



PROPOSED INVERCARGILL CITY DISTRICT PLAN

Report No. 17

Coastal Environment

**29 September 2014
COUNCIL CHAMBERS
CIVIC ADMINISTRATION BUILDING**

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TABLE OF CONTENTS

| | Page |
|--|------|
| 1. Executive Summary | 1 |
| 2. Introduction and Procedural Matters | 3 |
| 2.1 Report Author | 3 |
| 2.2 Peer Review | 3 |
| 2.3 How to Read this Report | 3 |
| 2.4 Interpretation..... | 4 |
| 2.5 The Hearing Process | 4 |
| 3. Background | 6 |
| 3.1 Proposed Issues, Objectives and Policies..... | 8 |
| 3.2 Proposed Rules | 12 |
| 3.3 The Planning Maps | 12 |
| 4. Statutory Context / Legislative Requirements | 14 |
| 4.1 Resource Management Act 1991 (RMA)..... | 14 |
| 4.1.1 Part 2 of the RMA | 14 |
| 4.1.2 Functions of Territorial Authorities under the RMA..... | 16 |
| 4.1.3 Consideration of alternatives, benefits, and costs | 16 |
| 4.2 Relevant Planning Documents | 17 |
| 4.2.1 New Zealand Coastal Policy Statement | 17 |
| 4.2.2 National Policy Statements and National Environmental Standards..... | 17 |
| 5. Analysis of the Submissions | 27 |
| 6. Discussion of Section 32 Matters | 33 |
| 6.1 Relevant Section 32AA matters | 33 |
| 6.2 Section 32AA Further Evaluation | 34 |
| 7. Conclusion | 35 |
| Appendix 1: Recommendations on Submissions | 37 |
| Appendix 2: Recommended Changes to the District Plan | 67 |
| Appendix 3: Extension to the Coastal Environment | 102 |

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1. EXECUTIVE SUMMARY

The Coastal Environment section of the Proposed District Plan (the Plan) has attracted a moderate number of submissions and further submissions (106 submission points), but most are seeking relatively minor changes in detail, emphasis or wording rather than fundamental changes to the sense or intent of the Plan.

Submitters questioned the extent to which the Plan gives effect to the New Zealand Coastal Policy Statement (NZCPS). This is a requirement. An analysis included within this report shows that, read holistically, in my opinion the Plan does indeed give effect to the NZCPS. However, several changes have been recommended to make this clearer and more easily demonstrated.

I am recommending three changes.

The first is to Policy 1 – definition of the coastal environment. I am recommending that the Policy be re-drafted to be a clear interpretation of Policy 1 of the NZCPS. Re-defining the coastal environment in this way, I have come to the conclusion that the boundaries as shown on the Planning Maps (as publicly notified) are still a reasonable interpretation of the new criteria, with one important exception. Part of Invercargill Airport now needs to be included within the defined coastal environment, as does the area to the west of the original shoreline between the Waihopai River (to the west and north) and Stead Street to the south.

The second change is to Policy 3. Policy 3 sets out the assessment criteria against which any resource consent application in the coastal environment would be evaluated. Again I am recommending a re-drafting of this policy, to align the assessment criteria in the District Plan with Policy 13 of the NZCPS.

The third consideration is that the NZCPS requires a territorial authority to identify areas of high natural character. This was not done formally on the Planning Maps, however I am recommending that formal reference be made to a document which identifies the natural character values of the coastal environment of the Invercargill City District. This is the *Regional Coastal Plan for Southland – July 2005 – Appendix 4*.

Several submissions commented on the concept of “functional need”. Some submitters wanted other wording. Others wanted their activity specifically recognised in the Plan as having a “functional need” of a coastal location. However the concept is explained quite clearly in the Plan, is supported by a number of submissions, and is consistent with the New Zealand Coastal Policy Statement. Changes have been recommended in response to submissions to clarify the need to also consider “context” when considering “functional need”. These changes achieve in my opinion a better alignment with the policy context of the NZCPS and Regional Coastal Plan.

There was also concern that in focusing on “Bluff” and “Omaui” as foci for further development (Omaui for residential development) the Plan was being too restrictive. The “Bluff area” – which is considered to include the Tiwai and the Invercargill Bluff corridor – and the “Omaui area” are recommended as better terms for use at Policy level. Minor changes to wording are suggested to address these concerns.

The extent to which the Plan needs to recognise port facilities at Tiwai was raised as an issue. In general, the Plan takes the view that port facilities associated with the aluminium smelter are established, necessary, and included within the policy framework. Whether Tiwai would be the right location for any other kind of port facilities would need to be addressed by Plan Change.

The recommended policy changes are significant changes in wording but are not significant changes in direction. This is addressed in the Section 32AA report.

2. INTRODUCTION

2.1 Report Author

This report has been prepared by William J. Watt. My company, William J Watt Consulting Ltd, offers consultancy services in planning and resource management including research, consultation facilitation, policy formulation and evaluation, hearings commissioner and mediation roles. I am currently the sole practitioner in that company.

I hold the qualifications of Bachelor of Arts and Diploma of Town Planning. I am a Full Member of the New Zealand Planning Institute and also a Fellow of the New Zealand Institute of Management. I am an accredited Hearings Panel Chairman under the MfE “Making Good Decisions” programme and have mediator accreditation with LEADR. Before setting up my consultancy I had 40 years’ experience in local government in regional, local and project planning and senior management roles. I have been practising as a planning consultant for four years.

2.2 Peer Review

This report has been peer reviewed by Dan Wells, from John Edmonds and Associates Ltd. Dan Wells is a practising resource management planner with a variety of experience throughout the plan change preparation process. He has a Bachelor of Resource and Environmental Planning (Hons) and a Post Graduate Diploma in Development Studies, both from Massey University.

2.3 How to Read this Report

This report is structured as follows:

- Interpretation (an explanation of some of the terms used).
- A summary of the hearing process.
- Background to the Coastal Environment topic, and the provisions of the Proposed Invercargill City District Plan 2013.
- Description of the statutory framework within which the proposed provisions have been developed.
- Analysis of the submissions, including a discussion of the key issues raised through the submissions and further submissions received.
- Assessment of the proposed changes under Section 32 of the RMA.
- Concluding comments.
- Recommendations on individual submissions.
- Tracked changes of the Proposed District Plan provisions relating to the Coastal Environment

To see my recommendation on an individual submission please refer to the table in **Appendix 1**. The table sets out the name and relevant submission number of those that submitted on the Coastal Environment provisions; a brief summary of their submission and decisions requested, followed by my recommendation and the reasons for it.

2.4 Interpretation

In this report, the following meanings apply:

“*AEE*” means Assessment of Environmental Effects

“*Council*” means the Invercargill City Council

“*FS*” means further submitter - someone who made a Further Submission to the Proposed District Plan

“*Hearings Committee*” means the District Plan Hearings Committee

“*ICC*” means Invercargill City Council

“*NES*” means National Environmental Standard

“*NPS*” means National Policy Statement

“*Operative District Plan*” means the Invercargill City District Plan 2005

“*Proposed District Plan*” means the Proposed Invercargill City District Plan 2013

“*Provisions*” is a term used to collectively describe Objectives, Policies and Rules

“*PSRPS*” means the Proposed Southland Regional Policy Statement 2012

“*RMA*” means the Resource Management Act 1991

“*Submitter*” means a submitter to the Proposed District Plan.

2.5 The Hearings Process

Several hearings are to be held to consider the submissions lodged to the Proposed Invercargill City District Plan 2013. The hearings have been arranged in such a way as to ensure that submissions on similar issues are grouped together, and to enable the District Plan Hearings Committee to make decisions on the provisions relating to those issues. This report applies to the Natural Hazard provisions of the Proposed District Plan.

The Hearings Committee is comprised of accredited Invercargill City Councillors, with the assistance of an Independent Hearings Commissioner. This Committee is to consider the Proposed Plan and the submissions and further submissions lodged. The Hearings Committee has full delegation to issue a decision on these matters.

This report is prepared pursuant to Section 42A of the Resource Management Act 1991 (the “RMA”). Section 42A provides for a report to be prepared prior to a hearing, setting out matters to which regard should be had in considering a Proposed District Plan and the submissions lodged to it. This report highlights those matters that are considered appropriate by the author for the Hearings Committee to consider in making decisions on the submissions lodged. This report has been prepared on the basis of information available prior to the hearing.

While the Hearings Committee is required to have regard to this report, regard must also be given to the matters raised in submissions, and presentations made at the hearing. The comments and recommendations contained in this report are not binding on the Hearings Committee and it should not be assumed that the Hearings Committee will reach the same conclusions set out in the report after having heard from the submitters and Council advisers.

The hearing is open to the public, and any person may attend any part of the hearing. Those persons who lodged a submission have a right to speak at the hearing. They may appear in person, or have someone speak on their behalf. They may also call evidence from other persons in support of the points they are addressing.

At any time during or after the hearing, the Hearings Committee may request the preparation of additional reports. If that is done, adequate time must be provided to the submitters, to assess and comment on the report. The Hearings Committee may determine that:

- the hearing should be reconvened to allow responses to any report prepared, or
- any responses be submitted in writing within a specified timeframe.

At the conclusion of the hearing process, the Hearings Committee will prepare a written decision. The decision is sent to all persons who lodged a submission. If not satisfied with the decision the submitters have a right of appeal to the Environment Court. If an appeal is lodged, the RMA requires a copy to be served on all submitters with an interest in that matter. Any submitter served, if they wish, may become a party to the appeal either in support or opposition to it.

If there is an appeal, the Environment Court will provide an opportunity for mediation between the parties. If mediation is not accepted, or does not resolve the issues, a further hearing will take place before a Judge and Court appointed Commissioners.

Except on points of law, the decision of the Environment Court is final.

3. BACKGROUND

This report relates to the provisions in the Proposed District Plan relating to the Coastal Environment.

It is relevant to note several matters that were considered in background work carried out prior to drafting the provisions of the Proposed District Plan.

In summary these are:

- Definition of the “coastal environment” – carried over from the Operative District Plan as follows: *“Commences at the CMA (Coastal Marine Area i.e. that which is to the seaward side of Mean High Water Springs) and contains land to the extent that such land is affected by or affects the coast, whether the coast be sea, estuary, harbour or bay, as delineated on the Planning Maps”*. (Note that I have recommended a change to this approach.)
- Identification of where the coast is already “developed” - the gravel pits and settlements behind Oreti Beach, virtually the whole area surrounding the New River Estuary including the airport and the reclaimed areas to the west of urban Invercargill, Omaui, the western side of Bluff Harbour including Bluff and the Island Harbour, and the portion of the Tiwai Peninsula occupied by NZAS.
- Outline of the priorities for public access – maintain but manage access to Oreti Beach (protection of sand dunes was recognised as an issue); improved public access around the margins of the New River Estuary; improved opportunities at Omaui, and improved opportunities for managed public walking access along the wild and scenic coast between Omaui and Bluff; improve links between the Bluff township and Bluff Harbour including walking access along the Bluff foreshore; improved access to the western part of the upper Bluff harbour (to enhance utilisation of the recreational potential of this area), cycling access around Awarua Bay, and access to the coast at Tiwai Point. Potential conflicts were recognised, between access opportunities that may be desired by the public and operational requirements (e.g. of the port and of farm land).
- Identification of storm water from built-up areas as a “potentially huge” issue, in terms of the quality of urban storm water that finds its way directly into the coastal environment.

Background studies concluded that “functional need” is a criterion that needed to be built into the Plan with respect to which activities should be allowed to locate within the coastal environment. It was possible to identify areas where further residential development is “appropriate” – namely, Omaui and Bluff. Generally, it was concluded that coastal residential development would be generally “inappropriate” anywhere else.

Background studies also noted the presence of significant landscape values including the Oreti Beach land/sea scape, the hills of Omaui/Bluff (and the Maori interpretation of that landscape), visual qualities of the New River Estuary and Bluff Harbour (“City of Water and Light”), the wild and remote character of the coast between Omaui and Bluff, and the historical landscape importance of Sandy Point, the port of Invercargill, the entrance to the New River Estuary, and Bluff.

The following matters were noted in particular:

- The need to create a regulatory envelope that enables port operations to happen.
- The need to avoid, remedy or mitigate effects of land use activities on coastal water quality and ecosystems.

Generally, it was concluded that, with respect to the urban areas of the Invercargill City District, the main issues are:

- Defining the coastal environment adequately.
- Clarifying where it is already “developed”.
- Priorities for public access.
- The need to maintain and enhance public access along the Bluff waterfront.
- Effects of urban storm water on coastal ecosystems.

Improving management of urban storm water is seen as a major issue in management of the coastal environment. This concern is reflected in several areas of the District Plan as well as the “Coastal Environment” sections and should be kept in mind when addressing submissions on these areas.

3.1 Proposed Issues, Objectives and Policies

This section comprises pages 2-9 to 2-13 of the Proposed District Plan.

The introduction to the section discusses the importance of the coastline as a feature of the geography of the Invercargill City District and discusses the character of the coastal environment, within which there is a diminishing degree of maritime influence as one moves inland.

The Plan identifies the significant resource management issues for the coastal environment as:

1. *The natural character of much of the coastal environment is at risk from inappropriate subdivision, use and development.*
2. *There is a need to identify locations where subdivision, use and development are appropriate.*
3. *Public access to and along the coast is fragmented and in some places non-existent and needs to be improved.*
4. *Sea ports and infrastructure located within the coastal environment can affect its natural character but also have a functional need of coastal space. In these cases conservation needs to be balanced against development needs.*
5. *The district’s coastal water and ecosystems are degraded by discharges from land based activities.*

There are six Objectives:

Objective 1: *The natural character of the coastal environment is preserved and protected from inappropriate subdivision and development.*

Objective 2: *Provision is made for those activities that have a functional need of locating within the coastal environment.*

Objective 3: *Bluff is identified as the appropriate location for port facilities, and other activities which have a functional need to locate in the port area.*

Objective 4: *Residential development within the coastal environment is provided for at Bluff and Omaui.*

Objective 5: *Infrastructure, renewable energy projects and associated development are provided for in the coastal environment, while maintaining and enhancing public access and preserving natural character as far as practicable.*

Objective 6: *Coastal water quality and ecosystems are maintained and enhanced.*

There are five Policies. In summary, these are:

Policy 1 – To identify the coastal environment and delineate it on the District Planning Maps.

Policy 2 – To identify Bluff and Omaui as the appropriate locations for subdivision, use and development in the coastal environment, and to give priority to preservation of natural character elsewhere.

Policy 3 – To assess proposals for subdivision, use and development in relation to the natural character of the coast and in particular against criteria (A) – (O) set out in the Plan.

Policy 4 – To promote the protection of intrinsic values, maintain or enhance public access, avoid or mitigate the effects of natural hazards including sea level rise and climate change, and take cumulative effects into account.

Policy 5 – To give priority to infrastructure, port and renewable energy projects that have a functional need of a coastal location, and to give priority to other facilities and activities that have located in the coastal environment for historical reasons.

The Plan lists seven Methods. Again in summary, they are:

Method 1 – Delineation of the coastal environment on the Planning Maps

Method 2 – Identification by zoning where development is appropriate

Method 3 – To have regard to protecting intrinsic values and maintaining or enhancing public access in considering resource consents

Method 4 – Information dissemination and sharing

Method 5 – Recognition of cross-boundary issues

Method 6 – facilitation of access to the coast by non-regulatory means

Method 7 – Use of financial incentives where access is provided.

3.2 Proposed Rules

In Section 3 the Proposed District Plan lists only one provision pertaining to the coastal environment. Provision 3.2.1 in the Plan notes that where resource consent is triggered by another provision in the Plan and the development is within the defined coastal environment, then “coastal environment” issues must be considered in the Assessment of Environmental Effects.

3.3 The Planning Maps

The coastal environment is clearly delineated on the Planning Maps.

4. STATUTORY CONTEXT / LEGISLATIVE REQUIREMENTS

4.1 Resource Management Act 1991 (RMA)

In reviewing the District Plan, the Council must follow the process outlined in Schedule 1 of the RMA.

The First Schedule procedure includes notification for submissions (clause 5) and further submissions (clause 8), holding a hearing into submissions (clause 8(b)), and determining whether those submissions are accepted or rejected and giving reasons for the decisions (clause 10).

Clause 29(4) of the First Schedule to the RMA states that, after considering a plan, the local authority may decline, approve, or approve with modifications, the plan change, and shall give reasons for its decisions.

Under Section 74 of the RMA, in relation to changes to the District Plan, Council must consider Part 2 of the RMA (purposes and principles), Section 32 (alternatives, benefits and costs), and relevant regional and district planning documents.

4.1.1 Part 2 of the RMA

The purpose of the RMA is set out in Section 5.

5. Purpose

- (1) *The purpose of this Act is to promote the sustainable management of natural and physical resources.*
- (2) *In this Act, **sustainable management** means managing the use, development, and protection of natural and physical resources 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.*

Addressing planning issues in the Coastal Environment is part of “sustainable management” as set out in Section 5 ss 2.

Section 6 deals with matters of national importance. Most of these matters pertain to the coastal environment. They are:

6. Matters of national importance

In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall recognise and provide for the following matters of national importance:

- (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:

- (b) *the protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development:*
- (c) *the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna:*
- (d) *the maintenance and enhancement of public access to and along the coastal marine area, lakes, and rivers:*
- (e) *the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga:*
- (f) *.....*
- (g) *the protection of protected customary rights.*

In my opinion the provisions in the Proposed District Plan relating to the Coastal Environment as notified address these matters.

Section 7 of the RMA also contains matters that can be relevant to consideration of the coastal environment. They are:

7. Other matters

In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall have particular regard to —

- (a) *kaitiakitanga:*
 - (aa) *the ethic of stewardship:*
 - (b) *the efficient use and development of natural and physical resources:*
 - (ba) *the efficiency of the end use of energy:*
 - (c) *the maintenance and enhancement of amenity values:*
 - (d) *intrinsic values of ecosystems:*
 - (e) *[Repealed]*
 - (f) *maintenance and enhancement of the quality of the environment:*
 - (g) *any finite characteristics of natural and physical resources:*
 - (h) *.....*
 - (i) *the effects of climate change:*
 - (j) *the benefits to be derived from the use and development of renewable energy.*

In my opinion the provisions relating to the coastal environment in the Proposed District Plan demonstrate particular regard to these matters.

Section 8 of the RMA requires all persons exercising functions and powers under the Act to take into account the principles of the Treaty of Waitangi. This is an important factor in relation to planning for the coastal environment.

4.1.2 Functions of Territorial Authorities under the RMA

Section 31 of the RMA states the functions of a territorial authority under the Act. Those relevant to consideration of the coastal environment are:

31 Functions of territorial authorities under this Act

- (1) *Every territorial authority shall have the following functions for the purpose of giving effect to this Act in its district:*
 - (a) *the establishment, implementation, and review of objectives, policies, and methods to achieve integrated management of the effects of the use, development, or protection of land and associated natural and physical resources of the district:*
 - (b) *the control of any actual or potential effects of the use, development, or protection of land, including for the purpose of—*
 - (i) *the avoidance or mitigation of natural hazards; and*
 - (ii) *the prevention or mitigation of any adverse effects of the storage, use, disposal, or transportation of hazardous substances; and*
 - (iia) *the prevention or mitigation of any adverse effects of the development, subdivision, or use of contaminated land:*
 - (iii) *the maintenance of indigenous biological diversity:*
 - (c) *[Repealed]*
 - (d) *.....*
 - (e) *.....*
 - (f) *.....*

In my view the Coastal Environment provisions in the Proposed District Plan address Section 31 (1) (b) of the RMA by including objectives, policies, and methods intended to achieve integrated management of the effects of, and to control the effects of, the use, development or protection of the coastal environment.

4.1.3 Consideration of alternatives, benefits, and costs

Section 32 of the RMA states the Council’s obligations in assessing the alternatives, benefits and costs.

Whilst a Section 32 report was released at the time of notification of the Proposed District Plan, the Council is required to carry out a further evaluation through the hearing, consideration and deliberation process before making its decision on the Plan Change. Section 6 of this report includes my evaluation of the Proposed District Plan Provisions in accordance with Section 32AA.

4.2 The Relevant Planning Documents

The RMA specifies a number of documents that need to be considered in a decision on a Proposed District Plan and the weight that should be given to them. These documents are addressed in the following sections.

