

RESOURCE MANAGEMENT ACT 1991

PROPOSED HOROWHENUA DISTRICT PLAN

HEARING OF SUBMISSIONS

DECISION OF HEARING PANEL

TOPIC: Report on District Plan
Coastal Environment

HEARING PANEL: Robert Van Voorthuysen (Chair)
Cr Garry Good
Cr David Allan

HEARING DATE: 18th April & 28th May 2013

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1. INTRODUCTION

1.1 We were appointed by the Horowhenua District Council to consider submissions on the Proposed District Plan relating to the Coastal Environment. A hearing was held on 18 April 2013 and 28 May 2013. The hearing was closed on 13 September 2013.

1.2 In preparing this decision we have used the following abbreviations:

HDC	Horowhenua District Council
Proposed Plan	Proposed Horowhenua District Plan
RMA	Resource Management Act 1991

2. OFFICER'S REPORT

2.1 We received a comprehensive Section 42A Report¹ (officer's report) prepared by David McCorkindale (HDC's Project Manager – District Plan Review). The officer's report evaluated each submission point and made a recommendation on it, clearly stating the reasons for each recommendation.

2.2 Mr McCorkindale also helpfully provided:

- A written statement dated 18 April 2013 containing answers to our written questions; comments on the tabled material provided by Kiwirail, the Waitarere Beach Progressive & Ratepayers Association and the Horowhenua Astronomical Society Inc; and several corrections to the original officer's report. That statement is attached to this Decision as Appendix C;
- A written statement dated 23 April 2013 addressing a query we posed regarding the relationship of the Proposed Plan and Change 22 (as was discussed in paragraph 12 on page 67 of the officer's report). That statement is attached to this Decision as Appendix D.

3. SUBMITTER APPEARANCES

3.1 On 18 April 2013 we heard in person from Sophie Campbell on behalf of herself (submitter 58 and further submitter 525) and Friends of Strathnaver (submitter 57)². On 28 May 2013 we heard from Philip Taueki (submitter 11). Mr Taueki was supported by his partner, Anne Hunt, and he had two witnesses speak as part of his presentation, firstly his sister Vivienne Taueki and secondly Professor Whatarangi Winiata.

3.2 We received verbal and written evidence from the submitters listed above. The written material presented by those submitters is held on file at the HDC. We took our own notes of the verbal presentations and any answers to our questions.

3.3 We also received tabled written material from:

- The Director-General of Conservation (submitter 101 and further submitter 527);
- The Horowhenua Astronomical Society Inc (submitter 26);
- Kiwirail (submitter 55);
- The Waitarere Beach Progressive & Ratepayers Association (submitter 51).

3.4 For the sake of brevity we do not repeat the above material in this Decision but we refer to the matters raised by the submitters as appropriate.

4. EVALUATION

4.1 The relevant statutory requirements were identified and described in Section 3 of the officer's report. We accept and adopt that description and have had regard to or taken into account the identified matters as appropriate.

¹ Section 42A Report to the District Plan Review Hearing Panel, Proposed Horowhenua District Plan, Coastal Environment, April 2013.

² Ms Campbell advised that fully supported the recommendations in the officer's report regarding the matters raised by both submitters that she represented.

Chapter 5 Introduction

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
11.23	Philip Taueki	No specific relief requested. Inferred: Reference customary rights in relation to Hokio Beach in the Introduction of Chapter 5 and recognise and mitigate the risk of disturbance of cultural sites of significance.	519.18 Charles Rudd(Snr) -Support
60.17	Muaupoko Co-operative Society	No specific relief requested. Inferred: Reference customary rights in relation to Hokio Beach in the Introduction of Chapter 5 and recognise and mitigate the risk of disturbance of cultural sites of significance.	519.36 Charles Rudd(Snr) -Support
67.14	Taiao Raukawa Environmental Resource Unit	Amend Introduction of Chapter 5 include more discussion on ongoing Maori relationships to access water bodies so that particular Māori customary rights to water bodies are recognised and maintained..	
101.26	Director-General of Conservation (DoC)	Amend paragraph two, third sentence in the Introduction as follows: ... This estuary is considered an important estuarine ecosystem...	
101.27	Director-General of Conservation (DoC)	Amend paragraph five, second sentence of the Introduction as follows: ... The preservation of the natural character of the coastal environment, and its <u>its</u> protection from inappropriate subdivision, use and development is a matter of national importance (section 6(a))....	
101.28	Director-General of Conservation (DoC)	Amend paragraph eight of the Introduction as follows: Add at the conclusion of the paragraph a new sentence: " <u>it must give effect to</u> ".	
101.29	Director-General of Conservation (DoC)	Include a reference in the Introduction to the National Policy Statement for Freshwater Management 2011 (NPSFWM).	
101.30	Director-General of Conservation (DoC)	Amend paragraph 10 through mentioning relevant Conservation Management Strategy and Iwi	

Sub No.	Submitter Name	Decision Requested	Further Submission
		Management Plans.	
101.31	Director-General of Conservation (DoC)	Amend Figure 5-1 through giving effect to Policy 1 of the NZCPS.	
101.32	Director-General of Conservation (DoC)	Amend Figure 5-1 through clarifying what is meant by the wording "Coastal Dominance Zone"	

4.2 The above submissions were evaluated by the reporting officer in section 4.1.2 of the officer's report. Mr Taueki was the only submitter to express any opposition to that evaluation. He was concerned about a lack of consultation with Maori landowners during the preparation of the Proposed Plan. That is not a matter relevant to our evaluation which is concerned with possible improvements to the wording of the Proposed Plan. We have reviewed the officer's evaluation and we agree with it and adopt it as our reasons pursuant to Clause 10(2)(a) of Schedule 1 to the RMA. The officer also recommended amendments to the Introduction of Chapter 5 (inserting new fourth and fifth paragraphs, amending the existing fifth and eighth paragraphs, adding additional text following the existing eight paragraph, adding additional text following the existing tenth paragraph and amending Figure 5-1) of the Proposed Plan.

4.3 The officer also recommended consequential amendments to the third paragraph and Policy 5.1.2.

4.4 We have reviewed the recommended amendments and consider them to be appropriate. We are also satisfied that the consequential amendments are necessary and appropriate. We therefore adopt those recommendations as our decisions pursuant to Clause 10(1) of Schedule 1 to the RMA.

Issue 5.1 Discussion

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
101.33	Director-General of Conservation (DoC)	Amend Paragraph 2 of the Issue Discussion through deleting "perceptual" from the seven components of natural character, or, provide a term that is better aligned with the NZCPS.	
101.34	Director-General of Conservation (DoC)	Amend Paragraph 2 of the Issue Discussion through adding two new bullet points to the seven components of natural character; <u>Context</u> and <u>Setting</u> .	

4.5 The Director-General of Conservation's submissions were evaluated by the reporting officer in section 4.2.2 of the officer's report. The Director-General of Conservation supported that evaluation. We have reviewed the officer's evaluation and we agree with it and adopt it as our reasons pursuant to Clause 10(2)(a) of Schedule 1 to the RMA. The officer also recommended amendments to the second paragraph of Issue Discussion for Issue 5.1 of

the Proposed Plan.³ We have reviewed those recommended amendments and consider them to be appropriate. We therefore adopt that recommendation as our decision pursuant to Clause 10(1) of Schedule 1 to the RMA.

Objective 5.1.1

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
26.05	Horowhenua Astronomical Society Inc	Amend Objective 5.1.1 to provide for the protection of the natural night environment as an intrinsic feature of the character of the Coastal Environment.	
50.03	Rayonier NZ Ltd	Amend the Plan to recognise plantation forestry as a significant mitigator from the adverse effects of inland drift of sand dunes in the district.	506.73 Ernslaw One Ltd - Support
101.35	Director-General of Conservation (DoC)	<p>Delete the current Objective 5.1.1 and rewrite as follows:</p> <p>To preserve natural character of the Coastal Environment and avoid, remedy or mitigate the adverse environmental effects from inappropriate subdivision, use and development. <u>Ensure only appropriate subdivision, use and development occurs in the Coastal Environment.</u></p> <p>Alternatively reword as follows:</p> <p><u>To provide for the appropriate subdivision, use and development consistent with the need to preserve the natural character of the coastal environment.</u></p>	513.39 Rayonier New Zealand Ltd - Support

4.6 The above submissions were evaluated by the reporting officer in section 4.3.2 of the officer's report. No submitters expressed any opposition to that evaluation. We have reviewed the officer's evaluation and we agree with it and adopt it as our reasons pursuant to Clause 10(2)(a) of Schedule 1 to the RMA. The officer also recommended amendments to the Explanation and Principal Reasons for Objective 5.1.1 of the Proposed Plan. We have reviewed those recommended amendments and consider them to be appropriate. We therefore adopt that recommendation as our decision pursuant to Clause 10(1) of Schedule 1 to the RMA.

³ This included some revised wording that was set out in the written Statement of 18 April 2013 (see Appendix C to this Decision).

Policy 5.1.2

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
101.36	Director-General of Conservation (DoC)	Amend Policy 5.1.2 by providing a definition or further explanation of the term "zone of coastal dominance"	
98.29	Horticulture NZ	Retain Policy 5.1.2.	

4.7 The submission of the Director-General of Conservation was evaluated by the reporting officer in section 4.4.2 of the officer's report. The Director-General of Conservation supported that evaluation. We have reviewed the officer's evaluation and we agree with it and adopt it as our reasons pursuant to Clause 10(2)(a) of Schedule 1 to the RMA. The officer also recommended amendments to Policy 5.1.2 of the Proposed Plan. We have reviewed those recommended amendments and consider them to be appropriate. We therefore adopt that recommendation as our decision pursuant to Clause 10(1) of Schedule 1 to the RMA.

4.8 Horticulture NZ's support for Policy 5.1.2 is noted and their submission is accepted.

Policy 5.1.3

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
101.37	Director-General of Conservation (DoC)	Amend Policy 5.1.3 as follows: Perceptual <u>Context</u> <u>Setting</u>	

4.9 The submission of the Director-General of Conservation was evaluated by the reporting officer in section 4.5.2 of the officer's report. The Director-General of Conservation supported that evaluation. We have reviewed the officer's evaluation and we agree with it and adopt it as our reasons pursuant to Clause 10(2)(a) of Schedule 1 to the RMA. The officer also recommended amendments to Policy 5.1 of the Proposed Plan. We have reviewed those recommended amendments and consider them to be appropriate. We therefore adopt that recommendation as our decision pursuant to Clause 10(1) of Schedule 1 to the RMA.

Policy 5.1.4

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
101.38	Director-General of Conservation (DoC)	Retain intent of Policy 5.1.4	

4.10 The Director-General of Conservation’s support for Policy 5.1.2 is noted and the submission is accepted.

Policy 5.1.5

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
101.39	Director-General of Conservation (DoC)	Retain intent of Policy 5.1.5	

4.11 The Director-General of Conservation’s support for Policy 5.1.5 is noted and the submission is accepted.

Policy 5.1.6

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
55.13	KiwiRail	Retain Policy 5.1.6	
101.40	Director-General of Conservation (DoC)	Amend Policy 5.1.6 as follows: ... except where <u>there is a significant public benefit, and there is no reasonable alternative outside very high natural areas of natural character and...</u>	

4.12 KiwiRail’s support for Policy 5.1.6 is noted and their submission is accepted. We note that KiwiRail tabled a written statement opposing the additional wording recommended by the officer to be inserted into Policy 5.1.6 which read “... there is a significant public benefit ...”.

4.13 The Director-General of Conservation’s submission was evaluated by the reporting officer in section 4.8.2 of the officer’s report. The Director-General of Conservation’s supported that evaluation.

4.14 We have reviewed the officer’s original evaluation and we do not agree with it. However, we note that the officer tabled an amended evaluation and recommendation (see the Statement contained Appendix C of this Decision) where he rescinded his previously suggested insertion of the additional wording (the wording in paragraph 4.12 above that is opposed by KiwiRail).

4.15 We accept the officer’s revised reasoning set out in his Statement contained in Appendix C and we adopt it as our reasons pursuant to Clause 10(2)(a) of Schedule 1 to the RMA. Our decision pursuant to Clause 10(1) of Schedule 1 to the RMA is to retain Policy 5.1.6 as notified with no amendment. Accordingly, we reject the Director-General of Conservation’s submission.

Policy 5.1.7

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
26.06	Horowhenua Astronomical Society Inc	Amend Policy 5.1.7 to provide for the protection of the natural night environment as an intrinsic feature of the character of the Coastal Environment.	

