) sets out the key characteristics that will be managed in order to implement Objective O37. The focus is on managing potential effects on natural processes that are critical to the functioning of surf breaks, and access to those natural resources. If Policy P51 was deleted, then decision makers would have no more guidance than that which is provided in the RMA to avoid, remedy or mitigate the adverse effects, with no emphasis placed on the critical characteristics.

490. Policy P4 identifies matters to be addressed to determine if the effects of the use and development have been ‘minimised’. The relationship with Policy P4 is intended to assist decision makers with identifying approaches to manage potential adverse effects, and that those effects are to be reduced to the smallest amount practicable.
491. Policy P4 requires that adverse effects are reduced to the smallest extent practicable. Relevant sub-clauses from Policy P4 are those that consider alternative locations and methods for undertaking the activity that would have less adverse effects, and timing of the activity, or the adverse effects of the activity, to avoid times when adverse effects may be more severe, and using good management practices for reducing the adverse effects of the activity.
492. The identification of surf breaks that are regionally significant promotes the sustainable management of natural resources, and gives effect to provisions in the RPS and NZCPS⁹³ that deal with natural character, natural processes, and manage significant natural features. I consider that Policy P51 should be retained.

Recommendations on Policy P51

493. I recommend that Policy P51 is retained as notified. If the Hearing Panel consider that it is appropriate to amend Policy P4 in the manner set out in the expert planners caucusing statement, then I recommend that the following subclasses be added to Policy P51:
494. Policy P51: Use and development in and adjacent to the significant surf breaks identified in Schedule K (surf breaks) shall be managed by minimising the adverse effects on:
- (a) natural processes, currents, seabed morphology and swell corridors that contribute to significant surf breaks, and
 - (b) access to significant surf breaks within the coastal marine area, on a permanent or ongoing basis.

⁹³ Identified in pages 14 to 23 above

(c) consideration of alternative locations and methods for undertaking the activity that would have less adverse effects, and

(d) timing the activity, or the adverse effects of the activity, to avoid times when adverse effects may be more severe, or times when receiving environments are more sensitive to adverse effects, and

(e) using good management practices for reducing the adverse effects of the use and development.

Issue 16. Schedule K - Significant surf breaks

495. Schedule K identifies ‘Significant surf breaks’ in the regional context. Schedule K is based on the work in the technical documents “Regionally Significant Surf Breaks in the Greater Wellington Region”, prepared by eCoast - Ed Atkin HND, MSc (Hons) Michael Gunson, Shaw Mead BSc, MSc (Hons), PhD (eCoast Marine Consulting and Research) dated 2015.

496. The issues identified from the submissions on proposed Schedule K are:

- to delete the schedule
- to clarify how the schedule will be applied and
- to add Makara Point break.

Submissions on Schedule K

Issue 16.1 Delete the schedule / clarify how the schedule will be applied

497. The submission made by Wellington International Airport Limited S282/081 is to delete Schedule K and Map 24 and the associated proposed plan Objectives, Policies and Rules to give effect to the relief sought; and that the Schedule fails to give effect to the NZCPS. Michael Gunson FS79/005, Surfer Common Format (35 individual submitters) FS97/003, Surfbreak Protection Society Incorporated FS75/005 oppose the submission.

498. The submission made by CentrePort Limited (CentrePort) S121/142 is that there is uncertainty arising from Schedule K and to clarify how the relevant policies to Schedule K will be applied.

Issue 16.2 Add Makara Point break

499. The submission made by Wellington Recreational Marine Fishers Association S32/006 is to add Makara Point break to the map [Map 24].

Assessment

500. Effects on areas identified in Schedule K are managed through the matters of control and matters of discretion in the activity specific rules in the proposed plan; e.g Rule R186: General surface water and foreshore activities – restricted discretionary controls the effects of general surface water and foreshore activities and the associated use in the coastal marine area. The Council has retained discretion to impose conditions (or decline consent) in respect of effects on a site or habitat identified in or using Schedule C (mana whenua), Schedule F4 (coastal sites), Schedule F5 (coastal habitats), Schedule J (geological features) or Schedule K (surf breaks).
501. I do not recommend adding Makara Point Surf Break into Schedule K. I have relied on the information provided in the report “Regionally Significant Surf breaks in the Greater Wellington Region” prepared by eCoast Marine Consulting and Research (dated May 2015), and I consider that Schedule K as notified gives effect to the RPS and NZCPS, and contributes to the implementation of Objective O37. The submission did not include any technical evidence or information needed to assess whether the Makara Point break would include relevant values for inclusion in Schedule K.

Recommendation on Schedule K

502. I recommend that Schedule K is retained as notified.

Special amenity landscapes – Objective 38, (Policy P49) and Method 24

Background

503. The RMA section 7, NZCPS and RPS require a management approach that maintains and enhances amenity values (including special amenity and

landscape values)⁹⁴. Amenity values are to be recognised as part of the coastal environment⁹⁵, consideration should be given to setting back development to protect amenity values where reasonable⁹⁶; and a precautionary approach should be adopted where amenity values may be affected by the use and management of coastal resources that may be vulnerable to climate change⁹⁷.

504. Objective O38 in the proposed plan is that '*Identified special amenity landscape values are maintained or enhanced.*' Objective O38 focuses on those special amenity landscapes that have been identified.

505. Policy P48 addresses management of natural features and landscapes (including seascapes) of the coastal marine area, rivers, lakes and their margins and natural wetlands that are within the jurisdiction of the regional plan. Policy P49 in the proposed plan manages use and development in the CMA where it is adjacent to an outstanding natural feature or landscape or special amenity landscape that is identified in a district plan.

506. A related provision that also contributes to the implementation of Objective O38 is Policy P10(d) which manages fresh and coastal water for contact recreation and Māori customary use; and provides for the recreation and amenity values of fresh water bodies and the coastal marine area.

Issue 17. Objective O38 – Special amenity Landscapes

507. The issues identified from the submissions on proposed Objective O38 are:

- to include a schedule of the special amenity landscapes and to only protect those identified areas
- protect identified special amenity landscapes from inappropriate use and development

⁹⁴ RMA section 7(c); NZCPS 6(h) and (i), and NZCPS 18; RPS Policy 27 and 28

⁹⁵ RMA section 6(b); NZCPS Policy 1, Policy 13 and 15, RPS Objective 17, RPS Policies 25, 26 and 50

⁹⁶ NZCPS Policy 6(i)

⁹⁷ NZCPS Policy 1;

- identify the method through which the Special Amenity Landscapes will be identified.

Submissions on Objective O38⁹⁸

508. The submission made by Royal Forest and Bird Protection Society S353/037 is to retain Objectives O31-O38.

Issue 17.1 Include a schedule of the special amenity landscapes and to only protect those identified areas

509. The submission points made by NZ Transport Agency S146/060, Federated Farmers of New Zealand S352/094, Mahaki Holdings Ltd S370/088, Meridian Energy Limited S82/011, and Dairy NZ and Fonterra Co-operative Group Ltd S316/039 are that the location and reasons for identifying special amenity landscapes are not clearly specified in the plan; and to delete the Objective O38. Meridian Energy Limited FS32/018, FS32/019 and FS32/021, Wellington International Airport Limited FS69/025 and Waa Rata Estate FS1/035 support the submission.
510. The submission made by Rangitāne o Wairarapa Inc S279/048 is to provide a schedule of special amenity landscapes. Meridian Energy Limited FS32/022 opposes the submission.
511. The submission points made by Land Matters Ltd S285/044, Carter Families S295/044, Bell Camp Trust S294/044, Kennott Family Trust S297/044, Julian and Ruth Blackett S299/044, Waikanae Christian Holiday Park (El Rancho) S346/044, USNZ S349/044, Tim Mansell and Family S351/044, Mahaki Holdings Ltd S370/044 and Max Lutz S348/086 oppose any provisions which require 'restoration and/or enhancement' and is to delete Objective O38. The Carter Family S295/088 and S295/044 submission is to delete Objective O38; and to amend Objective O38 so that only identified special amenity landscape values are maintained and where possible/identified or enhanced over time. Waa Rata Estate FS1/114 and FS1/083 support the submission.

⁹⁸ see O32 for submission by South Wairarapa District Carter Families Council S366/058 and Masterton District Council S367/058

512. Additional submission points⁹⁹ support criteria being included in the proposed plan and/or the consideration of special amenity landscape values in relation to waterbodies through the whitua process with consultation with landowners prior to identification.
513. The submission made by Federated Farmers of New Zealand S352/094 is to delete Objective O38.
514. The submissions made by Joan Allin and Rob Crozier S175/022 and Coastal Ratepayers United Incorporated S93/033 are that Objective O38 is too rigid; and to reconsider the appropriateness of provisions that rely on proposed and operative district plans, and how provisions are best worded to ensure they do not risk being inconsistent with the relevant district plans.
515. A submission point made by Land Matters Ltd S285/088 opposes the inclusion of special amenity landscapes and is to delete Objective O38.

Assessment

516. The reason for including an objective dealing with special amenity landscapes is to give effect to the RPS landscape provisions (RPS Section 3.7) RPS Objective 18 and Policy 27. The criterion that may be applied to identify a special amenity area is contained in RPS Policy 27.
517. I do not agree that Objective O38 should be deleted; and I do not consider that the criteria for identifying special amenity landscapes should be included in the objective.

Issue 17.2 Protect identified special amenity landscapes from inappropriate use and development

518. Coastal Ratepayers United Incorporated S93/033 and S93/037 seek rewording of Objective O38 to be more consistent with the wording in Objective O32 “so that Objective O38 reads something along these lines: Identified special amenity landscape values are protected from inappropriate subdivision, use and

⁹⁹ Carter Families S295/088, Bell Camp Trust S294/088, Kennott Family Trust S297/088, Julian and Ruth Blackett S299/088, Waikanae Christian Holiday Park (El Rancho) S346/088, USNZ S349/088, Tim Mansell and Family S351/088, Mahaki Holdings Ltd S370/088 and Max Lutz S348/130

development”. The submission also states that it is probably preferable to make both Objectives O32 and O38 more general where they are referring to areas within districts.

519. The submission by Joan Allin and Rob Crozier S175/021 and S175/021 is to reconsider the appropriateness of provisions that rely on proposed and operative district plans and how provisions are best worded to ensure they do not risk being inconsistent with the relevant district plans.

Assessment

520. Objective O38 requires special amenity landscape values to be maintained or enhanced. Objective O38 deals with a matter of regional and district significance, managing values of special value to the community. This is in contrast to Objective O32 that addresses areas that are outstanding natural features and landscapes that are within the RMA section 6(b) matter of national importance.
521. I consider that protecting special amenity areas from inappropriate use and development would remove the distinction between the two matters being managed by the separate objectives. Therefore no changes are needed to Objective O38 to assist decision makers with assessment involving places that have special amenity landscape values. There are no specific rules that trigger consenting requirements within a special amenity area; and therefore the appropriateness or otherwise of use and development are not a matter that needs to be specified in the objective.

Issue 17.3 Identify the method through which the Special Amenity Landscapes will be identified

522. The submission point made by Masterton District Council S367/058 and South Wairarapa District Council S366/058 is to amend Objectives O31 to O38 (inclusive) to clearly identify that the protective requirements of those provisions only relate to the identified features and matters determined to be of value within that relevant Schedule; and to delete and redefine maps to provide certainty as to the extent and location of scheduled items, including provision for reach specific values to be determined, rather than generic values. Wellington International Airport Limited FS69/026 supports in part, and

consider that if the proposed plan retains references to Special Amenity Landscapes, it is necessary to amend Objective O38 to identify the method through which the Special Amenity Landscapes will be identified. Otherwise the effectiveness of the Plan for users will be diminished. GBC Winstone FS51/008 and Horticulture NZ FS71/051 support the submission

Assessment

523. The methods and criteria for implementing Objective O38 would be more appropriate in a policy in the proposed plan. The RPS includes the criteria that may be applied to identify special amenity landscapes. Therefore I do not consider it necessary to repeat the criteria in the proposed Plan. I consider that an advice note referring to the RPS criteria may assist.

Recommendation on Objective O38

524. I recommend that Objective O38 is retained as notified.

Issue 18. Method M24: Outstanding natural features and landscapes and high natural character

525. Method M24 implements the provisions that deal with outstanding natural features and landscapes. Method M24 is to identify outstanding natural features and landscapes within the region, and to identify areas with outstanding/high natural character in the coastal environment.

526. The issue raised in submissions is:

- To work with landowners as well as territorial authorities to identify special amenity landscapes.

Submissions on Method M24

527. The submission made by the Minister of Conservation S75/190 and Trelissick Park Group S88/018 is to retain Method M24 as notified.

Issue 18.1 Work with landowners to identify special amenity landscapes

528. The submission made by Federated Farmers of New Zealand S352/252 is to delete sub-clause (a) ~~identify outstanding natural features and landscapes within the region~~, and to amend sub-clause (c) produce a regional list of these

features, landscapes and areas by 2017 for consultation with landowners prior to inclusion in the Plan by plan change or variation.

529. Rangitāne o Wairarapa Inc FS74/090 opposes the submission. The further submission supports the submission made by Federated Farmers of New Zealand to the extent that consultation on outstanding natural features and landscapes is undertaken with the community as a whole, including Rangitāne o Wairarapa. However, the further submission also opposes deleting reference to outstanding/high natural character in the coastal environment and submits that the Plan currently does not give effect to the NZCPS or the RPS in relation to these sites and features so remedying this policy gap should be a high priority.
530. The submission made by the Porirua City Council S163/156 is to add a new method as follows: "*Integration with territorial local authorities in planning for landscape management within strategic development overlay areas*" and "*Wellington Regional Council will work with territorial local authorities in considering landscape management for future development proposals within rural growth planning overlay areas as part of comprehensive development plan approval for such development.*"

Assessment

531. The process for including areas identified as a result of Method M24 is through the RMA Schedule 1 process. This commonly includes consultation with the community, iwi and landowners.
532. The implementation of Method M24 is already underway. I am advised that the regional council has undertaken a project along with HCC and WCC to identify areas of high natural character in the areas of jurisdiction. This project mapped natural character in the coastal environment, including the CMA. The identification work will lead into plan changes for WCC and HCC and is part of their work programmes. I understand that both councils want to release this information as a plan change at the same time as they undertake processes for identifying significant areas of indigenous biodiversity. KCDC have mapped areas as part of their district plan review, and PCC are about to undertake their

full district plan review and have said that they are interested in doing their natural character identification work. The regional council is working to the district plan review timeframes.

Recommendation on Method M24

533. I recommend that Method M24 is retained as notified.

Issue 19. Response to Minute 3 - Assessment of Objectives

534. As directed by the Hearing Panel, in Minute 3 I have undertaken an assessment of the objectives relevant to this report to determine whether they require a change to ensure they contain outcome statements, a goal or a specified desired outcome. Table 1 in Appendix D summaries that assessment process. I conclude that Objectives O17, O32, O36, O37 and O38 clearly state the outcomes intended (end point); provide a target that the policies seek to achieve and are outcomes that can be monitored. Objective O19 could be improved to more clearly address the issue and to describe the outcome intended. The evidence of Mr Percy in Hearing Stream 1 identifies Objective O19 as a “management principle”.

Conclusion

535. I have recommended alternative Objectives O17 and O19, and alternative Policies P25 and P49. These are evaluated in the attached Appendix and RMA section 32AA report.

536. I have not recommended additions nor deletions to the outstanding natural features identified in Schedule J or the surf breaks identified in Schedule K. Technical advice and evidence is needed to apply the relevant criteria, and to identify the risks and vulnerability of those sites. I rely on the technical report prepared by Dr Dawe that assesses and identifies significant geological sites¹⁰⁰; and the technical report on surf breaks prepared by eCoast that identified significant surf breaks and swell corridors.

¹⁰⁰ The technical report applies the criteria for Outstanding natural features and landscapes in the RPS. The sites in the technical report all meet those criteria.

537. I have not recommended any changes to specify areas of high/outstanding natural character in the CMA in a schedule or on maps in the proposed plan. The proposed plan relies on applying the criteria in the RPS on a case by case basis. Method M24 is to work with territorial authorities to produce a regional list of outstanding natural features within the region, and landscapes and outstanding/high natural character in the coastal environment for inclusion in the plan through the Schedule 1 process.

Objectives that are the most appropriate

538. The alternative Objectives O17 and O19 addresses a resource management issue, recognising that some use and development may be appropriate, and that natural processes should continue to function. I consider that this is addressed in the proposed plan in a manner that is consistent with RMA section 6(a); and which together with other provisions, gives effect to the higher order planning documents.
539. The alternative Objective O17 relocates the word 'natural wetland' and has no significant effect on the appropriateness or otherwise of that objective. The alternative Objective O19 and alternative Policy P25 are necessary to give effect to the natural character and natural process provisions in the NZCPS 2010 and the RPS, and contribute to the plan giving partial effect to the NPS-FM. The alternative Policy P49 uses the terminology of the higher order documents which does not change the policy intent, and better aligns with the RPS and NZCPS.
540. The alternative objectives and policies provide a clear and efficient policy framework with which decision-makers and plan users can assess proposed activities that may affect the natural character and natural processes of the coastal marine area and of freshwater. The objectives are also implemented with appropriate rules and methods contained in other parts of the plan, and which will be dealt with in other RMA section 42A reports.
541. The alternative provisions improve linkages with the higher order planning instruments and have the potential to clarify outcomes associated with the management of natural resources.

542. The revised Objectives O17 and O19 are useful in achieving the purpose of the RMA as the objective:

- sustainably manage important qualities and values of the natural resources; clearly state the outcomes intended; use clear, concise language; and recognise and provide for the preservation of natural character (by managing natural processes) in accordance with RMA section 6(a),
- contribute to the plan giving effect to the NZCPS 2010, NPS-FW 2014, and the RPS; and
- provide clear, consistent and comprehensive direction on the outcomes sought to be achieved.

543. The alternative Objective O19 is considered to be more comprehensive than the notified version, and to better achieve the purpose of the RMA.

Methods are the most appropriate way to achieve the objectives

544. Alternative Policy P25 is considered to be more efficient and comprehensive in implementing Objectives O17 and O19 than the notified version, and gives better effect to the higher order planning instruments.

545. Alternative Policy P49(b) is expressed using terms that are used in the NZCPS and the RPS, creating a stronger link with the relevant objectives and the higher order planning documents. I consider that the alternative Policy P49(b) is more efficient and effective in implementing Objective O32.