4.2.1 New Zealand Coastal Policy Statement

Section 75 of the RMA requires that a District Plan must give effect to any New Zealand coastal policy statement. The relevant document is the New Zealand Coastal Policy Statement 2010 (NZCPS).

It is relevant to cite the Objectives and relevant Policies of the NZCPS here, because some submitters have raised the issue of whether the Proposed District Plan does give effect to the NZCPS. (This matter is addressed later in this report.)

Objective 1

To safeguard the integrity, form, functioning and resilience of the coastal environment and sustain its ecosystems, including marine and intertidal areas, estuaries, dunes and land, by:

- *maintaining or enhancing natural biological and physical processes in the coastal environment and recognising their dynamic, complex and interdependent nature;*
- *protecting representative or significant natural ecosystems and sites of biological importance and maintaining the diversity of New Zealand's indigenous coastal flora and fauna; and*
- *maintaining coastal water quality, and enhancing it where it has deteriorated from what would otherwise be its natural condition, with significant adverse effects on ecology and habitat, because of discharges associated with human activity.*

Objective 2

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

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

Objective 3

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

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

Objective 4

To maintain and enhance the public open space qualities and recreation opportunities of the coastal environment by:

- *recognising that the coastal marine area is an extensive area of public space for the public to use and enjoy;*
- *maintaining and enhancing public walking access to and along the coastal marine area without charge, and where there are exceptional reasons that*

mean this is not practicable providing alternative linking access close to the coastal marine area; and

- *recognising the potential for coastal processes, including those likely to be affected by climate change, to restrict access to the coastal environment and the need to ensure that public access is maintained even when the coastal marine area advances inland.*

Objective 5

To ensure that coastal hazard risks taking account of climate change, are managed by:

- *locating new development away from areas prone to such risks;*
- *considering responses, including managed retreat, for existing development in this situation; and*
- *protecting or restoring natural defences to coastal hazards.*

Objective 6

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

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

Objective 7

To ensure that management of the coastal environment recognises and provides for New Zealand's international obligations regarding the coastal environment, including the coastal marine area.

Policy 3: Precautionary approach

1. *Adopt a precautionary approach towards proposed activities whose effects on the coastal environment are uncertain, unknown, or little understood, but potentially significantly adverse.*

2. *In particular, adopt a precautionary approach to use and management of coastal resources potentially vulnerable to effects from climate change, so that:*
 - a. *avoidable social and economic loss and harm to communities does not occur;*
 - b. *natural adjustments for coastal processes, natural defences, ecosystems, habitat and species are allowed to occur; and*
 - c. *the natural character, public access, amenity and other values of the coastal environment meet the needs of future generations.*

Policy 6: Activities in the coastal environment

1. *In relation to the coastal environment:*
 - a. *recognise that the provision of infrastructure, the supply and transport of energy including the generation and transmission of electricity, and the extraction of minerals are activities important to the social, economic and cultural well-being of people and communities;*
 - b. *consider the rate at which built development and the associated public infrastructure should be enabled to provide for the reasonably foreseeable needs of population growth without compromising the other values of the coastal environment;*
 - c. *encourage the consolidation of existing coastal settlements and urban areas where this will contribute to the avoidance or mitigation of sprawling or sporadic patterns of settlement and urban growth;*
 - d. *recognise tangata whenua needs for papakāinga³, marae and associated developments and make appropriate provision for them;*
 - e. *consider where and how built development on land should be controlled so that it does not compromise activities of national or regional importance that have a functional need to locate and operate in the coastal marine area;*
 - f. *consider where development that maintains the character of the existing built environment should be encouraged, and where development resulting in a change in character would be acceptable;*
 - g. *take into account the potential of renewable resources in the coastal environment, such as energy from wind, waves, currents and tides, to meet the reasonably foreseeable needs of future generations;*
 - h. *consider how adverse visual impacts of development can be avoided in areas sensitive to such effects, such as headlands and prominent ridgelines, and as far as practicable and reasonable apply controls or conditions to avoid those effects;*
 - i. *set back development from the coastal marine area and other water bodies, where practicable and reasonable, to protect the natural character, open space, public access and amenity values of the coastal environment; and*
 - j. *where appropriate, buffer areas and sites of significant indigenous biological diversity, or historic heritage value.*
2. *In relation to the Coastal Marine Area*

Policy 9: Ports

Recognise that a sustainable national transport system requires an efficient national network of safe ports, servicing national and international shipping, with efficient connections with other transport modes, including by:

- a. *ensuring that development in the coastal environment does not adversely affect the efficient and safe operation of these ports, or their connections with other transport modes; and*
- b. *considering where, how and when to provide in regional policy statements and in plans for the efficient and safe operation of these ports, the development of their capacity for shipping, and their connections with other transport modes.*

Policy 13: Preservation of natural character

1. *To preserve the natural character of the coastal environment and to protect it from inappropriate subdivision, use, and development:*
 - a. *avoid adverse effects of activities on natural character in areas of the coastal environment with outstanding natural character; and*
 - b. *avoid significant adverse effects and avoid, remedy or mitigate other adverse effects of activities on natural character in all other areas of the coastal environment; including by:*
 - c. *assessing the natural character of the coastal environment of the region or district, by mapping or otherwise identifying at least areas of high natural character; and*
 - d. *ensuring that regional policy statements, and plans, identify areas where preserving natural character requires objectives, policies and rules, and include those provisions.*
2. *Recognise that natural character is not the same as natural features and landscapes or amenity values and may include matters such as:*
 - a. *natural elements, processes and patterns;*
 - b. *biophysical, ecological, geological and geomorphological aspects;*
 - c. *natural landforms such as headlands, peninsulas, cliffs, dunes, wetlands, reefs, freshwater springs and surf breaks;*
 - d. *the natural movement of water and sediment;*
 - e. *the natural darkness of the night sky;*
 - f. *places or areas that are wild or scenic;*
 - g. *a range of natural character from pristine to modified; and*
 - h. *experiential attributes, including the sounds and smell of the sea; and their context or setting.*

Policy 15: Natural features and natural landscapes

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

- a. *avoid adverse effects of activities on outstanding natural features and outstanding natural landscapes in the coastal environment; and*
- b. *avoid significant adverse effects and avoid, remedy, or mitigate other adverse effects of activities on other natural features and natural landscapes in the coastal environment; including by:*

- c. *identifying and assessing the natural features and natural landscapes of the coastal environment of the region or district, at minimum by land typing, soil characterisation and landscape characterisation and having regard to:

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

Policy 18: Public open space

Recognise the need for public open space within and adjacent to the coastal marine area, for public use and appreciation including active and passive recreation, and provide for such public open space, including by:

- a. *ensuring that the location and treatment of public open space is compatible with the natural character, natural features and landscapes, and amenity values of the coastal environment;*
- b. *taking account of future need for public open space within and adjacent to the coastal marine area, including in and close to cities, towns and other settlements;*
- c. *maintaining and enhancing walking access linkages between public open space areas in the coastal environment;*
- d. *considering the likely impact of coastal processes and climate change so as not to compromise the ability of future generations to have access to public open space; and*
- e. *recognising the important role that esplanade reserves and strips can have in contributing to meeting public open space needs.*

Policy 19: Walking access

- 1. *Recognise the public expectation of and need for walking access to and along the coast that is practical, free of charge and safe for pedestrian use.*
- 2. *Maintain and enhance public walking access to, along and adjacent to the coastal marine area, including by:

 - a. *identifying how information on where the public have walking access will be made publicly available;**

- b. *avoiding, remedying or mitigating any loss of public walking access resulting from subdivision, use, or development; and*
- c. *identifying opportunities to enhance or restore public walking access, for example where:*
 - i. *connections between existing public areas can be provided; or*
 - ii. *improving access would promote outdoor recreation; or*
 - iii. *physical access for people with disabilities is desirable; or*
 - iv. *the long-term availability of public access is threatened by erosion or sea level rise; or*
 - v. *access to areas or sites of historic or cultural significance is important; or*
 - vi. *subdivision, use, or development of land adjacent to the coastal marine area has reduced public access, or has the potential to do so.*
- 3. *Only impose a restriction on public walking access to, along or adjacent to the coastal marine area where such a restriction is necessary:*
 - a. *to protect threatened indigenous species; or*
 - b. *to protect dunes, estuaries and other sensitive natural areas or habitats; or*
 - c. *to protect sites and activities of cultural value to Māori; or*
 - d. *to protect historic heritage; or*
 - e. *to protect public health or safety; or*
 - f. *to avoid or reduce conflict between public uses of the coastal marine area and its margins; or*
 - g. *for temporary activities or special events; or*
 - h. *for defence purposes in accordance with the Defence Act 1990; or*
 - i. *to ensure a level of security consistent with the purpose of a resource consent; or*
 - j. *in other exceptional circumstances sufficient to justify the restriction.*
- 4. *Before imposing any restriction under (3), consider and where practicable provide for alternative routes that are available to the public free of charge at all times.*

Policy 24: Identification of coastal hazards

- 1. *Identify areas in the coastal environment that are potentially affected by coastal hazards (including tsunami), giving priority to the identification of areas at high risk of being affected. Hazard risks, over at least 100 years, are to be assessed having regard to:*
 - a. *physical drivers and processes that cause coastal change including sea level rise;*
 - b. *short-term and long-term natural dynamic fluctuations of erosion and accretion;*
 - c. *geomorphological character;*
 - d. *the potential for inundation of the coastal environment, taking into account potential sources, inundation pathways and overland extent;*
 - e. *cumulative effects of sea level rise, storm surge and wave height under storm conditions;*
 - f. *influences that humans have had or are having on the coast;*

- g. *the extent and permanence of built development; and*
- h. *the effects of climate change on:*
 - i. *matters (a) to (g) above;*
 - ii. *storm frequency, intensity and surges; and*
 - iii. *coastal sediment dynamics;**taking into account national guidance and the best available information on the likely effects of climate change on the region or district.*

Policy 25: Subdivision, use, and development in areas of coastal hazard risk

In areas potentially affected by coastal hazards over at least the next 100 years:

- a. *avoid increasing the risk¹⁰ of social, environmental and economic harm from coastal hazards;*
- b. *avoid redevelopment, or change in land use, that would increase the risk of adverse effects from coastal hazards;*
- c. *encourage redevelopment, or change in land use, where that would reduce the risk of adverse effects from coastal hazards, including managed retreat by relocation or removal of existing structures or their abandonment in extreme circumstances, and designing for relocatability or recoverability from hazard events;*
- d. *encourage the location of infrastructure away from areas of hazard risk where practicable;*
- e. *discourage hard protection structures and promote the use of alternatives to them, including natural defences; and*
- f. *consider the potential effects of tsunami and how to avoid or mitigate them.*

Policy 26: Natural defences against coastal hazards

- 1. *Provide where appropriate for the protection, restoration or enhancement of natural defences that protect coastal land uses, or sites of significant biodiversity, cultural or historic heritage or geological value, from coastal hazards.*
- 2. *Recognise that such natural defences include beaches, estuaries, wetlands, intertidal areas, coastal vegetation, dunes and barrier islands.*

Policy 27: Strategies for protecting significant existing development from coastal hazard risk

- 1. *In areas of significant existing development likely to be affected by coastal hazards, the range of options for reducing coastal hazard risk that should be assessed includes:*
 - a. *promoting and identifying long-term sustainable risk reduction approaches including the relocation or removal of existing development or structures at risk;*
 - b. *identifying the consequences of potential strategic options relative to the option of “do-nothing”;*
 - c. *recognising that hard protection structures may be the only practical means to protect existing infrastructure of national or regional importance, to sustain the potential of built physical resources to meet the reasonably foreseeable needs of future generations;*

- d. *recognising and considering the environmental and social costs of permitting hard protection structures to protect private property; and*
 - e. *identifying and planning for transition mechanisms and timeframes for moving to more sustainable approaches.*
2. *In evaluating options under (1):*
 - a. *focus on approaches to risk management that reduce the need for hard protection structures and similar engineering interventions;*
 - b. *take into account the nature of the coastal hazard risk and how it might change over at least a 100-year timeframe, including the expected effects of climate change; and*
 - c. *evaluate the likely costs and benefits of any proposed coastal hazard risk reduction options.*
 3. *Where hard protection structures are considered to be necessary, ensure that the form and location of any structures are designed to minimise adverse effects on the coastal environment.*
 4. *Hard protection structures, where considered necessary to protect private assets, should not be located on public land if there is no significant public or environmental benefit in doing so.*

These objectives and policies constitute an instruction from central government to consider carefully the matters in relation to the coastal environment. By and large, with its combination of methods, regulatory and non-regulatory, in my opinion the Proposed District Plan is consistent with, and provides a vehicle for implementing, the provisions of the NZCPS. However, some minor amendments are needed to ensure that appropriate effect is given to the NZCPS. In addition, commitment will need to be made to implementing the provisions of the Proposed District Plan in order to properly “give effect” to these provisions.

4.2.2 National Policy Statements and National Environmental Standards

Section 75 of the RMA requires that a District Plan must give effect to National Policy Statements.

1. Electricity transmission

The NPS requires that territorial local authorities must provide some form of specific recognition and provision for the transmission network in their district plan objectives, policies, methods and rules (if appropriate). If this response is part of a suite of provisions on infrastructure or network utilities, the transmission network should be specifically provided for. This is dealt with in the Infrastructure sections of the Plan. It needs to be recognised, in reading the Plan, that there may be needs for the transmission network in the Coastal Environment.

2. Renewable electricity generation

The NPS REG applies to renewable electricity generation activities at any scale. It covers the construction, operation and maintenance of structures associated with renewable electricity generation. This includes small and community-scale renewable generation activities, systems to convey electricity to the distribution network and/or the national grid, and electricity storage technologies associated with renewable electricity storage. It covers all renewable electricity generation types; hydro, wind, geothermal, solar,

biomass, and marine. It needs to be recognised, in reading the Plan, that there may be a need to locate renewable electricity generation facilities in the coastal environment.

3. Freshwater management

The NPS on Freshwater Management pertains to the fresh water resource and is within the bailiwick of Environment Southland. In essence, it introduced a limits-based approach to management of the fresh water resource. It has indirect relevance to the coast – what goes into the waterways eventually finds its way into the ocean.

National Environmental Standards

The following standards are in force as regulations and must be met in the Coastal Environment.

1. Telecommunications facilities

This relates mainly to cell phones. A cell phone facility that meets specified criteria in the NPS is deemed to be a permitted activity. Cell phone towers may well have a “functional need” of a coastal location in terms of elevation and coverage.

2. Electricity transmission

The NES sets out a national framework of permissions and consent requirements for activities on existing electricity transmission lines. Activities include the operation, maintenance and upgrade of existing lines. It needs to be considered within the “infrastructure” sections of the Plan. The “Coastal Environment” provisions of the Proposed District Plan would be relevant to any consideration regarding electricity lines.

Regional Policy Statements

Under Sections 74 and 75 of the RMA, the Council shall give effect to any operative regional policy statement, and have regard to any proposed regional policy statement.

In this case two sets of documents must be considered:

- 1. The Operative Regional Policy Statement (1997)**
- 2. The Proposed Regional Policy Statement (2012)**

It should be noted that there is an important difference in the areas of focus between regional policy statements and district plans. In Invercargill, the territorial boundary of the Invercargill City District extends to Mean Low Water Springs (MLWS) but the planning district extends only to Mean High Water Springs (MHWS). The planning boundary of Environment Southland extends out to sea to the 12 mile territorial limit.

The Operative Regional Policy Statement identifies a total of 30 issues with respect to the Coastal Environment. Those that I would expect to be addressed in a District Plan in the context of a district-wide section on the coastal environment are:

- 1. Interaction of land use and sea - need for recognition**
- 9. Estuaries - recognition and protection**
- 10. Public access - need for**

11. **Recreation activities - incompatibility**
12. **Infrastructure - effects**
13. **Structures - effects**
14. **Reclamations - effects**
15. **Infrastructure - provision for**
16. **Natural character - preservation**
19. **Sand dune modification - effects**
20. **Sea level change - effects**
21. **Heritage values - impacts on**
23. **Maori values - recognition of**
30. **Exclusive or preferential occupation - effect on other activities**

There are ten Objectives in the operative Regional Policy Statement for the Coastal Environment. Those relevant to the scope of the district-wide coastal environment section of the Proposed District Plan (which does not include the coastal marine area) are:

Objective 13.1: To preserve the natural character of the coastal environment.

Objective 13.2: To avoid, wherever practicable, remedy or mitigate any adverse effects from the use and development of the natural and physical resources within the coastal environment.

Objective 13.5: To facilitate integrated management of the land and coastal marine area interface.

Objective 13.6: To recognise and have regard to heritage values of sites, buildings, places or areas within the coastal environment.

In my view the most relevant Policies in this context are:

Policy 13.1: Recognise sites and resources of cultural, natural and spiritual significance to Maori and consult the takata whenua when making statutory decisions on issues impacting upon such matters.

Policy 13.3: To maintain and enhance public access to and along the coast unless a restriction on access is absolutely necessary to -

- a. protect areas of significant indigenous vegetation and/or significant habitats of indigenous fauna;
- b. protect Maori cultural values;
- c. protect public health or safety;
- d. ensure a level of security consistent with the purpose of a resource consent;
- e. protect any other exceptional value within the coastal marine area;
- f. protect national security or the use of an area for defence purposes: except where this could threaten personal safety and health, important natural values, or the integrity of sites important to takata whenua.

Policy 13.10: Facilitate integrated management of the coastal environment with the Minister of Conservation, Minister of Fisheries, territorial authorities and the takata whenua.

Policy 13.12: Avoid wherever practicable, or mitigate natural hazards in the coastal environment caused by the interaction of coastal processes and development or activities, by -

- (a) managing the use of land;
- (b) managing subdivision and the actual and potential effects of the use, development, or protection of land;
- (c) managing the actual or potential activities in relation to the surface of coastal waters;
- (d) taking into account the effect of coastal processes on use and development within the coastal marine area;
- (e) managing use and development within the coastal marine area to avoid unintentional interference with coastal processes.

Policy 13.14: Plan for a sea level rise of 35 cm by the year 2050, until such time as there is evidence that the rate of rise is higher or lower.

Policy 13.18: Manage subdivision, use and development of land within the coastal environment to protect outstanding natural features and landscapes and to preserve the natural character of the coastal environment.

Policy 13.22: Recognise and have regard to heritage values when considering potential activities within the coastal environment.

Policy 13.27: Adopt a precautionary approach towards proposed activities, where their effects are as yet unknown or little understood, or where the effects of coastal processes on those activities are as yet unknown or little understood.

Policy 13.28: Recognise that some activities will require exclusive or preferential occupation, notwithstanding the fact that the public have a right to use the coastal marine area.

Policy 13.29: Give priority to compatible multiple use rather than setting aside areas for specific purposes.

In my opinion the Proposed District Plan contains provisions, in the Coastal Environment Sections and elsewhere, that would, by and large, give effect to these provisions in the Operative Regional Policy Statement. However, it is clear that thinking in relation to policy for the coastal environment has “moved on” since the Operative Regional Policy Statement was adopted. A sharpened focus is evident in the Proposed Regional Policy Statement.

The Proposed Regional Policy Statement contains the following provisions that have implications for the District Plan:

Policies (in summary)

Policy COAST.1 – Give clear direction on appropriate and inappropriate development in the coastal environment.

Policy COAST.2 – Manage activities to protect natural, cultural and other values.

Policy COAST.3 – Avoid development that is not sensitive to the coastal environment and landscape.

Policy COAST.4 – Provide for infrastructure and energy projects.

Policy COAST.5 – Avoid, remedy or mitigate effects of land-based activities on coastal water quality and ecosystems.

Policy COAST.6 – Identify threats or risks from cumulative effects.

Policy COAST.7 – Assess natural character and identify ways of preserving and enhancing this.

Policy COAST.8 – Manage activities in the coastal marine area to avoid adverse effects on the coastal environment.

Methods:

Method COAST.4 – District Plans. Plans must contain provisions that (in summary):

- (a) Safeguard environmental, social, cultural and heritage values.
- (b) Facilitate appropriate and sustainable development.
- (c) Retain the coastal environment and improve understanding of its physical extent.
- (d) Define the coastal environment in terms of its natural character and landscape definition (including identifying where development is appropriate and inappropriate).
- (e) Include assessment criteria.
- (f) Identify coastal processes, resources or values that are under threat.
- (g) Preserve areas of high natural character.
- (h) Identify areas and opportunities for restoration and rehabilitation of natural character.
- (i) Ensure the effects of climate change and sea level rise are taken into account.