4.16 The Horowhenua Astronomical Society Inc's submission was evaluated by the reporting officer in section 4.9.2 of the officer's report. The submitter did not express any opposition to that evaluation. We have reviewed the officer's evaluation and we agree with it and adopt it as our reasons pursuant to Clause 10(2)(a) of Schedule 1 to the RMA. The officer recommended no amendments to Policy 5.1.7 of the Proposed Plan. We consider that to be appropriate. We therefore adopt that recommendation as our decision pursuant to Clause 10(1) of Schedule 1 to the RMA.

Policy 5.1.8

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
101.41	Director-General of Conservation (DoC)	Amend Policy 5.1.8 as follows: Ensure development within the Coastal Environment recognises and respects <u>avoids adverse effects on</u> the sensitive...	

4.17 The Director-General of Conservation's submission was evaluated by the reporting officer in section 4.10.2 of the officer's report. The Director-General of Conservation supported that evaluation. We have reviewed the officer's evaluation and we agree with it and adopt it as our reasons pursuant to Clause 10(2)(a) of Schedule 1 to the RMA. The officer recommended no amendments to Policy 5.1.8 of the Proposed Plan. We consider that to be appropriate. We therefore adopt that recommendation as our decision pursuant to Clause 10(1) of Schedule 1 to the RMA.

Policy 5.1.9

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
101.43	Director-General of Conservation (DoC)	Reword this policy to ensure that it gives effect to Policy 14 of the NZCPS.	

4.18 The Director-General of Conservation's submission was evaluated by the reporting officer in section 4.11.2 of the officer's report. The Director-General of Conservation supported that evaluation. We have reviewed the officer's evaluation and we agree with it and adopt it as our reasons pursuant to Clause 10(2)(a) of Schedule 1 to the RMA. The officer recommended no amendments to Policy 5.1.9 of the Proposed Plan. We consider that to

be appropriate. We therefore adopt that recommendation as our decision pursuant to Clause 10(1) of Schedule 1 to the RMA.

Issue 5.2 Discussion

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
101.44	Director-General of Conservation (DoC)	Amend Issue Discussion 5.2 by the addition of "vehicle access" and a discussion of the issues that arise from this type of activity within the coastal environment and the adverse effects that might arise from this use.	

4.19 The submission of the Director-General of Conservation was evaluated by the reporting officer in section 4.12.2 of the officer's report. The Director-General of Conservation supported that evaluation. We have reviewed the officer's evaluation and we agree with it and adopt it as our reasons pursuant to Clause 10(2)(a) of Schedule 1 to the RMA. The officer also recommended amendments to the Issue Discussion for Issue 5.2 of the Proposed Plan.⁴ We have reviewed those recommended amendments and consider them to be appropriate. We therefore adopt that recommendation as our decision pursuant to Clause 10(1) of Schedule 1 to the RMA.

Objective 5.1.2

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
101.45	Director-General of Conservation (DoC)	Retain Objective 5.2.1 as notified.	

4.20 The Director-General of Conservation's support for Objective 5.2.1 is noted and the submission is accepted.

Policy 5.2.2

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
101.46	Director-General of Conservation (DoC)	Retain Policy 5.2.2 as notified.	

4.21 The Director-General of Conservation's support for Policy 5.2.2 is noted and the submission is accepted.

⁴ We note that in his Statement contained in Appendix C the officer corrected a typographical error in the recommended wording.

Policy 5.2.4

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
101.47	Director-General of Conservation (DoC)	Amend Policy 5.2.4 as follows: Develop, improve and maintain existing <u>appropriate</u> forms of access to the coast.	

4.22 The submission of the Director-General of Conservation was evaluated by the reporting officer in section 4.15.2 of the officer's report. The Director-General of Conservation supported that evaluation. We have reviewed the officer's evaluation and we agree with it and adopt it as our reasons pursuant to Clause 10(2)(a) of Schedule 1 to the RMA. The officer also recommended amendments to Policy 5.2.4 of the Proposed Plan. We have reviewed those recommended amendments and consider them to be appropriate. We therefore adopt that recommendation as our decision pursuant to Clause 10(1) of Schedule 1 to the RMA.

Policy 5.2.5

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
101.48	Director-General of Conservation (DoC)	Amend Policy 5.2.5 as follows: Ensure that adverse effects arising from the provision of <u>existing</u> new or upgraded public access are avoided, remedied or mitigated particularly on areas with high natural character and areas subject to coastal hazards.	

4.23 The submission of the Director-General of Conservation was evaluated by the reporting officer in section 4.16.2 of the officer's report. The Director-General of Conservation supported that evaluation. We have reviewed the officer's evaluation and we agree with it and adopt it as our reasons pursuant to Clause 10(2)(a) of Schedule 1 to the RMA. The officer also recommended amendments to Policy 5.2.5 of the Proposed Plan. We have reviewed those recommended amendments and consider them to be appropriate. We therefore adopt that recommendation as our decision pursuant to Clause 10(1) of Schedule 1 to the RMA.

Policy 5.2.6

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
101.49	Director-General of Conservation (DoC)	Amend Policy 5.2.6 as follows: Where new access to the coast is provided, ensure <u>it is located and constructed so</u> that disturbance to foredunes and adjacent coastal	

Sub No.	Submitter Name	Decision Requested	Further Submission
		marine area is minimised.	

4.24 The submission of the Director-General of Conservation was evaluated by the reporting officer in section 4.17.2 of the officer's report. The Director-General of Conservation supported that evaluation. We have reviewed the officer's evaluation and we agree with it and adopt it as our reasons pursuant to Clause 10(2)(a) of Schedule 1 to the RMA. The officer also recommended amendments to Policy 5.2.6 of the Proposed Plan. We have reviewed those recommended amendments and consider them to be appropriate. We therefore adopt that recommendation as our decision pursuant to Clause 10(1) of Schedule 1 to the RMA.

Explanation and Principal Reasons (Objective 5.2.1)

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
101.51	Director-General of Conservation (DoC)	Include a Policy and explanation to control where vehicle access is allowed or to that effect.	

4.25 The submission of the Director-General of Conservation was evaluated by the reporting officer in section 4.18.2 of the officer's report. The Director-General of Conservation supported that evaluation. We have reviewed the officer's evaluation and we agree with it and adopt it as our reasons pursuant to Clause 10(2)(a) of Schedule 1 to the RMA. The officer also recommended amendments to the Proposed Plan involving a new Policy 5.2.7 and a new third paragraph for the Explanation and Principal Reasons for Objective 5.2.1.

4.26 We note that in response to our questions the officer (see his statement contained Appendix C to this Decision) revised his originally recommended wording for the new Policy. He suggested that the words "Coastal Environment" be replaced with the words "on beaches and sand dunes".

4.27 We have reviewed those recommended amendments and consider them to be appropriate. We therefore adopt that recommendation as our decision pursuant to Clause 10(1) of Schedule 1 to the RMA.

Issue 5.3 Discussion

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
101.50	Director-General of Conservation (DoC)	Amend Issue discussion 5.3 by reflecting Policies 24 to 27 of the NZCPS in this section and providing for them in the policies.	

4.28 The submission of the Director-General of Conservation was evaluated by the reporting officer in section 4.19.2 of the officer's report. The Director-General of Conservation supported that evaluation. We have reviewed the officer's evaluation and we agree with it and adopt it as our reasons pursuant to Clause 10(2)(a) of Schedule 1 to the RMA. The officer also recommended amendments to the Issue 5.3 Discussion of the Proposed Plan.

We have reviewed those recommended amendments and consider them to be appropriate. We therefore adopt that recommendation as our decision pursuant to Clause 10(1) of Schedule 1 to the RMA.

Objective 5.3.1

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
101.52	Director-General of Conservation (DoC)	<p>Amend Objective 5.3.1 as follows:</p> <p>Relief A: Obj 1: Avoid or mitigate subdivision, land use and development in the Coastal Environment where it is subject to natural hazards, and</p> <p>Obj 2: <u>Ensure that land use and development do not significantly worsen the risk of occurrence or the severity of coastal hazards or compromise the effective functioning or integrity of natural hazard protection or mitigation works.</u></p> <p>Or;</p> <p>Relief b: Delete <u>“and ensure that land use and development do not significantly worsen the risk of occurrence or the severity of coastal hazards or compromise the effective functioning or integrity of natural hazard protection or mitigation works”</u></p> <p>As the example provided in Relief a, would suffice.</p>	

4.29 The submission of the Director-General of Conservation was evaluated by the reporting officer in section 4.20.2 of the officer’s report. The Director-General of Conservation supported that evaluation. We have reviewed the officer’s evaluation and we agree with it and adopt it as our reasons pursuant to Clause 10(2)(a) of Schedule 1 to the RMA. The officer also recommended amendments to Objective 5.3.1 of the Proposed Plan. We have reviewed those recommended amendments and consider them to be appropriate. We therefore adopt that recommendation as our decision pursuant to Clause 10(1) of Schedule 1 to the RMA.

Policy 5.3.3

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
101.53	Director-General of Conservation (DoC)	Amend Policy 5.3.3 by clarifying what the intent of this policy is.	

4.30 The submission of the Director-General of Conservation was evaluated by the reporting officer in section 4.21.2 of the officer's report. The Director-General of Conservation supported that evaluation. We have reviewed the officer's evaluation and we agree with it and adopt it as our reasons pursuant to Clause 10(2)(a) of Schedule 1 to the RMA. The officer also recommended amendments to Policy 5.3.3 of the Proposed Plan. We have reviewed those recommended amendments and consider them to be appropriate. We therefore adopt that recommendation as our decision pursuant to Clause 10(1) of Schedule 1 to the RMA.

Policy 5.3.4 (and Objective 5.3.1)

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
101.54	Director-General of Conservation (DoC)	Delete "significant" from Objective 5.3.1 if Policy 5.3.4 is going to remain as notified then.	

4.31 The submission of the Director-General of Conservation was evaluated by the reporting officer in section 4.22.2 of the officer's report. The Director-General of Conservation supported that evaluation. We have reviewed the officer's evaluation and we agree with it and adopt it as our reasons pursuant to Clause 10(2)(a) of Schedule 1 to the RMA. The officer also recommended amendments to Objective 5.3.1 of the Proposed Plan. We have reviewed those recommended amendments and consider them to be appropriate. We therefore adopt that recommendation as our decision pursuant to Clause 10(1) of Schedule 1 to the RMA.

Policy 5.3.5

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
101.55	Director-General of Conservation (DoC)	Include a policy that takes into account hazard risks over at least 100 years, are to be assessed or to that effect.	
101.56	Director-General of Conservation (DoC)	Include new policies that align with the NZCPS or to that effect.	

4.32 The submissions of the Director-General of Conservation were evaluated by the reporting officer in section 4.23.2 of the officer's report. The Director-General of Conservation supported that evaluation. We have reviewed the officer's evaluation and we agree with it and adopt it as our reasons pursuant to Clause 10(2)(a) of Schedule 1 to the RMA. The officer also recommended amendments to the Proposed Plan as follows:

- A new Policy 5.3.6;
- Two new Methods under District Plan Methods for Issue 5.3 and Objective 5.3.1;
- An amended issue discussion for Issue 5.3;
- A new Policy 5.3.7.

4.33 We have reviewed those recommended amendments and consider them to be appropriate. We therefore adopt that recommendation as our decision pursuant to Clause 10(1) of Schedule 1 to the RMA.

Methods for Issue 5.3 & Objective 5.3.1

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
101.57	Director-General of Conservation (DoC)	Amend method by adopting the approach of Policy 24 of the NZCPS or to that effect.	

4.34 The Director-General of Conservation's submission was evaluated by the reporting officer in section 4.24.2 of the officer's report. The Director-General of Conservation supported that evaluation. We have reviewed the officer's evaluation and we agree with it and adopt it as our reasons pursuant to Clause 10(2)(a) of Schedule 1 to the RMA. In this case the officer recommended no amendments to the Methods for Issue 5.3 & Objective 5.3.1 of the Proposed Plan. We consider that to be appropriate. We therefore adopt that recommendation as our decision pursuant to Clause 10(1) of Schedule 1 to the RMA.

Chapter 5 Anticipated Environmental Results

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
101.19	Director-General of Conservation (DoC)	Include an objective and policies that relate to Tangata Whenua and their association with the coastal environment.	

4.35 The submission of the Director-General of Conservation was evaluated by the reporting officer in section 4.25.2 of the officer's report. The Director-General of Conservation supported that evaluation. We have reviewed the officer's evaluation and we agree with it and adopt it as our reasons pursuant to Clause 10(2)(a) of Schedule 1 to the RMA. The officer also recommended deleting AER 5(c) and adding a new AER 1(i) to the Proposed Plan. We have reviewed those recommended amendments and consider them to be appropriate. We therefore adopt that recommendation as our decision pursuant to Clause 10(1) of Schedule 1 to the RMA.

