



Section 42A Report to the District Plan Review Hearing Panel

Proposed Horowhenua District Plan Coastal Environment

April 2013



Hearing Date: 18-19 April 2013
Report Prepared by: David McCorkindale
Report Number: 8.01

NOTE TO SUBMITTERS

Submitters should note that the hearings on the Proposed District Plan have been organised according to topic. A total of 14 hearings are scheduled to hear submissions on each of the 14 topics. The topic which is the subject of this report is the Coastal Environment.

It is very likely that submitters who have made submission points in relation to the Coastal Environment may have also made submission points on other parts of the Proposed Plan. This report only addresses those submission points that are relevant to this subject of this report.

The hearings of submissions to the Proposed District Plan are being collectively heard by a Panel of eight commissioners. The appointed commissioners include a combination of local Councillors and independent commissioners. In most cases each hearing will be heard by a panel of three commissioners selected from the eight panel members. This does mean that different commissioners will be sitting on different hearings. It therefore will require submitters to ensure that when speaking at a hearing that they keep to their submission points that have been covered by the Planning Report for that hearing.

To assist submitters in finding where and how their submissions have been addressed in this report, a submitter index has been prepared and can be found at the very end of the report. The index identifies the page number(s) of where the submitter's submission points have been addressed in the report.

Submitters may also find the table contained in Section 6.6 of this report helpful as it identifies the Reporting Officer's recommendation to the Hearing Panel on every submission point and further submission point addressed in this report.

EXECUTIVE SUMMARY

The Horowhenua District Plan has been operative for over 13 years (since 13th September 1999). During this time Council has undertaken a number of plan changes although the majority have been of a minor technical nature. In 2009 Council publicly notified three substantive plan changes that sought to address Rural Subdivision, Urban Growth and Outstanding Natural Features and Landscapes. A significant portion of the Operative District Plan has not be reviewed or modified since becoming operative in 1999. The Council in fulfilling its statutory duties has undertaken a review of those parts of the District Plan that have not been subject to a plan change since 2008.

This report focuses on the topic of the Coastal Environment. The relevant provisions within the Proposed Plan are largely contained within Chapter 5 (Coastal Environment) with some related provisions appearing in the Zone Rules, Assessment Criteria and General Provision chapters of the Proposed Plan. The relevant provisions within the Operative District Plan relating to the Coastal Environment have not been the subject of any plan change or review process since the District Plan became operative (September 1999). Although it is noted that for both Plan Change 20 (Rural Subdivision) and Plan Change 22 (Outstanding Natural Features and Landscapes) land within the Coastal Environment was addressed as part of these plan changes with district wide plan provisions introduced to manage activities such as subdivision, earthworks, new buildings and network utilities. These changes to the District Plan did not involve any changes to Chapter 5 (Coastal Environment).

The Proposed District Plan was publicly notified for submissions on 14 September 2012. The period for further submissions closed 20 December 2012. Through the public notification process a number of submissions were received supporting and opposing the Proposed Plan provisions. These submissions have supported some provisions requesting they be adopted as proposed, while others have requested changes to the wording or deletion of specific changes.

The purpose of this report is to summarise the key issues raised in submissions and to provide advice to the District Plan Review Hearings Panel on the issues raised. All submission points have been evaluated in this report, with specific recommendations for each point raised within each submission. These recommendations include amendments to the Proposed Plan, including refinements to the wording of some provisions. Whilst recommendations are provided, it is the role of the District Plan Review Hearing Panel to consider the issues, the submissions received, the evidence presented at the hearing, and the advice of the reporting planner for Council before making a decision. The District Plan Review Hearing Panel has full delegated authority from the Council to make its decision. That decision is binding on Council subject to any appeals.

The District Plan Review Hearings Panel in making its decisions will determine whether to accept, reject or accept in part, the submissions received, and as a consequence, any amendments to be made to the Proposed Plan.