Method COAST.5 – Public Access – existing opportunities at least must be maintained.

Local authorities are also encouraged to (summarised)

- Proactively educate and raise awareness
- Advocate for the coastal environment
- Take account of coastal hazards in consenting
- Collaborate and consult.

In my opinion the Proposed District Plan contains provisions, in the Coastal Environment Sections and elsewhere, that have regard to these provisions in the Proposed Regional Policy Statement.

Regional Coastal Plan

The Regional Coastal Plan for Southland (RCPS) was approved by the Minister of Conservation and made operative on 10 September 2008. Under Section 75 ss.4 of the RMA, a District Plan must not be inconsistent with this Plan.

Its ambit includes

- the coastal marine area
- an area of coastal dominance
- an area of coastal influence
- an area of coastal hinterland

The matter of boundaries needs to be considered. For RMA purposes, the boundary of the Invercargill City District is Mean High Water Springs (MHWS), however the territorial boundary of the City District has been extended to MLWS (Mean Low Water Springs).

Under Part B of the Regional Coastal Plan for Southland the following issues are noted. Some are within the bailiwick of the Proposed District Plan and need to be addressed.

Chapter 3 –

Jacobs River to Stirling Point

3.7.10 *Principal Issues*

1. *Conflict between recreational users of Oreti Beach*
2. *Erosion of Oreti Beach*
3. *Damage to Toheroa beds by vehicular use of Oreti Beach*
4. *Access to Bluff Isthmus*
5. *Water quality standards*

New River Estuary

3.8.9 *Principal Issues*

1. *The effect of reclamation and impoundation on flushing (sedimentation) and habitat.*
2. *The spread of Spartina and its effect on habitats and recreational issues*
3. *Poor water quality*
4. *Eroding shoreline in places*
5. *Inappropriate access*
6. *The effect of noise on habitat and recreational values.*

Bluff Harbour and Awarua Bay

3.9.11 *Principal Issues*

1. *Storage of crayfish or cod pots in Bluff Harbour*
2. *Amenity values*
3. *Aquaculture in eastern Awarua Bay and Bluff Harbour*
4. *Spread of Spartina*
5. *Maintenance and enhancement of water quality*
6. *Protection of significant habitats of indigenous fauna*

Tiwai Point to Fortrose

3.10.11

1. *Lack of access to the area and consequent need to preserve access along the beaches*
2. *Threat of activities in the coastal marine area adversely affecting the natural values of adjoining coastline*

Part C of the Regional Coastal Plan begins with a set of fundamental principles, seen as “having equal weight and priority”.

- *Protection of values*
- *Functional need*
- *Timing, Frequency, Duration and Regularity*
- *Multiple Use*
- *Public Value*
- *Concentration versus sprawl*
- *Cumulative effects*
- *Commercial/Non-commercial surface water activities in the Coastal Marine Area.*
- *Consultation and Information sharing.*

Part C continues at Chapter 5 with a discussion on general matters. The Regional Coastal Plan for Southland was adopted prior to New Zealand Coastal Policy Statement (NZCPS) being gazetted, and this section bridges the gap by adopting the policies of the (at that stage, draft) NZCPS. It should be noted that many of the policies relate specifically to the “coastal marine area.” This is the area below MHWS and is outside the jurisdiction of the Proposed District Plan.

The following are examples of objectives and policies of relevance to this section of the Proposed District Plan, and which are not confined to the “coastal marine area”:

Policy 5.2.2 – Protect the coherence and integrity of (identified) geological sites and landforms. Those in the Invercargill city district are:

G8(a) Barracouta Point gabbro

G14(a) Bluff Hill tombolo

G14(b) Bluff hornfels

Policy 5.2.3 – Consult with tangata whenua and take into account tangata whenua cultural, traditional and spiritual values in relation to issues affecting landscapes and natural features.

Objective 5.4.1.1 – To protect areas of significant indigenous vegetation and significant habitats of indigenous fauna.

Policy 5.4.1.1 – Avoid adverse effects of disturbance to areas of significant indigenous vegetation or significant habitats of indigenous fauna.

Policy 5.4.1.3 – To preserve the habitat of distinctive communities (I think they meant biological communities).

Policy 5.4.1.4 – Promote an understanding of the interactions between the various parts of ecosystems to ensure the life-supporting capacity of ecosystems is safeguarded.

Objective 5.5.1 – Where appropriate, to maintain public access by suitable means to and along the coastal marine area.

Policy 5.5.3 – *“Maintain and enhance public access to and along the coast while having regard to the mode of access and the amenities of the area”*

Policy 5.5.5 – *Esplanade reserves, esplanade strips or access strips should be provided where they do not already exist ...”*

Policies 5.6.1 – 5.6.5 – Generally, consultation and collaboration with tangata whenua.

Policies 5.7.1 – 5.7.4 - Protection of heritage values and sites.

Policy 5.8.1 – Efficient use and development of natural and physical resources.

Section 6 is relevant as it related to the New River Estuary. The Invercargill City District encircles the New River Estuary apart from the entrance at Omaui. Policy 6.2.1 is to maintain and enhance the natural character of the New River Estuary.

Other policies are quite specific in focus, relating to such matters as prevention of spread of exotic biodiversity, aircraft movements.

The remaining sections of the Regional Coastal Plan are quite specific in focus:

7. Coastal Water
8. Air
9. Occupation
10. Seabed and foreshore
11. Structures
12. Coastal Processes and protection works
13. Cruise ships
14. Recreation Activities (there are some specific policies that pertain to areas adjacent to the Invercargill city district, such as Policy 14.2.3 – manage the speed limits of small craft on the lower Oreti River).
15. Marine farming
16. Surface water activities in Fiordland
17. Financial contributions and bonds
18. Et seq – consenting matters

A Coastal Landscape Assessment is appended to the Regional Coastal Plan as Appendix 4. It identifies a series of loosely-defined “landscape units” around the Southland coast, and describes briefly the key landscape elements including distinctive features and cultural elements, and allocates a “naturalness rating” to each landscape unit.

Its provisions are summarised here because submissions questioned why this landscape assessment was not included or referenced in the Proposed District Plan, and this is a matter addressed later in this report.

The coastal environment of the Invercargill City District falls within the following “landscape units”:

Landscape Unit 5 – Waituna – Naturalness rating 4+ The Tiwai Peninsula and areas east) Key landscape elements are the shingle beaches and gravel bars, the dunelands with associated native grasslands, coastal plains with peat bogs, and lagoon and river estuary with associated salt marshes and mudflats. The aluminium smelter is mentioned.

Landscape Unit 6 – Back Beach Bluff – Naturalness rating 4 Key landscape elements are the “dome shaped high hill clad in mixed shrub lands” (Bluff Hill), low hills clad in reverting shrub lands and open grass, and small rocky bays with offshore reefs and stacks.

Landscape Unit 7 – Green Hills – Naturalness rating 4 Key elements are the coastal hills clad in a mixture of native shrub lands and grass lands, coastal bluffs with prominent rocky outcrops, sea cliffs with jagged reefs, a series of small sandy beaches, and secondary dune lands e.g. Three Sisters.

Landscape Unit 8 – Oreti – Naturalness rating 3 Key elements are the long curving beach, narrow strip of primary dune lands, sand plains intensively farmed, “*river mouth with backwater*” (New River Estuary?) and dune land ponds and peat lands.

This landscape assessment was a significant first attempt at categorising the landscape values of the Southland Region and was probably never intended to be used at the scale of the Invercargill City District Plan. It does not acknowledge the landscape values of the coastlines of Bluff Harbour and the New River Estuary. Neither does it acknowledge – in any way – Maori interpretation of landscape.

In my opinion the background papers and the discussion within the Proposed District Plan itself are not inconsistent with, and build on, the Regional Coastal Plan, including the Coastal Landscape Assessment attached as Appendix 4 to that Plan.

Fairly clearly, there has been a significant “moving on” by Environment Southland between the publication of the Regional Coastal Plan for Southland (2008) and the publication of the Proposed Regional Policy Statement (2013) in terms of the perception of the key issues.

Overall, in my opinion the Proposed District Plan is not inconsistent with the Regional Coastal Plan for Southland. However, some modifications I recommend will in my opinion aid in ensuring such consistency is achieved.

Iwi Management Plans

Ngai Tahu has lodged an Iwi Management Plan with the Council. The relevant document is Te Tangi a Tauira – the Cry of the People.

The general thrust of this document with respect to the coast is that it is a finite resource, and has multiple values both intrinsically and for people. Use of the coast needs to be carefully considered, with the multiple values of the coast taken into consideration.

Section 3.6 of Te Tangi a Taurira – the Cry of the People addresses Te Akau Tai Tonga (Southland’s Coastal Environment). The following matters are likely to come within the bailiwick of the Invercargill City District Plan:

- General Policy objectives for Southland’s coastal environment
- Coastal land use and development
- Coastal access
- Coastal ecosystems
- Marine birds
- Protection of Significant Coastal Sites
- Wahi Ingoa – Place Names

The General Policy Objectives cover such matters as ensuring that the land, water and biodiversity at the interface of Southland’s coastal environment are managed in an integrated way, and promoting a collaborative approach.

The Coastal Land Use and Development Policies cover a wide range of issues. Those most relevant to a district plan are:

- Effects on cultural landscape
- Cumulative effects on natural character
- Inappropriate land use and development, including subdivision and density
- Hazards associated with the coastal environment
- Coastal erosion
- Protection of dune systems
- Protection of visual character and amenity
- Protection of waahi tapu sites
- Protection of coastal biodiversity
- Continued access to beaches and coastlines

Te Tangi a Taurira – the Cry of the People sets out 37 policies in this section.

The Coastal Access Policies address the issues around “*seeking a balance between maintaining access for customary use, tourism, enhancement and protection and development*”. There are seven policies in this section.

The Coastal Ecosystems Policies (there are 18 of them) focus on the issues of conservation and potential loss of significant indigenous biodiversity, including estuarine biodiversity, coastal dunes, and the establishment of protected areas.

The seven Marine Birds Policies address issues concerned with habitat and biodiversity, protection of nesting and feeding areas, and concern for environmental effects which can adversely affect avifauna such as structures and light pollution.

Twelve policies address a number of issues around respect for, and protection of, significant coastal sites.

In terms of wahi ingoa (place names), Te Tangi a Taurira – the Cry of the People seeks at section 3.5.22 to promote their ongoing use “*as tangible reminders of Ngai Tahu history on the landscape*” including for new developments, where culturally appropriate, but also used with respect and accuracy.

In my opinion the Proposed District Plan draws from, and respects the provisions of, Te Tangi a Taurira – the Cry of the People.

The Operative District Plan

The approach taken in the Proposed District Plan is similar in direction to that taken in the Operative Plan. By comparison, the issues, objectives and policies in the Proposed Plan are more sharply focused, but the overall policy thrust and direction are very similar.

As noted in my introductory comments, the Proposed Plan in identifying the “coastal environment” simply imported the criteria and provisions of the Operative Plan. However, in the meantime the revised NZCPS was published in 2010, and included specific provisions with respect to identifying the “coastal environment”. The approach taken in preparing the Proposed District Plan was therefore outdated.

The issues in relation to Omaui will be considered in a separate report, but it should be noted here that there is an important difference between the Operative District Plan and the Proposed District Plan; The Operative District Plan does not identify Omaui as an appropriate location for coastal residential development, and the Proposed District Plan does.

Other Statutory Documents

Statutory Acknowledgements

Appendix 3 of the Proposed District Plan sets out the Statutory Acknowledgements in relation to the Ngai Tahu Claims Settlement Act 1998.

Areas particularly affected by this document are Motupohue (Bluff Hill), the Oreti River, the Waituna Wetland, and Rakiura/Te Ara a Kiwa (Rakiura/Foveaux Strait CMA).

Reserves Act 1977 - Reserve Management Plans

Management Plans have been prepared under the Reserves Act by the Invercargill City Council as follows:

Parks Strategy 2013

The Parks Strategy:

- Provides a framework for reserve management plans to be prepared.
- Provides general development standard guidelines for each park category.
- Analyses current and future demand for parks.
- Identifies current deficiencies and future needs for each type of park.
- Provides the context and framework for development contribution requirements.
- Establishes levels of service for each park category.

The strategy is intended to cover a planning period of 10 years (to 2023), with a review to reflect actual growth and community needs/expectations in five years (2018).

Environmental Reserves: Omnibus Management Plan

The Omnibus Management Plan for Environmental Reserves was approved at a meeting on 22 November 2011 by the Invercargill City Council. The plan has been broken down into files. The following are relevant to the Coastal Environment:

Introduction

Background

Management Objectives

General Policies

5.2 Joeys Island

5.6 Omaui Reserve

5.12 Tikore Island

5.13 Esplanade Reserves

Development

Appendices

Greenpoint Domain

Sandy Point Management Plan (July 2013)

In my opinion the Coastal Environment section of the Proposed District Plan has regard to and is not inconsistent with these Statutory Documents and Management Plans.

Conservation Act 1987 – Conservation Management Strategy

The most up to date and relevant document is the Conservation Management Strategy 2014-2024 (CMS). The version used in this report is the June 2013 draft. The Conservation General Policy (2005) requires that regard be given to local government planning documents. In turn, local government planning processes are required to have regard to the Department's statutory plans when preparing documents under the RMA.

The coastal environment of the Invercargill City District is within the "Awarua Place", described in the CMS as follows: *"The Awarua Place extends from Fortrose Spit in the east, to Omaui and New River Estuary in the west and The Bluff/Motupōhue in the south"*.

The values and attributes of the "Awarua Place" are set out in pages 98-105 of the CMS, together with the management philosophy of the Department of Conservation for this area.

In my opinion the Coastal Environment Section of the Proposed District Plan has regard to the 2013 Conservation Management Strategy.

5. ANALYSIS OF THE SUBMISSIONS

The “Coastal Environment” provisions of the Proposed District Plan attracted a total of 106 submission points.

The table below sets out the number of points made in submissions and further submissions on each section of the Proposed District Plan.

| PLAN PROVISION | (Approximate) NUMBER OF SUBMISSION POINTS |
|----------------|---|
| General | 5 |
| Issues | 15 |
| Objectives | 26 |
| Policies | 51 |
| Methods | 9 |
| Rules | 0 |
| Planning Maps | 0 |

Although a significant number of submission points are made in relation to the Coastal Environment, most of them are matters of detail, syntax and wording.

In the sequential order of the Proposed District Plan, the following are the significant matters raised in the submissions:

(a) *The wording of the “Issues” at 2.4.1 (page 2-9) of the Plan.*

Minor changes to the wording of the Issues have been suggested.

(b) *“Functional need”*

There is some disagreement about the term “functional need” even though most submitters seem to agree with the concept. “Functional need” is one of the cornerstones of both the operative and proposed Regional Coastal Plans. To explain the concept in simple terms: A sea port must locate adjacent to the sea where it is accessible to ships – it has a “functional need” of coastal space. Invercargill Airport also has a “need” of coastal space because that is where the existing airport was located for historic reasons. An airport could function just as well inland. An airport per se does not therefore have a “functional need” of coastal space. However, because the Invercargill airport was built (on reclaimed land) in the Coastal Environment, is well established there, and its owners have invested heavily in the site, the airport now indeed has a “functional need” of that area of the coastal environment.

There was concern in some submissions that “functional need” was being given too much weight. However, other submitters and further submitters also supported the weighting implied in the plan as notified. However, “functional need” does need to be considered in context. When considering development in the context of Bluff, for example, which is an established port and in which the natural character of the coastal environment is highly modified, the concept of “functional need” is highly relevant in determining the priority to be accorded a proposal for further development. In the context of a pristine, natural area the concept of functional need is still relevant but needs to be considered in relation to context – even though the proposal has a

“functional need” of coastal space, all things considered is it “appropriate” in this pristine natural area?

Hence, the intention of the Plan is to recognise the importance of “functional need” in considering uses in the coastal environment. In so doing, the Plan recognises that some uses have acquired a functional need of coastal space because they are already legally established in the coastal environment and have invested heavily in site-specific assets and infrastructure. The Plan also recognises the importance of context. Wording changes are recommended to clarify this.

(c) *Sea level rise*

One submitter requested specific mention of sea level rise in the “Coastal Environment” section of the Proposed District Plan. However sea level rise is just one of many natural hazards to which the coastal environment can be subject, and a holistic view of natural hazard is taken in that section of the Plan.

(d) *Whether the Proposed District Plan generally gives effect to the New Zealand Coastal Policy Statement (NZCPS)*

Submissions have indicated that in the submitter’s opinion the plan provisions need to be aligned with the provisions of the NZCPS. The issue is the extent to which it can be demonstrated that the Plan “gives effect to” the NZCPS – which is a legal requirement – because the Plan is written in its own vernacular which is not that of the NZCPS.

The following is an analysis of how, and the extent to which, the Plan gives effect to the NZCPS:

| NZ Coastal Policy Objective | District Plan Response |
|--|--|
| <p>Objective 1 To safeguard the integrity, form, functioning and resilience of the coastal environment and sustain its ecosystems, including marine and intertidal areas, estuaries, dunes and land.</p> | <p><i>In General:</i> Identifying the coastal environment on the planning maps.</p> <p>The provisions of the Plan relating to “Coast”, “Natural Features, Landscapes and Townscapes”, “Natural Hazards”, “Subdivision”; also the zoning provisions relating to the areas within the defined coastal environment.</p> <p>Many of the areas to which the “Biodiversity” provisions of the Plan apply are also within the coastal environment.</p> <p><i>In Particular:</i> COAST POLICY 3 at page 2-11 which lists assessment criteria that must be addressed in relation to resource consents within the identified coastal environment under Method 3.2.1.</p> |
| <p>Objective 2 To preserve the natural character of the coastal environment and protect natural features and landscape values.</p> | <p><i>In General:</i> COAST – A theme throughout the COAST section is preservation of its natural character where this has not already been modified.</p> <p><i>In Particular:</i> The majority of the outstanding landscapes and natural features identified in Section 2-10 are also in the Coastal Environment.</p> |
| <p>Objective 3 To take account of the principles of the Treaty of Waitangi, recognise the role of tangata whenua as kaitiaki and provide for tangata whenua involvement in management of the coastal environment.</p> | <p><i>In General:</i> A complete section of the Plan is devoted to addressing significant resource management issues for tangata whenua.</p> <p><i>In particular:</i> Policies under 2.16.3 (page 2-57) and Methods of Implementation under 2.16.4 (page 2-60) provide for tangata whenua involvement.</p> |
| <p>Objective 4 To maintain and enhance the public open space qualities and recreation opportunities of the coastal environment.</p> | <p><i>In General:</i> It is acknowledged within the PUBLIC OPEN SPACE section that new developments can significantly affect the character of areas of public open space.</p> <p><i>In particular:</i> The need to maintain and improve public access along the coast is listed within the COAST section as Issue 3 at page 2-9.</p> |

| NZ Coastal Policy Objective | District Plan Response |
|---|---|
| | <p>COAST Policy 4 (page 2-11) requires measures to (B) maintain or enhance public access along the coast.</p> <p>SUBDIVISION - Objective 11, policy 11 and regulatory provisions 3.18.8 – 3.18.12 provide for public access to the coastal marine area in the form of esplanade strips.</p> |
| <p>Objective 5 To ensure that coastal hazard risks taking account of climate change, are managed.</p> | <p><i>In General:</i> The NATURAL HAZARDS section of the plan takes an holistic view of natural hazard and includes specific references to natural hazards associated with the coastal environment.</p> <p><i>In Particular</i> Under NATURAL HAZARDS Policy 4 (page 2-43) identifies areas below the 3 meter contour as subject to multiple hazard; Policy 7 (page 2-44) specifically refers to sea level rise, and Policy 11 (page 2.44) requires a precautionary approach.</p> |
| <p>Objective 6 To enable people and communities to provide for their social, economic, and cultural well-being and their health and safety, through subdivision, use, and development (with a number of provisos).</p> | <p>Both the district-wide and area specific provisions of the Plan make provision for development in and around the urban areas of Invercargill and the developed areas of Bluff. The Plan also makes provision for coastal residential development at Omaui.</p> |
| <p>Objective 7 To ensure that management of the coastal environment recognises and provides for New Zealand's international obligations regarding the coastal environment, including the coastal marine area.</p> | <p>The Ramsar convention is recognised in the BIODIVERSITY sections of the Plan. Any conventions regarding the Coastal Marine Area would be outside the jurisdiction of the Plan, as the boundary of the District for planning purposes under the RMA is Mean High Water Springs.</p> |

I have not done so here, but it is possible to take each of the bullet points listed in the NZCPS in association with each Objective, and find provisions in the Plan which address those bullet points.