References

Assessment of sites of Regional Geological Significance” prepared by Dr Iain Dawe
June 2014

Regionally Significant Surf breaks in the Greater Wellington Region” prepared by
eCoast Marine Consulting and Research May 2015

Appendix A: Recommended amendments and Section 32AA Assessment

Appendix A: Recommended amendments and Section 32AA Assessment

Natural Form and Function section 32AA evaluation

1. The focus of this RMA section 32AA report is to evaluate the extent to which the recommended change to:
 - 1.1 Objective O17 and Objective O19 better meets the purpose of the RMA, when compared to the objective as notified, and
 - 1.2 Policy P25 is the most appropriate way to achieve Objectives O17 and O19 when (i) compared with the option of retaining the notified version; and (ii) whether alternative Policy P25 is efficient and effective in achieving the objectives; and (iii) to summarise the reasons for deciding on either the notified or alternative provisions.
 - 1.3 Policy P49(b) is the most appropriate way to achieve Objective O38 when (i) compared with the option of retaining the notified version; and (ii) whether alternative Policy P49(b) is efficient and effective in achieving the objectives; and (iii) to summarise the reasons for deciding on either the notified or alternative provisions.

Abbreviations

Regional Policy Statement for the Wellington Region = RPS

New Zealand Coastal Policy Statement 2010 = NZCPS 2010

National Policy Statement for Fresh Water Management 2014 = NPS-FM 2014

Scope of the provisions assessed in the RMA s42 report 'Natural form and Function'

2. The proposed provisions of the plan were evaluated prior to notification of the proposed plan. The RMA section 32 reports titled 'Natural Heritage' and 'Activities in the coastal marine area' dated June 2014 contained the evaluation of the options that were assessed at that time.

3. The RMA section 32 reports that are relevant to this RMA section 32AA Natural Form and Function report are identified in the following table:

Proposed Plan provisions	Evaluated in RMA s32 report	Key statutory provisions and related provisions in the proposed Plan
Objective O17	RMA s32 Natural Heritage	RMA s6(a); NZCPS; RPS
Objective O19	RMA s32 Activities in the Coastal Marine Area	RMA s6(a) NZCPS; RPS; proposed Plan Policy P4 Interpretation of Objective O19 notified) is dependent on the proposed Plan Policy P4 which contains criteria to assess 'minimising adverse effects'.
Policy P24	RMA s32 Natural Heritage	RMA s6(a); NZCPS; RPS
Policy P25	RMA s32 Natural Heritage RMA s32 Activities in the Coastal Marine Area	RMA s6(a); NZCPS; RPS
Policy P26	RMA s32 Natural Heritage RMA s32 Activities in the Coastal Marine Area	RMA s6(a); NZCPS; RPS; proposed Plan Policy P4 Interpretation of Policy P26 (as notified) is dependent on proposed Plan Policy P4 which contains criteria to assess 'minimising adverse effects'.
Policy P49 Use and development adjacent to an outstanding natural feature or landscape or special amenity landscape	RMA s32 Natural Heritage	RMA s6(b); NZCPS; RPS;

4. This evaluation is undertaken in accordance with RMA section 32AA and deals with the recommended changes to provisions as set out in the RMA section 42A report: Natural Form and Function
5. An RMA section 32AA further evaluation is required only for any alternative provisions proposed since the evaluation report for the proposed plan was completed. The two options that are the subject of this RMA section 32AA assessment are the provisions as notified, and the recommended alternatives arising from consideration of the submissions on those provisions.

6. The Hearing Panel requested that the RMA section 32AA report also contain those provisions where the recommendation is to retain the provisions as notified. These are shown in the Table attached to the RMA section 42A report as Appendix B. A further assessment of options has not been undertaken for those provisions because no alternatives have been recommended since the previous RMA section 32A evaluation completed.

RMA section 32AA evaluation report

7. This RMA section 32AA report contains an evaluation of two alternative objectives; being the notified and alternative Objectives O17 (natural character) and O19 (natural processes); and the notified and alternative Policies P25 and P49(b), as recommended for change in the RMA section 42A report. The alternative provisions are evaluated against the objectives in the proposed Plan as lodged and notified, in accordance with RMA section s32(1) and (3).
8. Objective O17 manages natural character (including that of natural wetlands), Objective O19 manages natural processes. Policy P25 sets out a policy framework and matters to take into account when managing effects on natural character in the CMA and of freshwater; and also gives effect to the NZCPS in dealing with the functional need to locate in the coastal marine area. Policy P49 manages effects of activities in the CMA on outstanding natural features and landscapes, and special amenity areas in district plans.

Description of the planning provisions proposed in the Natural Resources Plan for the Wellington Region

9. The proposed plan provisions in the RMA section 42A report entitled: 'Natural Form and Function' deal with natural character, natural processes, outstanding natural features and landscapes, significant geological features, significant surf breaks, and special amenity landscape values.
10. The proposed (and alternative) provisions in the plan that are grouped in the 'Natural Form and Function' topic and sit in two of the plan sections that are called: 'Natural Form and Function' and 'Sites with Significant Values'. The rules that implement the objectives and policies in this topic are to be dealt with in other RMA section 42A reports.

11. Method M24, which is to work with the territorial authorities to identify and produce a regional list of outstanding natural features and landscapes, and outstanding/high natural character for inclusion in the plan via a plan change, is dealt with in this topic, however no recommendations have been made to amend Method M24.
12. The proposed plan includes schedules and maps identifying ‘Schedule J: Significant geological features in the coastal marine area and Schedule K: Significant surf breaks.
13. The technical documents set out the methodology that was used to identify and map the significant geological sites and regionally significant surf breaks are:
 - 13.1 “Assessment of sites of Regional Geological Significance” prepared by Dr Iain Dawe (dated June 2014) are relevant to Schedule J Significance Geological Features in the Coastal Marine Area; and
 - 13.2 “Regionally Significant Surf breaks in the Greater Wellington Region prepared by eCoast Marine Consulting and Research (dated May 2015)” are relevant to Schedule K Significant Surf Breaks.

Planning context

14. The provisions in the proposed Plan must address a regional resource management issue; be within the regional council’s functions; promote the purpose of the RMA and address RMA section 6, section 7 and section 8 matters. The Regional Council’s functions are set out in RMA section 30, and the council must also exercise its powers and functions in accordance with the requirements in RMA sections 6, 7 and 8.
15. In order to meet the requirements of the RMA, the Objectives, Policies, and Method M24 in the Natural Form and Function topic must recognise and provide for the following matters of national importance:
 - 15.1 RMA section 6(a) the preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development;

- 15.2 RMA section 6(b) the protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development
16. Also relevant to the Natural Form and Function provisions are the values associated with RMA section 7 which is to have particular regard to the maintenance and enhancement of amenity values¹, the maintenance and enhancement of the quality of the environment², and the finite characteristics of natural and physical resources³, and RMA section 8 which is to take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi).
17. There are relevant higher order planning documents. These are identified in the RMA section 42A report and in the table attached to that report as Appendix E. The NZCPS and the RPS are similar in their approach to the management of natural character, outstanding natural features and landscapes, and significant geological features. Both instruments recognise natural processes and geological features as part of natural character. The RPS contains criteria of identifying areas of High /outstanding natural character, and outstanding natural features and landscapes. In managing the natural character of freshwater, it is helpful to consider the approach in the operative plan. The operative Regional Freshwater Plan requires regard to be had to particular characteristics (including flow characteristics and hydrology) of freshwater when considering the protection of natural character from use and development.
18. The alternative Objectives O17 and O19;, and the provisions that implement them should provide a transparent, clear and efficient planning framework, that decision-makers and plan users can use to assess proposed activities that may affect natural character, natural processes, and sites with significant values. The methods used should work with the other planning tools to implement the objectives. The objectives should describe an intended outcome and be those that best achieve the sustainable management purpose of the RMA. The methods (including rules) that control or provide for the use, development and

¹ RMA section 7(c)

² RMA section 7(f)

³ RMA section 7(g)

protection of those areas identified as outstanding, high natural character or of regional significance should be those that promote sustainable management outcomes in the purpose and principles of the RMA. Only the non-regulatory method (Method M24) is assessed in the Natural Form and Function topic.

Resource Management Issue

19. There are a number of resource management issues identified in the RPS. These are identified in the RMA section 32 reports on “Natural Heritage”, ”Management of the coastal marine area” and ”Activities in the coastal marine area“:

Degradation, modification and destruction of outstanding natural features and landscapes result in the loss of values associated with those landscapes and features.

Inappropriate use and development of significant amenity landscapes result in a loss of amenity values associated with those landscapes.

Activities and structures in the coastal marine area continue to degrade the natural character of the coastal environment.

Activities and structures in the coastal marine area continue to degrade the natural character of the coastal environment.

Structures in the CMA have adverse effects on the coastal environment, particularly natural character.

Reclamation and drainage of the foreshore and seabed in the CMA have significant adverse effects on the coastal environment, particularly coastal habitats and ecosystem;

The effects of disturbance on the foreshore or seabed in the CMA

Evaluation of Objectives

20. The objectives addressed in the ‘Natural Form and Function’ report are:
- Objectives O17, implemented by Policies P24 and P25
 - Objective O19, implemented by Policy P25 and Policy P26
 - Objective O32, implemented by Policies P48, P49 and Method M24.

- Objective O36, implemented by Policy P50 and Rule R199; and Schedules identifying Site of Significance: Schedule J: Significant Geological Features
- Objective O37 implemented by Policy P51; and Schedules identifying Site of Significance: Schedule K: Significant Surf Breaks
- Objective O38, implemented by Method M24.

21. The objectives evaluated in this report are the alternative Objective O17 and alternative Objective O19, which are recommended for change in the RMA section 42A report.

Are the Objectives the most appropriate way to achieve the purpose of the Act?

22. Objectives O17 and O19 are to manage the use, development and protection of natural resources of significance in the region; in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural well-being and for their health and safety; while
- a) sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and
 - b) safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and
 - c) avoiding, remedying, or mitigating any adverse effects of activities on the environment.
23. The purpose of the RMA is set out above. The principles in the RMA assist this evaluation because Objectives O17 and O19 address matters of national importance identified in RMA section 6(a), and section 6(b). RMA section 6(a) is relevant because Objective O17 addressed natural character; and RMA section s(b) is relevant because Objective O19 addresses the natural processes that are important to the outstanding natural features and landscapes, and functioning of natural processes in the CMA and of freshwater bodies.

24. Objectives O17 and O19, together with Objectives O32, O36 and O37, give effect to provisions in the NZCPS, NPS-FM, and the RPS. The relevant provisions are identified in the RMA section 42A report ‘Natural Form and Function’, and the evaluation table summarising the evaluation of objectives is attached to the RMA section 42A Report as Appendix E.
25. Objectives O17 and O19; and Policy P25 specifically deal with natural character and natural processes, which are matters identified in NZCPS Objectives 1, 2 and 6. Policy P25 in the proposed plan deals with matters in NZCPS Policy 6(2)© and (d) which recognises that there are activities that have a functional need to be located in the coastal marine area, and also recognises that activities that do not have a functional need for location in the coastal marine area generally should not be located there. NZCPS Policies 13 and 14 deal directly with natural character (setting out requirements in a policy hierarchy), and restoration and rehabilitation. NZCPS Policy 15 is to protect the natural features and natural landscapes (including seascapes) of the coastal environment from inappropriate subdivision, use, and development: and requires avoiding the adverse effects of activities on outstanding natural features and outstanding natural landscapes in the coastal environment.
26. NPS-FM Policy B7 and direction (under section 55) to regional councils deals with natural processes, and any activity that involves any taking, using, damming or diverting of fresh water or draining of any wetland “..*which is likely to result in any more than minor adverse change in the natural variability of flows or level of any fresh water..*”.
27. NPS-FM Appendix 1 Additional National Values deals with natural processes, through matters “.. *contributing to the natural form and character of a freshwater management unit are its visual and physical characteristics that are valued by the community, including its flow regime, colour, clarity, morphology or location..*”.
28. While other parts of the plan also work towards giving effect to the NPS-FM, the provisions dealt with in this RMA section 32AA report dovetail those

provisions into the provisions in the plan that address natural character and natural process.

29. Relevant provisions in the RPS are RPS Objective 4, and RPS Policies 35 and 36; and RPS Methods 7 and 8 that deal recognising and provide for natural character; and RPS Objective 17 and RPS Policies 3, 25 and 26 deals with natural processes as part of both natural character and natural features and landscapes.

Option 1 – Objectives O17 and O19 as notified

30. As notified: Objective O17 is: *The natural character of the coastal marine area, rivers, lakes and their margins and natural wetlands is preserved and protected from inappropriate use and development.*
31. As notified, Objective O17 is considered to be appropriate, and as it closely follows RMA section 6(a) a minor change relocating the words ‘natural wetland’ is recommended to reflect that provision.
32. As notified: Objective O19 is: *“The interference from use and development on natural processes is minimised.”*
33. As notified, Objective O19 almost replicates Policy P26 which implements it. The intent of the Objective could be clearer, and an alternative Objective O19 is recommended to address the issue and to more definitively describe the management outcome being sought for use and development that may have adverse effects on natural processes.
34. I recommend an alternative Objective O17 (natural character) and an alternative Objective O19 (natural processes).

Option 2 Recommended alternative objectives

Objective O17:

The natural character of the coastal marine area, natural wetlands, and rivers, lakes, and their margins and natural wetlands is preserved and protected from inappropriate use and development.

Objective O19:

~~“The interference from use and development on natural Natural processes, is minimised. managed to ensure that~~ including natural elements, patterns and ecological processes continue to occur, and the integrity and functioning of natural processes and forms are retained.

35. The objectives and policies are intended to assist decision makers when managing the use, development and protection of natural resources.
36. An alternative Objective O17 has been recommended that relocates ‘natural wetlands’ to reflect the positioning of wetlands in RMA s.6(a). The amendment is a minor change that has little effect in practice because the definition of ‘natural wetlands’ refers to ‘.. land water margin ..’.
37. An alternative Objective O19 has been recommended that describes outcomes for the sustainable management of natural processes. The alternative Objectives O17 and O19 address the issues in a way that achieve the purpose of the RMA and in doing so, promote outcomes that reflect the principles in RMA section 6(a) and (b); and describe outcomes that give better effect to the higher order planning instruments as compared with the notified objectives.
38. The purpose of the NZCPS is to state policies in order to achieve the purpose of the Act in relation to the coastal environment of New Zealand. In giving effect to the NZCPS, Objectives O17 and O19 in turn achieve the purpose of the Act in relation to the natural character of wetlands and natural processes that affect functioning of the CMA and of freshwater bodies, and natural features and landscapes.
39. In managing those issues associated with the effects of use and development on natural character, and natural processes, the plan promotes sustainable management of the CMA, wetlands, rivers, lakes and their margins, and contributes to the wellbeing of the regional community, while meeting the requirements of RMA section 5(a) to (c).

Evaluation of provisions to implement the Objectives and Policies

Policy P25 in the proposed plan is to implement Objectives O17 and O19. Policy P25 as notified is:

Policy P25: Natural character

Use and development shall avoid significant adverse effects on natural character in the coastal marine area (including high natural character in the coastal marine area) and in the beds of lakes and rivers, and avoid, remedy or mitigate other adverse effects of activities, taking into account:

- (a) the extent of human-made changes to landforms, vegetation, biophysical elements, natural processes and patterns, and the movement of water, and
- (b) the presence or absence of structures and buildings, and(c) the particular elements, features and experiential values that contribute significantly to the natural character value of the area, and the extent to which they are affected, and
- (d) whether it is practicable to protect natural character from inappropriate use and development through:
 - (i) using an alternative location, or form of development that would be more appropriate to that location, and
 - (ii) considering the extent to which functional need or existing use limits location and development options.

40. Policy P25 as notified does not expressly recognise and provide for the natural character of freshwater; and applies a ‘where practicable’ test to the protection of natural character, rather than the approach in the NZCPS, which is to take a precautionary approach where there is a lack of information, and the approach in NZCPS Policy 6(2)(c) and (d) which recognises that there are activities that have a functional need to be located in the coastal marine area, and recognises that activities that do not have a functional need for location in the coastal marine area generally should not be located there.

Alternative Policy P25

41. Policy P25 is to implement objectives O17 and O19. The alternative Policy P25 being evaluated is:

Policy P25: Natural character

Use and development shall avoid significant adverse effects on natural character in the coastal marine area (including high natural character in the coastal marine area) and ~~in the beds of~~ natural wetlands⁴, lakes and rivers, and avoid, remedy or mitigate other adverse effects of activities, taking into account:

(a) the extent of human-made changes to landforms, vegetation, biophysical elements, natural processes and patterns, and the movement of water, and

(b) the presence or absence of structures and buildings, and

(c) the particular elements, features and experiential values that contribute significantly to the natural character value of the area, and the extent to which they are affected, and

~~(d) whether it is practicable to protect natural character from inappropriate use and development through:~~

~~(i) using an alternative location, or form of development that would be more appropriate to that location, and~~

~~(ii) considering the extent to which functional need or existing use limits location and development options.⁵~~

(d) alternative locations, design or form of development that have less adverse effects, and

(e) the extent to which the activity has a functional need to be located in the coastal marine area that limits location and development options, and

⁴ Fish and Game S308/O18 submission on Objective O17; Further submissions made by Rangitāne o Wairarapa Inc FS74/034 and Fish and Game FS89/024

⁵ Rangitāne o Wairarapa Inc S279/090 submission accepted in part

(f) the ecosystems, natural flow characteristics and hydrodynamic processes, and the natural pattern and range of water level fluctuations in natural wetlands, rivers and lakes and their margins⁶.

Assessment of effectiveness, efficiency, benefits, costs, risk of not acting

Is the alternative Policy P25 the most efficient means of achieving Objectives O17 and O19

42. The identification of measures for managing adverse effects on natural processes associated with freshwater, and their incorporation into resource management processes and decision making are needed to ensure the revised Objectives O17 and O19 can be achieved.
43. The additional sub-clauses are necessary to make a clear link between the objectives managing natural character associated with wetlands, rivers, lakes, and their margins, and natural processes supporting ecosystems associated with those freshwater natural resources. While other provisions in the plan manage the characteristics of natural character associated with freshwater, these are not expressly dealt with in the provisions that implement the objectives that manage natural character and natural processes.
44. The plan includes a definition of natural wetlands, which includes the margins of wetlands, and therefore 'natural wetlands' is the term has been used in the recommended alternative Policy P25.

Costs and benefits of the environmental, economic, social, and cultural effects that are anticipated

Costs

45. The alternative Policy P25 provides certainty about implementing Objectives O17 and O19 through the management potential and cumulative effects on natural character from inappropriate use and development. In implementing the objectives, the alternative Policy P4 clearly applies to both the coastal marine area and in rivers, lakes, wetlands and their margins.