General Matters

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
51.00	Waitarere Beach Progressive & Ratepayers Association (WBPRA)	No specific relief requested. Inferred: retain provisions that maintain vehicle access to the beach.	

4.36 The Waitarere Beach Progressive & Ratepayers Association's support for vehicle access to the beach is noted and the submission is accepted.

Rule 19.4.7: Rule Zone – Discretionary Activity (Buildings, Structures and Subdivision in the Coastal Natural Character and Hazard Overlay Area)

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
49.01	Alan & Marie Blundell	No specific relief requested. Inferred that Rule 19.4.7 should not be applied to the properties in Reay MacKay/Strathnaver Drive, Waikawa Beach.	525.15 Maurice and Sophie Campbell - Support
52.00	Rosemaire Saunders	Amend the Rule 19.4.7 by removing the reference to the Coastal Natural Character Zone and making associated amendments to the Planning Maps (see submission point 52.01) to distinguish between the Coastal Natural Character and Hazard area and limit the Hazard area in the location south of the Waikawa Village to the dunes immediately adjacent to the foreshore.	525.09 Maurice and Sophie Campbell - Support
57.00	Friends of Strathnaver	Amend the Rule 19.4.7 by removing the reference to the Coastal Natural Character Zone and making associated amendments to the Planning Maps (see submission point 57.01) to distinguish between the Coastal Natural Character and Hazard area and limit the Hazard area in the location south of the Waikawa Village to the dunes immediately adjacent to the foreshore.	525.06 Maurice and Sophie Campbell - Support 527.04 Director-General of Conservation (DoC) - Oppose
58.00	JS & MJ Campbell	Amend the Rule 19.4.7 by removing the reference to the Coastal Natural Character Zone and making associated amendments to the Planning Maps (see submission point 58.01) to distinguish between the Coastal Natural Character and Hazard area and limit the Hazard area to the dunes immediately adjacent to the foreshore.	527.05 Director-General of Conservation (DoC) - Oppose
64.00	Derek Watt	Delete Rule 19.4.7.	527.06 Director-General of Conservation (DoC) - Oppose
69.00	Walls-Bennett & Bailey	Amend Rule 19.4.7 so that it only	525.00 Maurice and

Sub No.	Submitter Name	Decision Requested	Further Submission
		applies to hazard areas.	Sophie Campbell - Support
76.01	Ann Percy	Delete Rule 19.4.7. If it is not possible to remove the rule, comprehensive guidelines will need to be in place as well as a consent process in which costs are not passed to the land owner. This should be informed by community consultation.	
82.01	Kevin Doncliff	No specific relief requested. Inferred: Delete the word 'hazard' from Rule 19.4.7.	525.05 Maurice and Sophie Campbell - Support
113.00	Ron & Betty Zanobergen	Delete Rule 19.4.7.	525.02 Maurice and Sophie Campbell - Support

4.37 The above submissions were evaluated by the reporting officer in section 4.27.2 of the officer's report. No submitters expressed any opposition to that evaluation and Sophie Campbell on behalf of herself and the Friends of Strathnaver supported the evaluation. We have reviewed the officer's evaluation and we agree with it and adopt it as our reasons pursuant to Clause 10(2)(a) of Schedule 1 to the RMA. The officer also recommended amendments to the Proposed Plan as follows:

- A new final paragraph for issue Discussion of Issue 5.1;
- A new Policy 5.1.X;
- A new paragraph in the Explanation and Principal Reasons for Objective 5.1.1
- A new Restricted Discretionary Activity Rule 19.3.X;
- New Matters of Discretion and conditions for Restricted Discretionary Activities Rule 19.8.X;
- Two new Discretionary Activity Rules 19.4.X;
- Amended Planning Maps to identify the extent of the "Waikawa Beach - Strathnaver Coastal Natural Character Area Overlay" and the "Waikawa Beach - Strathnaver Coastal Hazard Area Overlay."

4.38 We have reviewed those recommended amendments and consider them to be appropriate. We therefore adopt that recommendation as our decision pursuant to Clause 10(1) of Schedule 1 to the RMA.

Planning Maps 7 and 41 - Coastal Natural Character and Hazards Area

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
46.02	Vincero Holdings Ltd	Amend Planning Map 7 so that the Proposed Coastal Natural Character and Hazards Area and Coastal Outstanding Natural Feature Landscape (ONFL) are amended to the area covered by D135 on the Planning Maps and removed from Lot	

Sub No.	Submitter Name	Decision Requested	Further Submission
		1 DP 48282.	
46.03	Vincero Holdings Ltd	Amend Planning Map 41 so that the Proposed Coastal Natural Character and Hazards Area and Coastal Outstanding Natural Feature Landscape (ONFL) are amended to the area covered by D135 on the Planning Maps and removed from Lot 1 DP 48282.	

4.39 The above submissions were evaluated by the reporting officer in section 4.28.2 of the officer's report. No submitters expressed any opposition to that evaluation. We have reviewed the officer's evaluation and we agree with it and adopt it as our reasons pursuant to Clause 10(2)(a) of Schedule 1 to the RMA. The officer also recommended amendments to the Proposed Plan as follows:

- A new Policy 5.1.X;
- A new Permitted Activity Rule 19.1.X;
- A new Condition for Permitted Activities Rule 19.6.X;
- A new Discretionary Activity Rule 19.4.X;
- Amended Planning Maps 7 and 41 to identify Lot 1 DP 48282 as the "Muhunoa West Forest Park Overlay" and also identify the "Muhunoa West Forest Park Coastal Natural Character and Hazard Area overlay"

4.40 We have reviewed those recommended amendments and consider them to be appropriate. We therefore adopt that recommendation as our decision pursuant to Clause 10(1) of Schedule 1 to the RMA.

Planning Maps 10 and 36 - Coastal Natural Character and Hazards Area

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
52.01	Rosemaire Saunders	Amend Planning Map 10 by distinguishing between the Coastal Natural Character zone and the Hazard zone and identify as two separate areas. The Hazard area should be limited in the location south of the Waikawa Village to the dunes immediately adjacent to the foreshore.	525.10 Maurice and Sophie Campbell - Support
57.01	Friends of Strathnaver	Amend Planning Map 10 by distinguishing between the Coastal Natural Character zone and the Hazard zone and identify as two separate areas. The Hazard area should be limited in the location south of the Waikawa Village to the dunes immediately adjacent to the foreshore.	525.07 Maurice and Sophie Campbell - Support
58.01	JS & MJ Campbell	Amend Planning Map 10 by distinguishing between the Coastal Natural Character zone and the Hazard zone and identify as two	

Sub No.	Submitter Name	Decision Requested	Further Submission
		separate areas. The Hazard zone should be reduced to the dune area adjacent to the foreshore.	
69.01	Walls-Bennett & Bailey	Amend Planning Map 10 to distinguish between Coastal Natural Character Area and Hazard Area. AND Retain Hazard Area in the foreshore dunes; Delete Coastal Natural Character Zone from Lot 8 Uxbridge Terrace, Waikawa Beach.	525.01 Maurice and Sophie Campbell - Support
82.00	Kevin Doncliff	Amend Planning Map 10 and potentially Planning Map 36 by removing the reference to 'Hazard' in the Proposed Coastal Natural Character and Hazard Area Overlay. Amend the extent of the Proposed Coastal Natural Character and Hazard Area Overlay so it only includes the dunes and not the approved Strathnaver subdivision. Amend any consequential changes to Proposed District Plan text provisions.	525.04 Maurice and Sophie Campbell - Support
113.01	Ron & Betty Zanobergen	Amend Planning Map 36 to remove 59a Reay MacKay Grove, Waikawa Beach from within the proposed Coastal Natural Character and Hazard Area.	525.03 Maurice and Sophie Campbell - Support

4.41 The above submissions were evaluated by the reporting officer in section 4.29.2 of the officer's report. No submitters expressed any opposition to that evaluation and Sophie Campbell on behalf of herself and the Friends of Strathnaver supported the evaluation. We have reviewed the officer's evaluation and we agree with it and adopt it as our reasons pursuant to Clause 10(2)(a) of Schedule 1 to the RMA. The officer also recommended amendments to the Proposed Plan as follows:

- Amended Planning Maps 10 and 36 to identify a new "Waikawa Beach - Strathnaver Coastal Natural Character Area Overlay" and a new "Waikawa Beach - Strathnaver Coastal Hazard Area Overlay" and remove the "Coastal Natural Character and Hazard Overlay" as shown on the Planning Maps in the appendix to the officer's report.

4.42 We have reviewed those recommended amendments and consider them to be appropriate. We therefore adopt that recommendation as our decision pursuant to Clause 10(1) of Schedule 1 to the RMA.

Plan Change 22

4.43 Paragraph 12 on page 67 of the officer's report raised the relationship and potential conflict between the Proposed Plan's rules for new buildings in the Strathnaver Coastal Natural

Character Area Overlay and those that relate to the Coastal Environment Landscape Domain in Change 22.

4.44 At our request Mr McCorkindale helpfully prepared a written statement of further information on this matter. As we noted at the commencement of this Decision, that statement is attached in full to this Decision as Appendix D. We consider Mr McCorkindale's key conclusions to be:

a) The more specific Proposed Plan provisions relating to the Strathnaver Coastal Natural Character Area Overlay and the Muhunua West Forest Park Overlay should prevail over the more general provisions for those areas that are contained in Change 22;

b) Accordingly a new clause (v) should be added to Rule 19.3.7(b) to read as follows:

(v) Buildings within the Waikawa Beach - Strathnaver Coastal Natural Character Area Overlay (Refer Rule 19.3.X) and the Muhunua West Forest Park Overlay (Refer Rule 19.1.X)

c) Unfortunately there is no scope within submissions to make that amendment to Rule 19.3.7(b) as part of this Decision.

4.45 We agree with Mr McCorkindale's evaluation and conclusions and we recommend that Council officers address this matter once the Plan Change 22 provisions become operative.

5. SECTION 32

5.1 A Section 32 report accompanied the Proposed Plan when it was notified. We have evaluated the changes we intend to make to the Proposed Plan in the light of section 32 of the RMA. Where we have amended objectives we have considered alternatives and have concluded that with the amendments we propose each objective will better achieve the purpose of the RMA. Similarly we are satisfied that the amendments we have made to the policies and rules will enable the objectives to be better achieved.

6. DECISION

6.1 For all of the foregoing reasons we resolve the following:

1. That pursuant to clause 10 of Schedule 1 to the Resource Management Act 1991 Chapter 5 Coastal Environment and associated other provisions of the Proposed Horowhenua District Plan are approved inclusive of the amendments set out in Appendix A.

2. That for the reasons set out in this decision the submissions and further submissions are accepted, accepted in part or rejected as set out in Appendix B.

6.2 For the sake of clarity, Appendix B shows whether each submission or further submission is accepted, accepted in part or rejected.



Robert van Voorthuysen



Cr Garry Good



Cr David Allan

Dated: 23 September 2013

APPENDIX A: Proposed Plan as amended by Hearing Decisions

The following amendments are made to the Chapter 5: Coastal Environment:

The second paragraph of the Introduction is amended to read:

This estuary is ~~considered~~ an important estuarine ecosystem particularly for migratory birds and is recognised as a RAMSAR World Heritage Site

A new fourth paragraph is included to read:

The local coastal areas are of great significance to Maori both spiritually and as a source of food, weaving and carving materials. Over time land use and development activities have reduced the coast's natural values and its ability to provide food and other resources. Coastal resources continue to provide sustenance and identity to coastal Maori. Maori regard the coastal environment as 'baskets of food' providing kaimoana. As a food source, the coast needs to be treated with respect. Sand dunes contain many important cultural sites including middens and urupa (burial grounds) reflecting historical activities. These sites are very significant spiritually to Maori. Inappropriate subdivision, use and development within the Coastal Environment have the potential to adversely affect the values which make the Coastal Environment of such great significance to Maori.

A new fifth paragraph is included to read:

Protected customary rights provide recognition and protection of Maori customary activities, uses and practices that are exercised in the common marine and coastal area. A customary rights order is an order made by either the Maori Land Court or the High Court over an area of the public foreshore and seabed. A customary rights order will recognise a particular activity, use or practice that has been carried out on an area of the public foreshore and seabed since 1840. Each customary rights order will clearly define the type of activity, use or practice, and its scale, extent and frequency. Activities carried out in accordance with customary rights orders are known as recognised customary activities under the RMA. Section 6 of the RMA includes "the protection of recognised customary activities" as a matter of national importance that shall be recognised and provided for when exercising functions and powers under the RMA. Resource consent is not required for recognised customary activities. Of particular importance to Council is ensuring that appropriate access to the common marine and coastal area is available to those with customary rights so that these customary activities can be continued. It is noted that there are parts of the Horowhenua Coastline that are privately owned some of which is Maori customary land or Maori freehold land. The presence of recognised customary activities in coastal areas will directly influence how the Coastal Environment is managed and used.