In a similar fashion, the following is an overview of how the Proposed District Plan would give effect to the NZCPS Policies cited above.

| NZCPS Policy | District Plan Response |
|---|--|
| Policy 3: Precautionary approach | Objective 1 Policies 2, 3, 4, Method 3 |
| Policy 6: Activities in the coastal environment | Objectives 2, 5 Policies 2, 5, Method 2 |
| Policy 9: Ports | Objective 3 Policy 5, Methods 1, 2 |
| Policy 13: Preservation of natural character | Objective 1 Policies 1, 2, 4, Methods 2, 5 |
| Policy 15: Natural features and natural landscapes | Objective 1 Policies 1, 3, 4, Methods 3, 5 (Also provisions in the Natural; Features, Landscapes and Townscapes section) |
| Policy 18: Public open space | Objective 5 Policy 4, Method 6 |
| Policy 19: Walking access | Objective 5 Policy 4, Method 6 |
| Policy 24: Identification of coastal hazards | Objective 1 Policy 4 (Also provisions in the Natural Hazards section) |
| Policy 25: Subdivision, use, and development in areas of coastal hazard risk | Addressed in the Natural Hazards section |
| Policy 26: Natural defences against coastal hazards | Addressed in the Natural Hazards section |
| Policy 27: Strategies for protecting significant existing development from coastal hazard risk | Addressed in the Natural Hazards section |

Viewed holistically in this way, in my view the Proposed District Plan does give effect to the NZCPS.

- (e) ***The difference in the criteria used in the Proposed District Plan, as notified, to define the Coastal Environment, and the parallel criteria in the New Zealand Coastal Policy Statement.***

Several submissions drew attention to the need (in the submitters' views) to align the criteria in the Proposed District Plan with those in the NZCPS.

I have recommended that the explanation to Policy 1 be redrafted:

The delineation of the coastal environment includes or takes account of the following elements:

- a. The coastal marine area (which is outside the Invercargill city district);
- b. islands within the coastal marine area;
- c. areas where coastal processes, influences or qualities are significant, including coastal lakes, lagoons, tidal estuaries, saltmarshes, coastal wetlands, and the margins of these;
- d. areas at risk from coastal hazards;
- e. coastal vegetation and the habitat of indigenous coastal species including migratory birds;
- f. elements and features that contribute to the natural character, landscape, visual qualities or amenity values;
- g. items of cultural and historic heritage in the coastal marine area or on the coast;
- h. inter-related coastal marine and terrestrial systems, including the intertidal zone; and
- i. physical resources and built facilities, including infrastructure, that have modified the coastal environment.

These criteria correspond with Policy 1 of the NZCPS, viz:

Policy 1: Extent and characteristics of the coastal environment

1. Recognise that the extent and characteristics of the coastal environment vary from region to region and locality to locality; and the issues that arise may have different effects in different localities.
2. Recognise that the coastal environment includes:
 - a. the coastal marine area;
 - b. islands within the coastal marine area;
 - c. areas where coastal processes, influences or qualities are significant, including coastal lakes, lagoons, tidal estuaries, saltmarshes, coastal wetlands, and the margins of these;
 - d. areas at risk from coastal hazards;
 - e. coastal vegetation and the habitat of indigenous coastal species including migratory birds;
 - f. elements and features that contribute to the natural character, landscape, visual qualities or amenity values;
 - g. items of cultural and historic heritage in the coastal marine area or on the coast;
 - h. inter-related coastal marine and terrestrial systems, including the intertidal zone; and
 - i. physical resources and built facilities, including infrastructure, that have modified the coastal environment.

Having changed the criteria, I then needed to consider whether the “coastal environment” identified on the Planning Maps according to the criteria listed in Policy 1 as notified, was still valid. I completed a desk-top exercise. It should be noted that this was backed up by the fact that I have worked in the Southland region and Invercargill area as a planner or in senior local government planning-related roles, since 1978. Over this time I have walked and mountain biked around, sailed around, flown over at low altitude and surfed in the coastal environment of the Invercargill city district many times. Throughout my career I have also been involved in numerous planning projects involving the coastal environment. I believe I know and can interpret the coastal environment of the Invercargill City District better than most people.

On this basis it is my opinion that the area delineated on the planning maps IS a reasonable interpretation of the coastal environment according to the criteria adapted from the NZCPS. There is one exception. For some reason, the Airport was not included in the “coastal environment” on the Planning Maps, even though it is referred to in several places in the text of the Plan as being within the coastal environment. Around the Airport and also west of Dee Street, it seems sensible to take the original shoreline as the boundary defining what was originally part of the New River estuary, and is now in the “coastal environment”. I noted that the reclaimed areas at Bluff, including the Island Harbour, are within the identified coastal environment.

(f) Whether the Assessment criteria in Policy 3 (as notified) align with the NZCPS

Submitters raised concerns that Policy 3, as notified, did not align with the NZCPS. In response to this submission I have concluded that there is no good reason for them to be different and I am recommending a re-drafted version of Policy 3 as follows:

Policy 3 Assessment criteria: *To assess proposals for subdivision, use and development against the following criteria:*

1. *The extent to which the proposal avoids adverse effects of activities on natural character in areas of the coastal environment with outstanding natural character; and*
2. *The extent to which significant adverse effects are avoided, and other adverse effects are avoided, remedied or mitigated, on natural character in all other areas of the coastal environment;*

Explanation: *Natural character may include matters such as:*

- *natural elements, processes and patterns;*
- *biophysical, ecological, geological and geomorphic aspects;*
- *natural landforms such as headlands, peninsulas, cliffs, dunes, wetlands, reefs, freshwater springs and surf breaks;*
- *the natural movement of water and sediment;*
- *the natural darkness of the night sky;*
- *places or areas that are wild or scenic;*
- *a range of natural character from pristine to modified; and*
- *experiential attributes, including the sounds and smell of the sea, and their context or setting.*

I believe this is a reasonable interpretation of Policy 13 of the NZCPS:

Policy 13: Preservation of natural character

1. To preserve the natural character of the coastal environment and to protect it from inappropriate subdivision, use, and development:
 - a. avoid adverse effects of activities on natural character in areas of the coastal environment with outstanding natural character; and
 - b. avoid significant adverse effects and avoid, remedy or mitigate other adverse effects of activities on natural character in all other areas of the coastal environment; including by:
 - c. assessing the natural character of the coastal environment of the region or district, by mapping or otherwise identifying at least areas of high natural character; and
 - d. ensuring that regional policy statements, and plans, identify areas where preserving natural character requires objectives, policies and rules, and include those provisions.
2. Recognise that natural character is not the same as natural features and landscapes or amenity values and may include matters such as:
 - a. natural elements, processes and patterns;
 - b. biophysical, ecological, geological and geomorphological aspects;
 - c. natural landforms such as headlands, peninsulas, cliffs, dunes, wetlands, reefs, freshwater springs and surf breaks;
 - d. the natural movement of water and sediment;
 - e. the natural darkness of the night sky;
 - f. places or areas that are wild or scenic;
 - g. a range of natural character from pristine to modified; and
 - h. experiential attributes, including the sounds and smell of the sea; and their context or setting.

This change should avoid duplication and confusion. As it was, a competent Assessment of Environmental Effects would have had to have considered both the NZCPS criteria AND the criteria set out in Policy 3 of the Plan as notified. That could have been confusing for everybody.

(g) Identification of “natural character”

Submitters raised the issue of whether the “natural character” of the Invercargill city district coastal environment had been formally identified.

In response to this submission it is recommended that reference be made in the Plan to a publication which identifies the ‘natural character’ of the coastal environment and which could be referred to in developing’ or assessing, an application for development in the coastal environment.

It is recommended that the introductory text to Section 2.4 be modified with a new sixth paragraph as follows:

“COASTAL ENVIRONMENT”

No change to paragraphs 1, 2, 3, 4 and 5.

The natural character of the Invercargill coastal environment is analysed in the publications:

Regional Coastal Plan for Southland – July 2005 – Appendix 4

(h) Bluff, Tiwai and Omaui

Several issues were raised.

- (a) The matter of port facilities at Tiwai was raised by several submitters. It is relevant to recognise Tiwai as an appropriate location for port facilities associated with the aluminium smelter. In my view, whether it is the right location for a different kind of port facility should be considered by way of Plan Change because the implications are significant.
- (b) There was concern at whether the words “Bluff” and “Omaui” were sufficiently specific in determining general areas where development in the coastal zone could be developed and encouraged. I have recommended some wording changes to address this.

(i) Other matters related to “context”

- (a) There was concern over the extent to which the natural values of the coastal environment were given precedence in the Plan, however I have tried to address these concerns by recommending increased emphasis on “context” in determining “functional need”.
- (b) There was concern about the extent to which values to the Maori people had been, and would be, given consideration in decision-making in relation to the coastal environment. Again, the increased emphasis on “context” together with the more direct links with the NZCPS should ensure proper incorporation of Maori values into decision-making.
- (c) One matter that arose out of consideration of the Plan provisions in response to submissions concerns paragraph 3.2.1. No submissions were made on this point, however in the context of the Plan the status of the paragraph is unclear. Is it a Rule or is it a Note? The paragraph immediately below (3.3.1) begins with “**Note:**” Paragraph 3.2.1 is advisory in nature (pointing out that when a resource consent is triggered by another provision in the Plan, then issues that pertain to the coast need to be addressed in the Assessment of Environmental Effects). As a minor editorial matter the opportunity should be taken to insert the word “Note” at the start of paragraph 3.2.1.

6. DISCUSSION OF SECTION 32 MATTERS

Section 32 of the RMA establishes the framework for assessing objectives, policies and rules proposed in a Plan. This requires the preparation of an Evaluation Report. This Section of the RMA was recently amended (since the notification of the proposed District Plan) and the following summarises the current requirements of this section.

The first step of Section 32 requires that objectives are assessed to determine whether they are the most appropriate way to achieve the purpose of the RMA (as defined in Section 5).

The second step is to examine policies and rules to determine whether they are the most appropriate way to achieve the objectives. In this instance, the objectives are those proposed by the District Plan. This assessment includes requirements to:

- Identify the costs of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the provisions (including effects on employment and economic growth).
- Identify other reasonably practicable options for achieving the objectives; and
- Assess the efficiency and effectiveness of the provisions in achieving the objectives.

An Evaluation Report was released at the time of notification of the Proposed Plan.

Section 32AA of the RMA requires a further evaluation to be released with decisions, outlining the costs and benefits of any amendments made after the Proposed Plan was notified.

Section 32 states that Evaluation Reports need to contain a level of detail that corresponds to the scale and significance of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the proposal. This means that if in its decision the Hearings Panel recommends minor changes from what was in the Proposed Plan, a further evaluation can be relatively brief.

6.1 Relevant Section 32AA Matters

Listed below are the recommended changes to the Proposed District Plan with regard to the coastal environment provisions. The following is a summary of the recommended amendments to the Introduction and policies (listed in full as Appendix 2) and considered relevant for further evaluation under Section 32AA of the RMA.

- Minor changes in wording of an explanatory nature to paragraph 1, page 2-9.
- A new paragraph 6 citing a reference on the natural character of the Invercargill coastal environment.
- Minor change in wording to include the words “*other land uses and infrastructure which may have functional needs to locate in the coastal environment*” to Issue 4.
- Change to Objective 3 to include “*the Bluff area*” rather than just “*Bluff*”, and also to include reference to “*port facilities associated with the aluminium smelter*”.
- A new Objective 4A providing for the Airport in the coastal environment.

- Minor change to Objective 5, to recognise that infrastructure, renewable energy projects and associated development “*may have locational and technical constraints*” (requiring a location in the coastal environment).
- A new Objective 7 providing for aluminium smelting activities at Tiwai Point.
- The explanation to Policy 1 has been redrafted, establishing a new basis for delineation of the coastal environment and recognising that it is subject to interpretation and change.
- Minor change to Policy 2, clarifying locations in the coastal environment where development is “appropriate”. The Plan as notified identified Bluff and Omaui. The recommended change identifies the “*Bluff area including the Island Harbour and the port facilities on the Tiwai Peninsula, industrial land in the Invercargill-Bluff corridor, and (for residential development) the hamlet of Omaui*” as the appropriate locations for subdivision, use and development in the coastal environment. The Policy now also refers to the Airport as the appropriate location for airport activities and development. The recommended change brings Policy 2 into line with provisions elsewhere in the Plan and does not introduce a new policy direction.
- Policy 3 has been re-drafted. Policy 3 sets out the criteria against which applications for resource consent in the coastal environment will be assessed (in relation to the coastal environment). The policy has been changed to align it with the NZCPS.
- Very minor wording change to the syntax of Policy 4.
- Minor change to Policy 5 to clarify that “functional need” is to be recognised in determining appropriate locations and/or management in the coastal environment.
- Addition to Method 3 to the effect that avoidance or mitigation of natural hazards should be taken into account in deciding resource consents.
- Some very minor changes to wording of the “Methods”, basically clarifying the importance of landowner involvement in decision-making, particularly regarding public access, but also clarifying that the use of both regulatory and non-regulatory methods is envisaged.
- Some numbering changes.
- Inclusion of part of the Airport and an area west of Dee Street within the coastal environment marked on the planning maps.

6.2 Section 32AA Further Evaluation

The “Coast” section of the original Section 32 report (pages 29 – 37) is relevant to this report.

It is necessary to review this assessment with respect to the new objectives and policies, or any objectives and policies that have changed significantly. The following review follows the methodology of the original Section 32 report.

New Objective 4A

- Relates to Issues 2 and 4 in the Plan.
- The Objective clearly states the outcome sought.
- The Objective is relevant because it seeks to enable an established land use which has developed a functional need of space in the coastal environment to continue.

- The objective addresses the issue in a way that achieves the purpose of the RMA.
- Achieving the objective will make a difference because the Airport will be enabled to continue to operate despite being in the coastal environment.

New Objective 7

- Relates to Issue 2 in the Plan.
- The Objective clearly states the outcome sought.
- The Objective is relevant because it seeks to enable an established land use which has developed a functional need of space in the coastal environment to continue.
- The objective addresses the issue in a way that achieves the purpose of the RMA.
- Achieving the objective will make a difference because the Tiwai Point Aluminium Smelter will be enabled to continue to operate despite being in the coastal environment.

Revised Policy 1 - explanation

- **Alternative** – leave as notified – and risk disconnect between the Plan and the NZCPS.
- **Costs and benefits of preferred option:**

| | Env. Cost | Env. Benefit | Social Cost | Social Benefit | Econ. Cost | Econ. Benefit |
|------------------------|------------------|---------------------|--------------------|---------------------------|-------------------|--|
| Council | Nil | Nil | Nil | Seen to address the issue | Nil | Clarifies to whom provisions apply |
| Resource User | Nil | Nil | Nil | Nil | Nil | Clarifies when plan provisions will be invoked |
| Wider Community | Nil | Nil | Nil | Nil | Nil | Clarifies when plan provisions will be invoked |

- **Risk of acting/not acting:** If this plan provision is not changed there would be greater unnecessary debate on the nature and extent of the coastal environment.
- **Conclusion:** The change will add to the effectiveness of the Plan and the efficiency of its administration.

Revised Policy 3

- **Alternative** – leave as notified – and risk disconnect between the Plan and the NZCPS.
- **Costs and benefits of preferred option:**

| | Env. Cost | Env. Benefit | Social Cost | Social Benefit | Econ. Cost | Econ. Benefit |
|------------------------|-----------|--------------|-------------|---------------------------|------------|------------------------------------|
| Council | Nil | Nil | Nil | Seen to address the issue | Nil | Clarifies matters to be considered |
| Resource User | Nil | Nil | Nil | Nil | Nil | Clarifies matters to be considered |
| Wider Community | Nil | Nil | Nil | Nil | Nil | Clarifies matters to be considered |

- **Risk of acting/not acting:** If this plan provision is not changed there would be greater unnecessary debate and confusion the criteria to be applied regarding the coastal environment when assessing resource consents.
- **Conclusion:** The change will add to the effectiveness of the Plan and the efficiency of its administration.

Revised Policy 5

- **Alternative** – leave as notified – and risk disconnect between the Plan and the NZCPS and Regional Coastal Plan
- **Costs and benefits of preferred option:**

| | Env. Cost | Env. Benefit | Social Cost | Social Benefit | Econ. Cost | Econ. Benefit |
|------------------------|-----------|--|--|---|--|---|
| Council | Nil | Should reduce risk of undue weight given to some businesses needs in assessments of resource consents over other considerations. | Nil | Seen to address the issue | Nil | Avoids potential of misalignment with policy hierarchy and possible administration inefficiencies. |
| Resource User | Nil | Nil | Nil | Nil | It is possible, although on balance unlikely, that the revised policy weighting could prevent of stifle new business activities. | Avoids potential of misalignment with policy hierarchy and possible administration inefficiencies. |
| Wider Community | Nil | Should reduce risk of undue weight given to some businesses needs in assessments of resource consents over other considerations. | Possible (although remote) employment effect if policy weighting prevents some activities from establishing. | Appropriate weighting of social and cultural effects will be supported. | Possible (although remote) effect if policy weighting prevents some activities from establishing. | Will ensure that other economic effects beyond that identified as having a functional need are duly considered. |

- **Risk of acting/not acting:** If this plan provision is not changed there would be greater unnecessary debate and confusion around the weighting to be provided to the needs of activities with a “functional need”.
- **Conclusion:** The change will add to the effectiveness of the Plan and the efficiency of its administration, and ensure that the Plan strikes the balance directed by the NZCPS and Regional Coastal Plan.

Other changes are minor. They are within the scope of the original evaluation findings and do not raise any additional matters of consideration. A detailed assessment or quantification of costs and benefits of these other changes is neither practical nor necessary. It follows that the environmental, economic, social or cultural effects anticipated to arise as a consequence of the changes are minor.

7. CONCLUSION

Although a significant number of submission points is made in relation to the Coastal Environment, most of them are matters of detail, syntax and wording.

The most significant issue raised in the submissions may well be whether, and the extent to which, the Proposed District Plan gives effect to the New Zealand Coastal Policy Statement (NZCPS). In Section 3 of this report I have recorded the results of an analysis, on the basis of which I conclude that the Proposed District Plan, read holistically, does indeed “give effect to” the provisions of the NZ Coastal Policy Statement to the extent that is appropriate in a district plan.

However, to clarify the links between the District Plan and the NZCPS I am recommending a significant re-drafting of two policies, relating to the identification of the coastal environment, and the criteria against which applications within the coastal environment will be assessed.

Identifying the coastal environment according to revised criteria resulted in the inclusion of one significant area within the coastal environment – the Invercargill Airport.

Aligning the assessment criteria with the NZCPS both ensures that the Council would “give effect” to the NZCPS and also prevents the confusion that could be caused for applicants if the two plans had different criteria.

Other submitters considered that the “Coastal Environment” section of the Proposed District Plan should identify areas of high natural character. However, this topic is addressed in the Regional Coastal Plan, which I have recommended be formally referenced in the Plan.

In some instances there have been several submissions and further submissions supporting a particular provision, opposing it and seeking a wording change, and further submissions either opposing or supporting the original submission. One example of this is the number of submissions on Policy 5 (20 submission points either supporting the concept of “functional need” or wanting a change in wording but not disagreeing with the concept).

I have also recommended some rewording of the policy relating to functional need. I consider this is appropriate to reflect the balance of the RMA, the NZCPS and the Regional Coastal Plan. I believe however that the resultant wording is appropriate for an Invercargill City context and that it will not unduly restrict business activities.

A number of changes to the wording have been recommended to clarify the thrust and meaning of the Plan, but in my opinion no significant change in sense or intent is required.