⁶ Fish and Game (S308/018) submission on Objective O17 accepted in part

46. The potential costs of adding specific sub-clauses to Policy P25 to address the natural character of freshwater are not considered to be significant, when compared to the approach in the operative freshwater plan. The recommended Policy P25 takes a similar approach to the operative plan. The effects on components of natural character are managed in other parts of the plan, and the additional sub-clauses place those matters in the context of their contribution to natural processes and natural character. RMA section 6(a) already requires that adverse effects on natural character (which includes natural processes) be recognised and the preservation of those natural resources are to be protected from inappropriate use and development.
47. The potential costs of the change to manage functional need in accordance with the approach in NZCPS Policy 6(2)(c) and (d) are associated with demonstrating a functional need. There are potential costs to the environment where activities are located in the CMA or in freshwater that do not have a functional need to be located there.
48. There are no additional administrative processing costs arising out of the alternative Policy P25, as the information is already required by RMA Schedule 4. In the event that an activity requires a resource consent the potential costs will relate to the nature, significance and scale of actual and potential effects, which are already controlled by other parts of the plan.
49. Non-financial costs can also be considered, and these include the potential cost of loss or damage to natural character and from interference with natural processes. Alternative Objective O19 is intended to ensure that natural processes continue to operate. There are potential costs arising from significant or permanent and irreversible effects on natural processes that are necessary for the functioning of outstanding natural features and landscapes. A failure to manage significant or irreversible effects from inappropriate use and development on outstanding features and landscapes would be contrary to the sustainable management purpose of the RMA. Alternative Policy P25 contributes to the implementation of that alternative objective by managing effects on natural processes associated with freshwater.

Benefits

50. The costs are outweighed by the direct benefits to environmental, cultural and social well-being identified in the plan. The RMA requires that the council, in exercising its functions, to recognise and provide for the matters of national importance in RMA section 6(a) and (b).
51. When managing natural and physical resources, Councils shall recognise and provide for the preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development as a matter of national importance.
52. The benefits to decision making and resource consent applicants of making a clear link between the provisions in the plan that manage freshwater resources and their contribution to managing natural character and natural processes, includes clearer obligations around matters to be considered in decision making, and when consultation is required or additional specialist expertise and involvement is needed.

Economic growth and employment opportunities

53. There is no change arising from the alternative provisions to the opportunities for economic growth anticipated to be provided or reduced; or employment anticipated when compared to the notified Policy P25.

Risk of not acting

54. RMA section 32 requires an assessment of the risk of not acting. The effects of activities on natural and physical resources can be controlled in a plan, to assist the council to carry out its functions. The Objectives and policies provide a platform for the rules in the plan that address a risk that significant natural values, or important natural resources may be used or subject to development at a rate that requires intervention to ensure they are not diminished or lost.
55. Risks of not acting include failure to recognise the components of freshwater ecosystems and natural processes as a part of natural character, and potential for irreversible changes to natural processes from use and development.

56. It is not considered to be possible to quantify the benefits and costs of not acting.

Evaluation of provisions to implement the Objectives and Policies

Alternative Policy P49

57. The alternative Policy P49 being evaluated that, together with other policies and rules, will implement Objectives O32 and O38 is:

Alternative Policy P49: Use and development adjacent to outstanding natural features and landscapes and special amenity landscapes

Use and development in the coastal marine area on sites adjacent to an outstanding natural feature or landscape or special amenity landscape identified in a district plan shall be managed by:

- (a) protecting visual and biophysical linkages between the site and the outstanding natural feature or landscape, and
- (b) avoiding adverse cumulative effects on the ~~values~~ characteristics and qualities of an outstanding natural feature or landscape.

Assessment of effectiveness, efficiency, benefits, costs, risk of not acting

Is the alternative Policy P49 the most efficient means of achieving Objectives O32 and O38

58. The alternative Policy P49 is reworded, using the terms from the higher order planning documents, to make a link between the NZCPS and the RPS; which use the terms ‘characteristics and qualities’.

Costs and benefits of the environmental, economic, social, and cultural effects that are anticipated

Costs and Benefits

59. The alternative Policy P49 provides clarity about the relationship between the planning frameworks within which it sits. The policy intent is the same. There are no additional costs or benefits associated with the alternative Policy P49.

60. The benefits to decision making and resource consent applicants of making a link between the provisions in the plan that manage special amenity landscapes, the matters to be considered.

Economic growth and employment opportunities

61. There is no change arising from the alternative provisions to the opportunities for economic growth anticipated to be provided or reduced; or employment anticipated when compared to the notified Policy P49.

Risk of not acting

62. There are no significant risks associated with not acting, and not accepting the alternative Policy P49, because the policy intent remains the same for both the notified and the alternative Policy P49.

Decide most appropriate option

63. It is recommended that alternative Objectives O17 and O19, and alternative Policies P25 and P49(b) be included in the Natural Resources Plan for the Wellington Region.
64. The higher order planning instruments, and the RMA require a regional plan to protect outstanding/high and natural character from inappropriate use and development, in the coastal environment as well as in rivers, lakes, wetlands and their margins; and the NZCPS and RPS provisions are to manage potential effects on natural processes in the coastal marine area and in freshwater as part of natural character. The alternative Objectives O17 and O19 and alternative Policy P25 recognise and provide for the sustainable management of those natural resources.
65. Alternative Policy P49 is expressed in terms that are used in the NZCPS and the RPS, creating a link with the higher order planning documents. I consider that the alternative Policy P49 is more efficient and effective in implementing Objectives O32 and O38.

Conclusions

Objectives that are the most appropriate

66. Alternative Objective O17 is a relatively minor change that relocates ‘natural character’ in the objective reflecting its positioning in RMA section 6(a). The alternative Objectives O17 and O19 address a resource management issue, in a manner consistent with RMA section 6(a) and (b); and which together with other provisions, give effect to the higher order planning documents.
67. The alternative Objective O19 and alternative Policy P25 are consistent with RMA section 6(a) and (b);, give effect to the natural character and natural process provisions in the NZCPS 2010 and the RPS, and contribute to the plan giving partial effect to the NPS-FM.
68. The alternative objectives and policies provide a clear and efficient policy framework with which decision-makers and plan users can assess proposed activities that may affect the natural character and natural processes of the coastal environment and of freshwater. The objectives are also implemented with appropriate rules and methods contained in other parts of the plan.
69. The alternative provisions improve linkages and have potential to clarify outcomes associated with the management of natural resources.
70. The revised Objectives O17 and O19 are useful in achieving the purpose of the RMA as they:
 - sustainably manage important qualities and values of the natural environment; the alternative objectives clearly state the outcomes intended; and use clear, concise language; and recognise and provide for the preservation of natural character (and manage natural processes) in accordance with RMA section 6(a).
 - contribute to the plan giving effect to the NZCPS 2010, NPS FW 2014, and the RPS; and
 - provide clear, consistent and comprehensive direction on the outcomes sought to be achieved

71. The alternative Objectives O19 is considered to be more comprehensive than the notified version, and better achieve the purpose of the RMA. Alternative Objective O17 is considered to be a minor change.

Methods are the most appropriate way to achieve the objectives

72. The alternative Policy P25 is considered to be more efficient and comprehensive in implementing Objectives O17 and O19 than the notified version, and gives better effect to the higher order planning instruments.
73. Alternative Policy P49 is expressed in terms that are used in the NZCPS and the RPS, I consider that the alternative Policy P49 is clearer, and as such is more efficient and effective in implementing Objectives O32 and O38.

Summary tables: Section 32AA evaluation

Evaluation of recommended change to Objective O17 (preferred option)

Statutory requirement	Criteria	Option 2 Revise as recommended
General quality criteria	<p>1.1. The proposed plan provisions are communicated in plain English, with minimal use of jargon and any technical terms are explained.</p> <p>1.2. The information used in preparing the proposed plan provisions is from an appropriate source.</p> <p>1.3. The proposed plan provisions are concisely presented with minimal duplication.</p>	<p>✓</p> <p>✓</p> <p>✓(partial)</p>
Appropriateness of objectives to achieve the purpose of the Act (s32)(1)(a)	<p>2.1 The objective is linked to and addresses a resource management issue that must be resolved to promote the purpose of the RMA.</p> <p>2.2 The objective described its intended outcome and the outcomes are achievable and within the Council's powers under s30 & 31 of the RMA.</p> <p>2.3 The proposed plan provisions promote decisions that have regard to relevant matters and assist the overall broad judgment under Part 2 and sustainable management purpose of the RMA.</p>	<p>✓</p> <p>✓</p> <p>✓</p>

Evaluation of recommended change to Objective O19 (preferred option)

Statutory requirement	Criteria	Option 2 Revise as recommended
General quality criteria	<p>1.1. The proposed plan provisions are communicated in plain English, with minimal use of jargon and any technical terms are explained.</p> <p>1.2. The information used in preparing the proposed plan provisions is from an appropriate source.</p> <p>1.3. The proposed plan provisions are concisely presented with minimal duplication.</p>	<p>✓</p> <p>✓</p> <p>✓(partial)</p>
Appropriateness of objectives to achieve the purpose of the Act (s32)(1)(a)	<p>2.1 The objective is linked to and addresses a resource management issue that must be resolved to promote the purpose of the RMA.</p> <p>2.2 The proposed plan provisions link the objective with its intended outcome and the outcomes are achievable and within the Council's powers under s30 & 31 of the RMA.</p> <p>2.3 The proposed plan provisions promote decisions that have regard to relevant matters and assist the overall broad judgment under Part 2 and sustainable management purpose of the RMA.</p>	<p>✓</p> <p>✓</p> <p>✓</p>
Economic growth and employment opportunities (RMA section 32(2)(b)(i) and (ii))	<p>3.1 The evaluation of the costs and benefits of the proposed alternative Objective plan provisions include the opportunities for economic growth and employment that are anticipated to be provided or reduced;</p>	<p>✓⁷</p>

Evaluation of recommended change to Policy P25 (preferred option)

Statutory requirement	Criteria	Option 2 Revise as recommended
Appropriateness of provisions to achieve the objectives (options) (s32)(1)(b)	<p>4.1 The proposed provision addresses a resource management issue and implements the relevant Objectives.</p> <p>4.2 Effectiveness of the method of implementing the objective</p>	<p>✓</p> <p>✓</p>

⁷ N/A

Evaluation of recommended change to Policy P49 (preferred option)

Statutory requirement	Criteria	Option 2 Revise as recommended
Appropriateness of provisions to achieve the objectives (options) (s32)(1)(b)	4.1 The proposed provision addresses a resource management issue and implements the relevant Objectives. 4.2 Effectiveness of the method of implementing the objective	✓ ✓

Attached – clean version of recommended changes

Clean version of preferred option:

<p>Objective O17:</p> <p>The natural character of the coastal marine area, natural wetlands, rivers, lakes, and their margins is preserved and protected from inappropriate use and development.</p> <p>Objective O19:</p> <p>Natural processes, including natural elements, patterns and ecological processes continue to occur, and the integrity and functioning of natural processes and forms are retained.</p> <p>Policy P25: Natural character</p> <p>Use and development shall avoid significant adverse effects on natural character in the coastal marine area (including high natural character in the coastal marine area) and of natural wetlands, lakes and rivers, and avoid, remedy or mitigate other adverse effects of activities, taking into account:</p> <p>(a) the extent of human-made changes to landforms, vegetation, biophysical elements, natural processes and patterns, and the movement of water, and</p>

- (b) the presence or absence of structures and buildings, and
- (c) the particular elements, features and experiential values that contribute significantly to the natural character value of the area, and the extent to which they are affected, and
- (d) alternative locations, design or form of development that have less adverse effects, and
- (e) the extent to which the activity has a functional need to be located in the coastal marine area that limits location and development options, and
- (f) the ecosystems, natural flow characteristics and hydrodynamic processes, and the natural pattern and range of water level fluctuations in rivers, lakes and natural wetlands and their margins.

Policy P49: Use and development adjacent to outstanding natural features and landscapes and special amenity landscapes

Use and development in the coastal marine area on sites adjacent to an outstanding natural feature or landscape or special amenity landscape identified in a district plan shall be managed by:

- (a) protecting visual and biophysical linkages between the site and the outstanding natural feature or landscape, and
- (b) avoiding adverse cumulative effects on the characteristics and qualities of an outstanding natural feature or landscape.

Appendix B: RMA section 32AA Evaluation Table

Natural Form and Function – section 32AA assessment

This table sets out only the provisions of the notified proposed Plan on this topic **for which submissions were specifically received**. This table does not include provisions for which no specific submissions were received but that may be affected by consequential amendments. Where the officer has recommended amendments, these are set out below. Additions to the notified text are in underline and deletions are ~~strike through~~ text. The section 32AA assessment follows alongside for each of the provisions where amendments have been recommended by the officer. If the officer does not recommend any changes, the provision appears in grey.

Red text amendments = recommendations from the officer's s42A report

Blue text amendments = updated recommendations from the officer's Right of Reply

Note that requests for **new** provisions are not included in these tables.

Table 1 Evaluation of Objectives in accordance with RMA s.32A(1) (a) the extent to which the objectives of the proposal being evaluated are the most appropriate way to achieve the purpose of this Act

Amendment no./Submission no.	Chapter	Provision	Text of provision with any recommended amendments	Evaluation of amendment (section 32AA assessment)
	2 Interpretation	Natural processes		
	3 Objectives	3.4 Natural character, form and function		
Issue 2	3 Objectives	Objective O17: Natural character	<p>Objective O17: The natural character of the coastal marine area, <u>natural wetlands</u>, and rivers, lakes, and their margins and natural wetlands is preserved and protected from inappropriate use and development.</p>	<p>Effectiveness and efficiency The recommended alternative Objective O17 is a minor change, that reflects s.6(a) of the RMA. It promotes a clear outcome with which decision-makers and plan users can assess proposed activities that may affect the natural character of the coastal marine area and of freshwater.</p> <p>Costs and Benefits: There are no additional costs. RMA s.6(a) already requires that adverse effects on natural character (which includes natural processes) be</p>

Amendment no./Submission no.	Chapter	Provision	Text of provision with any recommended amendments	Evaluation of amendment (section 32AA assessment)
				<p>recognised and the preservation of those natural resources are to be protected from inappropriate use and development.</p> <p>The benefits of the alternative Objective O17 are clear obligations around matters to be considered in decision making.</p> <p>Risk of acting or not acting There are no additional risks of not acting</p> <p>Decision about most appropriate option The alternative Objective O17 addresses a resource management issue in a manner consistent with RMA s.6(a), and, together with other provisions, gives effect to the higher order planning documents. It is considered to be more appropriate in achieving the purpose of the RMA than the notified version of the objective.</p>
Issue 6	3 Objectives	Objective O19: Natural processes	<p>Objective O19: The interference from use and development on natural nNatural processes, is minimised- managed to ensure that <u>including natural elements, patterns and ecological processes continue to occur, and the integrity and functioning of natural processes and forms are retained.</u></p>	<p>Effectiveness and efficiency The recommended changes to Objective O19 improves linkages with the natural character provisions, and clarify outcomes associated with the management of natural resources, and which contribute to the plan giving effect to the NZCPS 2010 and NPS FW 2014.</p> <p>Costs and Benefits: The proposed change clarifies the existing policy intent and provides for better management of the natural processes associated with the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development as a matter of national importance.</p> <p>Risk of acting or not acting Risks of not acting include failure to recognise the components of</p>

Amendment no./Submission no.	Chapter	Provision	Text of provision with any recommended amendments	Evaluation of amendment (section 32AA assessment)
				<p>freshwater ecosystems and natural processes as a part of natural character, and potential for irreversible changes to natural processes from use and development.</p> <p>It is not considered to be possible to quantify the benefits and costs referred to above</p> <p>Decision about most appropriate option</p> <p>The alternative Objective O19 addresses a resource management issue, in a manner consistent with RMA s.6(a) and, together with other provisions, gives better effect to the higher order planning documents than the notified version of Objective O19. As such, it is considered to be the most appropriate way to achieve the purpose of the RMA.</p>
	3 Objectives	Objective O32: Outstanding natural features and landscapes		
	3 Objectives	Objective O36: Significant geological features		
	3 Objectives	Objective O37: Significant surf breaks		
	3 Objectives	Objective O38: Special amenity landscapes		
	4 Policies	4.4 Natural form and		

Amendment no./Submission no.	Chapter	Provision	Text of provision with any recommended amendments	Evaluation of amendment (section 32AA assessment)
		function		
	4 Policies	Policy P24: Outstanding natural character		
Issue 4	4 Policies	Policy P25: Natural character	<p>Policy P25: Natural character</p> <p>Use and development shall avoid significant adverse effects on natural character in the coastal marine area (including high natural character in the coastal marine area) and in the beds of natural wetlands, lakes and rivers, and avoid, remedy or mitigate other adverse effects of activities, taking into account:</p> <ul style="list-style-type: none"> (a) the extent of human-made changes to landforms, vegetation, biophysical elements, natural processes and patterns, and the movement of water, and (b) the presence or absence of structures and buildings, and (c) the particular elements, features and experiential values that contribute significantly to the natural character value of the area, and the extent to which they are affected, and (d) whether it is practicable to protect natural character from inappropriate use and development through: <ul style="list-style-type: none"> (i) using an alternative location, or form 	<p><u>Effectiveness and efficiency</u></p> <p>The alternative Policy P25 is considered to be more efficient and comprehensive in implementing Objectives O17 and O19 than the notified version, and give better effect to the higher order planning instruments.</p> <p><u>Costs and Benefits:</u></p> <p>The proposed change clarifies the existing policy intent and provides for better management of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development as a matter of national importance.</p> <p>The benefits to decision making and resource consent applicants of making a clear link between the provisions in the plan that manage freshwater resources and their contribution to managing natural character and natural processes, includes clearer obligations around matters to be considered in decision making, and when consultation is required or additional specialist expertise and involvement is needed.</p> <p>The potential costs of adding sub-clauses to Policy P25 are not considered to be significant. The effects on components of natural character are managed in other parts of the plan, and the additional sub-clause places those matters in the context of their contribution to natural processes and natural character.</p> <p>The costs are outweighed by the direct benefits to environmental, cultural</p>

Amendment no./Submission no.	Chapter	Provision	Text of provision with any recommended amendments	Evaluation of amendment (section 32AA assessment)
			<p style="color: red;">of development that would be more appropriate to that location, and</p> <p style="color: red;">(ii) considering the extent to which functional need or existing use limits location and development options.¹</p> <p style="color: red;"><u>(d) alternative locations, design or form of development that have less adverse effects, and</u></p> <p style="color: red;"><u>(e) the extent to which the activity has a functional need to be located in the coastal marine area that limits location and development options, and</u></p> <p style="color: red;"><u>(f) the ecosystems, natural flow characteristics and hydrodynamic processes, and the natural pattern and range of water level fluctuations in rivers, lakes and natural wetlands and their margins.²</u></p>	<p>and social well-being identified in the plan. The RMA requires that the council, in exercising its functions, recognise and provide for the matters of national importance in RMA s.6(a).</p> <p>There is no less or greater opportunities for economic growth anticipated to be provided or reduced; or employment anticipated when compared to the notified Policy P49.</p> <p>The amendment to Policy 25(f) has no additional costs as it is similar in approach to the operative freshwater plan policy 4.2.9.</p> <p><u>Risk of acting or not acting</u></p> <p>Risks of not acting include failure to recognise the components of freshwater ecosystems and natural processes as a part of natural character, and potential for irreversible changes to natural processes from use and development.</p> <p>It is not considered to be possible to quantify the benefits and costs referred to above</p> <p><u>Decision about most appropriate option</u></p> <p>The additional sub-clauses are necessary to make a clear link between the objectives managing natural character associated with rivers, lakes, wetlands and their margins; and natural processes supporting ecosystems associated with those freshwater natural resources. While other provisions in the plan manage the characteristics of natural character associated with freshwater, these are not expressly dealt with in the provisions that implement the objectives that manage natural</p>