The officer's recommendations on the key issues raised in the submissions include:

- Providing additional text to better recognise customary rights
- Providing recognition for the NPS Freshwater Management
- Amending the term 'Coastal Dominance Zone' to 'Coastal Significance Sector'
- Providing recognition for the role that plantation forests have played in stabilising the

coastal environment

- Providing for significant public benefits to be considered in evaluating subdivision and development that would reduce the natural character in areas of the Coastal Environment with high or very high natural character
- Providing additional text to recognise the issues associated with vehicles on the beach and including supporting policy framework
- Improving the wording of policies regarding pedestrian beach access
- Improving the wording of the objectives and policies relating to coastal hazards
- Providing a new policy and supporting discussion to encourage protection, restoration and enhancement of natural defences
- Providing a new policy and supporting discussion to address the environmental and social costs of hard protection structures
- Identifying new separate overlays for Natural Character and Coastal Hazards to replace part of the Coastal Natural Character and Hazard Overlay area at Waikawa Beach and provide a new policy and rule framework for these two areas
- Identifying new separate overlays for the Muhunua West Forest Park and Muhunua West Forest Park Coastal Natural Character and Hazard Area to replace part of the Coastal Natural Character and Hazard Overlay area and provide a new policy and rule framework for this area.

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1. Introduction

1.1 Qualifications

My full name is David Bruce McCorkindale. I hold a Bachelor of Resource and Environmental Planning (Honours) degree from Massey University, Palmerston North, New Zealand. I have over 12 years of experience as a planner. This has included working as a Resource Management Planner at the Horowhenua District Council for four and a half years before working as a Development Control Planner in the United Kingdom for the London Borough of Lewisham and the Watford Borough Council. I returned to the Horowhenua District Council in January 2008 to work as Senior Planner before taking on my current role of Project Manager (District Plan Review). I have been involved with the review of the Horowhenua District Plan since the review project commenced in November 2009.

I have been involved with the Council-initiated Plan Changes 20 – 23 to the Horowhenua District Plan which have been undertaken since 2008. I have an understanding of the District Plan Review processes and requirements, a thorough understanding in the implementation and workability of district plans from a plan administration point of view, as well as knowledge and understanding of the significant resource management issues in the Horowhenua district.

1.2 Purpose

The purpose of this report is to assess the Proposed District Plan in terms of the relevant statutory considerations and obligations, taking into account those issues raised in submissions, and an analysis of the appropriateness and effectiveness of the proposed provisions in relation to the Coastal Environment in the Horowhenua District. I provide my findings and recommendations to the Hearings Panel in accordance with Section 42A of the Resource Management Act.

1.3 Outline

This report considers submissions and further submissions which were received on the Coastal Environment and the associated provisions throughout the Proposed Horowhenua District Plan (referred to in this report as “the Proposed Plan”). This report has been prepared in accordance with Section 42A of the Resource Management Act (“the RMA”) to assist the Hearings Panel with its consideration of submissions received in respect of the provisions in these parts of the Proposed Plan.

This report is structured according to the following format:

- An overview of the Proposed Plan
- Statutory Requirements
- Analysis of Submissions
- Recommended Amendments to Proposed Plan

The report discusses each submission or groups of similar submissions and includes a recommendation from the report writer on each submission that has received, **but the recommendation is not the decision of the Horowhenua District Council** (“the Council”).

Following consideration of all the submissions and supporting evidence, if any, presented by the submitters and further submitters at the hearing, the Hearings Panel will make a decision on the submissions. The decision report prepared by the Hearing Panel will include the Hearing Panel’s

decision to accept, accept in part, or reject individual submission points, and any amendments to the Proposed Plan. All recommendations in this report are subject to consideration of any further evidence provided by submitters at the hearing.

The amendments to the Proposed Plan arising from the reporting planner's recommendations discussed throughout this report are listed in full in Section 6.5. The suggested amendments are set out in the same style as the Proposed Plan.

The Analysis of Submissions section has been structured by grouping submission points according to individual provisions in the Proposed Plan. As far as possible, the individual submission points are listed in order to follow the contents of each Plan provision. The submission points relating to specific provisions are listed first with the general or unspecified submissions listed as the end.