APPENDIX 1 – RECOMMENDATIONS ON SUBMISSIONS

| Submitter | Plan Provision | Submission | Recommendation |
|--|----------------|--|---|
| SECTION 2.4 ISSUES, OBJECTIVES AND POLICIES | | | |
| 18.31 Environment Southland | Introduction | <p>The submitter suggests that all the coastline (as defined by the edge of vegetation) is within the Invercargill city district rather than “bordering” it.</p> <p>DECISION SOUGHT The submitter requests that the first sentence of the opening paragraph be amended to read: <u>“The Invercargill city district contains about 165 kilometres of coastline around harbours, estuaries or tidal rivers and along the open coast.”</u></p> | <p>Accept. The submitter’s suggestion is an improvement.</p> <p>Page 2-9 Section 2.4 amend first sentence: The coastline that penetrates and borders the district to the west and north is about 165 kilometres in length. <u>“The Invercargill city district contains about 165 kilometres of coastline around harbours, estuaries or tidal rivers and along the open coast.</u></p> |
| FS8.3 Department of Conservation | Introduction | <p>Support submission 18.31 The further submitter considers that it should be made clear in the introduction that the coast and coastline is included within the boundaries of the district.</p> <p>DECISION SOUGHT As for 18.31.</p> | <p>Accept. On the same basis and for the same reasons as Submission Point 18.31 above</p> |
| 18.32 Environment Southland | Introduction | <p>The submitter supports the last sentence “<i>Change due to coastal processes is expected to continue</i>” in principle but believes it could be stronger.</p> <p>DECISION SOUGHT The submitter seeks an amendment to the last sentence to read: <u>“Change due to coastal processes is expected to continue especially if sea level continues to rise as much as predicted.”</u></p> | <p>Accept. The submitter’s suggestion strengthens the original.</p> <p>Amend page 2-9 Section 2.4 first paragraph last sentence to read: <u>“Change due to coastal processes is expected to continue especially if sea level continues to rise as much as predicted.</u></p> |

| Submitter | Plan Provision | Submission | Recommendation |
|---------------------------|----------------|---|---|
| 24.3 South Port NZ Ltd | Introduction | <p>The submitter supports this provision, considering it appropriate to recognise that the Port activities contribute to the existing character of that part of the coastal environment.</p> <p>DECISION SOUGHT Retain Introduction in its present form.</p> | <p>Accept. This point is covered in paragraph 3 of the introduction under 2.4 at page 2-9. It is not considered that the changes recommended in response to submissions 18.31 and 18.32 significantly alter the sense of this section.</p> |
| 71.4 NZAS Ltd | Introduction | <p>The submitter supports the recognition of the Tiwai Aluminium Smelter as being a regionally significant development.</p> <p>DECISION SOUGHT Retain introduction (paragraph 3) in its present form.</p> | <p>Accept. On the same basis and for the same reasons as Submission Point 24.3 above.</p> |
| 24.4 South Port NZ Ltd | 2.4.1 Issues | <p>Oppose in part, considering that this issue statement should be amended to recognise that the Port and associated infrastructure needs to be able to meet the economic and social needs of people and communities. The reference to affecting natural character is unnecessary as the first point already deals with this. It is unnecessary to specify that the Port activities need to be balanced with environmental/conservation values when there are other issue statements that deal with this.</p> <p>DECISION SOUGHT The submitter seeks an amendment to the issue statement as follows: 4. Sea ports and infrastructure located in the coastal environment have <u>a functional need to locate in the coastal environment in order to</u></p> | <p>Accept in part. The Plan distinguishes between those activities which MUST locate in the coastal environment – and therefore have a priority for coastal space – and those for whom a coastal location not necessary for the activity to be carried out. In the coastal environment there is nearly always a balancing of development needs against conservation of natural values – the issue is highlighting the need to take “functional need” of a coastal location into account</p> <p>Amend Issue 4 to read: <i>Sea ports and infrastructure located within the coastal environment can affect its natural character but also have a functional need of coastal space and other land uses and infrastructure may have</i></p> |

| Submitter | Plan Provision | Submission | Recommendation |
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| | | <p><u>meet the economic and social needs of people and communities.</u></p> | <p><i>functional needs requiring them to locate in the coastal environment.. This functional need must be balanced against conservation needs. In these cases conservation needs must be balanced against development needs.</i></p> |
| <p>FS5.2 Invercargill Airport Ltd</p> | <p>2.4.1 Issues</p> | <p>The submitter supports submission 24.4, agreeing that the issue statement should be amended to recognise that the port and other major infrastructure may have a functional (or operational) need to locate within the coastal environment.</p> <p>DECISION SOUGHT Not specifically stated.</p> | <p>Accept in part. On the same basis and for the same reasons as Submission Point 24.4 above.</p> |
| <p>FS25.2 Transpower NZ Ltd</p> | <p>2.4.1 Issues</p> | <p>The submitter supports in part submission 24.4, noting that whilst they seek to avoid these areas, it is not always possible due to functional, locational and operational constraints.</p> <p>DECISION SOUGHT Not specifically stated.</p> | <p>Accept in part. On the same basis and for the same reasons as Submission Point 24.4 above.</p> |
| <p>77.8 Te Runaka o Waihopai and Te Runaka o Awarua</p> | <p>2.4.1 Issues</p> | <p>The submitter supports the original wording of all the Issues.</p> <p>DECISION SOUGHT Retain the Issues in their present form.</p> | <p>Accept in part. On the same basis and for the same reasons as Submission Point 24.4 above, noting that otherwise the wording of the Issues be unchanged.</p> |

| Submitter | Plan Provision | Submission | Recommendation |
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| 71.5 NZAS Ltd | 2.4.1 Issue 4 | <p>The submitter supports the recognition of functional need but would like the Issue expanded to specifically recognise the aluminium smelter.</p> <p>DECISION SOUGHT Issue 4 be amended as follows: “Sea ports, <u>the aluminium smelter at Tiwai Point and infrastructure located within the coastal environment ...</u>”</p> | <p>Reject. The Plan recognises and provides for the smelter at Tiwai Point through its own zoning. Invercargill Airport is provided for in a similar manner. However, it is considered inappropriate to refer to a specific land use in the “issues” parts of the district-wide provisions of the Plan which are general in nature.</p> |
| FS7.2 South Port New Zealand Ltd | 2.4.1 Issue 4 | <p>The submitter supports submission 71.5.</p> <p>The further submitter agrees that the Tiwai Point aluminium smelter should be recognised as infrastructure alongside the seaport.</p> <p>DECISION SOUGHT Amend Issue 4 as follows:</p> <p>”Sea ports, <u>the aluminium smelter at Tiwai Point, and infrastructure located in the coastal environment have a functional need to located in the coastal environment in order to meet the economic and social needs of the City and wider region</u>”</p> | <p>Reject. On the same basis and for the same reasons as Submission Point 71.5 above.</p> |

| Submitter | Plan Provision | Submission | Recommendation |
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| 79.4 KiwiRail Holdings Ltd | 2.4.1 Issue 4 | <p>The submitter supports Issue 4 on the basis that it is a good recognition of the type of balancing policies required to address both the physical coastal environment and natural character and the need for lifeline infrastructure.</p> <p>DECISION SOUGHT Retain Issue 4.</p> | <p>Accept in part. On the same basis and for the same reasons as Submission Point 24.4 above.</p> |
| FS5.3 Invercargill Airport Ltd | 2.4.1 Issue 4 | <p>The submitter supports in part submission 79.4, agreeing that coastal values need to be balanced against the functional needs of lifeline infrastructure.</p> <p>However, the further submitter considers that Issue 4 does not require specific reference to conservation as it is provided for via other issue statements found elsewhere in the Proposed Plan.</p> <p>DECISION SOUGHT (Implied – that the reference to “conservation” should be deleted.)</p> | <p>Accept in part. While the submitter’s support in part for the original wording of Issue 4 is noted, it is considered that the issue statement would be incomplete without the reference to the need to balance conservation needs against development needs.</p> |
| FS7.3 South Port New Zealand Ltd | 2.4.1 Issue 4 | <p>The submitter supports in part submission 79.4, agreeing in principle, however maintaining that Issue 4 does not require specific reference to conservation as it is provided for via other issue statements found elsewhere in the Proposed Plan.</p> <p>DECISION SOUGHT Not specifically stated.</p> | <p>Accept in part. On the same basis and for the same reasons as FS5.3.</p> |

| Submitter | Plan Provision | Submission | Recommendation |
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| <p>87.3 Transpower NZ Ltd</p> | <p>2.4.1 Issue 4</p> | <p>The submitter opposes the wording of Issue 4 in part. The submitter considers that natural character and conservation are separate considerations and the issue should be amended to refer to “natural character” only as this reflects the intent of the associated objectives and policies.</p> <p>Furthermore, the submitter seeks that the Issue refers specifically to the National Grid to give effect to the NPSET.</p> <p>DECISION SOUGHT</p> <p>(i) Amend Issue 2.4.1 as follows: “4. Sea ports and infrastructure located within the coastal environment can affect its natural character but also have a functional need of coastal space. In these cases conservation <u>natural character</u> needs to be balanced against development needs, <u>in particular regarding the National Grid.</u>”</p> <p>(ii) And any consequential amendments.</p> | <p>Reject.</p> <p>It is not considered that substituting the words “natural character” for “conservation” clarifies or improves the issue statement.</p> <p>It is not considered that a National Environmental Standard needs to be specifically included in a high-level issue statement.</p> <p>However, it should be noted that the recommended response to submission 24.2 (above) avoids the use of the words “natural character”. The amended policy emphasises the need to balance conservation needs and development needs.</p> |
| <p>FS12.7 PowerNet Ltd</p> | <p>2.4.1 Issue 4</p> | <p>The further submitter supports in part /opposes in part submission 87.3.</p> <p>The further submitter agrees with the submission insofar as it seeks to ensure that the Issue relates to consideration of natural character. However, the further submitter considers that the issue is intended to be wider than simply the National Grid and should continue to apply to all infrastructure.</p> | <p>Accept in part.</p> <p>On the same basis and for the same reasons as 87.3.</p> |

| Submitter | Plan Provision | Submission | Recommendation |
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| | | <p>DECISION SOUGHT (Implied) Re-word Issue 4 to widen the issue to apply to all infrastructure</p> | |
| <p>91.1 PowerNet Ltd</p> | <p>2.4.1 Issue 4</p> | <p>Support. The submitter considers it appropriate that a balance between conservation needs and development needs is recognised within the District Plan, and seeks to retain 2.4.1 Issue 4.</p> <p>DECISION SOUGHT Retain original working for Issue 4.</p> | <p>Accept in part. On the same basis and for the same reasons as Submission Point 24.4 above.</p> |
| <p>New Issues</p> | | | |
| <p>18.33 Environment Southland</p> | <p>2.4.1 New issue</p> | <p>The submitter believes there should be a reference to sea level rise as an issue. Sea level rise and adjusting or adapting to it is going to become more and more of an issue for the ICC in the future. Already there are issues at Omaui, Bluff and Sandy Point, which the submitter believes will become more significant and widespread in the future.</p> <p>DECISION SOUGHT Include a new issue relating to sea level rise.</p> | <p>Reject. It is debatable whether sea level rise has greater significance than other natural hazards in the context of the overall “Issues” and the Plan has a strong policy framework elsewhere that takes a holistic approach to natural hazards.</p> |
| <p>FS5.4 Invercargill Airport Ltd</p> | <p>2.4.1 New issue</p> | <p>The submitter opposes in part submission 18.33, considering that sea level rise has been appropriately addressed via the inclusion of specific natural hazard issue statements outlined in Section 2.11 and that it is unnecessary to duplicate the issue here.</p> <p>DECISION SOUGHT Not specifically stated.</p> | <p>Accept.</p> |

| Submitter | Plan Provision | Submission | Recommendation |
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| FS7.4 South Port New Zealand Ltd | 2.4.1 New issue | <p>The submitter oppose submission 18.33, submitting that sea level rise has been appropriately addressed via the inclusion of specific natural hazard issue statements outlined in Section 2.11 and that it is unnecessary to duplicate the issue here.</p> <p>DECISION SOUGHT Not specifically stated.</p> | Accept. |
| 2.4.2 Objectives | | | |
| 24.5 South Port NZ Ltd | Objective 1 | <p>The submitter supports Objective 1.</p> <p>DECISION SOUGHT Retain the objective</p> | Accept. |
| 64.13 Department of Conservation | Objective 1 | <p>The submitter supports Objective 1, considering that this gives effect to Section 6(a) of the RMA, is consistent with Policy 13(1) of NZCPS 2010, and Policy COAST.7 of the Proposed Regional Policy Statement for Southland.</p> <p>DECISION SOUGHT Retain the objective.</p> | Accept. |
| 71.6 NZAS Ltd | Objective 1 | <p>The submitter supports Objective 1, considering it appropriate to recognise that in some circumstances subdivision, use and development is appropriate.</p> <p>DECISION SOUGHT Retain the objective.</p> | Accept. |

| Submitter | Plan Provision | Submission | Recommendation |
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| 79.5 KiwiRail Holdings Ltd | Objective 2 | The submitter supports Objective 2. DECISION SOUGHT Retain Objective 2. | Accept. |
| 24.6 South Port NZ Ltd | Objective 2 | The submitter supports Objective 2. The submitter considers it is appropriate to recognise that certain activities (i.e. Port facilities) have a functional need to locate within the coastal environment. This is consistent with the NZCPS 2010. DECISION SOUGHT Retain Objective 2. | Accept. |
| 64.14 Department of Conservation | Objective 2 | The submitter supports Objective 2. The submitter considers it gives effect to Policy 6(1)(e) and 6(2)(c) of NZCPS 2010. DECISION SOUGHT Retain Objective 2. | Accept. |
| 71.7 NZAS Ltd | Objective 2 | The submitter supports Objective 2. The submitter considers it is appropriate to recognise some activities have a functional need to locate within the coastal environment. The Tiwai Point aluminium smelter should be recognised as one such activity in view of the raw material and product flows by sea. DECISION SOUGHT Retain Objective 2. | Accept. |

| Submitter | Plan Provision | Submission | Recommendation |
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| 90.1 H W Richardson Group Ltd | Objective 2 | <p>The submitter supports Objective 2. . The submitter considers it is appropriate to recognise that infrastructure and renewable energy generation can have a functional, technical or operational need to locate within the coastal environment.</p> <p>DECISION SOUGHT Retain Objective 2.</p> | Accept. |
| 91.2 PowerNet Ltd | Objective 2 | <p>The submitter supports Objective 2. The submitter considers it is appropriate to recognise that infrastructure and renewable energy generation can have a functional, technical or operational need to locate within the coastal environment.</p> <p>DECISION SOUGHT Retain Objective 2.</p> | Accept. |
| FS5.5 Invercargill Airport Ltd | Objective 2 | <p>The submitter supports submissions 79.5, 24.6, 64.14, 71.7, 90.1, 91.2.</p> <p>The further submitter agrees that it is appropriate to recognise that certain activities have a functional need to locate within the coastal environment.</p> <p>The submitter further notes that functional need also includes needs that may have arisen out of historic circumstances that have left to infrastructure being located within the coastal environment, which have been further legitimised through significant investment in and development of the infrastructure.</p> <p>DECISION SOUGHT Not specifically stated.</p> | Accept. |

| Submitter | Plan Provision | Submission | Recommendation |
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| 79.5 KiwiRail Holdings Ltd | Objective 3 | <p>The submitter supports Objective 3.</p> <p>DECISION SOUGHT Retain Objective 3.</p> | <p>Accept in part. Other submitters have pointed out the need to also recognise Tiwai (which is in the “Bluff area”) as an appropriate location for port facilities associated with the aluminium smelter. The issue of whether it is the right location for a different kind of port facility, also raised in other submissions, should be considered by way of Plan Change. Amend Objective 3 to read:</p> <p><i><u>The Bluff area is identified as the appropriate location for port facilities, including port facilities associated with the aluminium smelter at Tiwai Point, and other activities which have a functional need to locate in the port area.</u></i></p> |
| 24.7 South Port NZ Ltd | Objective 3 | <p>The submitter supports Objective 3 in part. The submitter considers it is appropriate to specifically recognise that Bluff is an appropriate location for Port related activities. Tiwai Point should also be recognised in the same manner.</p> <p>DECISION SOUGHT Retain the objective, but add a reference to Tiwai Point as also being appropriate for port facilities associated with the NZAS facilities.</p> | <p>Accept. On the same basis and for the same reasons as 79.5.</p> |

| Submitter | Plan Provision | Submission | Recommendation |
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| FS2.18 NZAS Ltd | Objective 3 | <p>The submitter supports the submission by South Port (24.7).</p> <p>Given the importance of the Tiwai Wharf for the smelter, the further submitter supports the inclusion of a reference to Tiwai Point as an appropriate location for port facilities.</p> <p>DECISION SOUGHT Amend Objective 3 as sought by submission 24.7.</p> | <p>Accept. On the same basis and for the same reasons as Submission Point 24.7 above.</p> |
| 64.15 Department of Conservation | Objective 3 | <p>The submitter supports Objective 3 as it stands. The submitter considers it gives effect to Policy 6(1)(e) and 6(2)(c), and Policy 9 of NZCPS 2010.</p> <p>DECISION SOUGHT Retain Objective 3.</p> | <p>Accept in part. It is not considered that the addition recommended in response to 24.7 alters the extent to which it gives effect to the NZCPS.</p> |
| 24.8 South Port NZ Ltd | Objective 5 | <p>The submitter supports Objective 5. The submitter considers this objective to be generally consistent with the RMA and the NZCPS 2010. It is appropriate to provide for certain activities that have a functional need to take place within the coastal environment.</p> <p>DECISION SOUGHT Retain Objective 5.</p> | <p>Accept in part. It is recommended in response to submission 87.4 that Objective 5 be reworded. This change does not alter the general thrust of the objective.</p> |
| 53.4 NZ Transport Agency | Objective 5 | <p>The submitter supports Objective 5.</p> <p>DECISION SOUGHT Retain Objective 5.</p> | <p>Accept in part. On the same basis and for the same reasons as Submission Point 24.8 above.</p> |

| Submitter | Plan Provision | Submission | Recommendation |
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| 79.5 KiwiRail Holdings Ltd | Objective 5 | The submitter supports Objective 5. | Accept in part. On the same basis and for the same reasons as Submission Point 24.8 above. |
| 87.4 Transpower NZ Ltd | Objective 5 | <p>The submitter supports Objective 5 in part. The submitter considers that the objective should also specifically recognise locational and technical constraints when developing nationally important infrastructure, as this will set the framework for the policies, in particular those relating to functional need. The submitter seeks to:</p> <p style="text-align: center;">(i) Amend Objective 5 as follows:</p> <p>“Infrastructure, renewable energy projects and associated development are provided for in the coastal environment, while maintaining and enhancing public access and preserving natural character as far as practicable, <u>recognising the locational and technical constraints of nationally significant infrastructure.</u>”</p> <p>(ii) And any consequential amendments.</p> | <p>Accept in part. The wording as recommended below flows better but has a very similar meaning to that suggested by the submitter.</p> <p>It is recommended that Objective 5 be re-worded to read:</p> <p><i>Infrastructure, renewable energy projects and associated development are provided for in the coastal environment, <u>recognising that such developments may have specific locational and technical constraints,</u> while maintaining and enhancing public access and preserving natural character as far as practicable.</i></p> |
| FS7.5 South Port New Zealand Ltd | Objective 5 | <p>The submitter supports Transpower (87.4) considering it appropriate to recognise the technical and locational constraints and supports the strengthening of the objective and policy framework. However, the further submitter considers that the proposed amendments should also apply to <i>regionally</i> significant infrastructure.</p> <p>DECISION SOUGHT</p> | <p>Accept in part. On the same basis and for the same reasons as Submission Point 87.4 above.</p> <p>Further, it is not considered that the addition of the words “regionally” or “nationally” significant are necessary. Locally significant infrastructure may have specific locational and technical constraints requiring it to locate in the coastal environment (the</p> |

| Submitter | Plan Provision | Submission | Recommendation |
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| 91.23 PowerNet Ltd | Objective 5 | <p>Not stated specifically.</p> <p>The submitter supports Objective 5 as it stands, considering it appropriate to provide for certain activities that have a functional need to take place within the coastal environment.</p> <p>DECISION SOUGHT Retain Objective 5.</p> | <p>sewage treatment plant at Omaui is an example).</p> <p>Accept in part. On the same basis and for the same reasons as Submission Point 24.8 above.</p> |
| 24.9 South Port NZ Ltd | Objective 6 | <p>The submitter opposes Objective 6, considering that the matters covered by this objective fall within the jurisdiction of the regional council and thus it should be deleted.</p> <p>The submitter considers that it is not always appropriate or practicable to enhance coastal water quality and ecosystems that may have deteriorated from natural state. There are circumstances, for example in and around the Port where water quality is appropriate for port related activities, but would not be suitable for recreational purposes (i.e. swimming) therefore the objective should seek to where it is appropriate maintain and enhance water quality and ecosystems.</p> <p>DECISION SOUGHT The submitter seeks to delete the objective; OR Amend the objective as follows: “Where appropriate coastal water quality and ecosystems are maintained or enhanced.”</p> | <p>Reject. A district plan is required to give effect to a national policy statement and to regional plan provisions that flow from it.</p> <p>Inclusion of Objective 6, which relates to coastal water quality and ecosystems, in a district plan is quite in order because land use can affect coastal water and ecosystems.</p> <p>Good practice requires that the word “appropriate” should generally be avoided in objectives, policies and rules because the word implies other considerations that are not stated.</p> |