¹ Rangitane o Wairarapa Inc S279/090 submission accepted in part

² Fish and Game (S308/018) submission on Objective O17 accepted in part

Amendment no./Submission no.	Chapter	Provision	Text of provision with any recommended amendments	Evaluation of amendment (section 32AA assessment)
				character and natural processes.
	4 Policies	Policy P26: Natural processes		
	4 Policies	Policy P48: Protection of outstanding natural features and landscapes		
Issue 10	4 Policies	Policy P49: Use and development adjacent to outstanding natural features and landscapes and special amenity landscapes	<p>Alternative Policy P49: Use and development adjacent to outstanding natural features and landscapes and special amenity landscapes</p> <p>Use and development in the coastal marine area on sites adjacent to an outstanding natural feature or landscape or special amenity landscape identified in a district plan shall be managed by:</p> <p>(a) protecting visual and biophysical linkages between the site and the outstanding natural feature or landscape, and</p> <p>(b) avoiding adverse cumulative effects on the <u>values characteristics and qualities</u> of an outstanding natural feature or landscape.</p>	<p><u>Effectiveness and efficiency</u></p> <p>The recommended changes to Policy P49 uses the terms from the higher order planning documents, and make a clear link between the matters that are managed by Objective O32 and Objective O38.</p> <p><u>Costs and Benefits:</u></p> <p>The proposed change clarifies the existing policy intent. There are no additional costs or benefits from the proposed change.</p> <p>There is no less or additional opportunities for economic growth anticipated to be provided or reduced; or employment anticipated when compared to the notified Policy P49.</p> <p><u>Risk of acting or not acting</u></p> <p>There are no significant risks associated with not acting, and not accepting the alternative Policy P49, because the policy intent remains the same for both the notified and the alternative Policy P49.</p> <p><u>Decision about most appropriate option</u></p> <p>Alternative Policy P49 is expressed in the same terms used in the NZCPS and the RPS, creating a stronger link with the relevant objectives and the higher order planning documents. In my opinion the proposed alternative Policy P49 is the most appropriate way to implement</p>

Amendment no./Submission no.	Chapter	Provision	Text of provision with any recommended amendments	Evaluation of amendment (section 32AA assessment)
				Objectives O32 and O38.
	4 Policies	Policy P50: Significant geological features		
	4 Policies	Policy P51: Significant surf breaks		
	6 Methods	Method M24: Outstanding natural features and landscapes and high natural character		
	12 Schedules	Schedule J: Significant geological features in the coastal marine area		
	12 Schedules	Schedule K: Significant surf breaks		
	13 Maps	Map 24: Significant surf breaks (Schedule K)		

Appendix C: Recommended Decisions on Submissions

Appendix C: Recommended decisions on submissions

Natural Form and Function

*All further submissions are accepted or rejected accordingly

Submission point	Further submission point*	Submitter	Provision	Support Oppose	Decision requested	Officer recommendation	Officer comment
S29/021		Powerco	Policy P25: Natural character	Support	Retain Policy 25 without further modification.	Accept in part	Issue 4
	/						
S31/031		Hamish Trolove	Policy P24: Outstanding natural character	Support	Support	Accept	Issue 3
	/						
S32/006		Wellington Recreational Marine Fishers Association	Schedule K: Significant surf breaks	Amend	Add Makara Point break to the map [Map 24].	Reject	Issue 16
	/						
S32/007		Wellington Recreational Marine Fishers Association	Map 24: Significant surf breaks (Schedule K)	Amend	Add Makara Point break to the map [Map 24].	Reject	Issue 16
	/						
S32/018		Wellington Recreational Marine Fishers Association	Schedule J: Significant geological features in the coastal marine area	Amend	Record that the Wellington Harbour in [Schedule J and Map 30] has a number of submarine freshwater springs from off Petone Beach to alongside Somes Island, into Evans Bay and around the Falcon Shoals.	reject	Issue 13
	/						
S33/012		Porirua Harbour and Catchment Community Trust	Policy P24: Outstanding	Amend	Strengthen language of policies to give effect to Objectives O46 and O47 to manage activities to reduce sedimentation	Reject	Issue 3

Submission point	Further submission point*	Submitter	Provision	Support Oppose	Decision requested	Officer recommendation	Officer comment
			natural character		rates and pollutant inputs, erosion prone land and riparian margins, and undertaking planting and pest management programmes. [see also S33/004 and S33/005).		
	/						
S55/019		The Oil Companies	Policy P25: Natural character	Support	Retain Policy 25 without further modification.	Accept	Issue 4
	/						
S62/004		Wellington Civic Trust	Objective O19: Natural processes	Support	Retain the specified objectives with their current wording.	Accept	Issue 6
	/						
S66/003		GBC Winstone	Natural processes	Amend	Reword to read "Dynamic natural and physical and ecological relationships , actions and events that are characteristically natural that act to shape"	Reject	Issue 5
	/						
S75/017		Minister of Conservation	Objective O17: Natural character	Support	Retain as notified	Accept	Issue 2
	/						
S75/018		Minister of Conservation	Objective O17: Natural character	Amend	The natural character of the coastal marine area, rivers, lakes, natural wetlands and their margins and natural wetlands is preserved and protected from inappropriate use and development.	Accept	Issue 2
	FS74/184	Rangitāne o Wairarapa Inc		Support	Allow		
	FS65/004	Land Matters Ltd		Oppose	Disallow		
S75/020		Minister of Conservation	Objective O19: Natural processes	Amend	Retain as notified	Accept in part	Issue 6
	FS41/001	Coastal Ratepayers United Incorporated		Oppose	Disallow		
	FS65/005	Land Matters Ltd		Oppose	Disallow		
S75/034		Minister of Conservation	Objective O32: Outstanding natural features and landscapes	Support	Retain as notified	Accept	Issue 8
	/						

Submission point	Further submission point*	Submitter	Provision	Support Oppose	Decision requested	Officer recommendation	Officer comment
S75/057		Minister of Conservation	Policy P24: Outstanding natural character	Support	Retain as notified	Accept	Issue 3
	FS41/009	Coastal Ratepayers United Incorporated		Oppose	Disallow		
	FS65/021	Land Matters Ltd		Support in part	Disallow in part		
S75/058		Minister of Conservation	Policy P25: Natural character	Amend	Retain Policy and (a) - (c). Amend (d) as follows: (d) whether it is practicable <u>the ability to protect natural character from inappropriate use and development</u> through:	Accept	Issue 4
	FS85/142	Carterton District Council		Oppose in part	Disallow		
	FS32/043	Meridian Energy Limited		Oppose in part	Disallow		
S75/059		Minister of Conservation	Policy P26: Natural processes	Support	Retain as notified; clarify	Accept	Issue 7
	FS65/022	Land Matters Ltd		Oppose in part	Disallow in part		
	FS41/011	Coastal Ratepayers United Incorporated		Oppose	Disallow		
S75/078		Minister of Conservation	Policy P48: Protection of outstanding natural features and landscapes	Amend	Amend as follows: (a) avoiding adverse effects of activities on <u>the characteristics and qualities that contribute to the values of outstanding natural features and landscapes</u> , and (b) avoiding significant adverse effects and avoiding, remedying or mitigating other adverse effects of activities on <u>the characteristics and qualities that contribute to the values of other natural features and landscapes</u> .	Reject	Issue 9
	FS30/047	Masterton District Council		Support	Allow		
	FS74/315	Rangitāne o Wairarapa Inc		Support in part	Disallow		
	FS26/068	South Wairarapa District Council		Support in part	Allow in part		
	FS65/029	Land Matters Ltd		Oppose in part	Allow in part		

Submission point	Further submission point*	Submitter	Provision	Support Oppose	Decision requested	Officer recommendation	Officer comment
S75/079		Minister of Conservation	Policy P49: Use and development adjacent to outstanding natural features and landscapes and special amenity landscapes	Amend	Amend as follows: Use and development...shall be managed by: (a) protect-ing visual and biophysical linkages between the site and the outstanding natural feature or landscape, and (b) avoid-ing adverse cumulative effects on the value s <u>the characteristics and qualities</u> that contribute to of an outstanding natural feature or landscape.	Accept	Issue 10
	/						
S75/190		Minister of Conservation	Method M24: Outstanding natural features and landscapes and high natural character	Support	Retain	Accept	Issue 18
	/						
S78/003		South Wairarapa Biodiversity Group Incorporated	3.4 Natural character, form and function	Amend	[See decision requested for submission point S78/001].	Accept in part	Issue 2 and 6
	FS74/207	Rangitāne o Wairarapa Inc		Support	Allow		
S82/010		Meridian Energy Limited	Objective O19: Natural processes	Oppose	Delete Objective O19.	Reject	Issue 6
	/						
S82/011		Meridian Energy Limited	Objective O38: Special amenity landscapes	Oppose	Delete Objective O38.	Reject	Issue 17
	/						
S82/020		Meridian Energy Limited	Policy P48: Protection of outstanding natural features and landscapes	Oppose	Amend Policy P48 as follows (or similar wording): The natural features and landscapes (including seascapes) of the coastal marine area, rivers, lakes and their margins and natural wetlands shall be protected from inappropriate use and development by: (a) avoiding <u>significant</u> adverse effects of activities on outstanding natural features and landscapes, and (b) avoiding significant adverse effects and avoiding, remedying or mitigating other adverse effects...	Reject	Issue 9

Submission point	Further submission point*	Submitter	Provision	Support Oppose	Decision requested	Officer recommendation	Officer comment
	/						
S82/021		Meridian Energy Limited	Policy P49: Use and development adjacent to outstanding natural features and landscapes and special amenity landscapes	Oppose	Delete from Policy P49 the reference to 'special amenity landscapes': Use and development in the coastal marine area on sites adjacent to an outstanding natural feature or landscape or special amenity landscape identified in a district plan shall be managed...	Reject	Issue 10
	FS69/052	Wellington International Airport Limited		Support	Allow		
S88/016		Trelissick Park Group	Policy P24: Outstanding natural character	Support	That the Plan protects this area from inappropriate development to maintain the natural character that will increase over time.	Reject	Issue 3
	/						
S88/017		Trelissick Park Group	Policy P25: Natural character	Support	That the Plan protects this area from inappropriate development to maintain the natural character that will increase over time.	Accept	Issue 4
	FS40/005	CentrePort Limited (CentrePort)		Oppose	Disallow		
S88/018		Trelissick Park Group	Method M24: Outstanding natural features and landscapes and high natural character	Support	That the Plan protects this area from inappropriate development to maintain the natural character that will increase over time.	Accept	Issue 18
	/						
S93/032		Coastal Ratepayers United Incorporated	3.7 Sites with significant values	Amend	Reconsider the appropriateness of the provisions that rely on proposed and operative district plans and how they are best worded to ensure that, both now and in the fullness of time, there is no risk of the provisions being inconsistent with the relevant proposed or operative district plans	Reject	
	/						

Submission point	Further submission point*	Submitter	Provision	Support Oppose	Decision requested	Officer recommendation	Officer comment
S93/033		Coastal Ratepayers United Incorporated	Objective O38: Special amenity landscapes	Amend	Reword Objective O38 to be more consistent with the wording in Objective O32 so that Objective O38 reads something along these lines: "Identified special amenity landscape values are protected from inappropriate subdivision, use and development" but it is probably preferable to make both objectives O32 and O38 more general where they are referring to areas within districts.	Reject	Issue 17
	/						
S93/036		Coastal Ratepayers United Incorporated	Objective O36: Significant geological features	Amend	Revise the objective to be less extreme. An option is to revise the objective so that it reads "Significant geological features in the coastal marine areas are protected from inappropriate use and development" to be consistent with the wording of Objective O34 and to revise Schedule J.	Reject	Issue 11
	/						
S93/037		Coastal Ratepayers United Incorporated	Objective O32: Outstanding natural features and landscapes	Amend	Please see the decision sought in [submission point S93/033].	Reject	Issue 8
	/						
S93/053		Coastal Ratepayers United Incorporated	Policy P24: Outstanding natural character	Oppose in part	Delete the policy or notify a variation to identify the areas of outstanding natural character in the coastal marine area. If the policy is not deleted, revise the policy to address the concerns expressed, including by making it less extreme and by giving effect to the NZCPS	Reject	Issue 3
	/						
S93/054		Coastal Ratepayers United Incorporated	Policy P25: Natural character	Oppose in part	Delete the policy or notify a variation to identify the areas of natural character and high natural character. If the policy is not deleted, revise the policy to address the concerns expressed, including by making it less extreme, by giving effect to the NZCPS, and by widening d(ii) as discussed [p25 of original submission].	Accept in part	Issue 4
	/						

Submission point	Further submission point*	Submitter	Provision	Support Oppose	Decision requested	Officer recommendation	Officer comment
S93/058		Coastal Ratepayers United Incorporated	Policy P48: Protection of outstanding natural features and landscapes	Oppose	Delete the policy or notify a variation to identify the outstanding and other areas of natural features and landscapes (including seascapes) being referred to. Revise the policy to address the concerns expressed, including by making the policy less extreme.	Reject	Issue 9
	/						
S93/059		Coastal Ratepayers United Incorporated	Policy P49: Use and development adjacent to outstanding natural features and landscapes and special amenity landscapes	Oppose in part	Revise Policy P49 to address the concerns expressed [regarding inconsistency with various district plans now and over time].	Reject	Issue 10
	/						
S98/014		Spark New Zealand Trading Limited	Policy P25: Natural character	Support in part	Amend P25 as follows: Use and development shall <u>avoid, remedy or mitigate</u> significant adverse effects on natural character in the coastal marine area...	Reject	Issue 4
	/						
S98/016		Spark New Zealand Trading Limited	Policy P24: Outstanding natural character	Support in part	Amend P24: Areas of outstanding natural character in the coastal marine area will be preserved by: (a) avoiding <u>avoid, remedy or mitigate</u> adverse effects of activities on natural character in areas of the.... ... (e) avoiding <u>avoid, remedy or mitigate</u> adverse effects of activities, including those located outside of	Reject	Issue 3
	FS56/053	Powerco		Support	Allow		
S98/018		Spark New Zealand Trading Limited	Policy P49: Use and development adjacent to	Support in part	Amend P49: Use and development in the coastal marine area on sites adjacent to an outstanding natural feature or landscape or	Reject	Issue 10

Submission point	Further submission point*	Submitter	Provision	Support Oppose	Decision requested	Officer recommendation	Officer comment
			outstanding natural features and landscapes and special amenity landscapes		special amenity landscape identified in a district plan shall be managed by <u>seeking to</u> : (a) protecting visual and biophysical linkages between the site and the outstanding natural feature or landscape, and (b) avoiding adverse cumulative effects from <u>inappropriate use and development</u> on the values of an outstanding natural feature or landscape.		
	FS59/036	Roading, Parks and Gardens and Solid Waste departments of Hutt City Council and Upper Hutt City Council		Not stated	Not stated		
	FS56/065	Powerco		Support	Allow		
S112/012		Friends of the Paekakariki Streams	Objective O17: Natural character	Support	[Not stated]	Accept	Issue 2
	/						
S112/023		Friends of the Paekakariki Streams	Objective O32: Outstanding natural features and landscapes	Support	[Not stated]	Accept	Issue 8
	/						
S112/041		Friends of the Paekakariki Streams	Policy P24: Outstanding natural character	Support	[Not stated]	Accept	Issue 3
	/						
S112/042		Friends of the Paekakariki Streams	Policy P25: Natural character	Support	[Not stated]	Accept	Issue 4
	/						
S112/043		Friends of the Paekakariki Streams	Policy P26: Natural processes	Support	[Not stated]	Accept	Issue 7
	/						
S112/058		Friends of the Paekakariki Streams	Policy P48: Protection of outstanding natural features and landscapes	Support	[Not stated]	Accept	Issue 9
	/						
S117/014		Kāpiti Coast District Council	Objective O17:	Support	Retain the objective	Accept	Issue 2

Submission point	Further submission point*	Submitter	Provision	Support Oppose	Decision requested	Officer recommendation	Officer comment
	/		Natural character				
S117/016		Kāpiti Coast District Council	Objective O19: Natural processes	Support	Retain the objective	Accept in part	Issue 6
	/						
S117/034		Kāpiti Coast District Council	Policy P24: Outstanding natural character	Support	Retain the provision	Accept	Issue 3
	/						
S117/035		Kāpiti Coast District Council	Policy P25: Natural character	Support	Retain the provision	Accept	Issue 4
	/						
S117/036		Kāpiti Coast District Council	Policy P26: Natural processes	Support	Retain the provision	Accept	Issue 7
	/						
S121/026		CentrePort Limited (CentrePort)	Objective O19: Natural processes	Support in part	Amend Objective O19 as follows: The interference <u>adverse effects</u> from use and development on natural processes is minimised <u>avoided, remedied or mitigated</u> .	Reject	Issue 6
	FS32/014	Meridian Energy Limited		Support in part	Allow		
	FS85/076	Carterton District Council		Support	Allow		
S121/033		CentrePort Limited (CentrePort)	Objective O37: Significant surf breaks	Support in part	Clarity the nature of potential adverse effects and measurement of these and how the policy would be applied in practice.	Accept in part	Issue 14
	FS69/024	Wellington International Airport Limited		Support in part	Allow in part		
S121/051		CentrePort Limited (CentrePort)	Policy P24: Outstanding natural character	Support in part	Amend Policy P24 as follows: Areas of outstanding natural character in the coastal marine area will be preserved by: (a) Protecting <u>avoiding adverse effects of activities</u> on natural character in areas of the coastal marine area with outstanding natural character <u>by avoiding inappropriate use and</u>	Reject	Issue 3

Submission point	Further submission point*	Submitter	Provision	Support Oppose	Decision requested	Officer recommendation	Officer comment
					development, and ... (d) maintaining the high levels of naturalness of these areas, and (e) avoiding the adverse effects of activities, including those located outside the area, that individually or cumulatively detract from the natural character values of the outstanding natural character area.		
	/						
S121/063		CentrePort Limited (CentrePort)	Policy P48: Protection of outstanding natural features and landscapes	Support in part	Amend Policy P48 as follows: The natural features and landscapes (including seascapes) of the coastal marine area, rivers, lakes and their margins and natural wetlands shall be protected from inappropriate use and development by: (a) <u>seeking to avoid</u> ing adverse effects of activities on <u>identified</u> outstanding natural features and landscapes, and (b) <u>avoiding</u> significant adverse effects and avoiding , remedying or mitigating other adverse effects of activities on natural features and landscapes.	Reject	Issue 9
	/						
S121/064		CentrePort Limited (CentrePort)	Policy P49: Use and development adjacent to outstanding natural features and landscapes and special amenity landscapes	Support in part	Amend Policy P49 as follows: Use and development in the coastal marine area on sites adjacent to an outstanding natural feature or landscape or special amenity landscape identified in a district plan shall be managed by <u>seeking to</u> : (a) protecting visual and biophysical linkages between the site and the outstanding natural feature or landscape, and (b) <u>avoiding</u> adverse cumulative effects <u>from inappropriate use and development</u> on the values of an outstanding natural feature or landscape.	Reject	Issue 10
	/						
S121/065		CentrePort Limited (CentrePort)	Policy P50: Significant geological features	Support in part	Amend Policy P50 as follows: The significant adverse effects of use and development on the significant geological features identified in Schedule J (geological features) shall be avoided, <u>remedied or mitigated.</u>	Reject	Issue 13
	/						