The current fifth paragraph of the Introduction is amended to read:

The preservation of the natural character of the coastal environment, and ~~it's~~ its protection from inappropriate subdivision, use and development is a matter of national importance (Section 6(a))

The eighth paragraph of the Introduction is amended by adding a new sentence to read:

The District Plan must give effect to the NZCPS.

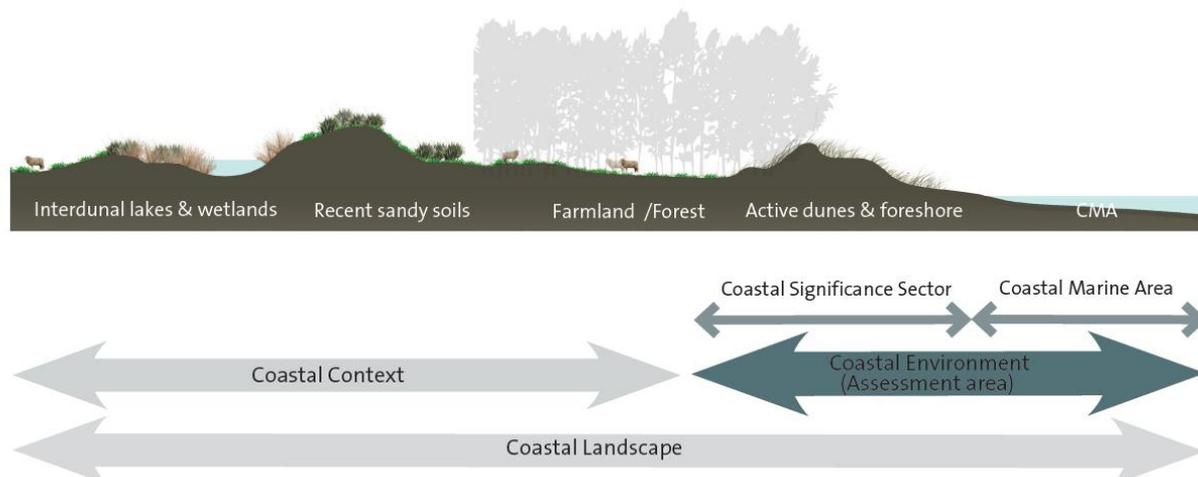
A new paragraph to the Introduction is inserted before the paragraph starting "The Proposed One Plan...". The new paragraph reads:

National Policy Statement Freshwater Management 2011 sets out objectives and policies that direct local government to manage water in an integrated and sustainable way, while providing for economic growth within set water quantity and quality limits. As the NZCPS also addresses issues with water quality in the coastal environment an integrated and consistent approach towards this is required.

A new paragraph to the Introduction is inserted after the paragraph starting "Reserve Management Plans...". The new paragraph reads:

It is noted that in managing the coastal environment Council is also required to have regard to planning documents recognised by an Iwi authority where these planning documents have been lodged with Council and also other relevant strategies (e.g. Conservation Management Strategies).

Figure 5-1 Coastal Landscape Cross Section is amended by replacing the term “Coastal Dominance Zone (CDZ)” with “Coastal Significance Sector”.



A consequential amendment to third paragraph under the heading The Extent of the Coastal Environment reads:

Council, as part of undertaking a natural character assessment of the Coastal Environment, determined the extent of the Horowhenua Coastal Environment by identifying the extent of where the coastal processes, influences and qualities are significant, or the Coastal Significance Sector zone of coastal dominance as shown in the coastal landscape cross section diagram below.

The second paragraph of Issue Discussion for Issue 5.1 is amended to read:

In this context, seven components of natural character were identified and assessed.

Waterscape

Landform

Vegetation/Habitat

Biodiversity

Natural Systems and Processes

Structures and settlements

Perceptual and Experiential

A new final paragraph for the Issue Discussion of Issue 5.1 is included to read:

It is also recognised that there are several areas within the Coastal Environment where notable subdivisions have occurred or been granted consent. While these areas have a level of natural character, through granting consent the Council has signalled that an additional level of development would be acceptable. A challenge for Council is to achieve a balance between the expectations of private property owners wanting to develop and use their properties and Council’s statutory obligations of protecting and preserving natural character in the coastal environment.

Policy 5.1.2 is amended to read:

Identify in the District Plan the landward extent of the Coastal Environment based on the presence of coastal characteristics including the extent of where the coastal processes, influences and qualities are significant (i.e. the Coastal Significance Sector zone of coastal dominance).

Policy 5.1.3 is amended to read:

Identify in the District Plan areas with high and very high natural character based on the degree of natural character for the following components:

Waterscape

Landform

Vegetation/Habitat

Biodiversity

Natural Systems and Processes
Structures and settlements
Perceptual and Experiential

Policy 5.1.6 is amended to read:

In areas of high and very high natural character within the Coastal Environment, avoid subdivision and development where the level of natural character is reduced, except where there is a significant public benefit and the development has a functional need to be located within the Coastal Environment. Such development should avoid, as far as practicable, adverse effects on the natural character, and where avoidance is not achievable, adverse effects are to be remedied or mitigated.

A new Policy 5.1.X is included that reads:

Ensure that development within the Waikawa Beach – Strathnaver Coastal Natural Character Area Overlay avoid as far as practicable, adverse effects on the natural character and where avoidance is not achievable, adverse effects are to be remedied or mitigated.

A new Policy 5.1.X is included that reads:

Ensure that development within the Muhunua West Forest Park Overlay avoids as far as practicable, adverse effects on the natural character and where avoidance is not achievable, adverse effects are to be remedied or mitigated.

The Explanation and Principal Reasons for Objective 5.1.1 is amended by adding a new final paragraph that reads:

It is recognised that large areas of plantation forest dominate parts of the coastal environment. Although by virtue of usually consisting of exotic species these plantation forests do not directly contribute to the natural character of the coastal environment, the plantation forests have been a significant factor in stabilising active dunefields and creating areas of productive rural land east of the forest areas. The plantation forests have also had the indirect but positive impact, on the natural character of the foredunes through limiting the types of development and activities that occur immediately landward of the foredunes.

A new paragraph in the Explanation and Principal Reasons for Objective 5.1.1 is included that reads;

It is recognised that previous subdivision has created some notable areas within the Coastal Environment. Through the granting of subdivision consent for these developments, Council has signalled that some form of development is likely to be acceptable and potentially a reduced level of natural character. Where the subdivision consent conditions do not adequately control the effects of built development on the natural character of the Coastal Environment (i.e. through a site specific Council approved management plan) it will be necessary for these matters to be given due consideration through a land use consent process. In these situations it will be necessary to recognise the reduced levels of natural character that may exist as a result of subdivisions having been historically approved.

The Issue Discussion for Issue 5.2 is amended to read:

While vehicle access to and along beaches such as Waitarere Beach is extremely popular with beach users, it does present the challenge of finding the right balance between allowing vehicles on the beach for recreational purposes and keeping a safe beach environment for beach users. Vehicle access to and along the beaches improves accessibility and supports recreational uses. However, this vehicle access can expose a greater portion of the coastal environment to the misuse of vehicles and associated adverse effects on the coastal environment. Motor bikes and other off-road vehicles can pose a threat to maintaining vegetation within the foredunes when used in sensitive locations or in an inappropriate manner.

Policy 5.2.4 is amended to read:

Develop, improve and maintain existing forms of access to the coast that do not adversely affect the recognised values of the Coastal Environment.

Policy 5.2.5 is amended to read:

Ensure that adverse effects arising from the provision of existing, new or upgraded public access are avoided, remedied or mitigated particularly on areas with high natural character and areas subject to coastal hazards.

Policy 5.2.6 is amended to read:

Where new access to the coast is provided, ensure it is located and constructed so that disturbance to foredunes and adjacent coastal marine area is minimised.

Chapter 5 is amended by adding a new Policy 5.2.7 that reads:

Ensure that the use of vehicles in the Coastal Environment does not give rise to adverse environmental effects including but not limited to damaging dunes, harming ecological systems and posing a danger to other beach users.

The Explanation and Principal Reasons for Objective 5.2.1 is amended by adding a new third paragraph that reads:

The use of vehicles in the Coastal Environment has the potential to result in significant adverse environmental effects. It is important that the use of vehicles is managed in a way that does not adversely affect the recognised values of the Coastal Environment or the safety of other beach users.

The Issue Discussion for Issue 5.3 is amended so that the second paragraph reads:

Subdivision and development can be directly affected by a hazard event. Risks associated with tsunami, sea level rise and climate change are relevant to every coastal environment including the Horowhenua. Areas that are potentially affected or at high risk need to be identified and t~~The effects of natural hazards need to be avoided or mitigated.~~

The Issue discussion for Issue 5.3 is amended by including the following new paragraphs after the current second paragraph:

The coastal environment is subject to a range of natural hazards that have potential to adversely affect people and properties within the coastal environment. To provide for the wellbeing and safety of people and communities, it is imperative to identify and minimise the risks from such hazards by avoiding development from these areas, or mitigating the risks through design and siting.

Coastal hazard risks are projected to increase as an effect of climate change which is expected to cause future changes in sea level and coastal processes. In areas of the coast where accretion currently occurs, sea level rise could eventually cancel out or even reverse this trend. Given the uncertainties with the rate of sea level rise it is necessary to take a precautionary approach to coastal hazards.

The NZCPS provides direction on managing the coastal edge in a way that recognises the potential effects of climate change. The NZCPS promotes the restoration of natural defences, such as dunes and coastal vegetation, against hazards. Maintenance and protection of the naturally functioning dune buffer is an important component for protection of the coast.

The Issue discussion for Issue 5.3 is amended by including the following new paragraph as a final paragraph (after the other changes made above) that reads:

With a generally accreting coastline, hard protection structures are not common within the Horowhenua Coastal Environment. The most notable hard protection structure is the sea wall at Foxton Beach. Hard protection structures while proving to be effective in controlling the effects of erosion, can have negative impacts on the environment and community. Hard protection structures often hold the shoreline seaward of its natural location resulting in the loss of a dry beach above the mean high water mark, resulting in reduced natural character and amenity. The presence of hard protection structures can also increase the effects of erosion on the land immediately adjacent to the end of the structure. Where such structures exist they are likely to face further challenges and costs associated with maintaining the structures as a result of pressure from the effects of climate change.

Objective 5.3.1 is amended to read

Avoid or mitigate subdivision, land use and development in the Coastal Environment where it is subject to natural hazards. Where and ensure that land use and development occurs in the Coastal Environment, ensure that it does not do not significantly worsen the risk of occurrence or the severity of coastal hazards or compromise the effective functioning or integrity of natural hazard protection or mitigation works.

Policy 5.3.3 is amended to read:

In areas subject to Coastal Hazards, ensure new subdivision, use and development are located and designed to avoid or mitigate the effects of natural hazards, unless there is a particular functional need for a use or development to locate in an area subject to significant risk. Avoid or mitigate the effects of natural hazards on subdivision, use and development in areas subject to Coastal Hazards where practicable except where the development is not a habitable building and has a functional need to be located within the Coastal Hazard Area which should avoid where practicable or mitigate the effects of coastal hazards.

A new Policy 5.3.6 is included that reads:

Encourage the protection, restoration and enhancement of natural defences such as beaches, dunes, coastal vegetation, estuaries, wetlands and intertidal areas, where these protect coastal land uses from coastal hazards.

A new Policy 5.3.7 is amended that reads:

Ensure that environmental and social costs are recognised and considered at the time of assessing any application for hard protection structures to protect private property from coastal hazards.

A new Method under District Plan Methods for Issue 5.3 & Objective 5.3.1 is included that reads:

Require consent applications within the Coastal Environment for hard protection structures to recognise and consider the environmental and social costs.

A new Method under District Plan Methods for Issue 5.3 & Objective 5.3.1 is included that reads:

Require subdivision and land use consent applications within the Coastal Environment to address the impact on natural defences (such as beaches, dunes, coastal vegetation, estuaries, wetlands and intertidal areas) that protect coastal land uses from coastal hazards.

AER 5(c) is deleted:

~~The protection and enhancement of historical and cultural values, including Tangata Whenua spiritual values (taonga raranga) associated with the coast.~~

A new AER 5(g) is included that reads:

The protection and enhancement of historical and cultural values, including Tangata Whenua spiritual values (taonga raranga) associated with their ancestral lands including the coast.

A new Permitted Activity Rule 19.1.X is included that reads:

Buildings and development within the Muhunua West Forest Park Overlay.