Each submission and further submission has been given a unique number (e.g. 58). Further submissions follow the same number format although they start at the number 500, therefore any submitter number below 500 relates to an original submission and any submitter number of 500 or higher relates to a further submission.

In addition to the submission number, each submission point (relief sought) has been given a unique number (e.g. 01). When combined with the submitter number, the submission reference number reads 58.01, meaning submitter number 58 and submission point number 01. A similar numbering system has been used for further submissions.

This report contains selected text from the Proposed Plan itself, either when changes have been requested by a submitter or where a change is recommended by Council's reporting planners. Where changes to the text are recommended in this report the following protocols have been followed:

- New additional text is recommended is shown as underlined (i.e. abcdefghijkl)
- Existing text is recommended to be deleted is shown as struck-out (i.e. ~~abcdefghijkl~~)

2. Proposed Horowhenua District Plan

2.1 Background

In November 2009, Council resolved to undertake a full review of its Operative District Plan. Under Section 79 of the RMA, the Council is required to commence a review of its District Plan provisions which have not been reviewed in the previous 10 years. The Council has notified 23 District Plan changes since the District Plan was made operative in September 1999. These Plan Changes addressed a wide range of issues, with the most recent Plan Changes including rural subdivision, urban growth, outstanding natural features and landscapes, and financial contributions. Whilst these Plan Changes covered a number of the provisions in the District Plan, many other provisions had not been changed or reviewed. Accordingly, the Council decided to do a full review of the rest of the District Plan, including the earlier Plan Changes. This review did not cover the most recent Plan Changes 20 – 22, which were not operative at the time the Proposed Plan was notified.

Chapter 5 of the Proposed Plan addresses the management of the Coastal Environment and is effectively an updated and revised version of Section 5 in the Operative Plan following a review of these provisions. There are a number of associated plan provisions that appear within Part C – Rules, Part D – Assessment Matters and Part E – General Provisions. Where these provisions have been submitted on the provisions have been addressed in this report.

2.2 Consultation & Process

As outlined in the Section 32 Report associated with the Proposed Plan, general and targeted consultation has been undertaken for the District Plan Review from 2009. The general consultation was undertaken in two phases: 1. Survey and 2. Discussion Document (refer to the Section 32 Report for further details on the consultation approach and process).

The Shaping Horowhenua Survey in 2009 identified the 'top 5' reasons that people liked most about living in the Horowhenua, these reasons included the location/proximity and natural features. The responses provided specific comments, including that the beach/coast was a common natural feature and/or location/proximity to the coast was often noted. In response to the question about whether greater priority should be given to protecting the environment over land use and development, 65% of respondents agreed or strongly agreed with this statement.

Further consultation on the coastal environment was contained in the District Plan Review Discussion Document released for feedback in October 2011. Questions were also asked relating to issues within the coastal settlements, such as the nature and scale of development and earthworks and its impacts on the character of these settlements. These matters were addressed through the Urban provisions of the Proposed Plan.

From earlier consultation (e.g. Horowhenua Development Plan) and consultation undertaken by Council through other processes, below is a summary of issues raised relating to the Coastal Environment and the District Plan:

- Buildings close to the beach are detracting from the naturalness of the coast and give the feeling of being 'overlooked' on the beach.
- Important to maintain public access to the beach (pedestrian and vehicular), with opportunities to create new or better connections or access to the beach (e.g. Kuku and Ohau/Muhunua West). Some concern about opening up 'new' areas of the coast to public access as could degrade the natural environment.
- Sand dunes/coast line is accreting, meaning Horowhenua does not experience the same level of risks from coastal hazards to other areas (e.g. does not experience coastal erosion, except from occasional storm events). However, accretion means sand build up is an issue, especially windblown sand when a 'blow-out' occurs.
- Pine plantations were established along the coast to control erosion of sand country. Need to provide for their ongoing harvesting and replanting to control erosion of sand country. Plantation forests provide recreational opportunities for local communities.
- Demand and pressure for living in the coastal environment, particularly close to the beach. This development pressure is both in the form of expansion of residential settlements and rural-lifestyle development.
- Limited infrastructure and services in the coastal area, with development placing additional pressure on this infrastructure and services. The cumulative effects of on-site infrastructure and services may create issues in the future.
- Overlapping requirements of Horizons Regional Council and Horowhenua District Council in the coastal environment, and confusion about who administers which parts of the coastal environment and what issues/activities.