Submission point	Further submission point*	Submitter	Provision	Support Oppose	Decision requested	Officer recommendation	Officer comment
S121/066		CentrePort Limited (CentrePort)	Policy P51: Significant surf breaks	Support in part	Clarify the nature of potential adverse effects and measurement of these and how the policy would be applied in practice.	Accept in part	Issue 14
	FS69/053	Wellington International Airport Limited		Support in part	Allow in part		
S121/067		CentrePort Limited (CentrePort)	Policy P51: Significant surf breaks	Support in part	Amend Policy P51 as follows: Use and development in and adjacent to the significant surf breaks identified in Schedule K (surf breaks) shall be managed by minimising <u>avoiding, remedying or mitigating</u> the adverse effects on: ...	Reject	Issue 14
	FS69/054	Wellington International Airport Limited		Support in part	Allow in part		
S121/142		CentrePort Limited (CentrePort)	Schedule K: Significant surf breaks	Amend	Clarify how the relevant policies to Schedule K will be applied.	Reject	Issue 16
	/						
S121/145		CentrePort Limited (CentrePort)	Map 24: Significant surf breaks (Schedule K)	Amend	Clarify how the relevant policies to Map 24 will be applied.	Reject	Issue 15
	/						
S127/007		Wairarapa Regional Irrigation Trust	Objective O19: Natural processes	Amend	Amend objective to refer to minimisation of adverse effects on natural processes	Reject	Issue 6
	FS51/006	GBC Winstone		Support	Allow		
S132/002		Hammond Limited	Objective O19: Natural processes	Amend	Amend O19 as follows: The interference from use and development on natural processes is minimised <u>where appropriate</u> .	Reject	Issue 6
	/						
S132/013		Hammond Limited	Policy P26: Natural processes	Amend	Amend P26 as follows: Use and development will be managed to minimise effects on the integrity and functioning of natural processes <u>where appropriate</u> .	Reject	Issue 7
	/						

Submission point	Further submission point*	Submitter	Provision	Support Oppose	Decision requested	Officer recommendation	Officer comment
S140/018		Kiwi Rail Holdings Limited	Objective O19: Natural processes	Support in part	Amend Objective O19 as follows: The interference adverse effects from use and development on natural processes is minimised <u>are avoided, remedied or mitigated.</u>	Reject	Issue 6
	FS85/077	Carterton District Council		Support	Allow		
	FS96/003	Queen Elizabeth II National Trust		Support in part	Disallow		
	FS32/015	Meridian Energy Limited		Support in part	Allow		
S140/035		Kiwi Rail Holdings Limited	Policy P24: Outstanding natural character	Support in part	Amend Policy 24 Areas of outstanding natural character in the coastal marine area will be preserved by: (a) Protecting avoiding adverse effects of activities on natural character in areas of the coastal marine area with outstanding natural character <u>by avoiding inappropriate use and development</u> , and (b) ... (d) maintaining the high levels of naturalness of these areas, and (e) avoiding the adverse effects of activities, including those located outside the area, that individually or cumulatively detract from the natural character values of the outstanding natural character area.	Reject	Issue 3
	/						
S141/023		CentrePort Properties Limited	Policy P24: Outstanding natural character	Amend	(e) <u>avoiding, remedying or mitigating</u> the adverse effects of activities, including those located outside the area, that individually or cumulatively detract from the natural character values of the outstanding natural character area.	Reject	Issue 3
	/						
S141/074		CentrePort Properties Limited	Schedule J: Significant geological features in the coastal marine area	Amend	Remove Railway Wharf and Waterloo Quay Wharf and the underlying and adjacent coastal marine area from Schedule C (mana whenua), Schedule F4 (coastal sites), Schedule F5 (coastal habitats), and Schedule J (geological), and all associated maps if these are considered to apply to the wharves.	Reject	Issue 13

Submission point	Further submission point*	Submitter	Provision	Support Oppose	Decision requested	Officer recommendation	Officer comment
	/						
S144/014		Chorus New Zealand Limited	Policy P24: Outstanding natural character	Amend	Amend Policy P24 as follows: Areas of outstanding natural character in the coastal marine area will be preserved by: (a) avoiding <u>avoid, remedy or mitigate</u> adverse effects of activities on natural character in areas of the coastal marine area with outstanding natural character, and (b) ... (e) avoiding <u>avoid, remedy or mitigate</u> the adverse effects of activities, including those located outside the area, that individually or cumulatively detract from the natural character values of the outstanding natural character area.	Reject	Issue 3
	FS73/039	Wellington Electricity Lines Limited		Support	Allow		
	FS56/052	Powerco		Support	Allow		
S144/015		Chorus New Zealand Limited	Policy P25: Natural character	Amend	Amend Policy P25 as follows: Use and development shall <u>avoid, remedy or mitigate</u> significant adverse effects ...	Reject	Issue 4
	FS73/040	Wellington Electricity Lines Limited		Support	Allow		
S144/018		Chorus New Zealand Limited	Policy P49: Use and development adjacent to outstanding natural features and landscapes and special amenity landscapes	Amend	Amend Policy P49 as follows: Use and development in the coastal marine area on sites adjacent to an outstanding natural feature or landscape or special amenity landscape identified in a district plan shall be managed by <u>seeking to</u> : (a) <u>protecting</u> visual and biophysical linkages between the site and the outstanding natural feature or landscape, and (b) <u>avoiding</u> adverse cumulative effects from <u>inappropriate use and development</u> on the values of an outstanding natural feature or landscape.	Reject	Issue 10
	FS56/064	Powerco		Support	Allow		
S145/018		First Gas Ltd	Objective O19:	Oppose	Delete objective O19	Reject	Issue 6

Submission point	Further submission point*	Submitter	Provision	Support Oppose	Decision requested	Officer recommendation	Officer comment
	/		Natural processes				
S145/033		First Gas Ltd	Policy P25: Natural character	Amend	Amend Policy 25: Use and development shall <u>avoid, remedy or mitigate</u> significant adverse effects on natural character in the coastal marine area (including high natural character in the coastal marine area) and in the beds of lakes and rivers, and avoid, remedy or mitigate other adverse effects of activities, taking into account: (d) whether it is practicable to protect natural character from inappropriate use and development through the use and development is appropriate after considering: (i) using an the use of alternative locations, or form of development that would be more appropriate to that location; and (ii) considering the extent to which functional need or existing use limits location and development options; and (iii) <u>Whether the use and development is regionally significant infrastructure.</u>	Reject	Issue 4
	FS85/141	Carterton District Council		Support in part	Allow		
	FS56/055	Powerco		Support	Allow		
	FS32/042	Meridian Energy Limited		Support in part	Allow		
S145/074		First Gas Ltd	Policy P26: Natural processes	Amend	Use and development will be managed to minimise <u>avoid, remedy or mitigate</u> effects..	Reject	Issue 7
	FS85/145	Carterton District Council		Support	Allow		
	FS56/054	Powerco		Support	Allow		
S146/046		NZ Transport Agency	Objective O17: Natural character	Support in part	Retain	Reject	Issue 2
	FS96/020	Queen Elizabeth II National Trust		Support in part	Allow		

Submission point	Further submission point*	Submitter	Provision	Support Oppose	Decision requested	Officer recommendation	Officer comment
S146/048		NZ Transport Agency	Objective O19: Natural processes	Oppose	Delete	Reject	Issue 6
	FS96/021	Queen Elizabeth II National Trust		Oppose	Disallow in part		
S146/055		NZ Transport Agency	Objective O32: Outstanding natural features and landscapes	Support	Retain	Accept	Issue 8
	FS96/025	Queen Elizabeth II National Trust		Support in part	Allow		
S146/059		NZ Transport Agency	Objective O36: Significant geological features	Support in part	Amend Objective O36: Significant geological features in the coastal marine area are protected <u>from inappropriate use and development</u>	Reject	Issue 11
	/						
S146/060		NZ Transport Agency	Objective O38: Special amenity landscapes	Oppose	Delete	Reject	Issue 17
	FS69/025	Wellington International Airport Limited		Support	Allow		
	FS32/018	Meridian Energy Limited		Support	Allow		
S146/089		NZ Transport Agency	Policy P24: Outstanding natural character	Support in part	Amend Policy 24 Areas of outstanding natural character in the coastal marine area will be preserved by: (a) <u>Protecting</u> avoiding adverse effects of activities on natural character in areas of the coastal marine area with outstanding natural character <u>by avoiding inappropriate use and development</u> , and (b) requiring use and development to be of a type, scale and intensity that will maintain the natural character values of the area, and (c) requiring built elements to be subservient to the dominance of the characteristics and qualities that make up the natural character values of the area, and (d) maintaining the high levels of naturalness of these areas, and (e) avoiding the adverse effects of activities, including those located outside the area, that individually or cumulatively detract from the natural character values of the outstanding natural character area.	Reject	Issue 3
	FS61/026	Minister of Conservation		Oppose	Disallow		
	FS30/056	Masterton District Council		Support	Allow in part		

Submission point	Further submission point*	Submitter	Provision	Support Oppose	Decision requested	Officer recommendation	Officer comment
	FS26/077	South Wairarapa District Council		Support	Allow		
S146/090		NZ Transport Agency	Policy P25: Natural character	Support in part	Amend Policy 25: Use and development shall avoid, <u>remedy or mitigate</u> significant adverse effects on natural character in the coastal marine area (including high natural character in the coastal marine area) and in the beds of lakes and rivers, and avoid, remedy or mitigate other adverse effects of activities, taking into account: (d) whether it is practicable to protect natural character from inappropriate use and development through the use and development is appropriate after considering: (i) using an <u>the use of</u> alternative locations, or form of development that would be more appropriate to that location; and (ii) considering the extent to which functional need or existing use limits location and development options; (iii) <u>whether the use or development is regionally significant infrastructure.</u>	Reject	Issue 4
	FS96/034	Queen Elizabeth II National Trust		Oppose in part	Disallow in part		
	FS85/140	Carterton District Council		Support in part	Allow		
	FS71/080	Horticulture NZ		Support	Allow		
	FS25/021	Wellington Water Limited		Support	Allow		
	FS22/023	Transpower NZ Ltd		Support	Allow		
	FS69/043	Wellington International Airport Limited		Support in part	Allow in part		
	FS32/041	Meridian Energy Limited		Support in part	Allow		
S146/091		NZ Transport Agency	Policy P26: Natural processes	Support in part	Amend Policy 26: Use and development will be managed to minimise <u>avoid, remedy or mitigate</u> effects on the integrity and functioning of natural processes.	Accept in part	Issue 7
	FS85/144	Carterton District Council		Support	Allow		
	FS25/022	Wellington Water Limited		Support	Allow		
	FS96/035	Queen Elizabeth II National Trust		Support in part	Allow		
S146/108		NZ Transport Agency	Policy P48: Protection of	Amend	Amend Policy 48: The natural features and landscapes (including seascesapes) of the coastal marine area, rivers, lakes	Reject	Issue 9

Submission point	Further submission point*	Submitter	Provision	Support Oppose	Decision requested	Officer recommendation	Officer comment
			outstanding natural features and landscapes		and their margins and natural wetlands shall be protected from inappropriate use and development by: (a) avoiding adverse effects of inappropriate activities on outstanding natural features and landscapes, and (b) avoiding significant adverse effects and avoiding , remedying or mitigating other adverse effects of activities on natural features and landscapes.		
	FS96/047	Queen Elizabeth II National Trust		Oppose in part	Disallow		
	FS69/051	Wellington International Airport Limited		Support in part	Allow		
	FS61/032	Minister of Conservation		Oppose	Disallow		
S146/109		NZ Transport Agency	Policy P49: Use and development adjacent to outstanding natural features and landscapes and special amenity landscapes	Amend	Amend Policy 49: Use and development in the coastal marine area on sites adjacent to an outstanding natural feature or landscape or special amenity landscape identified in a district plan shall be managed by, <u>where practicable</u> : (a) protecting visual and biophysical linkages between the site and the outstanding natural feature or landscape, and (b) avoiding adverse cumulative effects on the values of an outstanding natural feature or landscape; while also considering; <u>(c) whether it is necessary to enable the development, operation, maintenance or upgrade and development of regionally significant infrastructure</u>	Reject	Issue 10
	FS51/017	GBC Winstone		Support	Allow		
S152/014		Waa Rata Estate	Policy P48: Protection of outstanding natural features and landscapes	Amend	Delete 'natural wetlands'. Delete sub clause (b)	Reject	Issue 9
	/						
S152/017		Waa Rata Estate	Policy P49: Use and development adjacent to outstanding natural features and landscapes and special	Amend	Amend the title to read "Policy P49: Use and development in the coastal marine area adjacent to outstanding natural features..."	Accept in part	Issue 10

Submission point	Further submission point*	Submitter	Provision	Support Oppose	Decision requested	Officer recommendation	Officer comment
			amenity landscapes				
	/						
S163/043		Porirua City Council	Objective O32: Outstanding natural features and landscapes	Amend	Amend to read: "Outstanding natural features and landscapes of the coastal marine area, rivers, lakes and their margins and natural wetlands are protected from..."	Reject	Issue 8
	FS96/071	Queen Elizabeth II National Trust		Support in part	Allow in part		
S163/052		Porirua City Council	Policy P24: Outstanding natural character	Amend	Define areas of outstanding natural character. Amend subclauses (a) and (e) to replace "avoiding" with "avoiding, or if not practicable, mitigating or offsetting".	Reject	Issue 3
	FS61/025	Minister of Conservation		Oppose	Disallow		
S163/063		Porirua City Council	Policy P48: Protection of outstanding natural features and landscapes	Amend	Delete subclause (a) to avoid repetition. Clarify whether the outstanding natural features and landscapes referred to in this policy are those specified in the Schedules. If this is so, refer to comments on P39. If not, provide guidance on how or who determines what is outstanding.	Reject	Issue 9
	FS96/081	Queen Elizabeth II National Trust		Oppose in part	Allow in part		
S163/064		Porirua City Council	Policy P50: Significant geological features	Amend	Introduce some flexibility to allow essential maintenance and activities required to achieve other objectives such as erosion protection to be undertaken while balancing the need for environmental protection. Amend to read: "...avoided, or if not practicable, mitigated or offset."	Reject	Issue 12
	/						
S163/156		Porirua City Council	Method M24: Outstanding natural features and landscapes and high natural character	Amend	Add a new method as follows: "Integration with territorial local authorities in planning for landscape management within strategic development overlay areas "Wellington Regional Council will work with territorial local authorities in considering landscape management for future development proposals within rural growth planning overlay areas as part of comprehensive development plan approval for such development."	Reject	Issue 18

Submission point	Further submission point*	Submitter	Provision	Support Oppose	Decision requested	Officer recommendation	Officer comment
	/						
S175/017		Joan Allin and Rob Crozier	Objective O19: Natural processes	Amend	Reconsider Objectives O19 to O22 in light of our comments [see original submission S175 p17 for details].	Reject	Issue 6
	/						
S175/021		Joan Allin and Rob Crozier	Objective O32: Outstanding natural features and landscapes	Amend	Reconsider appropriateness of provisions that rely on proposed and operative district plans and how provisions are best worded to ensure they do not risk being inconsistent with the relevant district plans.	Reject	Issue 8
	/						
S175/022		Joan Allin and Rob Crozier	Objective O38: Special amenity landscapes	Amend	[See submission point S175/021].	Reject	Issue 17
	/						
S175/025		Joan Allin and Rob Crozier	Objective O36: Significant geological features	Amend	Revise the objective and other relevant provisions in the PNRP to address the concerns expressed.	Reject	Issue 11
	/						
S175/037		Joan Allin and Rob Crozier	Policy P24: Outstanding natural character	Oppose in part	Delete the policy or revise it to address the concerns expressed, including by making it less extreme and by giving effect to the NZCPS.	Reject	Issue 3
	/						
S175/038		Joan Allin and Rob Crozier	Policy P25: Natural character	Amend	Delete the policy or revise the policy to address the concerns expressed.	Reject	Issue 4
	/						
S175/044		Joan Allin and Rob Crozier	Policy P48: Protection of outstanding natural features and landscapes	Oppose	Delete the policy or revise the policy to address the concerns expressed [See original submission S175 p29-30].	Reject	Issue 9
	/						
S175/045		Joan Allin and Rob Crozier	Policy P49: Use and development	Oppose in part	Revise Policy P49 to address the concerns expressed.	Reject	Issue 10

Submission point	Further submission point*	Submitter	Provision	Support Oppose	Decision requested	Officer recommendation	Officer comment
			adjacent to outstanding natural features and landscapes and special amenity landscapes				
	/						
S272/017		Titahi Bay Residents Association	Schedule J: Significant geological features in the coastal marine area	Support	Retain continued recognition of its significance.	Accept	Issue 13
	/						
S276/005		Holcim (New Zealand) Ltd	Objective O19: Natural processes	Oppose	Delete or replace minimise with "avoid, remedy or mitigate"	Reject	Issue 6
	/						
S276/010		Holcim (New Zealand) Ltd	Policy P26: Natural processes	Oppose	Delete policy or remove (a) and (e) and change all "ands" to "ors". Add a definition of "Practicable". Replace minimise in P4 and P26 with "avoid, remedy or mitigate".	Reject	Issue 7
	/						
S279/003		Rangitāne o Wairarapa Inc	13 Maps	Not stated	Add provisions including maps identifying areas of high and outstanding natural character	Reject	Issue 3
	/						
S279/004		Rangitāne o Wairarapa Inc	13 Maps	Not stated	Add provisions including maps identifying areas of high and outstanding natural landscapes and features	Reject	Issue 3
	/						
S279/028		Rangitāne o Wairarapa Inc	Objective O17: Natural character	Support	Retain the objective and undertake a full natural character assessment of the Region's coastal environment to ensure the appropriate natural character values of the coastal environment are preserved and protected. Strengthen objective to give effect to higher order policy	Accept	Issue 2