| Submitter | Plan Provision | Submission | Recommendation |
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| FS39.1 Environment Southland | Objective 6 | <p>The further submitter opposes submission 24.9, stating that the National Policy Statement for Freshwater Management (2011) objective C1 (Integrated Management) and the New Zealand Coastal Policy Statement (2010) policy 4 (Integration) provide direction for integrated management between relevant agencies for land, freshwater and coastal water management under the Resource Management Act 1991.</p> <p>DECISION SOUGHT Disallow submission 24.9.</p> | Accept. |
| FS8.4 Department of Conservation | Objective 6 | <p>The further submitter opposes submission 24.9, considering that the Council has obligations to control land uses that may impact on coastal water quality and associated ecosystems. The further submitter further states that the objective gives effect to Policy 4 of the NZCPS in that it allows for integrated management of the effects of land use across administrative boundaries.</p> <p>DECISION SOUGHT Disallow submission 24.9.</p> | Accept. |

| Submitter | Plan Provision | Submission | Recommendation |
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| 71.8 NZAS Ltd | New Objective | <p>The submitter considers that the aluminium smelter should be specifically recognised in the objectives.</p> <p>DECISION SOUGHT The inclusion of a new objective as follows:</p> <p><u>“Objective X: Tiwai Point is identified as the appropriate location for the aluminium smelter, and other activities associated with aluminium smelting which have a functional need to locate in close proximity to the smelter.”</u></p> | <p>Reject. The Aluminium Smelter at Tiwai Point has its own zone and is well recognised in the context of the Plan as a whole.</p> <p>The range of activities that should be permitted in the Smelter Zone will be considered at the time the submissions on that zone are heard.</p> |
| FS39.2 Environment Southland | New Objective | <p>The submitter opposes in part submission 71.8. While not opposing the intent of the proposed objective, the submitter is opposed to the inclusion of “... <i>other activities associated</i> ...”. The submitter comments that there is no indication of what these “other activities” are and the potential adverse effects associated with them.</p> <p>DECISION SOUGHT Allow, but remove reference to “other activities”.</p> | <p>Accept.</p> |
| FS7.6 South Port New Zealand Ltd | New Objective | <p>The submitter supports in part submission 71.8, considering that the Tiwai Point aluminium smelter should be recognised as regionally significant infrastructure and should be recognised in the objectives.</p> <p>DECISION SOUGHT The submitter seeks to either amend Objective 3 OR Adopt an objective as proposed by the submitter.</p> | <p>Reject. On the same basis and for the same reason as 71.8.</p> |

| Submitter | Plan Provision | Submission | Recommendation |
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| 2.4.3 Policies | | | |
| 18.34 Environment Southland | Policy 1 Identification and delineation | <p>The submitter considers that the explanation to this policy is not reflective of the New Zealand Coastal Policy Statement (NZCPS) 2010 Policy 1</p> <p>DECISION SOUGHT</p> <p>Ensure consistency between the explanation for proposed Policy 1 and Policy 1 – Extent and characteristics of the coastal environment in the NZCPS.</p> | <p>Accept.</p> <p>The criteria listed in the Explanation to 2.4.3 Policy 1 have a similar flavour to, but are not the same as, the criteria listed in Policy 1 of the NZCPS. A district plan is required to give effect to the NZCPS and it is preferable that its policy framework be congruent with the NZCPS.</p> <p>It is recommended in response to this submission and also 64.16 (below) that Policy 1 be amended to read:</p> <p><i>Policy 1 Identification and delineation:</i> <i>To identify the coastal environment and to delineate it on the District Planning Maps.</i></p> <p><i>Explanation:</i> <i>The District Planning Maps delineate the coastal environment <u>within the Invercargill city district to enable easy identification provide clarity as to when district plan provisions apply. However it is recognised that the coastal environment is subject to interpretation and that additional information is likely to become available from time to time and in relation to specific proposals which may lead to more refined assessments of the extent of the coastal environment. The criteria used to identify areas within the coastal environment are:</u></i></p> <p><i>(A) <u>Topography</u></i></p> <p><i>(B) <u>Height above mean sea level (used to identify areas which may be susceptible to storm surge)</u></i></p> |

| Submitter | Plan Provision | Submission | Recommendation |
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| | | | <p>(C) <u>Geology</u> (D) <u>Amenity Values</u> (E) <u>Landscape values</u></p> <p><u>The delineation of the coastal environment includes or takes account of the following elements:</u></p> <ol style="list-style-type: none"> a. <u>The coastal marine area (which is outside the Invercargill city district)</u> b. <u>islands within the coastal marine area;</u> c. <u>areas where coastal processes, influences or qualities are significant, including coastal lakes, lagoons, tidal estuaries, saltmarshes, coastal wetlands, and the margins of these;</u> d. <u>areas at risk from coastal hazards;</u> e. <u>coastal vegetation and the habitat of indigenous coastal species including migratory birds;</u> f. <u>elements and features that contribute to the natural character, landscape, visual qualities or amenity values;</u> g. <u>items of cultural and historic heritage in the coastal marine area or on the coast;</u> h. <u>inter-related coastal marine and terrestrial systems, including the intertidal zone; and</u> i. <u>physical resources and built facilities, including infrastructure, that have modified the coastal environment.</u> <p>It is useful to define the coastal environment on the planning maps because this clarifies when plan provisions pertaining to the coastal environment come into effect.</p> |

| Submitter | Plan Provision | Submission | Recommendation |
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| | | | <p>If the criteria recommended above had been used to delineate the coastal environment, in my opinion the result would have been similar to that shown on the Planning Maps of the District Plan as notified. The one obvious exception, which now needs to be included under criterion (i) above, is the area bounded by the original shoreline around Invercargill Airport and also west of Dee Street. It is recommended that the Coastal Environment shown on the Planning Maps be amended as shown on the Map attached to this report as Appendix 3.</p> <p>If accepted, this recommendation in my opinion triggers the need for a changes to Policy 2, to make it clear that in spite of much of the airport being in the coastal environment, it is accepted this is an appropriate location for airport activities. The amended policy is of course also supported by the Airport Operations and Airport Protection zones.</p> |
| FS8.5 Department of Conservation | Policy 1 Identification and delineation | <p>The further submitter supports submission 18.34 and considers that the criteria used to identify the coastal environment are inconsistent with the matters included in Policy 1 o NZCPS and the areas included in the planning maps may not be accurate as a result.</p> <p>DECISION SOUGHT As for Submission 18.34.</p> | <p>Reject.</p> <p>On the same basis and for the same reasons as Submission Point 18.34 above.</p> |

| Submitter | Plan Provision | Submission | Recommendation |
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| <p>64.16 Department of Conservation</p> | <p>Policy 1 Identification and delineation</p> | <p>The submitter supports Policy 1 in part. The submitter is concerned that there may be areas of the coast that have not been mapped yet and that the policy should acknowledge that these may be identified on a case-by-case assessment.</p> <p>DECISION SOUGHT The submitter seeks to amend Policy 1 to allow for determination of the coastal environment beyond that already mapped, or to allow for case-by-case assessments as part of consent processes.</p> | <p>Accept. It is noted that the coastal environment as depicted on the Planning Maps has been identified through a district level desktop study, drawing on my experience and knowledge of these areas. In light of this, I consider it appropriate to include a statement in the Explanation that follows policy 1 to make it clear that more refined assessments of the extent of the coastal environment may be appropriate on occasions.</p> <p>It is recommended in response to this submission and also 18.34 (above) that the Explanation be re-worded as set out in the response to 18.34.</p> |
| <p>18.35 Environment Southland</p> | <p>Policy 2 Locations for use and development</p> | <p>The submitter supports Policy 2.</p> <p>DECISION SOUGHT Retention of Policy 2.</p> | <p>Accept in part. The place names <i>Bluff</i> and <i>Omaui</i> in relation to land use in the coastal environment refer to the general area of Bluff township and port facilities, and the general area of the hamlet of Omaui.</p> <p>It is recommended in response to submission 24.10 (below) that the Policy be modified to read:</p> <p><i>Policy 2: To identify the <u>Bluff area</u>, and <u>the hamlet of Omaui</u> as the appropriate locations for subdivision, use and development in the coastal environment and, <u>subject to providing for activities with a functional need to locate in the coastal environment</u>, to give priority to preservation of the natural character of the coastal environment elsewhere.</i></p> |

| Submitter | Plan Provision | Submission | Recommendation |
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| | | | <p>Also it is recommended that the explanation be expanded to read:</p> <p><i><u>“This approach will encourage development to locate in areas that are already modified and help to preserve the natural character of the coastal environment elsewhere. This approach will help avoid cumulative effects of an activity and precedent effects of a decision exceeding the carrying capacity of an area, and help protect natural character, outstanding natural features and landscapes, and other values of the area coastal environment.</u>”</i></p> <p>It is not believed that these changes significantly change the sense of Policy 2.</p> |
| <p>24.10 South Port NZ Ltd</p> | <p>Policy 2 Locations for use and development</p> | <p>The submitter opposes Policy 2. The submitter considers that the explanation to the policy is poorly worded and appears to confuse its function. In areas such as the Port, natural character has already been altered and it would be inappropriate to give preference or priority to preserving natural character in this areas. This should be made very clear in the explanatory text.</p> <p>DECISION SOUGHT Clarification of the explanatory text.</p> | <p>Accept in part. The problem has arisen because the Policy is imprecise to what is meant by “Bluff and Omaui”. It can be overcome by modifying the Policy to read as set out in the response to submission point 18.35 above.</p> |

| Submitter | Plan Provision | Submission | Recommendation |
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| FS39.3 Environment Southland | Policy 2 Locations for use and development | <p>The further submitter supports Submission 24.10, considering that the explanation to this policy should include reference to those areas of the coastal environment where natural character has already been modified.</p> <p>DECISION SOUGHT Modification to the Policy to include reference to those areas of the coastal environment where natural character has already been modified.</p> | <p>Accept in part. On the same basis and for the same reasons as 24.10 and 18.35 above.</p> |
| FS8.6 Department of Conservation | Policy 2 Locations for use and development | <p>The submitter opposes submission 24.10, considering that the policy gives effect to Policy 6(c) of the NZCPS, by consolidating coastal settlement and urban areas.</p> <p>DECISION SOUGHT The further submitter considers that the policy should be reworded so that it only refers to residential development as detailed in Objective 4.</p> | <p>Accept in part. The problem has arisen because the Policy is imprecise to what is meant by “Bluff and Omaui”. It can be overcome by modifying the Policy to read as set out in the response to submission points 24.10, FS39.3 and 18.35 above.</p> |
| 64.17 Department of Conservation | Policy 2 Locations for use and development | <p>The submitter supports the original wording of Policy 2 in part. The submitter considers that the policy is not consistent with Objective 4, noting that the objective is only focused on residential development, while the policy refers to all potential subdivision, use and development.</p> <p>DECISION SOUGHT The submitter suggests an amendment to Policy 2 as follows:</p> | <p>Accept in part. The problem has arisen because the Policy is imprecise to what is meant by “Bluff and Omaui”. It can be overcome by modifying the Policy to read as set out in the response to submission points FS8.6, FS39.3, 24.10 and 18.35 above.</p> <p>The policy change needs to cover more than just residential development because, for example, industrial development is zoned for at Awarua which is in the coastal environment.</p> |

| Submitter | Plan Provision | Submission | Recommendation |
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| | | <p><i>“To identify Bluff and Omaui as the appropriate locations for <u>residential development</u> subdivision, use and development in the coastal environment and to give priority to preservation of the natural character of the coastal environment elsewhere.”</i></p> | |
| <p>FS39.4 Environment Southland</p> | <p>Policy 2 Locations for use and development</p> | <p>The further submitter opposes submission 64.17, (change to residential development), commenting that this policy not only gives effect to proposed objective 4 but also proposed objective 1.</p> <p>DECISION SOUGHT Reject decision sought in response to submission 64.17.</p> | <p>Accept in part. The problem has arisen because the Policy is imprecise to what is meant by “Bluff and Omaui”. It can be overcome by modifying the Policy to read as set out in the response to submission points 64.17, FS8.6, FS39.3, 24.10 and 18.35 above.</p> |
| <p>77.9 Te Runaka o Waihopai and Te Runaka o Awarua</p> | <p>Policy 2 Locations for use and development</p> | <p>The submitter supports Policy 2 in its original form.</p> <p>DECISION SOUGHT Retain Policy 2.</p> | <p>Reject. It is recommended in response to other submissions that the Policy be modified to read as set out in the response to submission points FS39.4, 64.17, FS8.6, FS39.3, 24.10 and 18.35 above.</p> <p>This recommended policy change does widen the area considered “appropriate” for development – residential and other – in the coastal environment but brings it into line with other provisions in the proposed District Plan.</p> |
| <p>18.36 Environment Southland</p> | <p>Policy 3 Assessment Criteria</p> | <p>This policy lists criteria for assessing proposals for subdivision, use and development of the coast. The submitter considers that the criteria within this policy do not align with the NZCPS or the Proposed Regional Policy Statement.</p> | <p>Accept It is recommended that in order to align it with the NZCPS, Policy 3 be completely re-drafted as follows:</p> |

| Submitter | Plan Provision | Submission | Recommendation |
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| | | <p>DECISION SOUGHT The submitter seeks consistency between the proposed policy and policy 13 of the NZCPS.</p> | <p>Policy 3 Assessment criteria: To assess proposals for subdivision, use and development, in relation to the natural character of the coast and in particular using the following criteria:</p> <ul style="list-style-type: none"> (A) Natural science factors. (B) Aesthetic values. (C) Expressiveness. (D) Transient values. (E) The extent to which the values are shared or recognised. (F) Value to the tangata whenua. (G) Historical associations. <p>Explanation: The natural character of the Invercargill coastal environment and its natural qualities derive from the following:</p> <ul style="list-style-type: none"> (A) Visual values including light. (B) Scenic values with views of the sea and seascape. (C) Intrinsic value of ecosystems. (D) Qualities of expansiveness and remoteness. (E) A predominance of natural noise. (F) Individual sounds of the sea. (G) Dynamics of air, water and sediment. (H) Areas of significant indigenous vegetation. (I) Significant habitats of indigenous fauna. (J) Natural landscapes, seascapes, and landforms. |

| Submitter | Plan Provision | Submission | Recommendation |
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| | | | <p>(K) Geology and elevation. (L) Aesthetic coherence. (M) Natural physical processes. (N) Change with the diurnal rhythm of the tides and the rhythm of the weather. (O) A distinctive smell and taste characteristic of southern coastal areas.</p> <p><u>Policy 3 Assessment criteria:</u> <i>To assess proposals for subdivision, use and development against the following criteria</i></p> <ol style="list-style-type: none"> <u>1. The extent to which the proposal avoids adverse effects of activities on natural character in areas of the coastal environment with outstanding natural character; and</u> <u>2. The extent to which significant adverse effects are avoided, and other adverse effects are voided, remedied or mitigated, on natural character in all other areas of the coastal environment;</u> <p><u>Explanation:</u> <i>Natural character may include matters such as:</i></p> <ol style="list-style-type: none"> a. <u>natural elements, processes and patterns;</u> b. <u>biophysical, ecological, geological and geomorphic aspects</u> c. <u>natural landforms such as headlands, peninsulas, cliffs, dunes, wetlands, reefs, freshwater springs and surf breaks</u> d. <u>the natural movement of water and sediment</u> e. <u>the natural darkness of the night sky</u> |

| Submitter | Plan Provision | Submission | Recommendation |
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| | | | <p>f. <u>places or areas that are wild or scenic</u></p> <p>g. <u>a range of natural character from pristine to modified, and</u></p> <p>h. <u>experiential attributes, including the sounds and smell of the sea, and their context or setting.</u></p> |
| <p>FS8.7 Department of Conservation</p> | <p>Policy 3 Assessment Criteria</p> | <p>The further submitter supports Submission 18.36. The submitter does not believe the criteria detailed in the policy are adequate or that they give effect to the NZCPS. The further submitter considers that the natural character of the coastal environment has not been assessed and identified in the District Plan as required by Policy 13 of the NZCPS.</p> <p>DECISION SOUGHT (Implied) – section withdrawn and criteria re-drafted.</p> | <p>Accept in part.</p> <p>It is accepted that Policy 3 should be re-drafted in the vernacular of Policy 13 of the NZCPS, as set out in the recommended response to submission 18.36 (above).</p> <p>The natural character of the coastal environment has been assessed at a Regional Coastal Plan level. Appendix 4 to the Regional Coastal Plan is entitled Coastal Landscape Assessment but the methodology of that report arrives at a “naturalness rating” for each of the identified landscape units. The Invercargill City District lies within the following Landscape Units:</p> <p>Landscape unit 5 (Waituna) (Rating 4+) Landscape unit 6 (Back Beach Bluff) (Rating 4) Landscape unit 7 (Green Hills) (Rating 4) Landscape unit 8 (Oreti) (Rating 3).</p> <p>The information and analysis in this report would enable a development proposal to be assessed against the criteria recommended in response to submission 18.36 (above) which, in turn, were derived from Policy 13 of the NZCPS.</p> |

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| | | | This approach is considered to give effect appropriately to Policy 13 of the NZCPS. |
| 24.11 South Port NZ Ltd | Policy 3 Assessment Criteria | <p>The submitter opposes Policy 3 in part. South Port considers the matters listed in Policy 3 to be generally appropriate for assessing natural character. However the policy should also recognise the extent to which natural character has already been modified by subdivision, use and/or development.</p> <p>DECISION SOUGHT The submitter suggests adding a new (H) which reads: <u>The extent to which natural character has already been modified by subdivision, use and/or development.</u></p> | <p>Accept in part. It is recommended in response to submission 18.36 that Policy 3 be substantially redrafted to align it with Policy 13 of the NZCPS. The new criteria that have been recommended include at (g) the extent to which natural character of the area in question is pristine, or modified.</p> |
| 64.18 Department of Conservation | Policy 3 Assessment Criteria | <p>Oppose. The submitter considers that the proposed plan does not give effect to Policy 13 of NZCPS as it does not identify areas of high natural character.</p> <p>The submitter considers that there should be an undertaking in the Policy for the Council to carry out a natural character assessment within a specified time period.</p> <p>The submitter notes that there is a natural character study of the coastal environment appended to the Regional Coastal Plan for Southland which identified areas within the coastal environment of Invercargill that are of high natural character, and suggests that this could be referenced in the proposed Plan to satisfy the requirements of the NZCPS.</p> | <p>Accept in part. It is recommended in response to submission 18.36 (above) that Policy 3 be substantially redrafted to align it with Policy 13 of the NZCPS.</p> <p>It is also accepted that the Coastal Landscape Assessment which forms Appendix 4 to the Regional Coastal Plan should be referenced in the introductory text to Section 2.4 – Coastal Environment in the District Plan.</p> <p>It is recommended that the introductory text to Section 2.4 be modified with a new sixth paragraph as follows:</p> <p>“COASTAL ENVIRONMENT” <i>No change to paragraphs 2, 3, 4 and 5.</i></p> |

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| | | <p>DECISION SOUGHT The submitter seeks to identify within the Plan areas of at least high natural character of the coastal environment;</p> <p>OR</p> <p>Amend the wording of Policy 3 to commit to identifying these areas in the proposed plan by a specified timeframe.</p> | <p><i>The natural character of the Invercargill coastal environment is analysed in the following publication: Regional Coastal Plan for Southland – July 2005 – Appendix 4.</i></p> |
| <p>FS2.19 NZAS Ltd</p> | <p>Policy 3 Assessment Criteria</p> | <p>The submitter opposes Submission 64.18.</p> <p>The submitter has no concerns with referencing the natural character study, however considers there is no need to duplicate the natural character study in the Proposed Plan or to undertake an identification process as sought.</p> <p>DECISION SOUGHT The further submitter seeks to amend Policy 3 as sought in submission 71.9 (Below)</p> <p>OR</p> <p>If considered necessary a cross reference to the natural character study appended to the Regional Coastal Plan be made, in preference to duplicating the study or undertaking a further identification process.</p> | <p>Accept in part. It should be noted that it is being recommended in response to another submitter (18.35 – above) that policy 3 be redrafted to align with the NZCPS.</p> <p>These recommendations would largely meet the concerns of the further submitter.</p> <p>It is accepted that the District Plan process should not duplicate work carried out in relation to the regional and coastal planning obligations of Environment Southland.</p> |