2.2.1 Late Submissions

No late submissions were received which raised matters relating to the Coastal Environment and the associated provisions.

3. Statutory Requirements

3.1 Resource Management Act 1991

In preparing a District Plan, Council must fulfil a number of statutory requirements set down in the Resource Management Act, including:

- Part II, comprising Section 5, Purpose and Principles of the Act; Section 6, Matters of National Importance; Section 7, Other Matters; and Section 8, Treaty of Waitangi;
- Section 31, Functions of Territorial Authorities;
- Section 32, Duty to consider alternatives, assess benefits and costs;
- Section 72, Purpose of district plans
- Section 73, Preparation and change of district plans;
- Section 74, Matters to be considered by territorial authorities;
- Section 75, Contents of district plans

In Part II of the RMA, there are two matters of national importance that are coastal specific. Council is required to recognise and provide for these matters in fulfilling its obligations under the RMA:

- 6(a) The preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development:
- 6(d) The maintenance and enhancement of public access to and along the coastal marine area, lakes, and rivers:

Also in Part II there are further matters of national importance which have general relevance to the management of the Coastal Environment and Council's obligations towards achieving the purpose of the RMA in promoting sustainable management:

- 6(b) the protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development:
- 6(e) the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga:
- 6(f) the protection of historic heritage from inappropriate subdivision, use, and development:
- 6(g) the protection of protected customary rights.

Under Section 74(2) of the RMA, when preparing or changing a District Plan, Council shall have regard to

- (a) any—
 - (i) proposed regional policy statement; or
 - (ii) proposed regional plan of its region in regard to any matter of regional significance or for which the regional council has primary responsibility under Part 4; and
- (b) any—
 - (i) management plans and strategies prepared under other Acts; and
 - (ii) relevant entry in the Historic Places Register; and

- (iii) regulations relating to ensuring sustainability, or the conservation, management, or sustainability of fisheries resources (including regulations or bylaws relating to taiapure, mahinga mataitai, or other non-commercial Maori customary fishing),—to the extent that their content has a bearing on resource management issues of the district; and
- (c) the extent to which the district plan needs to be consistent with the plans or proposed plans of adjacent territorial authorities.

Section 74(2A) goes on to also require Council to take into account any relevant planning document recognised by an Iwi authority and lodged with the territorial authority, to the extent that their content has a bearing on resource management issues of the district (e.g. an Iwi Management Plan). At this time, no such documents have been lodged with Council.

Section 75(1)(a)-(c) of the RMA sets out the items the contents of a District Plan “must” state “*the objectives for the district; and the policies to implement the objectives; and the rules (if any) to implement the policies*”. Part B, Chapter 5 (Coastal Environment) provides for the objectives and policies with respect to managing land use and development of the natural and physical resources in the Coastal Environment of the Horowhenua District. The zone chapters 15-20 provide for the associated rules.

Under Section 75(3) of the RMA, a District Plan must give effect to any national policy statement and the New Zealand Coastal Policy Statement.

The relevant aspects of the above matters have been considered in the analysis of the submissions in Section 4 of this report.

3.2 Proposed Amendments to Resource Management Act

Central government has initiated a reform of the Resource Management Act (RMA) with a focus on reducing delays and compliance costs. The reform is being undertaken in two phases. Phase 1 focused on streamlining and simplifying the RMA, including changes to the preparation of district plans. Phase 2 focuses on more substantive issues concerning freshwater, aquaculture, urban design, infrastructure and the Public Works Act. Work on Phase 1 commenced late in 2008, while work on Phase 2 commenced in mid-2009.