Submission point	Further submission point*	Submitter	Provision	Support Oppose	Decision requested	Officer recommendation	Officer comment
					documents		
	/						
S279/030		Rangitāne o Wairarapa Inc	Objective O19: Natural processes	Amend	Amend the objective to ensure: The natural processes referred to in the objective are clearly identified; and That it is adverse effects from use and development not interference that needs to be managed. Or Objective O19 should be deleted in its entirety (the outcome is achieved by O17)	Accept in part	Issue 6
	FS32/017	Meridian Energy Limited		Support in part	Allow		
	FS85/080	Carterton District Council		Support	Allow		
	FS69/017	Wellington International Airport Limited		Support	Allow		
S279/043		Rangitāne o Wairarapa Inc	Objective O32: Outstanding natural features and landscapes	Amend	That the objective be retained, but that a thorough assessment of the outstanding natural features and landscapes of the Wellington Region be undertaken with particular consideration given to those natural features and landscapes with value to tangata whenua. Alternatively, significant natural features and landscapes and areas of at least high natural character in the coastal environment should be derived from the existing studies and provided with sufficient interim protection.	Reject	Issue 8
	/						
S279/047		Rangitāne o Wairarapa Inc	Objective O36: Significant geological features	Support	Retain as notified	Accept	Issue 11
	FS61/011	Minister of Conservation		Support	Allow		
S279/048		Rangitāne o Wairarapa Inc	Objective O38: Special amenity landscapes	Amend	Provide a schedule of special amenity landscapes.	Reject	Issue 17
	FS32/022	Meridian Energy Limited		Oppose	Disallow		
S279/089		Rangitāne o Wairarapa Inc	Policy P24: Outstanding natural character	Amend	Amend Policy P24 as follows: Areas of outstanding natural character in the coastal marine area will be preserved <u>and protected</u> by:	Reject	Issue 3

Submission point	Further submission point*	Submitter	Provision	Support Oppose	Decision requested	Officer recommendation	Officer comment
					<p>(a) ...</p> <p>(b) <u>where adverse effects cannot be avoided as described in (a), by not allowing activities that may cause adverse effects on areas of outstanding natural character</u></p> <p>(c) requiring <u>any</u> use and development to be of a type, scale and intensity that will maintain <u>protect</u> the natural character values of the area, and</p> <p>(c) requiring built elements to be subservient to the dominance of the characteristics and qualities that make up the natural character values of the area, and</p> <p>(d) maintaining the high levels of naturalness of these areas, and</p> <p>(e) avoiding the adverse effects of activities, including those located outside the <u>coastal marine</u> area, that individually or cumulatively detract from the natural character values of the outstanding natural character area.</p> <p>Add a new Schedule for areas of outstanding natural character including Wairarapa Moana.</p>		
	FS54/041	Federated Farmers of New Zealand		Support in part	Disallow		
S279/090		Rangitāne o Wairarapa Inc	Policy P25: Natural character	Amend	<p>Amend policy as: <u>Use and development shall shall <u>must be managed to avoid significant adverse effects on natural character ... (d) — whether it is practicable to protect natural character from inappropriate use and development through: (i) — using an alternative location, or form of development that would be more appropriate to that location, and (ii) — considering the extent to which functional need or existing use limits location and development options.</u></u> In addition, map areas of high natural character in the coastal environment.</p>	Reject	Issue 4
	FS32/044	Meridian Energy Limited		Oppose in part	Disallow		
S279/091		Rangitāne o Wairarapa Inc	Policy P26: Natural processes	Amend	<p>Use and development will be managed to minimise- avoid, <u>remedy or mitigate adverse effects on the integrity and functioning of natural processes.</u></p>	Reject	Issue 7

Submission point	Further submission point*	Submitter	Provision	Support Oppose	Decision requested	Officer recommendation	Officer comment
	FS85/148	Carterton District Council		Support	Allow		
S279/109		Rangitāne o Wairarapa Inc	Policy P48: Protection of outstanding natural features and landscapes	Amend	Undertake an assessment to identify the outstanding natural features and landscapes in the Region and include them in the Proposed Plan, along with appropriate policies, rules and other methods.	Accept in part	Issue 9
	/						
S279/110		Rangitāne o Wairarapa Inc	Policy P49: Use and development adjacent to outstanding natural features and landscapes and special amenity landscapes	Amend	The Council undertake an assessment and identification of sites considered to be outstanding natural features and landscapes (including the areas within the coastal environment near existing mapped ONF and ONL where activities may affect those landscapes and features) and to develop a suite of objectives and policies to appropriately manage activities in these areas.	Accept in part	Issue 10
	/						
S279/111		Rangitāne o Wairarapa Inc	Policy P50: Significant geological features	Amend	Amend the policy to direct the avoidance of all adverse effects on significant geological features rather than just significant adverse effects.	Reject	Issue 12
	FS54/026	Federated Farmers of New Zealand		Oppose	Disallow		
S279/225		Rangitāne o Wairarapa Inc	12 Schedules	Amend	Add a new schedule of areas of outstanding and high natural character. Include objectives, policies, rules and other methods that ensure that the natural character of the areas within the schedule is preserved and protected from inappropriate use and development. Wairarapa Moana should be identified as an area of outstanding natural character and included in the Schedule.	Reject	Issue 18
	FS87/011	T Base 2 Limited		Oppose	Disallow		
	FS54/042	Federated Farmers of New Zealand		Support in part	Disallow		

Submission point	Further submission point*	Submitter	Provision	Support Oppose	Decision requested	Officer recommendation	Officer comment
	FS84/085	DairyNZ and Fonterra Co-operative Group Limited		Oppose in part	Disallow		
S279/226		Rangitāne o Wairarapa Inc	12 Schedules	Not stated	Add a new schedule for Outstanding Natural Features and Outstanding Natural landscapes. These should be identified and included in a new schedule, with a associated maps. As a minimum, Wairarapa Moana should be identified.	Reject	Issue 13
	FS54/043	Federated Farmers of New Zealand		Support in part	Disallow		
	FS84/086	DairyNZ and Fonterra Co-operative Group Limited		Support in part	Disallow		
S282/010		Wellington International Airport Limited	Objective O17: Natural character	Oppose	Delete O17	Reject	Issue 2
	/						
S282/011		Wellington International Airport Limited	Objective O19: Natural processes	Oppose in part	Delete Objective O19 entirely or amend as follows: The interference from <u>Any adverse effects of use and development on natural processes is are avoided, remedied or mitigated</u> minimised.	Reject	Issue 6
	FS30/035	Masterton District Council		Support in part	Allow in part		
	FS85/079	Carterton District Council		Support	Allow		
	FS26/055	South Wairarapa District Council		Support in part	Allow in part		
	FS79/001	Michael Gunson		Oppose in part	Disallow in part		
	FS26/036	South Wairarapa District Council		Support in part	Allow in part		
	FS32/016	Meridian Energy Limited		Support in part	Allow		
	FS75/001	Surfbreak Protection Society Incorporated		Oppose in part	Disallow in part		
S282/017		Wellington International Airport Limited	Objective O36: Significant geological features	Amend	Amend Objective O36 as follows: Significant geological features in the coastal marine area <u>identified in Schedule J to this plan are protected from inappropriate use and development.</u>	Reject	Issue 11

Submission point	Further submission point*	Submitter	Provision	Support Oppose	Decision requested	Officer recommendation	Officer comment
	/						
S282/018		Wellington International Airport Limited	Objective O37: Significant surf breaks	Oppose	Delete O37	Reject	Issue 14
	FS97/001	Surfer Common Format (35 individual submitters)		Oppose	Disallow		
	FS79/002	Michael Gunson		Oppose	Disallow		
	FS75/002	Surfbreak Protection Society Incorporated		Oppose	Disallow		
S282/032		Wellington International Airport Limited	Policy P24: Outstanding natural character	Amend	Amend Policy P24 as follows: Areas of outstanding natural character in the coastal marine area <u>identified in a schedule to this Plan</u> will be preserved by: a) avoiding adverse effects of activities on natural character in areas of the coastal marine area with outstanding natural character, and b) requiring use and development to be of a type, scale and intensity that will maintain the natural character values of the area, and c) requiring built elements to be subservient to the dominance of the characteristics and qualities that make up the natural character values of the area, and d) maintaining the high levels of naturalness of these areas, and e) avoiding the adverse effects of activities, including those located outside the area, that individually or cumulatively detract from the natural character values of the outstanding natural character area.	Reject	Issue 3
	/						
S282/033		Wellington International Airport Limited	Policy P25: Natural character	Oppose	Amend Policy P25 as follows: Use and development shall avoid significant adverse effects on <u>outstanding</u> natural character in the coastal marine area (including high natural character in the coastal marine area) and in the beds of lakes and rivers <u>identified in a method to this Plan</u> , and avoid, remedy or mitigate other adverse effects of activities, taking into account: ... ii) considering the extent to which functional needs, <u>operational requirements</u> or existing use limits location and development options, <u>and</u>	Reject	Issue 4

Submission point	Further submission point*	Submitter	Provision	Support Oppose	Decision requested	Officer recommendation	Officer comment
					iii) _____ considering the benefits associated with the use, operation, maintenance, upgrade and growth of existing regionally significant infrastructure and renewable energy generation activities.		
	/						
S282/034		Wellington International Airport Limited	Policy P26: Natural processes	Amend	Amend Policy P26 as follows: Use and development will be managed to minimise <u>avoid, remedy or mitigate</u> adverse effects on the integrity and functioning of natural processes.	Reject	Issue 7
	FS85/147	Carterton District Council		Support	Allow		
S282/043		Wellington International Airport Limited	Policy P48: Protection of outstanding natural features and landscapes	Amend	Amend Policy P48 as follows: The natural features and landscapes (including seascapes) of the coastal marine area, rivers, lakes and their margins and natural wetlands shall be protected from inappropriate use and development by: 1) avoiding adverse effects of activities on outstanding natural features and landscapes <u>identified in a schedule to this Plan, and 2) avoiding significant adverse effects and avoiding, remedying or mitigating</u> other the adverse effects of activities on natural features and landscapes.	Reject	Issue 9
	/						
S282/044		Wellington International Airport Limited	Policy P51: Significant surf breaks	Oppose	Delete policy	Reject	Issue 15
	FS97/002	Surfer Common Format (35 individual submitters)		Oppose	Disallow		
	FS75/004	Surfbreak Protection Society Incorporated		Oppose	Disallow		
	FS79/004	Michael Gunson		Oppose	Disallow		
S282/081		Wellington International Airport Limited	Schedule K: Significant surf breaks	Oppose in part	Delete Schedule K and Map 24 and associated Proposed Plan Objectives, Policies and Rules to give effect to the relief sought.	Reject	Issue 16
	FS79/005	Michael Gunson		Oppose	Disallow		

Submission point	Further submission point*	Submitter	Provision	Support Oppose	Decision requested	Officer recommendation	Officer comment
	FS97/003	Surfer Common Format (35 individual submitters)		Oppose	Disallow		
	FS75/005	Surfbreak Protection Society Incorporated		Oppose	Disallow		
S285/031		Land Matters Ltd	Objective O19: Natural processes	Oppose	Delete	Reject	Issue 6
	/						
S285/032		Land Matters Ltd	Policy P26: Natural processes	Amend	Amend Policy P26: Natural processes Use and development will be managed to minimise <u>limit</u> adverse effects on the integrity and functioning of natural processes <u>and minimise adverse effects on significant habitats and landscapes.</u>	Reject	Issue 7
	/						
S285/044		Land Matters Ltd	Objective O38: Special amenity landscapes	Amend	Amend O38 Identified special amenity landscape values are maintained <u>and where possible/identified</u> [or] enhanced <u>over time.</u>	Reject	Issue 17
	/						
S285/088		Land Matters Ltd	Objective O38: Special amenity landscapes	Oppose	Delete O38.	Reject	Issue 17
	/						
S285/089		Land Matters Ltd	Policy P49: Use and development adjacent to outstanding natural features and landscapes and special amenity landscapes	Amend	Policy P49: Use and development adjacent to outstanding natural features and landscapes and special amenity landscapes Use and development in the coastal marine area on sites adjacent to an outstanding natural feature or landscape or special amenity landscape identified in a district plan shall be managed by:...	Reject	Issue 10
	/						
S294/031		Bell Camp Trust	Objective O19: Natural processes	Oppose	Delete	Reject	Issue 6
	/						

Submission point	Further submission point*	Submitter	Provision	Support Oppose	Decision requested	Officer recommendation	Officer comment
S294/032		Bell Camp Trust	Policy P26: Natural processes	Amend	Amend Policy P26: Natural processes Use and development will be managed to minimise <u>limit</u> adverse effects on the integrity and functioning of natural processes <u>and minimise adverse effects on significant habitats and landscapes.</u>	Reject	Issue 7
	/						
S294/044		Bell Camp Trust	Objective O38: Special amenity landscapes	Amend	Amend O38 Identified special amenity landscape values are maintained <u>and where possible/identified [-or] enhanced over time.</u>	Reject	Issue 17
	/						
S294/088		Bell Camp Trust	Objective O38: Special amenity landscapes	Oppose	Delete O38.	Reject	Issue 17
	/						
S294/089		Bell Camp Trust	Policy P49: Use and development adjacent to outstanding natural features and landscapes and special amenity landscapes	Amend	Policy P49: Use and development adjacent to outstanding natural features and landscapes and special amenity landscapes Use and development in the coastal marine area on sites adjacent to an outstanding natural feature or landscape or special amenity landscape identified in a district plan shall be managed by:...	Reject	Issue 10
	/						
S295/031		The Carter Family	Objective O19: Natural processes	Oppose	Delete	Reject	Issue 6
	/						
S295/032		The Carter Family	Policy P26: Natural processes	Amend	Amend Policy P26: Natural processes Use and development will be managed to minimise <u>limit</u> adverse effects on the integrity and functioning of natural processes <u>and minimise adverse effects on significant habitats and landscapes.</u>	Reject	Issue 7

Submission point	Further submission point*	Submitter	Provision	Support Oppose	Decision requested	Officer recommendation	Officer comment
	/						
S295/044		The Carter Family	Objective O38: Special amenity landscapes	Amend	Amend O38 Identified special amenity landscape values are maintained <u>and where possible/identified [or] enhanced over time.</u>	Reject	Issue 17
	FS1/083	Waa Rata Estate		Support in part	Allow		
S295/088		The Carter Family	Objective O38: Special amenity landscapes	Oppose	Delete O38.	Reject	Issue 17
	FS1/114	Waa Rata Estate		Support	Allow		
S295/089		The Carter Family	Policy P49: Use and development adjacent to outstanding natural features and landscapes and special amenity landscapes	Amend	Policy P49: Use and development adjacent to outstanding natural features and landscapes and special amenity landscapes Use and development in the coastal marine area on sites adjacent to an outstanding natural feature or landscape or special amenity landscape identified in a district plan shall be managed by:...	Reject	Issue 10
	FS1/115	Waa Rata Estate		Support	Allow		
S297/031		Kennott Family Trust	Objective O19: Natural processes	Oppose	Delete	Reject	Issue 6
	/						
S297/032		Kennott Family Trust	Policy P26: Natural processes	Amend	Amend Policy P26: Natural processes Use and development will be managed to minimise <u>limit adverse effects</u> on the integrity and functioning of natural processes <u>and minimise adverse effects on significant habitats and landscapes.</u>	Reject	Issue 7
	/						
S297/044		Kennott Family Trust	Objective O38: Special amenity landscapes	Amend	Amend O38 Identified special amenity landscape values are maintained <u>and where possible/identified [or] enhanced over time.</u>	Reject	Issue 17
	/						

Submission point	Further submission point*	Submitter	Provision	Support Oppose	Decision requested	Officer recommendation	Officer comment
S297/088		Kennott Family Trust	Objective O38: Special amenity landscapes	Oppose	Delete O38.	Reject	Issue 17
	/						
S297/089		Kennott Family Trust	Policy P49: Use and development adjacent to outstanding natural features and landscapes and special amenity landscapes	Amend	Policy P49: Use and development adjacent to outstanding natural features and landscapes and special amenity landscapes Use and development in the coastal marine area on sites adjacent to an outstanding natural feature or landscape or special amenity landscape identified in a district plan shall be managed by:...	Reject	Issue 10
	/						
S299/031		Julian and Ruth Blackett	Objective O19: Natural processes	Oppose	Delete	Reject	Issue 6
	/						
S299/032		Julian and Ruth Blackett	Policy P26: Natural processes	Amend	Amend Policy P26: Natural processes Use and development will be managed to minimise <u>limit adverse effects</u> on the integrity and functioning of natural processes <u>and minimise adverse effects on significant habitats and landscapes.</u>	Reject	Issue 7
	/						
S299/044		Julian and Ruth Blackett	Objective O38: Special amenity landscapes	Amend	Amend O38 Identified special amenity landscape values are maintained <u>and where possible/identified [or] enhanced over time.</u>	Reject	Issue 17
	/						
S299/088		Julian and Ruth Blackett	Objective O38: Special amenity landscapes	Oppose	Delete O38.	Reject	Issue 17
	/						
S299/089		Julian and Ruth Blackett	Policy P49: Use and development adjacent to	Amend	Policy P49: Use and development adjacent to outstanding natural features and landscapes and special amenity landscapes Use and development in the coastal marine area on	Reject	Issue 10

Submission point	Further submission point*	Submitter	Provision	Support Oppose	Decision requested	Officer recommendation	Officer comment
			outstanding natural features and landscapes and special amenity landscapes		sites adjacent to an outstanding natural feature or landscape or special amenity landscape identified in a district plan shall be managed by:...		
	/						
S300/006		Kahungunu ki Wairarapa	Objective O17: Natural character	Support	[Retain]	Accept	Issue 2
	/						
S300/009		Kahungunu ki Wairarapa	3.4 Natural character, form and function	Amend	[Develop methods that recognise and respond to natural character of Wairarapa water ways.]	Reject	Issue 2
	FS74/003	Rangitāne o Wairarapa Inc		Support	Allow		
S301/026		Carterton District Council	Objective O17: Natural character	Amend	Amend Objectives O5, O16, O17, O23, O25, O26, O27, O33, O35 and O50 and the accompanying explanatory text to acknowledge the need to allow time (longer than the 10-year life of the Natural Resources Plan) [See submission point S301/024]	Reject	Issue 2
	/						
S302/015		Fertiliser Association of New Zealand Inc	Objective O19: Natural processes	Oppose	Delete	Reject	Issue 6
	/						
S302/033		Fertiliser Association of New Zealand Inc	Policy P24: Outstanding natural character	Amend	Amend Policy P24 as follows: ... (e) avoiding the adverse effects of activities, including those located outside the area, that individually or cumulatively detract from the natural character values of the outstanding natural character area.	Reject	Issue 3
	/						
S302/034		Fertiliser Association of New Zealand Inc	Policy P25: Natural character	Support in part	Amend Policy P25 as follows: Use and development shall avoid significant adverse effects on natural character in the coastal marine area (including high natural character in the coastal marine area) and in the beds of lakes and rivers, and avoid, remedy or mitigate	Reject	Issue 4