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| 71.9 NZAS Ltd | Policy 3 Assessment Criteria | <p>The submitter opposes Policy 3 in part. The submitter considers that the policy requires rewording to make it clear that it just sets out criteria for consideration of natural character, not as assessment for all subdivision use and development in the coastal environment.</p> <p>DECISION SOUGHT The submitter suggests that Policy 3 be re-worded as follows:</p> <p><u>“When assessing natural character in relation to To assess proposals for subdivision, use and development, in relation to the natural character of the coast and in particular using the following criteria should be considered.”</u></p> | <p>Reject. The Council is required to give effect to the NZCPS. Policy 13 of the NZCPS is “To preserve the natural character of the coastal environment and to protect it from inappropriate subdivision, use and development.”</p> <p>The implication of this is that, within the coastal environment, all subdivision, use and development must be assessed. However, at point 2(g) to Policy 13, the NZCPS recognises that there is a continuum of natural character from pristine to modified. The place on that continuum of the coastal environment context of any proposal would need to be taken into account in assessing that proposal.</p> |
| 77.10 Te Runaka o Waihopai and Te Runaka o Awarua | Policy 3 Assessment Criteria | <p>The submitter supports Policy 3.</p> <p>DECISION SOUGHT Retention of Policy 3.</p> | <p>Reject. It is recommended in response to submission 18.36 that this Policy be re-worded to bring it into line with the NZCPS because a district plan is required to give effect to a national policy statement.</p> |

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| 79.6 KiwiRail Holdings Ltd | Policy 3 Assessment Criteria | <p>The submitter opposes Policy 3 in part. The submitter considers that there should be an additional criterion that seeks to preserve the operation of strategic infrastructure in coastal areas so that its operations are not compromised.</p> <p>DECISION SOUGHT The submitter seeks to amend Policy 3 by adding the following:</p> <p><u>“The extent to which subdivision, use and development might create reverse sensitivity effects on significant infrastructure”</u></p> | <p>Reject. The needs of infrastructure are specifically provided for by Policy 5.</p> |
| FS7.7 South Port New Zealand Ltd | Policy 3 Assessment Criteria | <p>The submitter opposes submission 79.6.</p> <p>The submitter agrees in principle with the submission, however opposes its inclusion here as the policy relating to the natural character of the coast.</p> <p>DECISION SOUGHT The submitter considers that the inclusion of assessment criteria to the effect of that proposed would be better placed as a stand-alone “assessment criteria” policy for Objectives 2, 3 or 5.</p> | <p>Accept in part. The needs of infrastructure are specifically and adequately provided for in Policy 5.</p> |

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| FS8.8 Department of Conservation | Policy 3 Assessment Criteria | <p>The submitter opposes submission 79.6.</p> <p>The submitter considers the addition to the policy does not relate to the natural character of the coastal environment and therefore cannot be included as part of the assessment criteria.</p> <p>DECISION SOUGHT The submitter seeks the decline of the relief sought in submission 79.6.</p> | <p>Accept.</p> |
| 88.37 Federated Farmers | Policy 3 Assessment Criteria | <p>The submitter supports Policy 3 in part. The submitter considers that farming activities in the coastal environment should be allowed to continue, recognising the ethics of stewardship and responsible environmental management that are an increasingly important part of the decisions of coastal landowners.</p> <p>DECISION SOUGHT The submitter seeks that the Council recognises that farming activities within the coastal environment are an appropriate use of the land by adding the following criterion to the list:</p> <p><u>“(H) Agricultural values This will provide additional protections for coastal landowners and enable them to continue to benefit from the use of their land, and farm profitably into the future.”</u></p> | <p>Accept in part. It is recommended in response to submission 18.36 that Policy 3 be redrafted to better give effect to the NZCPS.</p> <p>The submitter’s general support for Policy 3 is noted. However the suggested additional criterion does not relate to the natural character of the coastal environment and therefore would be inappropriate in this section.</p> |
| FS8.9 | Policy 3 | The submitter opposes submission 88.37. | <p>Accept.</p> |

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| Department of Conservation | Assessment Criteria | <p>The further submitter considers that the additional criteria does not relate to the natural character of the coastal environment and therefore cannot be included as part of the assessment criteria.</p> <p>DECISION SOUGHT Reject submission 88.37.</p> | |
| Policy 4 Protection of values and attributes | | | |
| 18.37 Environment Southland | Policy 4 Protection of values and attributes | <p>The submitter notes that there are a number of ONFLs (outstanding natural features and landscapes) in both the wider Bluff and Omaui areas which could be adversely affected by inappropriate development. The submitter believes that the explanation to the policy is very unclear. It discusses ONFLs and other values of the area, however, this is not listed within the policy itself. This needs to be clarified either within the policy or the explanation to it.</p> <p>DECISION SOUGHT The submitter requests Policy 4 be amended to read:</p> <p>To identify <u>existing nodes of development within the Bluff and Omaui areas</u> as the appropriate locations for subdivision, use and development in the coastal environment and to give priority to the preservation of the natural character <u>and outstanding natural features and landscapes</u> of the coastal environment elsewhere.”</p> <p>And review the explanation to the policy to ensure it</p> | <p>Reject. The submission appears to relate to Policy 2.</p> <p>The submitter should be advised that it has been recommended in relation to Policy 2 that changes be made in response to Submission Point 18.35, and that it is believed this largely addresses the concerns of the submitter.</p> |

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| | | is clear and adds value to the policy. | |
| FS7.8 South Port New Zealand Ltd | Policy 4 Protection of values and attributes | <p>Support in part submission 18.37 [The further submitter notes that there may be an error in referencing for this submission as it appears to refer to Policy 2 – not policy 4.]</p> <p>The further submitter supports amendments that seek to appropriately narrow those areas where priority is given to preserving natural character. However, the further submitter also maintains that it is inappropriate to give preference or priority to preserving natural character in an environment that has already been significantly altered.</p> <p>DECISION SOUGHT Not specifically stated.</p> | <p>Accept in part. The further submission is accepted on the basis that there is an error in the submission to which it relates, in that the original submission appears to relate to Policy 2.</p> <p>The submitter should be advised that it has been recommended in relation to Policy 2 that changes be made in response to Submission Point 18.35, and that it is believed this largely addresses the concerns of the submitter.</p> |
| 24.12 South Port New Zealand Ltd | Policy 4 Protection of values and attributes | <p>The submitter considers that the drafting of this policy is confusing and inconsistent with Part 2 of the RMA. The Act does not require outright provision for the protection of amenity, social, intrinsic, ecological (etc) values. The submitter also considers that it is inappropriate to provide for public access to all parts of the coastal environment, particularly where public safety could be compromised, for example in and around the Port operations.</p> <p>The submitter also considers (E) to be out of place within the context of this policy and that it should be removed.</p> <p>DECISION SOUGHT</p> | <p>Reject. The submitter seems to have concerns that the Policy is anti-development, whereas its current wording sets out matters that need to be considered “when providing for subdivision, use and development”.</p> <p>The use of the word “promote” quantifies this Policy so that implementing it entails a balanced approach in accordance with the overall intent of the RMA.</p> <p>It is recommended, however, that it may help make this clearer by simply re-ordering the wording of Policy 4 to read: Protection of values and attributes: <i>When</i></p> |

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| | | <p>The submitter seeks an amendment to the policy as follows:</p> <p>“To promote the utilisation of adequate measures or methods within the coastal environment when providing for subdivision, use and development to:</p> <p>(A) Protect <u>Avoid, remedy or mitigate adverse effects on</u> amenity, social, intrinsic, ecological, cultural, heritage, natural character and landscape and natural features values.</p> <p>(B) Maintain or enhance public access <u>where appropriate</u>.</p> <p>(C) Avoid or mitigate the effects of natural hazards.</p> <p>(D) Avoid or mitigate the impact of predicted sea level rise and climate change.</p> <p>(E) Take cumulative and precedent effects into account in making decisions affecting the coast”</p> | <p><i><u>providing for subdivision, use and development within the coastal environment, to promote the utilisation of adequate measures or methods to:</u></i> <i>(A – E remain unchanged)</i></p> |
| <p>FS2.20 NZAS Ltd</p> | <p>Policy 4 Protection of values and attributes</p> | <p>The further submitter supports submission 24.12.</p> <p>The further submitter believes the relief sought more accurately reflect the obligations under Section 5 of the RMA to “avoid, remedy or mitigate adverse effects”.</p> <p>The further submitter also supports the change that it may not always be appropriate for public access to the coastal environment to be maintained or enhanced.</p> <p>DECISION SOUGHT</p> | <p>Reject. On the same basis and for the same reasons as Submission Point 24.12 above.</p> |

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| | | The submitter seeks to amend policy as sought by submission 24.12. | |
| FS39.5 Environment Southland | Policy 4 Protection of values and attributes | The submitter opposes submission 24.12. The submitter considers that this policy is consistent with the Proposed Southland Regional Policy Statement for Southland. DECISION SOUGHT That submission 24.12 be rejected. | Accept. The recommended re-ordering of the words of the Policy in response to submission 24.12 simply clarifies the intent of the policy. |
| FS4.18 Federated Farmers | Policy 4 Protection of values and attributes | The submitter supports in part submission 24.12. The submitter considers that the protection of amenity, social, intrinsic, ecological, cultural, heritage, natural character and landscape and natural features values need to be balanced against economic values, practicality and private landowner interests. In some areas, the further submitter considers that public access to the coast can be inappropriate and dangerous. DECISION SOUGHT Not stated specifically. | Reject. On the same basis and for the same reasons as Submission Point 24.12 above. The RMA and other provisions of the Plan provide for discretion over public access and the balancing of this policy against other considerations. |
| 77.11 Te Runaka o Waihopai and Te Runaka o Awarua | Policy 4 Protection of values and attributes | The submitter supports Policy 4. DECISION SOUGHT Retain Policy 4. | Accept It is not considered that the change in wording suggested in response to submission 24.12 changes the thrust of the policy. |
| 88.38 | Policy 4 | The submitter supports Policy 4 in part. The | Reject. |

| Submitter | Plan Provision | Submission | Recommendation |
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| Federated Farmers | Protection of values and attributes | <p>submitter considers that it is important to recognise that many of the natural features and areas of indigenous biodiversity in the coastal environment can be situated within working farm environments. The intrinsic and heritage values associated with the coastal environment must be balanced with the importance of these working environments and the use of non-regulatory methods will ensure the greatest landowner buy-in.</p> <p>DECISION SOUGHT The submitter seeks an amendment to Policy 4 as follows:</p> <p>Policy 4 Protection of values and attributes: To promote the utilisation of adequate <u>non-regulatory</u> measures or methods within the coastal environment when providing for subdivision, use and development to:</p> <p>(A) Protect amenity, social, intrinsic, ecological, cultural, heritage, natural character and landscape and natural features values. (B) Maintain or enhance public access. “</p> | The submitter seeks a completely non-regulatory approach by the Council to these matters. However, in view of the prominence give to these matters in national and regional policy to which a district plan must at least ‘have regard’ and in several instances “give effect”, a mixture of regulatory and non-regulatory methods is required. |
| FS39.6 Environment Southland | Policy 4 Protection of values and attributes | <p>The submitter opposes in part submission 88.38.</p> <p>The submitter considers that the proposed policy is consistent with the Proposed Southland Regional Policy Statement for Southland. It enables both regulatory and non-regulatory measures and methods to be utilised.</p> <p>DECISION SOUGHT</p> | Accept. |

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| | | Disallow submission 88.38. | |
| 24.13 South Port NZ Ltd | Policy 5 Functional need | <p>The submitter supports this policy insofar as it is appropriate to recognise that certain activities have a functional need to locate within the coastal environment.</p> <p>DECISION SOUGHT Retain the Policy.</p> | <p>Accept in part. A change to Policy 5 is recommended in response to submission 64.18 (above) but this does not dilute the validity of the concept of functional need.</p> |
| FS28.4 NZ Transport Agency | Policy 5 Functional need | <p>The submitter supports submission 24.13, agreeing that certain activities have a functional need to locate within the coastal environment.</p> <p>DECISION SOUGHT Retain the Policy.</p> | <p>Accept in part. On the same basis as 24.13.</p> |
| 53.5 NZ Transport Agency | Policy 5 Functional need | <p>The submitter supports this policy.</p> <p>DECISION SOUGHT Retain Policy 5 as proposed.</p> | <p>Accept in part. On the same basis as 24.13.</p> |
| 64.18 Department of Conservation | Policy 5 Functional need | <p>The submitter supports Policy 5 in part. The submitter considers that the policy gives priority to certain land uses over other coastal uses and that context is important in determining functional need and the appropriateness of providing for activities in a particular location.</p> <p>DECISION SOUGHT The submitter seeks to Reword Policy 5 as follows so that the policy is consistent with Policy 6(2)(c) of</p> | <p>Accept. It is accepted that the policy as written gives priority to certain land uses over other coastal uses and that context is important in determining functional need and the appropriateness of providing for activities in a particular location.</p> <p>It is therefore recommended that Policy 5 be re-worded as follows: Policy 5 Functional need: To give priority to</p> |

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| | | <p>NZCPS:</p> <p>To give priority to <u>recognise the functional need for infrastructure, port and renewable energy projects in determining appropriate locations and/or management in the that have a functional need of a coastal environment location</u>, and make provision for other facilities and activities that have located in the coastal environment for historic reasons.</p> | <p><i>recognise the functional need for infrastructure, port and renewable energy projects in determining appropriate locations and/or management in the that have a functional need of a coastal environment location</i>, and make provision for other facilities and activities that have located in the coastal environment for historic reasons.</p> <p>The wording is considered to better align with the NZCPS.</p> |
| <p>FS5.6 Invercargill Airport Ltd</p> | <p>Policy 5 Functional need</p> | <p>The submitter opposes 64.18, considering that priority needs to be given to infrastructure and future development opportunities, particularly where those activities have locational and functional constraints in order to provide for the foreseeable needs of future generations. The submitter considers that this will ensure the economic well-being of the Airport is provided for into the future and in turn the social and economic well-being of the City and the region.</p> <p>DECISION SOUGHT Not specifically stated.</p> | <p>Reject. Context is important in determining functional need and the appropriateness of providing for activities in a particular location.</p> <p>The Airport and its requirements are provided for in other sections of the District Plan, including a dedicated zone. It is also recommended that Policy 2 be amended to more explicitly acknowledge that airport activities are appropriate at their current location.</p> |
| <p>FS7.9 South Port New Zealand Ltd</p> | <p>Policy 5 Functional need</p> | <p>The further submitter opposes submission 64.18, considering that priority needs to be given to infrastructure and future development opportunities, particularly where those activities have locational and functional constraints in order to provide for the foreseeable needs of future generations. The further submitter considers that this will ensure the economic well-being of the Port is provided for into the future</p> | <p>Reject. The effect of the recommendation in Submission 64.18 is to emphasise the importance of context in deciding functional need and the appropriateness of providing for activities in a particular location. Put simply, the context of Bluff as an existing port is an important consideration in determining “functional need” for (for example) a new port facility which</p> |

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| | | <p>and in turn the social and economic well-being of the City and the region.</p> <p>DECISION SOUGHT Not specifically stated.</p> | <p>may be needed in the Bluff area. However, if a new port facility was to be contemplated in an area of high natural character, the context would need to be considered (although the port facility needs a coastal location, does it really need to be in the area of high natural character?).</p> |
| <p>71.10 NZAS Ltd</p> | <p>Policy 5 Functional need</p> | <p>The submitter opposes Policy 5 in part. The submitter considers that the policy does not recognise that the smelter has located within the coastal environment for not only historical reasons but also for a functional need. The submitter seeks the following.</p> <p>DECISION SOUGHT Amend Policy 5 and associated explanation as follows:</p> <p>“To give priority to infrastructure, port, <u>the Tiwai Point Aluminium Smelter</u> and renewable energy projects that have a functional need of a coastal environment location, and make provisions for other facilities and activities that have located in the coastal environment for historical reasons.</p> <p>Explanation: ... <u>The aluminium smelter at Tiwai Point, has located in the coastal environment because of its functional need to be within this location and for historic reasons. As a result, it has invested heavily in its buildings, plant and equipment. Other activities, such as the aluminium smelter at Tiwai Point, located in</u></p> | <p>Reject. The recommendation to submission 64.18 accepts that context is important in determining functional need and the appropriateness of providing for activities in a particular location. It would follow that in relation to the aluminium smelter at Tiwai Point, the context of that area (as an operating aluminium smelter) would be taken into account in determining the appropriateness of a new facility that may be needed in association with it. The extra words in the explanation are not necessary if the recommendation to submission 64.18 is accepted.</p> <p>It is not accepted that specific mention of the Tiwai Point Aluminium Smelter is required in the Policy itself, which is written in general terms.</p> |

| Submitter | Plan Provision | Submission | Recommendation |
|--|-----------------------------|--|---|
| | | the coastal environment for historic reasons and have invested” heavily in buildings, plant and equipment.” | |
| FS7.10 South Port New Zealand Ltd | Policy 5 Functional need | <p>The further submitter supports submission 71.10, supporting the recognition of the Tiwai Point aluminium smelter in this policy as it would give effect to Objective 2 (as amended by relief sought in South Port NZ and NZAS submissions).</p> <p>DECISION SOUGHT As for submission 71.10.</p> | <p>Reject. On the same basis and for the same reasons as 71.10.</p> |
| 77.12 Te Runaka o Waihopai and Te Runaka o Awarua | Policy 5 Functional need | <p>The submitter opposes Policy 5 in part. The submitter considers that priority cannot be given to activities in locations that are considered inappropriate by Iwi, however the submitter noted that this concern is addressed in Rules – Energy 3.6(A) (d).</p> <p>DECISION SOUGHT The submitter asks for a re-word to balance more with Policy 2, 3, and 4 and Method 3.</p> | <p>Accept in part. The recommended response to submission 64.18 emphasises the importance of context in determining functional need. In assessing “context” the values of an area to Iwi would need to be taken into account.</p> |

| Submitter | Plan Provision | Submission | Recommendation |
|---------------------------------------|--------------------------------|--|---|
| FS2.21 NZAS Ltd | Policy 5 Functional need | <p>The submitter opposes submission 77.12, believing it is not clear whether the submitter takes issue with the location of the smelter, but notes that the smelter has a functional need for its location and the smelter has been located there for several decades.</p> <p>DECISION SOUGHT</p> <p>The submitter seeks to amend Policy 5 as set out in submission 71.10.</p> | <p>Reject On the same basis and for the same reasons as 71.10.</p> |
| 87.5 Transpower NZ Ltd | Policy 5 Functional need | <p>The submitter supports Policy 5 in part. The submitter suggests that the words “functional need” be replaced with “technical and/or operational requirement” to reflect the wording used in the NPSET.</p> <p>DECISION SOUGHT</p> <p>The submitter seeks the following amendment:</p> <p>(i) Amend Policy 5:Functional Need as follows:</p> <p>“Policy 5 Functional Need Technical and Operational Requirements: To give priority to infrastructure, port and renewable energy projects that have a functional need <u>technical and/or operational requirement</u> of a coastal environment location, and make provision for other facilities and activities that have located in the coastal environment for historical reasons.”</p> <p>And any consequential amendments.</p> | <p>Reject. The term “functional need” has found acceptance by the majority of submitters and is consistent with the NZCPS.</p> <p>The recommended response to submission 64.18 emphasises the importance of context in determining functional need. In assessing “context” the particular needs of infrastructure, including whatever infrastructure is already in place within the area under consideration, would be relevant matters.</p> |