A new Restricted Discretionary Activity Rule 19.3.X is included that reads:

Buildings and Structures in the Waikawa Beach - Strathnaver Coastal Natural Character Area Overlay
Any buildings and structures in the Waikawa Beach - Strathnaver Coastal Natural Character Area Overlay.

A new Discretionary Activity Rule 19.4.X is included that reads:

Subdivision in the Waikawa Beach - Strathnaver Coastal Natural Character Area Overlay
Any subdivision of land (excluding boundary adjustments) in the Waikawa Beach - Strathnaver Coastal Natural Character Area Overlay.

A new Discretionary Activity Rule 19.4.X is included that reads:

Buildings, Structures and Subdivision in the Waikawa Beach - Strathnaver Coastal Hazard Area Overlay

Any buildings, structures and subdivision of land (excluding boundary adjustments) in the Waikawa Beach - Strathnaver Coastal Hazard Area Overlay identified on the Planning Maps.

A new Discretionary Activity Rule 19.4.X is included that reads:

Subdivision in the Muhunua West Forest Park Coastal Natural Character and Hazard Area Overlay

Any subdivision of land (excluding boundary adjustments) in the Muhunua West Forest Park Coastal Natural Character and Hazard Area Overlay.

A new Condition for Permitted Activities Rule 19.6.X is included that reads:

Buildings and development within the Muhunua West Forest Park Overlay

Buildings and development within the Muhunua West Forest Park Overlay that are in accordance with approved Management Plan (SUB 2729/2008).

New Matters of Discretion and conditions for Restricted Discretionary Activities Rule 19.8.X are included that read:

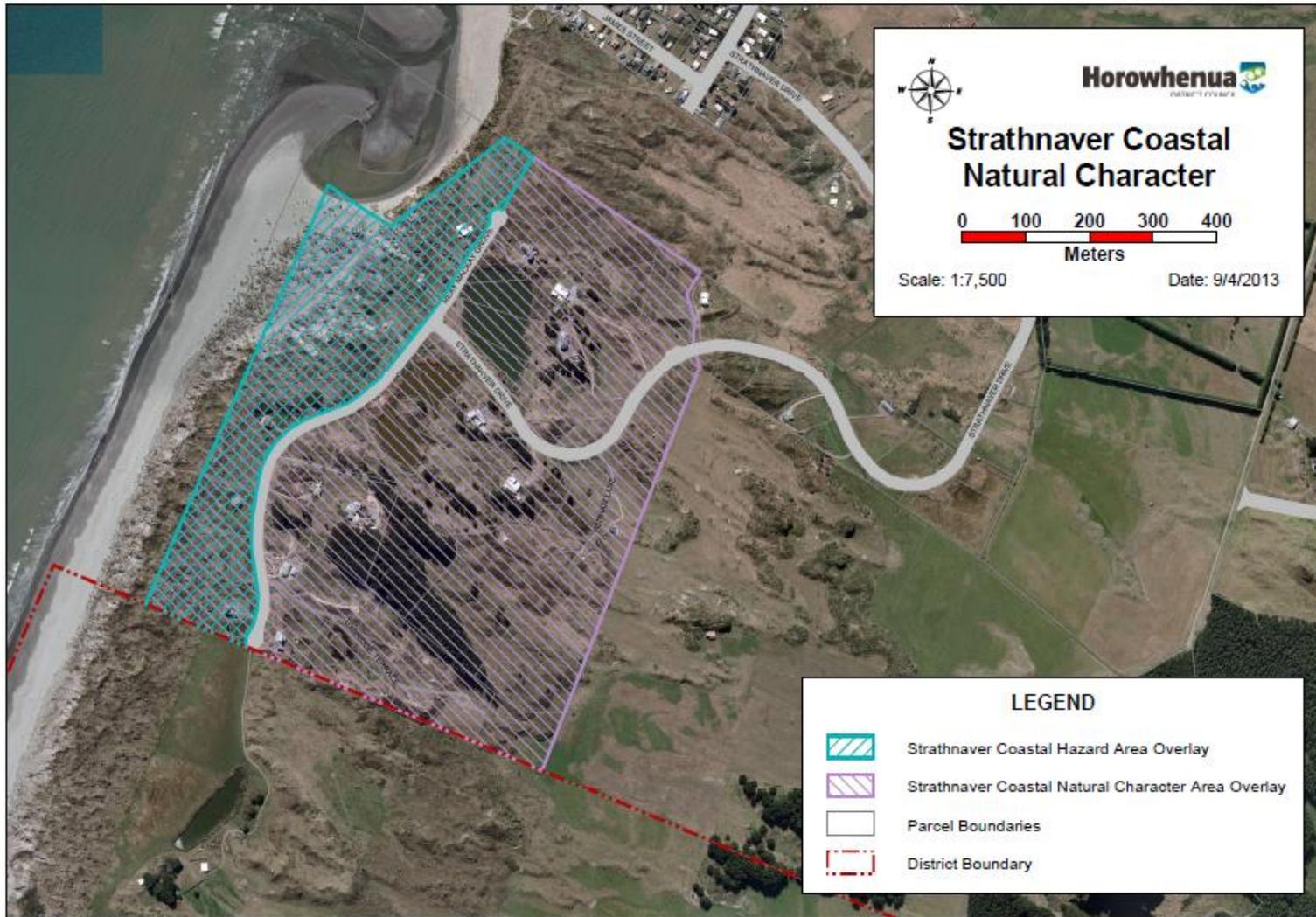
Buildings and Structures in the Waikawa Beach - Strathnaver Coastal Natural Character Area Overlay

- (i) Matters of Discretion
 - Design, siting, external appearance of building or structure
 - Impact on natural character of coastal area

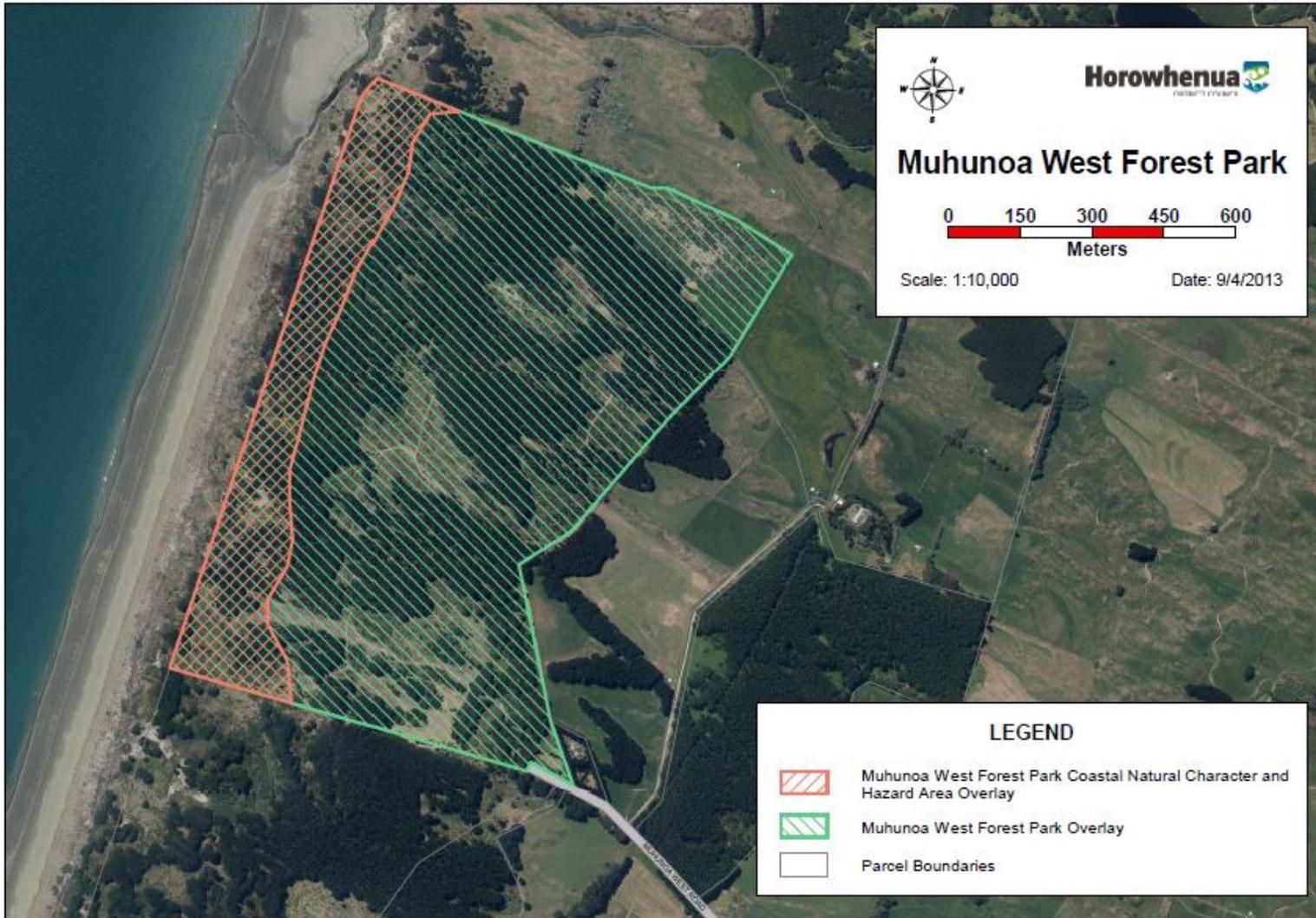
Under Section 77D of the RMA an activity requiring resource consent under Rule 19.8.X shall not be subject to limited notification and shall not be publicly notified, except where the Council decides special circumstances exist (pursuant to Section 95A(4) or the applicant request public notification (pursuant to Section 95A(2)(b)).

Planning Maps 7 and 41 are amended to identify Lot 1 DP 48282 as the “Muhunua West Forest Park Overlay” and also identify the “Muhunua West Forest Park Coastal Natural Character and Hazard Area overlay” (as shown on following map).

Planning Maps 10 and 36 are amended to identify a new “Waikawa Beach - Strathnaver Coastal Natural Character Area Overlay” and a new “Waikawa Beach - Strathnaver Coastal Hazard Area Overlay” and remove the “Coastal Natural Character and Hazard Area Overlay” (as shown on the following map).



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LEGEND
ZONES

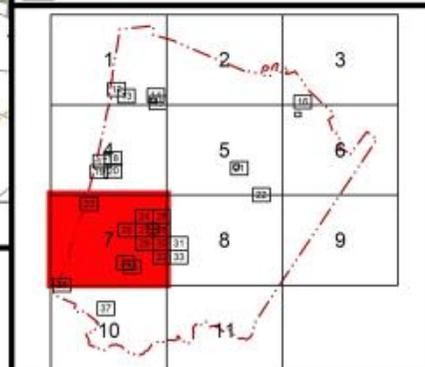
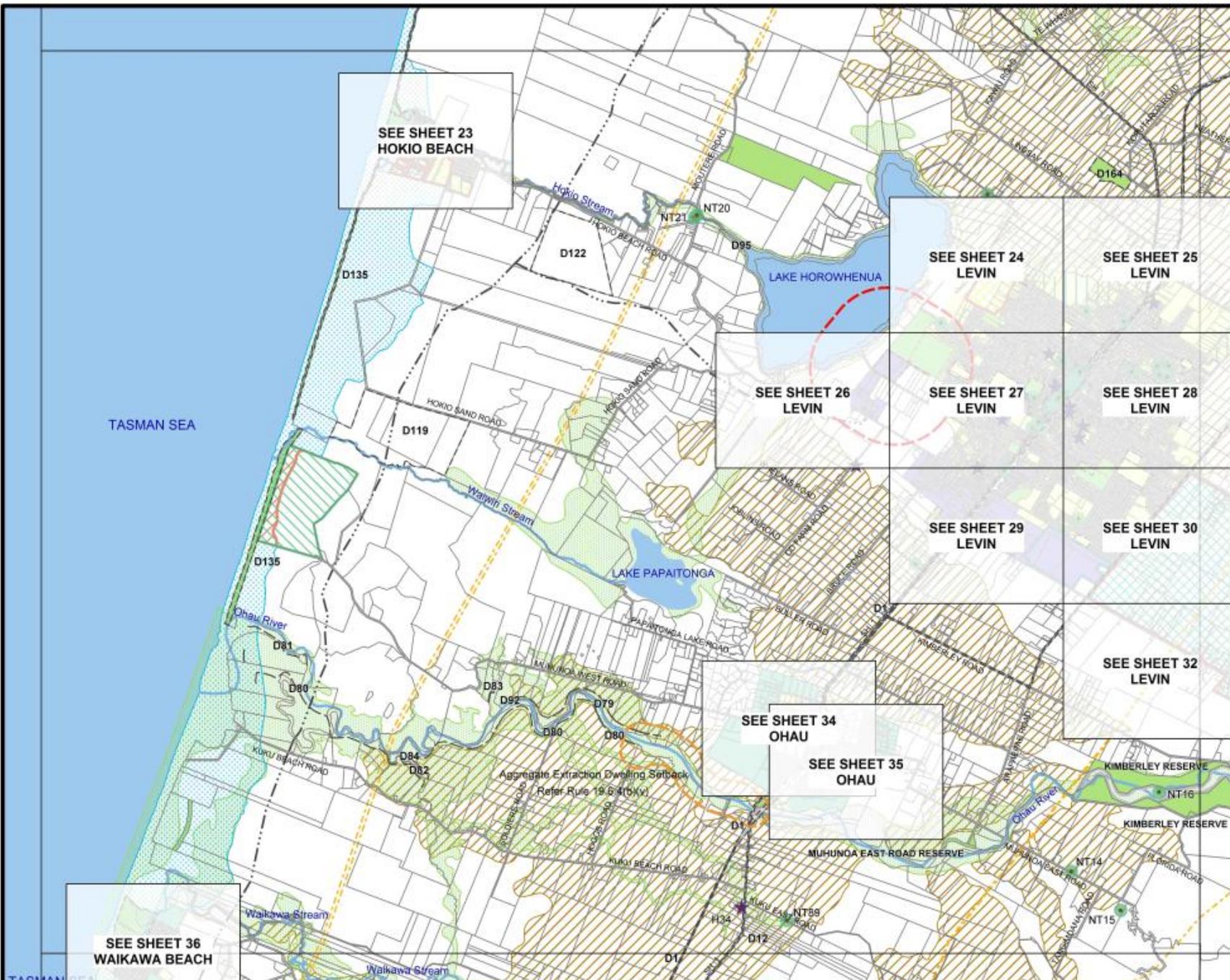
- Commercial Zone
- Industrial Zone
- Residential Zone
- Rural Zone
- Greenbelt Residential Zone
- Open Space Zone
- Residential Deferred Zone
- Greenbelt Residential Deferred Zone