Submission point	Further submission point*	Submitter	Provision	Support Oppose	Decision requested	Officer recommendation	Officer comment
					other adverse effects of activities, taking into account:....		
	/						
S302/035		Fertiliser Association of New Zealand Inc	Policy P26: Natural processes	Amend	Delete.	Reject	Issue 7
	/						
S304/004		Anders and Emily Crofoot	Policy P48: Protection of outstanding natural features and landscapes	Amend	Delete clause (b)	Reject	Issue 9
	/						
S307/016		Horticulture NZ	Objective O19: Natural processes	Amend	Either delete Objective O19 or amend as follows: 'The interference Adverse effects on natural processes arising from use and development are <u>avoided remedied or mitigated.</u> minimised. '	Accept in part	Issue 6
	FS85/078	Carterton District Council		Support	Allow		
	FS51/007	GBC Winstone		Support	Allow		
	FS32/056	Meridian Energy Limited		Support in part	Allow		
S307/036		Horticulture NZ	Policy P26: Natural processes	Amend	Amend Policy P26: use and development will be managed to avoid, remedy or mitigate adverse effects on the integrity and functioning of natural processes.	Reject	Issue 7
	FS85/146	Carterton District Council		Support	Allow		
S307/040		Horticulture NZ	Policy P49: Use and development adjacent to outstanding natural features and landscapes and special amenity landscapes	Amend	Delete Policy P49	Reject	Issue 10
	/						

Submission point	Further submission point*	Submitter	Provision	Support Oppose	Decision requested	Officer recommendation	Officer comment
S308/007		Fish and Game	2.1.6 Definitions, schedules and maps	Amend	Include a new Definition for Natural Character: <u>The Natural Character of rivers lakes and wetlands may include such attributes and characteristics as:</u> a) <u>natural elements, processes and patterns, chemical, biophysical, ecological, geological, geomorphological and morphological aspects,</u> b) <u>natural landforms;</u> c) <u>the natural movement of water and sediment including hydrological and fluvial processes;</u> d) <u>places that are wild and scenic</u> e) <u>a range of natural character from pristine to modified</u>	Reject	Issue 1
	FS85/041	Carterton District Council		Neither support or oppose	Not stated		
	FS74/106	Rangitāne o Wairarapa Inc		Support	Allow		
	FS71/011	Horticulture NZ		Oppose	Disallow		
S308/008		Fish and Game	Entire Plan	Amend	Include or amend objectives policies and rules to recognise and protect the natural character of rivers, lakes, wetlands and their margins from land use activities, discharges, water takes, and the management of the beds and margins of waterbodies.	Accept in part	Issue 18
	FS43/006	Royal Forest and Bird Protection Society		Support	Allow		
	FS74/107	Rangitāne o Wairarapa Inc		Support	Allow		
S308/018		Fish and Game	Objective O17: Natural character	Amend	Amend section 3.4 and objectives O17, O19, and O22 to: <u>Recognise and preserve aquatic habitat diversity and quality, including the form, frequency and pattern of pools, runs, and riffles in rivers, and the natural form of rivers, lakes, natural wetlands and coastal habitats.</u> <u>Recognise and preserve freshwater habitats that are important to the life cycle and survival of aquatic species</u> <u>Avoid effects of land use activities and activities on the margins of freshwater bodies and their beds at times which will affect the breeding, spawning, and dispersal or migration of aquatic species avoid activities and the placement of structures in the</u>	Accept in part	Issue 2

Submission point	Further submission point*	Submitter	Provision	Support Oppose	Decision requested	Officer recommendation	Officer comment
					<p><u>bed of freshwater environments which would create barriers to the migration or movement of indigenous aquatic species restore natural character including the connections between fragmented aquatic habitats where degraded</u></p> <p>Specifically require that flood protection and river management activities are undertaken in a manner which recognises and protects the natural character of freshwater and enhances natural character where degraded such that the provisions listed above are achieved and the natural character narrative and index in Table 3.4 Appendix 3 to this submission is met.</p>		
	FS30/034	Masterton District Council		Oppose	Disallow		
	FS26/054	South Wairarapa District Council		Oppose	Disallow		
	FS85/075	Carterton District Council		Oppose in part	Disallow		
	FS71/039	Horticulture NZ		Oppose	Disallow		
	FS59/015	Roading, Parks and Gardens and Solid Waste departments of Hutt City Council and Upper Hutt City Council		Oppose	Disallow		
	FS26/035	South Wairarapa District Council		Oppose	Disallow		
S308/019		Fish and Game	Objective O19: Natural processes	Amend	Amend section 3.4 and objectives O17, O19, and O22 [see submission point S308/018 for detailed amendments requested].	Reject	Issue 6
	FS71/040	Horticulture NZ		Oppose	Disallow		
S308/054		Fish and Game	Policy P25: Natural character	Amend	Amend policy P25 so that it is consistent with the principles [listed in original submission p43-44]	Accept in part	Issue 4
	FS85/143	Carterton District Council		Oppose in part	Disallow		
S308/139		Fish and Game	6. Methods	Oppose	Include a new method to monitor and report on the natural character of rivers and their natural character index in assessing how the natural character provisions of the plan and table 3.4 natural character narrative and numerical freshwater objectives are being met.	Reject	

Submission point	Further submission point*	Submitter	Provision	Support Oppose	Decision requested	Officer recommendation	Officer comment
	/						
S308/147		Fish and Game	3.7 Sites with significant values	Amend	Include provisions to protect high naturalness sites and natural character.	Reject	
	FS74/152	Rangitāne o Wairarapa Inc		Support	Allow		
S316/029		DairyNZ and Fonterra Co-operative Group Limited	Objective O17: Natural character	Amend	Amend Objective O17 to ensure that coastal and fresh waters are subject to requirements consistent with their respective national policy frameworks. This may include drafting separate objectives for these resources. In respect of the natural character of freshwater resources omit the terms "preserved and protected" and replace with "maintained or improved".	Reject	Issue 2
	FS71/038	Horticulture NZ		Support	Allow		
S316/030		DairyNZ and Fonterra Co-operative Group Limited	Objective O19: Natural processes	Oppose	Delete Objective O19.	Reject	Issue 6
	/						
S316/039		DairyNZ and Fonterra Co-operative Group Limited	Objective O38: Special amenity landscapes	Oppose	Delete Objective O38.	Reject	Issue 17
	FS32/019	Meridian Energy Limited		Support	Allow		
S316/053		DairyNZ and Fonterra Co-operative Group Limited	Policy P25: Natural character	Amend	Reword Policy P25 by replacing the word "and" with the word "or" at the end of subclause (d)(i).	Accept in part	Issue 4
	/						
S316/063		DairyNZ and Fonterra Co-operative Group Limited	Policy P48: Protection of outstanding natural features and landscapes	Amend	Redraft Policy P48 as two policies that refer separately to outstanding natural features and landscapes and other natural features and landscapes.	Reject	Issue 9
	FS71/084	Horticulture NZ		Support	Allow		
S316/064		DairyNZ and Fonterra Co-operative Group Limited	Policy P49: Use and development adjacent to outstanding natural features	Amend	Amend the title to Policy P49 so that it refers exclusively to development in the coastal marine area.	Accept in part	Issue 10

Submission point	Further submission point*	Submitter	Provision	Support Oppose	Decision requested	Officer recommendation	Officer comment
			and landscapes and special amenity landscapes				
	/						
S346/044		Waikanae Christian Holiday Park (El Rancho)	Objective O38: Special amenity landscapes	Amend	Amend O38 Identified special amenity landscape values are maintained <u>and where possible/identified [-or] enhanced over time.</u>	Reject	Issue 17
	/						
S346/088		Waikanae Christian Holiday Park (El Rancho)	Objective O38: Special amenity landscapes	Oppose	Delete O38.	Reject	Issue 17
	/						
S346/089		Waikanae Christian Holiday Park (El Rancho)	Policy P49: Use and development adjacent to outstanding natural features and landscapes and special amenity landscapes	Amend	Policy P49: Use and development adjacent to outstanding natural features and landscapes and special amenity landscapes Use and development in the coastal marine area on sites adjacent to an outstanding natural feature or landscape or special amenity landscape identified in a district plan shall be managed by:...	Reject	Issue 10
	/						
S348/073		Max Lutz	Objective O19: Natural processes	Oppose	Delete	Reject	Issue 6
	/						
S348/074		Max Lutz	Policy P26: Natural processes	Amend	Amend Policy P26: Natural processes Use and development will be managed to minimise <u>limit adverse effects on the integrity and functioning of natural processes and minimise adverse effects on significant habitats and landscapes.</u>	Reject	Issue 7
	/						
S348/086		Max Lutz	Objective O38: Special amenity	Amend	Amend O38 Identified special amenity landscape values are maintained <u>and</u>	Reject	Issue 17

Submission point	Further submission point*	Submitter	Provision	Support Oppose	Decision requested	Officer recommendation	Officer comment
			landscapes		where possible/identified enhanced <u>over time</u> .		
	/						
S348/130		Max Lutz	Objective O38: Special amenity landscapes	Oppose	Delete O38.	Reject	Issue 17
	/						
S348/131		Max Lutz	Policy P49: Use and development adjacent to outstanding natural features and landscapes and special amenity landscapes	Amend	Policy P49: Use and development adjacent to outstanding natural features and landscapes and special amenity landscapes Use and development in the coastal marine area on sites adjacent to an outstanding natural feature or landscape or special amenity landscape identified in a district plan shall be managed by:...	Reject	Issue 10
	/						
S349/031		USNZ	Objective O19: Natural processes	Oppose	Delete	Reject	Issue 6
	/						
S349/032		USNZ	Policy P26: Natural processes	Amend	Amend Policy P26: Natural processes Use and development will be managed to minimise <u>limit</u> adverse effects on the integrity and functioning of natural processes <u>and minimise adverse effects on significant habitats and landscapes.</u>	Reject	Issue 7
	/						
S349/044		USNZ	Objective O38: Special amenity landscapes	Amend	Amend O38 Identified special amenity landscape values are maintained <u>and</u> where possible/identified enhanced <u>over time</u> .	Reject	Issue 17
	/						
S349/088		USNZ	Objective O38: Special amenity landscapes	Oppose	Delete O38.	Reject	Issue 17
	/						

Submission point	Further submission point*	Submitter	Provision	Support Oppose	Decision requested	Officer recommendation	Officer comment
S349/089		USNZ	Policy P49: Use and development adjacent to outstanding natural features and landscapes and special amenity landscapes	Amend	Policy P49: Use and development adjacent to outstanding natural features and landscapes and special amenity landscapes Use and development in the coastal marine area on sites adjacent to an outstanding natural feature or landscape or special amenity landscape identified in a district plan shall be managed by:...	Reject	Issue 10
	/						
S351/031		Tim Mansell and family	Objective O19: Natural processes	Oppose	Delete	Reject	Issue 6
	/						
S351/032		Tim Mansell and family	Policy P26: Natural processes	Amend	Amend Policy P26: Natural processes Use and development will be managed to minimise <u>limit</u> adverse effects on the integrity and functioning of natural processes <u>and minimise adverse effects on significant habitats and landscapes.</u>	Reject	Issue 7
	/						
S351/044		Tim Mansell and family	Objective O38: Special amenity landscapes	Amend	Amend O38 Identified special amenity landscape values are maintained <u>and where possible/identified</u> [or] <u>enhanced over time.</u>	Reject	Issue 17
	/						
S351/088		Tim Mansell and family	Objective O38: Special amenity landscapes	Oppose	Delete O38.	Reject	Issue 17
	/						
S351/089		Tim Mansell and family	Policy P49: Use and development adjacent to outstanding natural features and landscapes and special amenity	Amend	Policy P49: Use and development adjacent to outstanding natural features and landscapes and special amenity landscapes Use and development in the coastal marine area on sites adjacent to an outstanding natural feature or landscape or special amenity landscape identified in a district plan shall be managed by:...	Reject	Issue 10

Submission point	Further submission point*	Submitter	Provision	Support Oppose	Decision requested	Officer recommendation	Officer comment
	/		landscapes				
S352/036		Federated Farmers of New Zealand	Natural processes	Amend	Either clarify or delete.	Reject	Issue 5
	/						
S352/068		Federated Farmers of New Zealand	Objective O17: Natural character	Amend	Amend as follows: the natural character of the coastal marine area, <u>beds of rivers, and beds of lakes and their margins, and natural significant wetlands</u> is preserved and protected from inappropriate use and development <u>is maintained or enhanced and restored in partnership with landowners and community</u>	Reject	Issue 2
	FS89/024	Fish and Game		Oppose	Disallow		
	FS74/034	Rangitāne o Wairarapa Inc		Oppose	Disallow		
S352/070		Federated Farmers of New Zealand	Objective O19: Natural processes	Oppose	Delete	Reject	Issue 6
	FS89/026	Fish and Game		Oppose	Disallow		
S352/090		Federated Farmers of New Zealand	Objective O32: Outstanding natural features and landscapes	Amend	Amend to read: <u>The values of Outstanding natural features and landscapes to be identified in accordance with M24 are protected from inappropriate use and development.</u>	Reject	Issue 8
	FS89/044	Fish and Game		Oppose	Disallow		
	FS1/033	Waa Rata Estate		Support	Allow		
S352/094		Federated Farmers of New Zealand	Objective O38: Special amenity landscapes	Oppose	Delete	Reject	Issue 17
	FS1/035	Waa Rata Estate		Support	Allow		
S352/133		Federated Farmers of New Zealand	Policy P24: Outstanding natural character	Oppose	Delete	Reject	Issue 3
	/						
S352/134		Federated Farmers of New Zealand	Policy P25: Natural character	Amend	Delete and replace as follows or to similar effect: <u>The natural character of the coastal marine area, and in the beds of lakes and rivers and their margins, is maintained or enhanced and restored in partnership with landowners and community, by identifying priorities for progressive improvement in whitua implementation plans</u>	Reject	Issue 4

Submission point	Further submission point*	Submitter	Provision	Support Oppose	Decision requested	Officer recommendation	Officer comment
	FS89/070	Fish and Game		Oppose	Disallow		
S352/135		Federated Farmers of New Zealand	Policy P26: Natural processes	Oppose	Delete	Reject	Issue 7
	FS89/071	Fish and Game		Oppose	Disallow		
S352/154		Federated Farmers of New Zealand	Policy P48: Protection of outstanding natural features and landscapes	Amend	The <u>values of outstanding</u> natural features and landscapes (including seascapes) of the coastal marine area, <u>beds of rivers, and beds of lakes and their margins and natural wetlands</u> to be identified in accordance with M7, shall be protected from inappropriate use and development by: a) avoiding <u>remedying or mitigating</u> adverse effects of activities on the <u>values of outstanding</u> natural features and landscapes, and b) avoiding significant adverse effects and avoiding, remedying or mitigating other adverse effects of activities on natural features and landscapes.	Reject	Issue 9
	FS1/040	Waa Rata Estate		Support	Allow		
S352/155		Federated Farmers of New Zealand	Policy P49: Use and development adjacent to outstanding natural features and landscapes and special amenity landscapes	Oppose	Delete	Reject	Issue 10
	FS1/041	Waa Rata Estate		Support	Allow		
S352/252		Federated Farmers of New Zealand	Method M24: Outstanding natural features and landscapes and high natural character	Amend	i) identify areas with outstanding/high natural character in the coastal environment, and j) produce a regional list of these features, landscapes and areas by 2017 for <u>consultation with landowners prior to inclusion in the Plan by plan change or variation.</u>	Reject	Issue 18
	FS74/090	Rangitāne o Wairarapa Inc		Oppose	Disallow		
S353/018		Royal Forest and Bird Protection Society	Objective O17: Natural character	Support in part	Replace coastal marine area with coastal environment	Reject	Issue 2

Submission point	Further submission point*	Submitter	Provision	Support Oppose	Decision requested	Officer recommendation	Officer comment
	/						
S353/020		Royal Forest and Bird Protection Society	Objective O19: Natural processes	Support in part	Replace O19 with "Natural processes are safeguarded from use and development".	Accept in part	Issue 6
	/						
S353/065		Royal Forest and Bird Protection Society	Policy P24: Outstanding natural character	Support	Replace coastal marine area with coastal environment.	Accept	Issue 3
	/						
S353/066		Royal Forest and Bird Protection Society	Policy P25: Natural character	Support	Replace coastal marine area with coastal environment.	Accept	Issue 4
	FS71/081	Horticulture NZ		Oppose	Disallow		
S353/067		Royal Forest and Bird Protection Society	Policy P26: Natural processes	Support in part	Replace P26 with: <u>Use and development will avoid significant adverse effects on natural processes. In relation to adverse effects on natural processes that are not significant:</u> <u>(a) these are avoided in the first instance;</u> <u>(b) where they cannot be avoided, they are remedied;</u> <u>(c) where they cannot be remedied they are mitigated; and</u> <u>(d) residual adverse effects that cannot be mitigated, are offset.</u>	Reject	Issue 7
	FS85/149	Carterton District Council		Oppose	Disallow		
	FS52/010	Wairarapa Regional Irrigation Trust		Oppose	Disallow		
	FS69/044	Wellington International Airport Limited		Oppose	Disallow		
S353/083		Royal Forest and Bird Protection Society	Policy P48: Protection of outstanding natural features and landscapes	Support	Retain	Accept	Issue 9
	/						
S353/084		Royal Forest and Bird Protection Society	Policy P49: Use and development adjacent to outstanding natural features and landscapes	Support	Retain	Accept	Issue 12

Submission point	Further submission point*	Submitter	Provision	Support Oppose	Decision requested	Officer recommendation	Officer comment
			and special amenity landscapes				
	/						
S353/085		Royal Forest and Bird Protection Society	Policy P50: Significant geological features	Support	Retain	Accept	Issue 11
	/						
S353/086		Royal Forest and Bird Protection Society	Policy P51: Significant surf breaks	Support	Retain	Accept	Issue 15
	FS69/055	Wellington International Airport Limited		Oppose	Disallow		
S366/052		South Wairarapa District Council	Objective O32: Outstanding natural features and landscapes	Oppose	Amend Objectives O31 to O38 (inclusive) to clearly identify that the protective requirements of those provisions only relate to the identified features and matters determined to be of value within that relevant Schedule. Delete and redefine maps to provide certainty as to the extent and location of scheduled items, including provision for reach specific values to be determined, rather than generic values.	Reject	Issue 8
	/						
S366/056		South Wairarapa District Council	Objective O36: Significant geological features	Oppose	Amend Objectives O31 to O38 (inclusive) to clearly identify that the protective requirements of those provisions only relate to the identified features and matters determined to be of value within that relevant Schedule. Delete and redefine maps to provide certainty as to the extent and location of scheduled items, including provision for reach specific values to be determined, rather than generic values.	Reject	Issue 11
	/						
S366/057		South Wairarapa District Council	Objective O37: Significant surf breaks	Oppose	Amend Objectives O31 to O38 (inclusive) to clearly identify that the protective requirements of those provisions only relate to the identified features and matters determined to be of value	Reject	Issue 14