| Submitter | Plan Provision | Submission | Recommendation |
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| <p>87.6 Transpower NZ Ltd</p> | <p>Policy 5 Functional need</p> | <p>The submitter opposes Policy 5 in part, noting that the policy describes “other activities” in the coastal environment such as the “aluminium smelter at Tiwai Point” but does not include mention of the Transpower lines that provide power to the smelter. The submitter seeks that the explanation to the policy be amended to specifically identify the National Grid connection to the Tiwai smelter, and that words “functional need” be replaced with “technical and/or operational requirement” to reflect the wording used in Policy 3 of the NPSET.</p> <p>DECISION SOUGHT</p> <p>The submitter seeks the following wording change:</p> <p>(i) That the Explanation to Policy 5 be amended as follows:</p> <p>“Explanation: The Port of Bluff straddles the coastal marine area and the landward edges of the coastal environment, as do roads and railways around the district. There are several other important utilities and facilities in the coastal environment around the New River Estuary. These include the Invercargill Airport and Waste Water Treatment Plant at Clifton. Other activities, such as the aluminium smelter at Tiwai Point <u>and the associated National Grid transmission lines</u>, located in the coastal environment for historic reasons and have invested heavily in their buildings, plant and equipment Many have a functional need <u>technical and/or</u></p> | <p>Reject.</p> <p>It is not considered that specific mention of Transpower is required in the Policy itself, which is written in general terms.</p> <p>The recommended response to submission 64.18 emphasises the importance of context in determining functional need. In assessing “context” the particular needs of infrastructure, including whatever infrastructure is already in place within the area under consideration, would be relevant matters, therefore no change to the explanation is needed.</p> |

| Submitter | Plan Provision | Submission | Recommendation |
|---|---|--|---|
| | | <p><u>operational requirement to be located within of coastal space.</u> For others, it is not practicable to consider relocation.</p> <p>And any consequential amendments.</p> | |
| <p>FS5.7 Invercargill Airport Ltd</p> | <p>Policy 5 Functional need</p> | <p>The submitter opposes in part submissions 87.5 and 87.6, considering that the use of the term “functional need” is consistent with the language in the NZCPS and should be retained given the policy specifically relates to the coastal environment.</p> <p>DECISION SOUGHT Retain the use of the term “functional need”.</p> | <p>Accept. A change to Policy 5 is recommended in response to submission 64.18 (above) but this does not dilute the validity of the concept of functional need.</p> <p>It is agreed that “functional need” is the appropriate term to use.</p> |
| <p>FS7.11 South Port New Zealand Ltd</p> | <p>Policy 5 Functional need</p> | <p>The submitter opposes in part submissions 87.5 and 87.6, considering that that the use of the term “functional need” is consistent with the language in the NZCPS and should be retained given the policy specifically relates to the coastal environment.</p> <p>DECISION SOUGHT Retain use of the word/concept of “functional need”, re-drafting the Policy as necessary to integrate with the wording of NPSET.</p> | <p>Accept. A change to Policy 5 is recommended in response to submission 64.18 (above) but this does not dilute the validity of the concept of functional need, and ensures consistency with the NZCPS.</p> <p>It is agreed that “functional need” is the appropriate term to use.</p> |
| <p>90.2 H W Richardson Group Ltd</p> | <p>Policy 5 Functional need</p> | <p>The submitter supports Policy 5 insofar as it is appropriate to recognise that certain activities have a functional need to locate within the coastal environment.</p> <p>DECISION SOUGHT Retain Policy 5.</p> | <p>Accept. A change to Policy 5 is recommended in response to submission 64.18 (above) but this does not dilute the validity of the concept of functional need.</p> |

| Submitter | Plan Provision | Submission | Recommendation |
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| FS28.5 NZ Transport Agency | Policy 5 Functional need | The further submitter supports submission 90.2, agreeing that certain activities have a functional need to locate within the coastal environment. DECISION SOUGHT Retain Policy 5. | Accept. A change to Policy 5 is recommended in response to submission 64.18 (above) but this does not dilute the validity of the concept of functional need. |
| 91.4 PowerNet Ltd | Policy 5 Functional need | The submitter supports policy 5 insofar as it is appropriate to recognise that certain activities have a functional need to locate within the coastal environment. DECISION SOUGHT Retain Policy 5. | Accept. A change to Policy 5 is recommended in response to submission 64.18 (above) but this does not dilute the validity of the concept of functional need. |
| FS28.6 NZ Transport Agency | Policy 5 Functional need | The submitter supports submission 91.4, agreeing that certain activities have a functional need to locate within the coastal environment. DECISION SOUGHT Retain Policy 5. | Accept. A change to Policy 5 is recommended in response to submission 64.18 (above) but this does not dilute the validity of the concept of functional need |
| 103.1 Invercargill Airport Ltd | Policy 5 Functional need | The submitter supports Policy 5, stating that it is appropriate to recognise that certain infrastructure has locational constraints that may necessitate it being located within the coastal environment. DECISION SOUGHT Retain Policy 5. | Accept. A change to Policy 5 is recommended in response to submission 64.18 (above) but this does not dilute the validity of the concept of functional need. |

| Submitter | Plan Provision | Submission | Recommendation |
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| FS28.7 NZ Transport Agency | Policy 5 Functional need | The submitter supports submission 103.1, agreeing that certain activities have a functional need to locate within the coastal environment. DECISION SOUGHT Retain Policy 5. | Accept. A change to Policy 5 is recommended in response to submission 64.18 (above) but this does not dilute the validity of the concept of functional need. |
| 2.4.4 Methods of Implementation | | | |
| 71.11 NZAS Ltd | Method 2 | Method 2 The submitter considers it appropriate to delineate the coastal environment on the Planning Maps. DECISION SOUGHT Retain Method 2. | Accept. |
| 18.38 Environment Southland | Method 3 | Method 3 The submitter considers that this method lacks any reference to “natural hazards”, yet Policy 4 clearly contemplates their consideration. DECISION SOUGHT: The addition of the following: <i>(C) <u>Avoid or mitigate the adverse effects of natural hazards including the impact of predicted sea level rise and climate change</u></i> | Accept. The addition would be better with a slight wording change. It is recommended that the following be added to Method 3: <i>(C) <u>Avoid or mitigate the adverse effects of natural hazards including the predicted impacts of sea level rise and climate change</u></i> |

| Submitter | Plan Provision | Submission | Recommendation |
|--|-----------------|---|---|
| <p>65.8 ICC Environmental and Planning Services</p> | <p>Method 4</p> | <p>The submitter supports this method in part. The submitter considers that it should be split up into two methods, with the first method being “disseminating information”; and the second method being “co-operating with other organisations and landowners”.</p> <p>DECISION SOUGHT: The following amendment is suggested:</p> <p>“Method 4 Facilitation of information dissemination” AND Add new Method 5:</p> <p>“Method 5 Co-operating with other organisations and landowners.”</p> | <p>Accept. The logical flow of the Plan would be improved if the two methods currently incorporated in Method 4 are split, and listed as two separate methods.</p> <p>It is recommended as follows:</p> <p>Delete Method 4 as currently worded: Facilitation of information sharing an cooperation with other organisations and landowners</p> <p>Amend Method 4 to read: <u>“Method 4 Facilitation of information dissemination”</u></p> <p>AND</p> <p>Add new Method 5: <u>“Method 5 Co-operating with other organisations and “landowners”</u></p> |
| <p>FS4.19 Federated Farmers</p> | <p>Method 4</p> | <p>The submitter support submission 65.8, agreeing that Method 4 incorporates two separate methods which should be separated for clarity, and to ensure the importance of cooperating with landowners is highlighted.</p> <p>DECISION SOUGHT As for submission 65.8 (above).</p> | <p>Accept. On the same basis and for the same reasons as Submission Point 65.8 above.</p> |

| Submitter | Plan Provision | Submission | Recommendation |
|--|-----------------|--|--|
| <p>65.9 ICC Environmental and Planning Services</p> | <p>Method 6</p> | <p>Support in part. The submitter considers that regulatory means can also be used to facilitate the provision of access to the coast, for example through conditions on resource consents where a subdivision occurs in the coastal environment requiring some form of esplanade reserve.</p> <p>DECISION SOUGHT The submitter seeks to amend Method 6 to read:</p> <p>“Facilitation of the provisions of access to the coast through <u>both regulatory and</u> non-regulatory means”</p> | <p>Accept in part. Renumber Method 6 as Method 7 and re-word as follows:</p> <p><i><u>Facilitation of the provision of access to the coast with landowner permission, through non-regulatory means and through conditions on resource consents and creation of esplanade reserves.</u></i></p> <p>Public access to the coastline is promoted in the NZCPS, and is listed as a matter of national importance in Section 6 of the RMA. However it is not always practical in view of the nature of the land use, or the cost of providing that access compared with the benefit to the public derived from it. Landowner cooperation is essential. Linking any regulatory method to the resource consent process implies consultation and negotiation and does not presume public access across private property as of right. However the prominence given to public access in national and regional policy, to which a district plan must give effect, means that very strong reasons are necessary to impose restrictions on public access. At time of subdivision, statutory instruments such as esplanade reserves need to be considered.</p> |

| Submitter | Plan Provision | Submission | Recommendation |
|--|----------------|--|--|
| FS4.20 Federated Farmers | Method 6 | <p>Oppose submission 65.9 The further submitter considers that the best way to ensure landowner buy-in to public access is to talk with landowners about the benefits and issues, and obtain cooperation through non-regulatory means.</p> <p>The further submitter emphasises that access must be negotiated with the landowner without the presumption of a right to public access.</p> <p>DECISION SOUGHT Amend Method 6 to read: <i>Facilitation of the provisions of access to the coast through <u>both regulatory and non-regulatory means.</u></i></p> | <p>Accept in part. On the same basis and for the same reasons as Submission Point 65.9 above. There are clear national and regional policy directives, to which a district plan must give effect, seeking to improve opportunities for public access to the coast.</p> |
| FS7.12 South Port New Zealand Ltd | Method 6 | <p>The submitter opposes in part submission 65.9, considering that regulatory methods should only be adopted where appropriate, as there are circumstances that arise where it may not be appropriate to provide access to the coast for health and safety reasons.</p> <p>DECISION SOUGHT Not stated specifically.</p> | <p>Accept in part. On the same basis and for the same reasons as Submission Point 65.9 above.</p> <p>There are clear national and regional policy directives, to which a district plan must give effect, seeking to improve opportunities for public access to the coast, and very strong reasons are necessary if public access to the coast is to be denied.</p> |
| 88.39 Federated Farmers | Method 6 | <p>The submitter supports Method 6, pointing out that there is no legal requirement for public access to areas of value either on, or that can only be accessed across, privately owned land, and emphasises that access must be negotiated with the landowner without the presumption of a right to public access.</p> | <p>Accept in part. On the same basis and for the same reasons as Submission Point 65.9 above.</p> |

| Submitter | Plan Provision | Submission | Recommendation |
|---------------------------------------|-----------------|---|--|
| | | <p>DECISION SOUGHT Amend wording to:</p> <p><i>Method 6 Facilitation of the provision of access to the coast <u>with appropriate landowner permission and through non-regulatory means.</u></i></p> | |
| <p>88.40 Federated Farmers</p> | <p>Method 7</p> | <p>The submitter supports this method, considering that where Council uses “financial incentives” to gain public access to privately owned coastal land, this should be for the agreed duration of the public access and include all associated maintenance, so as not to become a burden for the landowner.</p> <p>DECISION SOUGHT An amendment is suggested:</p> <p>“Method 7 Use of financial incentives <u>and maintenance agreements</u> by Council <u>for the duration of the agreed term</u> where access is provided.</p> | <p>Reject. The term “financial incentives” is sufficiently broad to enable the kinds of arrangement envisaged by the submitter, but these are likely to be appropriate only in a limited range of circumstances. A district plan policy should not purport to bind parties to timeframes or maintenance agreements because they are not anticipated in national or regional policy.</p> |

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APPENDIX 2 - RECOMMENDED CHANGES TO THE DISTRICT PLAN

(New wording is underlined; deletions are struck through: ~~struck through~~)

1. **Page 2-9 COASTAL ENVIRONMENT Paragraph 1**

~~The coastline that penetrates and borders the district to the west and south is about 165 kilometres in length. The Invercargill city district contains about 165 kilometres of coastline around harbours, estuaries or tidal rivers and along the open coast. It is a highly dynamic entity. In a short period of time (geologically speaking) the district's coast has gone through much change. Change due to coastal processes is expected to continue especially if sea level continues to rise as much as predicted.~~

Paragraph 2 – no change

Paragraph 3 – no change

Paragraph 4 – no change

Paragraph 5 – no change

Paragraph 6:

The natural character of the Invercargill coastal environment is analysed in the following publication:

Regional Coastal Plan for Southland – July 2005 – Appendix 4

2. **Page 2-9 COASTAL ENVIRONMENT Issues (issue 4):**

~~Sea ports and infrastructure located within the coastal environment can affect its natural character but also have a functional need of coastal space and other land uses and infrastructure may have functional needs requiring them to locate in the coastal environment.. This functional need must be balanced against conservation needs. In these cases conservation needs must be balanced against development needs.~~

3. **Page 2-9 COASTAL ENVIRONMENT Objectives (Objective 3)**

Objective 3: The Bluff area is identified as the appropriate location for port facilities, including port facilities associated with the aluminium smelter at Tiwai Point, and other activities which have a functional need to locate in the port area.

4. **Page 2-9 COASTAL ENVIRONMENT Objectives (Objective 5)**

Objective 5: Infrastructure, renewable energy projects and associated development are provided for in the coastal environment, recognising that such developments may have specific locational and technical constraints, while maintaining and enhancing public access and preserving natural character as far as practicable.

5. **Page 2-10 COASTAL ENVIRONMENT Policies (Policy 1)**

Policy 1 Identification and delineation: *To identify the coastal environment and to delineate it on the District Planning Maps.*

Explanation: *The District Planning Maps delineate the coastal environment within the Invercargill city district to enable clarity as to when district plan provisions apply, easy identification. However it is recognised that the coastal environment is subject to interpretation and that additional information is likely to become available from time to time and in relation to specific proposals which may lead to more refined assessments of the extent of the coastal environment. The criteria used to identify areas within the coastal environment are*

The criteria used to identify areas within the coastal environment are:

- ~~(A) — Topography~~
- ~~(B) — Height above mean sea level (used to identify areas which may be susceptible to storm surge)~~
- ~~(C) — Geology~~
- ~~(D) — Amenity Values~~
- ~~(E) — Landscape values~~

The delineation of the coastal environment includes or takes account of the following elements:

- a. The coastal marine area (which is outside the Invercargill city district)
- b. islands within the coastal marine area;
- c. areas where coastal processes, influences or qualities are significant, including coastal lakes, lagoons, tidal estuaries, saltmarshes, coastal wetlands, and the margins of these;
- d. areas at risk from coastal hazards;
- e. coastal vegetation and the habitat of indigenous coastal species including migratory birds;
- f. elements and features that contribute to the natural character, landscape, visual qualities or amenity values;
- g. items of cultural and historic heritage in the coastal marine area or on the coast;
- h. inter-related coastal marine and terrestrial systems, including the intertidal zone; and
- i. physical resources and built facilities, including infrastructure, that have modified the coastal environment.

6. **Page 2-10 COASTAL ENVIRONMENT Policies (Policy 2)**

Policy 2: *To identify the Bluff area, and the hamlet of Omaui as the appropriate locations for subdivision, use and development in the coastal environment and, subject to providing for activities with a functional need to locate in the coastal environment, to give priority to preservation of the natural character of the coastal environment elsewhere.*

Explanation: *“This approach will encourage development to locate in areas that are already modified and help to preserve the natural character of the coastal environment elsewhere. This approach will help avoid cumulative effects of an activity and precedent effects of a decision exceeding the carrying capacity of an*

area, and help protect natural character, outstanding natural features and landscapes, and other values of the area coastal environment.

7. Page 2-11 COASTAL ENVIRONMENT Policies (Policy 3)

Policy 3 Assessment criteria: ~~To assess proposals for subdivision, use and development, in relation to the natural character of the coast and in particular using the following criteria:~~

- ~~(A) Natural science factors.~~
- ~~(B) Aesthetic values.~~
- ~~(C) Expressiveness.~~
- ~~(D) Transient values.~~
- ~~(E) The extent to which the values are shared or recognised.~~
- ~~(F) Value to the tangata whenua.~~
- ~~(G) Historical associations.~~

Explanation: ~~The natural character of the Invercargill coastal environment and its natural qualities derive from the following:~~

- ~~(A) Visual values including light.~~
- ~~(B) Scenic values with views of the sea and seascape.~~
- ~~(C) Intrinsic value of ecosystems.~~
- ~~(D) Qualities of expansiveness and remoteness.~~
- ~~(E) A predominance of natural noise.~~
- ~~(F) Individual sounds of the sea.~~
- ~~(G) Dynamics of air, water and sediment.~~
- ~~(H) Areas of significant indigenous vegetation.~~
- ~~(I) Significant habitats of indigenous fauna.~~
- ~~(J) Natural landscapes, seascapes, and landforms.~~
- ~~(K) Geology and elevation.~~
- ~~(L) Aesthetic coherence.~~
- ~~(M) Natural physical processes.~~
- ~~(N) Change with the diurnal rhythm of the tides and the rhythm of the weather.~~
- ~~(O) A distinctive smell and taste characteristic of southern coastal areas.~~

Policy 3 Assessment criteria: To assess proposals for subdivision, use and development against the following criteria

1. The extent to which the proposal avoids adverse effects of activities on natural character in areas of the coastal environment with outstanding natural character; and
2. The extent to which significant adverse effects are avoided, and other adverse effects are voided, remedied or mitigated, on natural character in all other areas of the coastal environment;

Explanation: Natural character may include matters such as:

- a. natural elements, processes and patterns;
- b. biophysical, ecological, geological and geomorphic aspects
- c. natural landforms such as headlands, peninsulas, cliffs, dunes, wetlands, reefs, freshwater springs and surf breaks
- d. the natural movement of water and sediment
- e. the natural darkness of the night sky

- f. places or areas that are wild or scenic
- g. a range of natural character from pristine to modified, and
- h. experiential attributes, including the sounds and smell of the sea, and their context or setting.

8. Page 2-11 Policies (Policy 4)

Policy 4 Protection of values and attributes: When providing for subdivision, use and development within the coastal environment, to promote the utilisation of adequate measures or methods to:

- (A) Protect amenity, social, intrinsic, ecological, cultural, heritage, natural character and landscape and natural features values
- (B) Maintain or enhance public access
- (C) Avoid or mitigate the effects on natural hazards
- (D) Avoid or mitigate the impact of predicted sea level rise and climate change
- (E) Take cumulative and precedent efforts into account in making decisions affecting the coast.

Explanation: (No change)

9. Page 2-12 Policies (Policy 5)

Policy 5 Functional need: ~~To give priority to~~ recognise the functional need for infrastructure, port and renewable energy projects in determining appropriate locations and/or management in the that have a functional need of a coastal environment location, and make provision for other facilities and activities that have located in the coastal environment for historic reasons.

Explanation: (No change).

10. Page 2-12 Methods of Implementation

Method 3 When considering resource consents for activities within the Coastal Environment, to have regard to whether adequate measures or methods are used to

- (A) Protect amenity, social, intrinsic, ecological, cultural, heritage, natural character and landscape and natural features values
- (B) Maintain, enhance or otherwise provide for public access to and along the coast
- (C) Avoid or mitigate the adverse effects of natural hazards including the predicted impacts of sea level rise and climate change

11. Page 2-13 Methods of Implementation

Method 4 Facilitation of information dissemination and cooperation with other organisations and landowners

12. Page 2-13 Methods of Implementation

Add new Method 5:

Method 5 Co-operating with other organisations and “landowners“

(Method 5 becomes Method 6 – see below)

13. Page 2-13 Methods of Implementation

Re-number Method 5 as Method 6.

14. Page 2.13 Methods of Implementation

Re-number Method 6 as Method 7.

Re-word as follows:

Method 7: Facilitation of the provision of access to the coast with landowner permission, through non-regulatory means and through conditions on resource consents and creation of esplanade reserves

15. Page 2-13 Methods of Implementation

Re-number Method 7 as Method 8.

16. Page 3-3 Coastal Environment

3.2.1 Note: *Where the need for resource consent is triggered by another provision in this Plan, and the development is within the Coastal Environment as delineated on the Planning Maps, then it is necessary to address issues that pertain to the coastal environment in the Assessment of Environmental Effects.*

17. Planning Maps

- Extend the Coastal Environment as shown in Appendix 3.

APPENDIX 3 – EXTENSION TO THE COASTAL ENVIRONMENT