OVERLAYS

- Greenbelt Residential Waitare Rise
- Greenbelt Residential Foxton Beach North
- Strathnaver Coastal Natural Character Area
- Strathnaver Coastal Hazard Area
- Muhunua West Forest Park
- Muhunua West Forest Park Coastal Natural Character and Hazard Area
- Low Density Area
- Medium Density Area
- Large Format Retail Area
- Town Centre Heritage/Character Area
- Foxton Tourism Area
- Pedestrian Area
- Coastal Natural Character and Hazard Area
- Flood Hazard Area (1:50,000 Rural Maps Only)
- Moutoa Floodway (1:50,000 Rural Maps Only)
- Versatile Land (LUC Class I & II Soil)

FEATURES

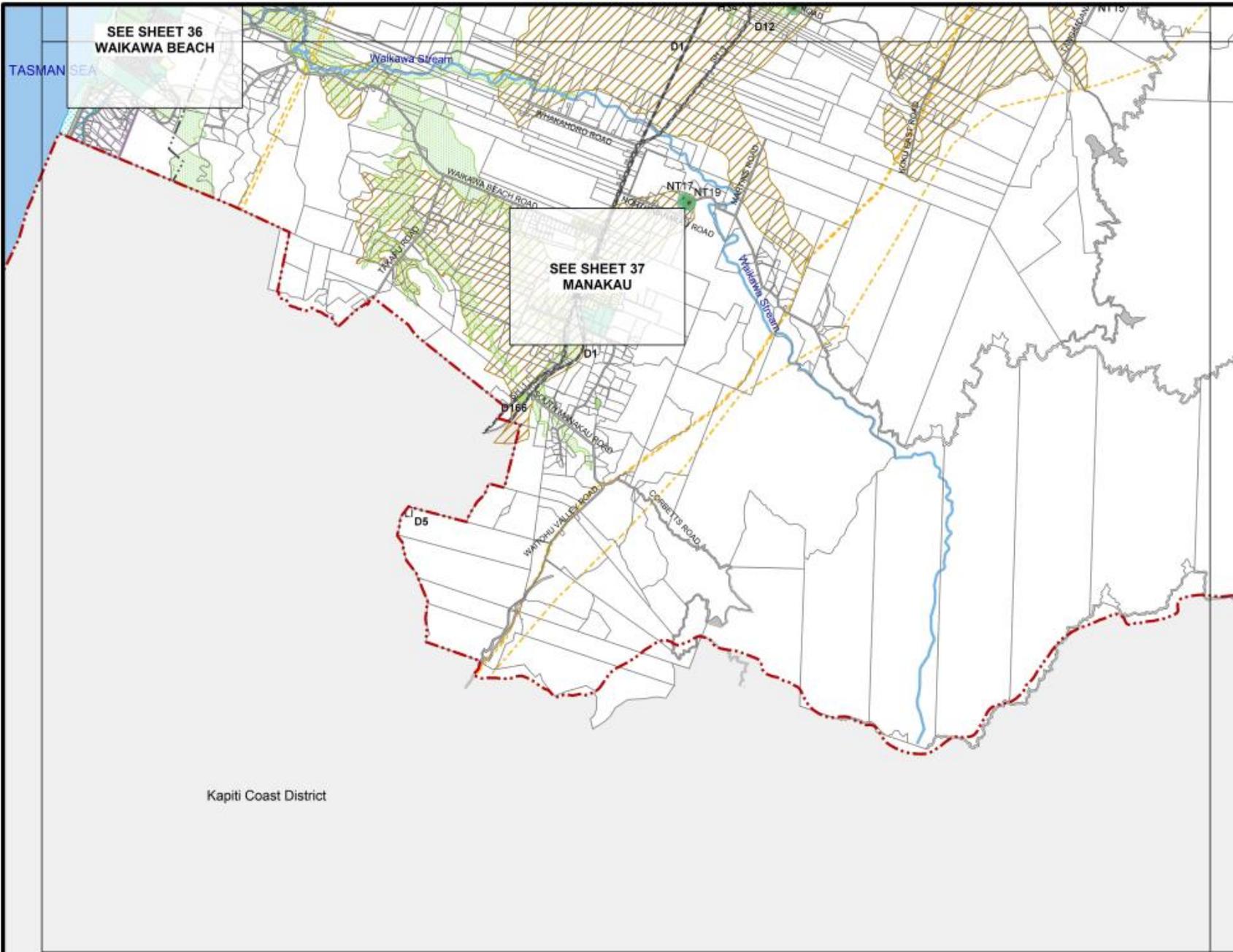
- Notable Tree
- Historic Heritage Building, Structure or Site
- Gas Transmission Pipeline
- National Grid Corridor (High Voltage Transmission Line)
- Designation
- Road



Scale 1 : 50,000

HOROWHENUA DISTRICT PLAN
RURAL

Planning Map 7



LEGEND
ZONES

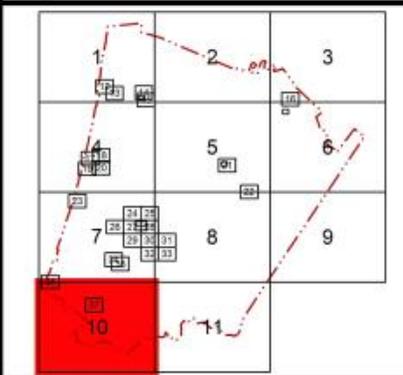
- Commercial Zone
- Industrial Zone
- Residential Zone
- Rural Zone
- Greenbelt Residential Zone
- Open Space Zone
- Residential Deferred Zone
- Greenbelt Residential Deferred Zone

OVERLAYS

- Greenbelt Residential Waitare Rise
- Greenbelt Residential Foxton Beach North
- Strathnaver Coastal Natural Character Area
- Strathnaver Coastal Hazard Area
- Muhunua West Forest Park
- Muhunua West Forest Park Coastal Natural Character and Hazard Area
- Low Density Area
- Medium Density Area
- Large Format Retail Area
- Town Centre Heritage/Character Area
- Foxton Tourism Area
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- Flood Hazard Area (1:50,000 Rural Maps Only)
- Moutoa Floodway (1:50,000 Rural Maps Only)
- Versatile Land (LUC Class I & II Soil)

FEATURES

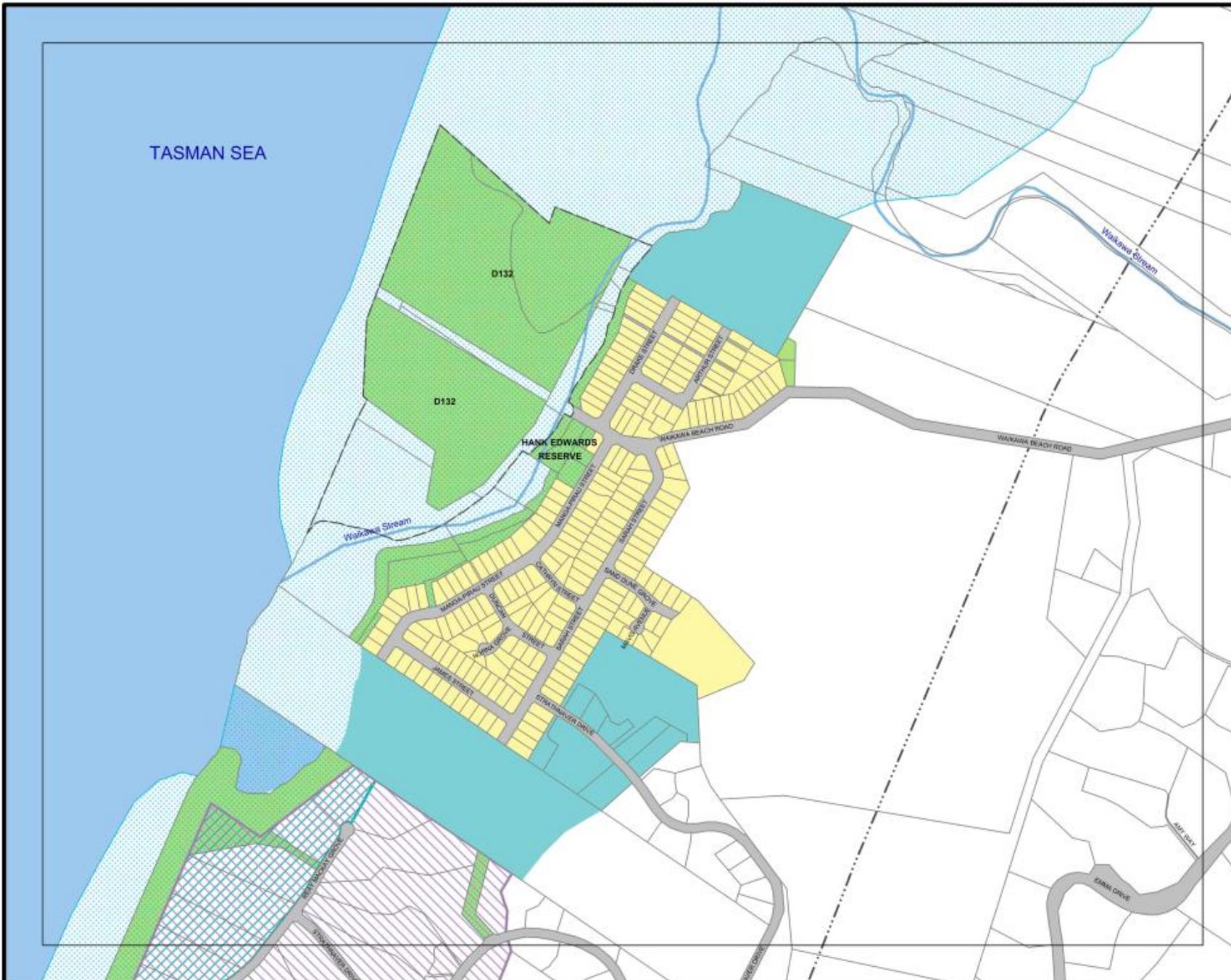
- Notable Tree
- Historic Heritage Building, Structure or Site
- Gas Transmission Pipeline
- National Grid Corridor (High Voltage Transmission Line)
- Designation
- Road