Submission point	Further submission point*	Submitter	Provision	Support Oppose	Decision requested	Officer recommendation	Officer comment
					within that relevant Schedule. Delete and redefine maps to provide certainty as to the extent and location of scheduled items, including provision for reach specific values to be determined, rather than generic values.		
	/						
S366/058		South Wairarapa District Council	Objective O38: Special amenity landscapes	Oppose	Amend Objectives O31 to O38 (inclusive) to clearly identify that the protective requirements of those provisions only relate to the identified features and matters determined to be of value within that relevant Schedule. Delete and redefine maps to provide certainty as to the extent and location of scheduled items, including provision for reach specific values to be determined, rather than generic values.	Reject	Issue 17
	/						
S367/052		Masterton District Council	Objective O32: Outstanding natural features and landscapes	Oppose	Amend Objectives O31 to O38 (inclusive) to clearly identify that the protective requirements of those provisions only relate to the identified features and matters determined to be of value within that relevant Schedule. Delete and redefine maps to provide certainty as to the extent and location of scheduled items, including provision for reach specific values to be determined, rather than generic values.	Reject	Issue 8
	FS71/050	Horticulture NZ		Support	Allow		
S367/056		Masterton District Council	Objective O36: Significant geological features	Oppose	Amend Objectives O31 to O38 (inclusive) to clearly identify that the protective requirements of those provisions only relate to the identified features and matters determined to be of value within that relevant Schedule. Delete and redefine maps to provide certainty as to the extent and location of scheduled items, including provision for reach specific values to be determined, rather than generic values.	Reject	Issue 11

Submission point	Further submission point*	Submitter	Provision	Support Oppose	Decision requested	Officer recommendation	Officer comment
	/						
S367/057		Masterton District Council	Objective O37: Significant surf breaks	Oppose	Amend Objectives O31 to O38 (inclusive) to clearly identify that the protective requirements of those provisions only relate to the identified features and matters determined to be of value within that relevant Schedule. Delete and redefine maps to provide certainty as to the extent and location of scheduled items, including provision for reach specific values to be determined, rather than generic values.	Reject	Issue 14
	/						
S367/058		Masterton District Council	Objective O38: Special amenity landscapes	Oppose	Amend Objectives O31 to O38 (inclusive) to clearly identify that the protective requirements of those provisions only relate to the identified features and matters determined to be of value within that relevant Schedule. Delete and redefine maps to provide certainty as to the extent and location of scheduled items, including provision for reach specific values to be determined, rather than generic values.	Reject	Issue 17
	FS69/026	Wellington International Airport Limited		Support in part	Allow in part		
	FS51/008	GBC Winstone		Support	Allow		
	FS71/051	Horticulture NZ		Support	Allow		
S370/031		Mahaki Holdings Ltd	Objective O19: Natural processes	Oppose	Delete	Reject	Issue 6
	/						
S370/032		Mahaki Holdings Ltd	Policy P26: Natural processes	Amend	Amend Policy P26: Natural processes Use and development will be managed to minimise <u>limit</u> <u>adverse</u> effects on the integrity and functioning of natural processes <u>and minimise adverse effects on significant habitats and landscapes.</u>	Reject	Issue 7

Appendix D: Table assessing Objectives as outcomes as directed by Minute 3

Natural Form and Function - Assessment of Objectives O17, O19, O32, O36, O37, and O38 dealt with in Hearing Stream 3: Minute 3 outcome assessment

Objective addressed in Hearing Stream Three	Addresses the issue	Clearly states the outcomes intended (end point)	Provides targets that policies seek to achieve and outcomes can be monitored	A Process objective - identified in EIC of Mr Percy as a "management principle"
Objective O17  The natural character of the coastal marine area, rivers, lakes and their margins and natural wetlands is preserved and protected from inappropriate use and development.	Yes	Partial ¹	Yes	
Objective O19  The interference from use and development on natural processes is minimised.	Yes	Yes ²	Yes	*
Objective O32  Outstanding natural features and landscapes are protected from inappropriate use and development.	Yes	Yes	Yes	
Objective O36  Significant geological features in the coastal marine area are protected.	Yes	Yes	Yes	
Objective O37  Significant surf breaks are protected from inappropriate use and development.	Yes	Yes	Yes	

¹ RMA s.42A report prepared by Ms Legarth recommends an alternative to relocate 'natural wetlands' to reflect the positioning in s.6(a) of the RMA.

² RMA s.42A report prepared by Ms Legarth identifies the use of 'minimise' in an Objective as being problematic as Policy P4 may apply, and if so the outcome will vary depending on the individual circumstances

Objective addressed in Hearing Stream Three	Addresses the issue	Clearly states the outcomes intended (end point)	Provides targets that policies seek to achieve and outcomes can be monitored	A Process objective - identified in EIC of Mr Percy as a “management principle”
Objective O38  Identified special amenity landscape values are maintained or enhanced.	Yes	Yes	Yes	

Appendix E: Objectives and Higher order planning instruments (based on the RMA section 32 tables)

Hearing Stream 3 - Objectives and Higher order planning instruments (based on the RMA s.32 tables)

RMA Part 2	NZCPS	NPS-FM	Other NPS/NES	RPS	Objectives	Policies	Rules	Methods	Schedules / maps
Part 2 sections 6(a), 6(b)	NZCPS Objectives 1 to 4 and 6 NZCPS Policies 13, 14 and 15 NZCPS Policy 20	NPS-FM Appendix 1		RPS Objectives 4 and 5; RPS Policies 3,18, 35 and 36	Objective O17 The natural character of the coastal marine area, natural wetlands and rivers, lakes, and their margins and natural wetlands is preserved and protected from inappropriate use and development.	Policy P24: Outstanding natural character Policy P25: Natural character Supporting policies Policy P2: Cross-boundary matters Policy P4: Minimising adverse effects Policy P9: Beneficial activities Policy P12: Benefits of regionally significant infrastructure and renewable energy generation facilities Policy P22: Ecosystem value of estuaries Policy P26: Natural processes Policy P31: Aquatic ecosystem health and mahinga kai Policy P40: Ecosystems and habitats with significant indigenous biodiversity values Policy P44: Protection and restoration of sites with significant mana whenua values Policy P134: Public open space values and visual amenity Policy P139: Seawalls Policy P140: Boatshed Management Areas Policy P145: Reclamation, drainage and destruction	Rule R166: Seawalls outside sites of significance Rule R181: New swing moorings outside Mooring Areas Rule R179: New boatsheds outside Boatshed Management Areas Rule R215: Reclamation and drainage	Method M22: Integrated management of the coast Method M24: Outstanding natural features and landscapes and high natural character	

RMA Part 2	NZCPS	NPS-FM	Other NPS/NES	RPS	Objectives	Policies	Rules	Methods	Schedules / maps
Part 2 sections 6(a), 6(b) and 7(b), 7(c), section 7(f) section 7(g).	NZCPS Objective 1 and 2; and Policies 3, 7, 13 and 20.	NPS-FM Appendix 1		RPS Objectives 4 and 5; RPS Policies 3, 18, 35 and 36	<p>Objective O19 The interference from use and development on natural processes is minimised.</p> <p>Natural processes, including natural elements, patterns and ecological processes continue to occur, and the integrity and functioning of natural processes and forms are retained.</p>	<p>Policy 4: Minimise adverse effects</p> <p>Policy P26: Natural processes</p> <p>Policy P51: Significant surf breaks</p> <p>Policy P25: Natural character</p> <p>Policy P133:: Recreational values</p> <p>Policy P138:: Structures in sites with significant values</p> <p>Policy P50: Significant geological features</p> <p>Policy P4: Minimise adverse effects</p> <p>Policy P31: Aquatic ecosystem health and mahinga kai</p> <p>Policy P32: Adverse effects on aquatic ecosystem health and mahinga kai</p> <p>Policy P146: Introduction of pest plants</p>	<p>R188: Minor disturbance</p> <p>R189: Clearance of stormwater pipes</p> <p>R191: Beach grooming including any removal of sand, shingle, shell or other natural material</p> <p>R192: Beach recontouring for coastal restoration purposes</p> <p>R193: River and stream mouth cutting</p> <p>R194: Disturbance and damage outside scheduled areas</p> <p>R195: Disturbance and damage in scheduled areas</p> <p>R196: Disturbance associated with vehicles</p> <p>R197: Disturbance from emergency or law enforcement vehicles</p> <p>R198: Disturbance from vehicles in a scheduled area</p> <p>R199: Disturbance from vehicles at Titahi Bay</p> <p>R200: Dredging for flood protection purposes or erosion prevention</p> <p>R201: Dredging for flood protection purposes or erosion prevention in scheduled areas</p> <p>R202: Maintenance dredging outside the Commercial Port Area</p> <p>R203: New dredging in a navigation protection area</p> <p>R204: Dredging outside sites of significance</p> <p>R205: Dredging inside sites of significance</p> <p>R217: Planting</p> <p>R218: Planting</p> <p>R219: Planting</p>		
Part 2 sections 6(b) and 7(b), 7(c), section 7(f) section 7(g).	NZCPS Objectives 1 to 4 and 6; NZCPS Policy 15			RPS Objective 17; RPS Policies 25, 26, and 50	<p>Objective O32 Outstanding natural features and landscapes are protected from inappropriate use and development.</p>	<p>Policy P48: Natural features and landscapes and special amenity landscapes</p> <p>Policy P49: Use and development adjacent to outstanding natural features and landscapes and special amenity landscapes</p> <p>Supporting policies</p> <p>Policy P2: Cross-boundary matters</p> <p>Policy P4: Minimising adverse effects</p> <p>Policy P9: Beneficial activities</p>	<p>Rule R181: New swing moorings outside Mooring Areas</p> <p>Rule R179: New boatsheds outside Boatshed Management Areas</p> <p>Rule R215: Reclamation and drainage</p>	<p>Method M22: Integrated management of the coast</p> <p>Method M24: Outstanding natural features and landscapes and high natural character</p>	

RMA Part 2	NZCPS	NPS-FM	Other NPS/NES	RPS	Objectives	Policies	Rules	Methods	Schedules / maps
						Policy P12: Benefits of regionally significant infrastructure and renewable energy generation facilities Policy P26: Natural processes SECTION 32 REPORT: NATURAL HERITAGE 19 Policy P31: Aquatic ecosystem health and mahinga kai Policy P40: Ecosystems and habitats with significant indigenous biodiversity values Policy P44: Protection and restoration of sites with significant mana whenua values Policy P134: Public open space values and visual amenity Policy P145: Reclamation, drainage and destruction			
Part 2 sections 6(b)	NZCPS Objectives 1 to 4 and 6; NZCPS Policy 15			RPS Objective 3, 4 and 5; Policies 26 and 35	Objective O36 Significant geological features in the coastal marine area are protected.	Policy P50: Significant geological features Supporting policies Policy P2: Cross-boundary matters Policy P4: Minimising adverse effects Policy P9: Beneficial activities Policy P12: Benefits of regionally significant infrastructure and renewable energy generation facilities Policy P26: Natural processes Policy P44: Protection and restoration of sites with significant mana whenua values Policy P145: Reclamation, drainage and destruction Policy P149: Protection of the Titahi Bay fossil forest	Rule R162: New structures or additions or alterations to a structure inside sites of significance Rule R195: Disturbance or damage inside sites of significance Rule R199: Motor vehicles in the fossil forest at Titahi Bay Rule R205: Destruction, damage and disturbance inside sites of significance Rule R216: Destruction		Schedule J

RMA Part 2	NZCPS	NPS-FM	Other NPS/NES	RPS	Objectives	Policies	Rules	Methods	Schedules / maps
Part 2 sections 6(b)	NZCPS Objective 1, 2 and 4; NZCPS Policy 3			RPS Objective 3 and RPS Policy 35	Objective O37 Significant surf breaks are protected from inappropriate use and development.	Policy P51: Significant surf breaks Supporting policies Policy P4: Minimising adverse effects Policy P26: Natural processes Policy P132: Functional need and efficient use Policy P133: Recreational values Policy P139: Seawalls Policy P145: Reclamation, drainage and destruction	Rule R162: New structures or additions or alterations to a structure inside sites of significance Rule R194: Disturbance or damage Rule R204: Destruction, damage and disturbance outside sites of significance Rule R216: Destruction Rule R165: Additions and alterations to existing seawalls Rule R186: General surface water and foreshore activities Rule R192: Disturbance associated with beach recontouring for coastal restoration purposes Rule R200: Destruction, damage and disturbance associated with dredging for flood protection purposes or erosion prevention Rule R207: Deposition for beach renourishment		Schedule K
	NZCPS Objective 4			RPS Objective 3 18; RPS Policy 6, 19, 27 and 28	Objective O38 Identified special amenity landscape values are maintained or enhanced.	Policy P48: Natural features and landscapes and special amenity landscapes Policy P49: Use and development adjacent to outstanding natural features and landscapes and special amenity landscapes Supporting policies Policy P2: Cross-boundary matters Policy P4: Minimising adverse effects Policy P9: Beneficial activities Policy P12: Benefits of regionally significant infrastructure and renewable energy generation facilities Policy P26: Natural processes Policy P31: Aquatic ecosystem health and mahinga kai Policy P40: Ecosystems and habitats with significant indigenous biodiversity values Policy P44: Protection and restoration of sites with significant mana whenua values Policy P134: Public open space	Rule R181: New swing moorings outside Mooring Areas Rule R179: New boatsheds outside Boatshed Management Areas Rule R215: Reclamation and drainage	Method M22: Integrated management of the coast Method M24: Outstanding natural features and landscapes and high natural character	

RMA Part 2	NZCPS	NPS-FM	Other NPS/NES	RPS	Objectives	Policies	Rules	Methods	Schedules / maps
						values and visual amenity Policy P145: Reclamation, drainage and destruction			

Appendix F - Rules relevant to Schedule J and K – dealt with in other RMA section 42A reports.

(Examples based on a word search)

Rule R151: Additions or alterations to structures – controlled activity

The addition or alteration to a structure and the associated use of the addition in the coastal marine area

Matters of control – effects on Schedule J and K

Seawalls Rule R165: Additions or alterations to existing seawalls – controlled activity The addition or alteration to an existing seawall and the associated use of the addition in the coastal marine area

Matters of control – effects on Schedule J and K

Rule R166: Seawalls outside sites of significance – discretionary activity A new seawall, or the addition to or alteration or replacement of an existing seawall, and the associated use of the structure outside a site or habitat identified in Schedule C (mana whenua), Schedule F4 (coastal sites), Schedule F5 (coastal habitats) or Schedule J (geological features) in the coastal marine

Rule R167: Seawalls inside sites of significance – non-complying activity A new seawall, or the addition to or alteration or replacement of an existing seawall, and the associated use of the structure inside a site or habitat identified in Schedule C (mana whenua), Schedule F4 (coastal sites), Schedule F5 (coastal habitats) or Schedule J (geological features) in the coastal marine area

Rule R186: General surface water and foreshore activities – restricted discretionary General surface water and foreshore activities and the associated use in the coastal marine area,

Matter of discretion – effects on schedule J and K

Rule R188: Minor disturbances – permitted activity The disturbance of the foreshore or seabed including any removal of sand, shingle, shell or other natural material in the coastal marine area the activity shall not be inside a site or habitat identified in or using Schedule C (mana whenua), Schedule E4 (archaeological sites), Schedule F2c (birds-coastal) or Schedule J (geological features)

Rule R192: Beach recontouring for coastal restoration purposes – controlled activity The disturbance of the foreshore or seabed for beach recontouring in the coastal marine area

Matter of control - effects on schedule J and K

Rule R195: Disturbance or damage inside sites of significance – non-complying activity Disturbance or damage of the foreshore or seabed inside a site or habitat identified in Schedule C (mana whenua), Schedule F4 (coastal sites), Schedule F5 (coastal habitats) or Schedule J (geological features) in the coastal marine area,

Rule R197: Motor vehicles for certain purposes – permitted activity The disturbance of the foreshore or seabed from motor vehicles in the coastal marine area

Rule R198: Motor vehicles inside sites of significance – non-complying activity The disturbance of the foreshore or seabed from motor vehicles inside a site or habitat identified in Schedule C (mana whenua), Schedule E4 (archaeological sites), Schedule F2c (birds-coastal), Schedule F4 (coastal sites), Schedule F5 (coastal habitats) or Schedule J (geological features) in the coastal marine area, that is not permitted by Rule R196 or Rule R197 or prohibited under Rule R199, is a non-complying activity

Rule R199: Motor vehicles in the fossil forest at Titahi Bay – prohibited activity The disturbance of the foreshore or seabed from motor vehicles within the following areas at Titahi Bay in the coastal marine area

Rule R201: Dredging for flood protection purposes or erosion mitigation inside sites of significance – discretionary activity Destruction, damage or disturbance associated with dredging for flood protection purposes or erosion mitigation inside a site or habitat identified in Schedule C (mana whenua), Schedule F4 (coastal sites), Schedule F5 (coastal habitats) or Schedule J (geological features) in the coastal marine area

Rule R202: Maintenance dredging outside a Commercial Port Area or navigation protection areas – controlled activity Destruction, damage or disturbance associated with maintenance dredging outside a Commercial Port Area shown on Map 32, Map 33 and Map 34 or a navigation protection area shown on Map 49, in the coastal marine area

Matters of control – effects on Schedule J and K

Rule R205: Destruction, damage or disturbance inside sites of significance – non-complying activity Destruction, damage or disturbance inside a site and habitat identified in Schedule C (mana whenua), Schedule E4 (archaeological sites), Schedule F4 (coastal sites), Schedule F5 (coastal habitats) or Schedule J (geological features) in the coastal marine area

Rule R207: Deposition for beach renourishment – controlled activity The deposition of sand, shingle, shell or other naturally occurring coastal material for beach renourishment in, on or under the coastal marine area,
Matters of control – effects on Schedule J and K

Rule R209: Deposition inside sites of significance – non-complying activity Deposition inside sites and habitats identified in Schedule C (mana whenua), Schedule E4 (archaeological sites), Schedule F4 (coastal sites), Schedule F5 (coastal habitats) or Schedule J (geological features) in, on or under the coastal marine area,

Rule R211: Dumping or storage of waste or other matter – discretionary activity The dumping or storage of waste or other matter arising directly from, or related to, the exploration, exploitation, and associated offshore processing of, seabed mineral resources in the coastal marine area

Rule R212: Dumping of waste or other matter inside sites of significance – non-complying activity from a ship, aircraft or offshore installation or dredging activity inside a site and habitat identified in Schedule C (mana whenua), Schedule E4 (archaeological sites), Schedule F4 (coastal sites), Schedule F5 (coastal habitats) or Schedule J (geological features) in the coastal marine area

Rule R215: Reclamation and drainage – non-complying activity Reclamation and drainage in the coastal marine area,

Destruction Rule R216: Destruction – non-complying activity The destruction of the foreshore or seabed in the coastal marine area