Scale 1 : 50,000

HOROWHENUA DISTRICT PLAN
RURAL

Planning Map 10



LEGEND

ZONES

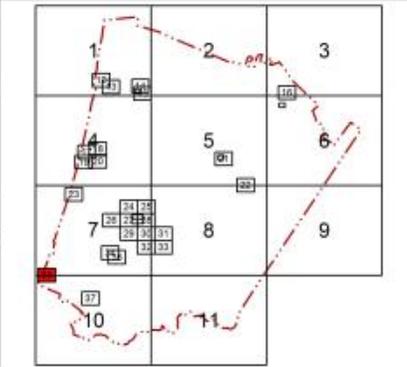
- Commercial Zone
- Industrial Zone
- Residential Zone
- Rural Zone
- Greenbelt Residential Zone
- Open Space Zone
- Residential Deferred Zone
- Greenbelt Residential Deferred Zone

OVERLAYS

- Greenbelt Residential Waitare Rise
- Greenbelt Residential Foxton Beach North
- Strathnaver Coastal Natural Character Area
- Strathnaver Coastal Hazard Area
- Muhunua West Forest Park
- Muhunua West Forest Park Coastal Natural Character and Hazard Area
- Low Density Area
- Medium Density Area
- Large Format Retail Area
- Town Centre Heritage/Character Area
- Foxton Tourism Area
- Pedestrian Area
- Coastal Natural Character and Hazard Area
- Flood Hazard Area (1:50,000 Rural Maps Only)
- Moutoa Floodway (1:50,000 Rural Maps Only)
- Versatile Land (LUC Class I & II Soil)

FEATURES

- Notable Tree
- Historic Heritage Building, Structure or Site
- Gas Transmission Pipeline
- National Grid Corridor (High Voltage Transmission Line)
- Designation
- Road



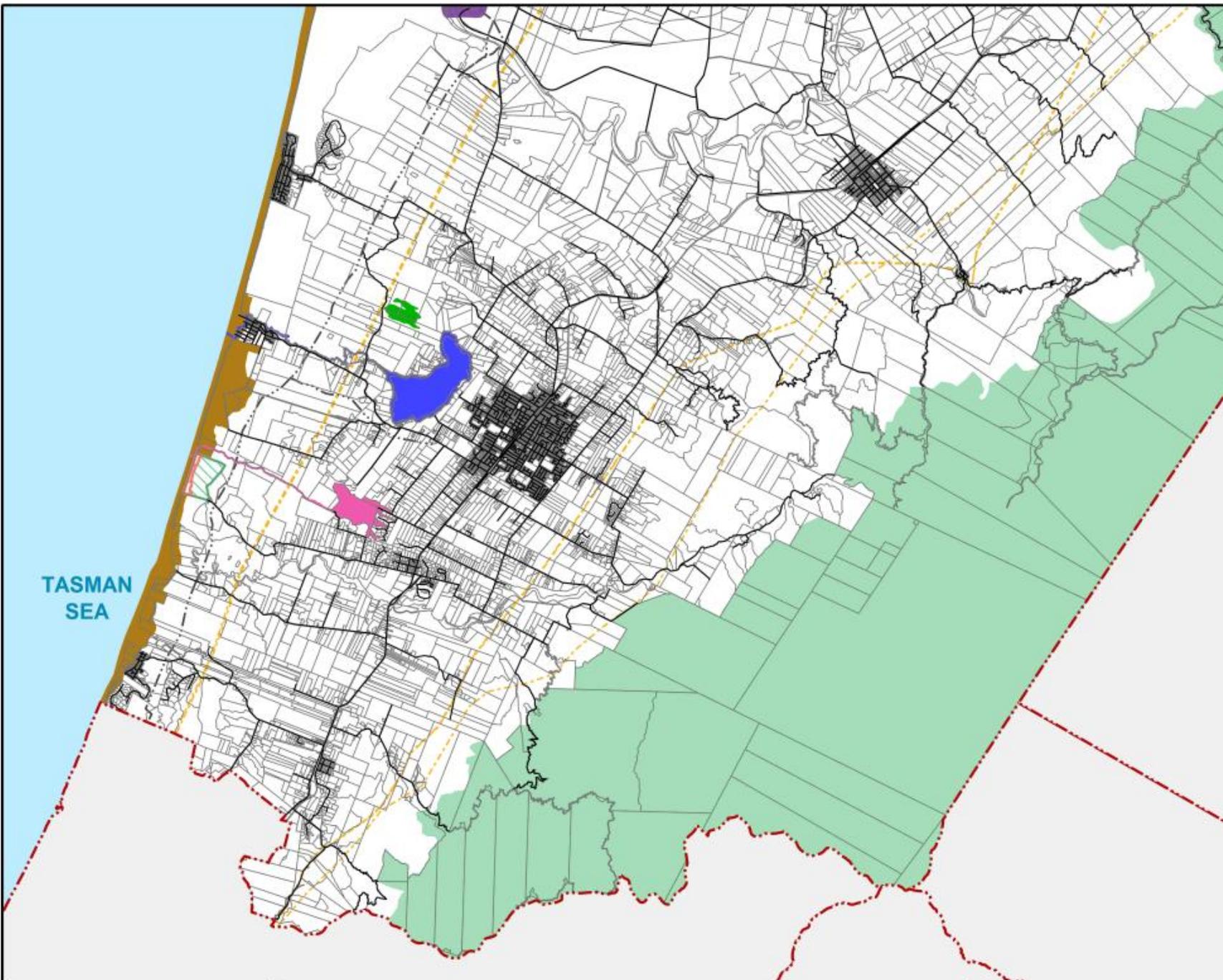
Scale 1 : 7,500

HOROWHENUA DISTRICT PLAN
WAIKAWA BEACH

Planning Map 36

LEGEND

-  MUHUNGA WEST FOREST PARK
-  MUHUNGA WEST FOREST PARK COASTAL NATURAL CHARACTER AND HAZARD AREA
-  MANAWATU ESTUARY ONFL
-  COASTAL ONFL
-  MOUTERE HILL ONFL
-  LAKE HOROWHENUA ONFL (Includes Hoko Stream and land 20m from each bank of the stream)
-  LAKE PAPAITONGA ONFL (Includes Waitiri Stream and land 20m from each bank of the stream)
-  TARARUA RANGES ONFL
-  GAS TRANSMISSION PIPELINE
-  HIGH VOLTAGE ELECTRICITY TRANSMISSION LINES
-  ROADS
-  PROPERTIES
-  NEIGHBOURING TERRITORIAL AUTHORITY



TASMAN
SEA

HOROWHENUA DISTRICT PLAN
OUTSTANDING NATURAL FEATURES & LANDSCAPES

Planning Map 41

Note: Planning Maps 40 and 41 form part of Proposed Plan Change 22. These planning maps are not operative and do not form part of the Proposed District Plan. These maps are therefore not open for submission.



Scale 1 : 120,000

APPENDIX B: Schedule of Decisions on Submission Points

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Hearing Panel Decision
11.23	519.18	Taueki Rudd	Support	Accept Accept
60.17	519.36	Muaupoko Co-operative Society Rudd	Support	Accept Accept
67.14		Taiao Raukawa Environmental Resource Unit		Accept
101.26		DoC		Accept
101.27		DoC		Accept
101.28		DoC		Accept In-Part
101.29		DoC		Accept
101.30		DoC		Accept
101.31		DoC		Reject
101.32		DoC		Accept
101.33		DoC		Accept In-Part
101.34		DoC		Reject
26.05		Horowhenua Astronomical Society Inc.		Reject
50.03	506.73	Rayonier NZ Ltd Ernslaw One Ltd	Support	Accept Accept
101.35	513.39	DoC Ernslaw One Ltd	Support	Reject Reject
101.36		DoC		Accept
98.29		Horticulture NZ		Accept
101.37		DoC		Accept In-Part
101.38		DoC		Accept
101.39		DoC		Accept
55.13		KiwiRail		Accept

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Hearing Panel Decision
101.40		DoC		Reject
-26.06		Horowhenua Astronomical Society Inc.		Reject
101.41		DoC		Reject
101.43		DoC		Reject
101.44		DoC		Accept
101.45		DoC		Accept.
101.46		DoC		Accept
101.47		DoC		Accept In-Part
101.48		DoC		Accept
101.49		DoC		Accept
101.51		DoC		Accept
101.50		DoC		Accept In-Part
101.52		DoC		Accept In-Part
101.53		DoC		Accept
101.54		DoC		Accept
101.55		DoC		Reject
101.56		DoC		Accept
101.57		DoC		Reject
101.19		DoC		Accept In-Part
51.00		WBPRA		Accept
49.01	525.15	Blundell Campbell	Support	Accept In-Part Accept In-Part
52.00	525.09	Saunders Campbell	Support	Accept In-Part Accept In-Part
57.00	525.06 527.04	Friends of Strathnaver Campbell DoC	Support Oppose	Accept In-Part Accept In-Part Accept In-Part

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Hearing Panel Decision
58.00	527.05	Campbell DoC	Oppose	Accept In-Part Accept In-Part
64.00	527.06	Watt DoC	Oppose	Reject Accept In-Part
69.00	525.00	Walls-Bennett & Bailey Campbell	Support	Reject Reject
76.01		Percy		Reject
82.01	525.05	Doncliff Campbell	Support	Reject Reject
113.00	525.02	Zanobergen Campbell	Support	Reject Reject
46.02		Vincero Holdings Ltd		Accept In-Part
46.03		Vincero Holdings Ltd		Accept In-Part
52.01	525.10	Saunders Campbell	Support	Accept In-Part Accept In-Part
57.01	525.07	Friends of Strathnaver Campbell	Support	Accept In-Part Accept In-Part
58.01		Campbell		Accept In-Part
69.01	525.01	Walls-Bennett & Bailey Campbell	Support	Accept In-Part Accept In-Part
82.00	525.04	Doncliff Campbell	Support	Accept In-Part Accept In-Part
113.01	525.03	Zanobergen Campbell	Support	Accept In-Part Accept In-Part

APPENDIX C: Officer's statement dated 18 April 2013

Proposed Horowhenua District Plan

Coastal Environment Hearing: 18 April 2013

Response to Commissioner's Questions and Tabled Evidence of KiwiRail

Q: Would the additional words recommended in 4.8.4 preclude private developments that have a functional need to be in the CE? E.g. a shore based paua farm developed by iwi?

Potentially yes, it would make it difficult for private developments to be established. The example you referred to undoubtedly has a functional need to be located in the Coastal Environment. However whether this activity is deemed "development" per se as defined by the Proposed Plan (and therefore potentially not provided for) is an interesting question.

We do want this policy to send a clear message that there are going to be very few types of development that should expect to be sited in the Coastal Environment. An example of such a development would be a Surf Lifesaving and Rescue facility that provides a benefit to the public and has a functional need to be sited on or close to the beach.

I note the appropriateness of including the term significant public benefit has also been raised by KiwiRail in their tabled evidence albeit in a different context. KiwiRail is of the view that the amendment of Policy 5.1.6 extends beyond the intent of NZCPS Policy 6, Clause 1a, which recognises that the provision of infrastructure is an activity important to the social, economic and cultural well-being of people and communities.

On reflection, I recognise that parts of the Coastal Environment with high and very high natural character are privately owned including some Maori Freehold or Maori Customary land and not all development undertaken on private property should therefore have to significantly benefit the public. I am satisfied that the 'functional needs' test is going to rule out a lot of different types of development that might usually be anticipated on privately owned land but would reduce the natural character. I also accept that the focus of Policy 6(1)(a) NZCPS is in relation to the social, economic and cultural well-being of people and communities rather than public benefits. Having considered this matter further I would therefore like to revise my recommendation on this point and simply recommend that Policy 5.1.6 be retained as notified without further modification.

This policy as now recommended would read:

"In areas of high and very high natural character within the Coastal Environment, avoid subdivision and development where the level of natural character is reduced, except where the development has a functional need to be located within the Coastal Environment. Such development should avoid, as far as practicable, adverse effects on the natural character, and where avoidance is not achievable, adverse effects are to be remedied or mitigated."

Q: In 4.18.4 is the use of "coastal environment" too broad? It could capture vehicles and land that is landward of the sand dunes such as tractors on farms. Could the policy say instead ".. vehicles in the Coastal Environment on beaches and in sand dunes does not ..." and then amend the explanation accordingly?

Yes and no, would be my answer to this. It is the Coastal Environment that we are concerned about and I accept that there will be areas of the Coastal Environment where the use of vehicles such as tractors would be acceptable. The Coastal Environment in the Proposed District Plan is

essentially defined by the active dune environment (Coastal Significance Sector) so there is a level of sensitivity that could be compromised by the use of vehicles even if they are on the inland side of the foredunes. Uncovered sand dunes (i.e. where the vegetation cover has been removed by the use of vehicles) will very quickly travel inland and result in a modified landscape and potentially adverse effects on neighbouring properties.

That said in this case the proposed Policy is focusing on the use of vehicles on the foredune environment and in the area between the seaward toe of the foredunes and the low tide mark. On this basis it would be appropriate to refine the wording so that a sharper focus was given to the specific area the policy is to address. I consider the words suggested “on beaches and in sand dunes do not” would more accurately reflect the intent of the policy as drafted.

This change should also be reflected in the Explanation and Principal Reasons for Objective 5.2.1. I therefore recommend the following amendments to what I had recommended in the Section 42A Report:

Amend Chapter 5 by adding a new Policy 5.2.7 to read:

“Ensure that the use of vehicles ~~in the coastal environment does~~ on beaches and in sand dunes do not give rise to adverse environmental effects including but not limited to damaging dunes, harming ecological systems and posing a danger to other beach users”.

Amend the Explanation and Principal Reasons for Objective 5.2.1 by adding a new third paragraph to read:

“The use of vehicles on beaches and in sand dune in the Coastal Environment has the potential to result in significant adverse environmental effects. It is important that the use of vehicles is managed in a way that does not adversely affect the recognised values of the Coastal Environment or the safety of other beach users”.

Q: Page 69 of the Section 42A report Paragraph 23 says a “couple of” should this be “several” instead in the first line of the new wording?

Although in the report I have only discussed two specific areas of notable rural subdivision within the Coastal Environment in which case a “couple” is technically correct, I accept that this phrasing is somewhat colloquial. I can think of at least one other sizeable subdivision in the Coastal Environment that could be considered to be notable. As the word ‘several’ implies *a moderate number, more than two but not many* I would therefore recommend that the wording be amended to read “several” instead of a “couple of” as I consider this to be more accurate and have an appropriate level of formality. In addition I consider that it would be appropriate to also make some further refinement to the wording of the first sentence to address two aspects, firstly some of these subdivisions are verging on rural-residential in character so it would be appropriate not to specifically refer to rural only, secondly not all of these subdivisions identified have “occurred”, some have been consented and are yet to be fully developed.

I recommend that following amendment to the new final paragraph for Issue Discussion of Issue 5.1

“It is also recognised that there are several ~~a couple of~~ areas within the Coastal Environment where notable rural subdivisions have occurred or been granted consent. While these areas have a level of natural character, through granting consent, the Council has signalled that an additional level of development would be acceptable. A challenge for Council is to achieve a balance between the expectations of private property owners wanting to develop and use their properties

and Council's statutory obligations of protecting and preserving natural character in the coastal environment.”

Tabled Evidence from Waitarere Progressive Ratepayers Association.

I consider the information supplied to add further context to the matter of vehicles on the beach at Waitarere. The recommendations of the Section 42A report address this matter in a manner that I consider aligns with the Waitarere Progressive Ratepayers Association. I accept their comments and am satisfied that no further amendments are necessary.

Tabled Evidence from Horowhenua Astronomical Society

I have considered the matters raised in the tabled information by the Horowhenua Astronomical Society. I also have the benefit of hearing their presentation at the Open Space hearing. I acknowledge their comments and remain satisfied that the recommendations of my report are an appropriate response to the concerns raised. While I acknowledge their submission points have been recommended to be rejected in this report, this is more because I did not support the specific relief requested. I consider that the Proposed Plan does address their concerns (in particular Policy 5.1.5).

Corrections

On reviewing the Section 42A Report I have identified the following errors:

Page 42: sections 4.12.2 and 4.12.4 both include the word “exposure” rather than the word “expose”

This same error has been carried over to Page 135 (Appendix 6.5) in the Amendment to Issue Discussion for Issue 5.2.

The correct wording should read:

“While vehicle access to and along beaches such as Waitarere Beach is extremely popular with beach users, it does present the challenge of finding the right balance between allowing vehicles on the beach for recreational purposes and keeping a safe beach environment for beach users. Vehicle access to and along the beaches improves accessibility and supports recreational uses. However, this vehicle access can ~~exposure~~ expose a greater portion of the coastal environment to the misuse of vehicles and associated adverse effects on the coastal environment. Motor bikes and other off-road vehicles can pose a threat to maintaining vegetation within the foredunes when used in sensitive locations or in an inappropriate manner.”

Page 70 and Page 74 – The non-notification clause incorrectly reads “special circumstance sexist” this should read “special circumstances exist” as below:

Under Section 77D of the RMA an activity requiring resource consent under Rule 19.8.X shall not be subject to limited notification and shall not be publicly notified, except where the Council decides special circumstances sexist (pursuant to Section 95A(4) or the applicant request public notification (pursuant to Section 95A(2)(b))”

I note that the full extent of the recommended changes including this non-notification clause has not been carried over to Appendix 6.5 (Proposed District Plan as amended per officer's recommendations). With the correction added from above, the Appendix should read:

Include new Matters of Discretion and conditions for Restricted Discretionary Activities Rule 19.8.X that reads:

“Buildings and Structures in the Waikawa Beach - Strathnaver Coastal Natural Character Area Overlay (Refer Rule 19.3.X)”

(i) Matters of Discretion

- Design, siting, external appearance of building or structure
- Impact on natural character of the coastal environment”

(ii) Non-Notification

Under Section 77D of the RMA an activity requiring resource consent under Rule 19.8.X shall not be subject to limited notification and shall not be publicly notified, except where the Council decides special circumstances exist (pursuant to Section 95A(4) or the applicant request public notification (pursuant to Section 95A(2)(b))”

I have also noted that “) ” should be added after the words “(excluding boundary adjustments” in the recommendation contained on page 79 and again in Appendix 6.5 on page 139. The correct wording of this recommendation reads:

“Subdivision in the Muhunua West Forest Park Coastal Natural Character and Hazard Area Overlay

Any subdivision of land (excluding boundary adjustments) in the Muhunua West Forest Park Coastal Natural Character and Hazard Area Overlay”.

Response prepared by David McCorkindale

Dated 18th April 2013

APPENDIX D: Officer's statement dated 23 April 2013

Proposed Horowhenua District Plan

Coastal Environment Hearing: 18 April 2013

Reporting Officer Response – 23 April 2013

Response to Commissioner's Questions

Q: Para 12 on page 67 identifies the relationship and potential conflict between the recommended rules for new buildings in the Strathnaver Coastal Natural Character Area Overlay in Proposed Plan and those that relate to the Coastal Environment Landscape Domain as are part of Plan Change 22. The Commissioners have asked for guidance regarding any changes that may be necessary (or helpful) to clarify how the relationship of these two sets and how the rules would apply?

The section 42A Report identifies that there is potential for a parcel of land to be within the Strathnaver Coastal Natural Character Area Overlay and also the Coastal Environment Landscape domain. As per the recommendations of the Section 42A report there would be a restricted discretionary activity rule that applies to new buildings in the Strathnaver Coastal Natural Character Area Overlay, while a restricted discretionary rule (19.3.7) resulting from Plan Change 22 would also apply for new buildings (over 5 metres in height) in the Coastal Environment. The two rules are for slightly different purposes and while they trigger the same activity status, there are different standards between the two rules (i.e. some exemptions are provided for as part of the Coastal Environment Domain rule)

The same situation could also arise for land parcels in the Muhunua West Forest Park Overlay. I recommend that it is appropriate that the same approach discussed below be applied to this area also. I note a difference between these two areas (Strathnaver Coastal Natural Character Area and Muhunua West Forest Park) is that the recommended rules for the Muhunua West Forest Park Overlay would enable buildings as a permitted activity.

In my opinion the Proposed Plan rules for the Strathnaver Coastal Natural Character Area Overlay would make more sense to override the rules from Plan Change 22. The key difference between the two rules is that the Plan Change 22 rules permit the following:

- (i) Buildings, additions and alterations that do not exceed 5 metres in height.
- (ii) Buildings, additions and alterations that do not exceed 5 metres in height and are on a dune or part of a dune that is no greater than 10m from toe to summit.
- (iii) Primary production buildings.
- (iv) Buildings for temporary activities.

The Proposed Plan rule is more onerous in that it requires all buildings to obtain resource consent within the Strathnaver Coastal Natural Character Area Overlay. This requirement is primarily to manage the impact of those buildings on the natural character of the Coastal Environment. I acknowledge that buildings with heights of less than 5 metres could still through their siting and design, adversely affect the natural character of the Coastal Environment. The matters of discretion included for the rule relating to buildings on the Strathnaver Coastal Natural Character Area Overlay would in my opinion address all the matters that would have been considered as part of the Plan Change 22 rule as well as the additional matter of natural character.

In terms of the Muhunua West Forest Park Overlay the Proposed Plan rules are more relaxed than the rules from Plan Change 22. This is because buildings are provided for as permitted activity due to the comprehensive and site specific management plan that forms part of the subdivision consent for this site. I am satisfied that it would be appropriate for the Proposed Plan rules to also apply to this overlay instead of the more general rules from Plan Change 22.

To make it clear which rules should apply to these sites I recommend that an exemption be made to Rule 19.3.7 (Subdivision and Buildings in Individual Landscape Domains) for sites located within the Strathnaver Coastal Natural Character Area Overlay and the Muhunua West Forest Park Overlay. To assist plan users I recommend that a cross-reference to the applicable rules be included in the list of rule exemptions. The amendment would result in an additional exemption (v) being added to 19.3.7(b) as follows:

Rule 19.3.7 Subdivision and Buildings in Individual Landscape Domains

- (b) Any subdivision within the Foxton Dunefields, Moutoa-Opiki Plains, Tararua Terraces, Levin-Koputaroa, Levin-Ohau, Kuku and Manakau Downlands Landscape Domains that does not comply with any of the conditions for Controlled Activities in Rule 19.7.3, provided that the conditions for Restricted Discretionary Activities in Rule 19.8.17 are met. (Refer Rule 19.8.16)
- (c) Buildings within those parts of the Coastal Environment and Coastal Lakes, Landscape Domains that are not Outstanding Natural Features and Landscapes except for:
 - (i) Buildings, additions and alterations that do not exceed 5 metres in height.
 - (ii) Buildings, additions and alterations that do not exceed 5 metres in height and are on a dune or part of a dune that is no greater than 10m from toe to summit.
 - (iii) Primary production buildings.
 - (iv) Buildings for temporary activities. (Refer Rule 19.8.8)
 - (v) Buildings within the Waikawa Beach - Strathnaver Coastal Natural Character Area Overlay (Refer Rule 19.3.X) and the Muhunua West Forest Park Overlay (Refer Rule 19.1.X)

For the purposes of this Rule, Primary Production Building means any building used principally to support primary production activities. This shall include buildings used for storage and management of stock but shall exclude buildings used in total or in part for residential activities.

- (d) Buildings within those parts of the Hill Country Landscape Domain that are not Outstanding Natural Features and Landscapes except for:
 - (i) Buildings, additions and alterations that do not exceed 5 metres in height and that are located 30 metres vertically below a ridge or hilltop, measured from the roofline of the house.
 - (ii) Primary production buildings.
 - (iii) Buildings for temporary activities. (Refer Rule 19.8.9)

For the purposes of this Rule, Primary Production Building means any building used principally to support primary production activities. This shall include buildings used for storage and management of stock but shall exclude buildings used in total or in part for residential activities.

Scope

I now turn to the issue of scope. Plan Change 22 was notified on 5 September 2009. The decision on this plan change was notified 7 September 2012. Five appeals were lodged with the Environment Court against the decision. As the Plan Change was not operative at the time the Proposed Plan was notified so the provisions of Plan Change 22 (whether specifically subject to appeal points or not) were not open to submissions as part of the Proposed Plan. The provisions of Plan Changes 20, 21 and 22 were identified in the Proposed Plan as greyed out to indicate they were not open to submissions but shown in the Plan so that the Proposed Plan framework and integration of the Plan Change was clear. Therefore I do not consider that through making a decision on the Proposed Plan there is scope to amend the rules relating to Plan Change 22 in this process.

This change would need to be made as part of a later plan change which officers see as being necessary to smoothly integrate and achieve consistency between the current Plan Changes 20, 21 and 22 and the Proposed Plan.

I am also of the opinion that the recommended change would not be deemed to have a minor effect, or be correcting a minor error thereby ruling out the option of making the change under Clause 16 of the First Schedule.

From past experience in dealing with matters of this nature I consider that it would be helpful for the Hearing Panel to indicate in their decision the prioritisation of the rules for the Strathnaver Coastal Natural Character Area Overlay and Muhunoa West Forest Park Overlay over Rule 19.3.7 being the rule relating to the Coastal Environment and Coastal Lakes Landscape Domains. The decision could also signal to Council officers that this matter be addressed once the Plan Change 22 provisions become operative.

This would provide some guidance for the interim period prior to a plan change being prepared to resolve this potential inconsistency and rule conflict.

Response prepared by David McCorkindale

Dated: 23rd April 2013