The Phase 1 work culminated in the Resource Management (Simplifying and Streamlining) Amendment Act 2009, which came into force in October 2009. In respect of the Horowhenua District Plan and the Proposed Plan, the main effect of this Amendment Act have been process related to the further submission process, ability for simplified decision reports and notices, and changes when rules have effect.

In terms of Phase 2, in December 2012 the Resource Management Reform Bill was introduced to Parliament for its first reading and was referred to the Local Government and Environment Committee for submissions and consultation. In terms of District Plan Reviews and Proposed District Plans, this Bill propose changes in relation to the analysis that underpins District Plans including greater emphasis on the need for quantitative assessment of costs and benefits and the need to consider regional economic impact and opportunity costs. It is noted this Bill includes transitional provisions which state these new assessment and decision-making requirements do not apply to proposed plans after the further submission period has closed (refer Schedule 2, Clause 2 of the Bill).

Central government is also considering further changes to the RMA. In late February 2012 the government released a discussion document on proposals it is considering to change the RMA. The proposed reform package identifies six proposals:

Proposal 1: Greater national consistency and guidance

Proposal 2: Fewer resource management plans

Proposal 3: More efficient and effective consenting

Proposal 4: Better natural hazard management

Proposal 5: Effective and meaningful Iwi/Maori participation

Proposal 6: Working with councils to improve practice

Of relevance to this report are Proposals 1 and 4.

Part of Proposal 1 could result in Sections 6 and 7 of the current RMA being combined into a consolidated set of principles (list of matters) that decision-makers would be required to recognise and provide for. This proposal would have the effect of removing the current hierarchy between Sections 6 and 7, and by doing so the Government hopes it will support more balanced decision-making. It is worth noting that all the current matters of national importance (Section 6) are proposed to be part of the set of principles while five matters from Section 7 would potentially be deleted.

Proposal 4 could result in natural hazards being added as a matter in the principles referred to above, giving natural hazards increased priority as it does not currently feature in Sections 6 or 7. The Government also proposes to amend Section 106 of the RMA to ensure all natural hazards can be appropriately considered in both subdivision and other land use consent decisions. The Government hopes that such changes would lead to better consideration of natural hazards in planning and decision-making. The Discussion Document also mentions providing greater national guidance to Councils to help improve planning for natural hazards.

At the time of writing this report, there have been no other announcements or research relating to the subject of this report.

3.3 Local Government Act 2002

The Local Government Act 2002 (LGA) is designed to provide democratic and effective local government that recognises the diversity of New Zealand communities. It aims to accomplish this by giving local authorities a framework and power to decide what they will do and how. To balance this empowerment, the legislation promotes local accountability, with local authorities accountable to their communities for decisions taken.

The LGA also provides local authorities to play a broad role in meeting the current and future needs of their communities for good-quality local infrastructure, local public services, and performance of regulatory functions. Section 14 of the LGA sets out the principles of local government with one of the principles stating:

(h) in taking a sustainable development approach, a local authority should take into account—

(i) the social, economic, and cultural interests of people and communities; and

(ii) the need to maintain and enhance the quality of the environment; and

(iii) the reasonably foreseeable needs of future generations

The above role and principle generally align with the overall purpose and principles of the Resource Management Act.

There are no other specific provisions in the LGA relevant to the subject matter of this report.

3.4 New Zealand Coastal Policy Statement 2010

Under Section 75(3)(b) of the Resource Management Act, a District Plan must give effect to any New Zealand Coastal Policy Statement. The following policies from the NZCPS are recognised as being relevant to the Horowhenua context:

- *Policy 1 Extent and characteristics of the coastal environment*
- *Policy 3 Precautionary approach*
- *Policy 4 Integration*
- *Policy 6 Activities in the coastal environment*
- *Policy 13 Preservation of natural character*
- *Policy 14 Restoration of natural character*
- *Policy 15 Natural features and natural landscapes*
- *Policy 18 Public open space*
- *Policy 19 Walking access*
- *Policy 20 Vehicle access*
- *Policy 24 Identification of coastal hazards*
- *Policy 25 Subdivision, use and development in areas of coastal hazard risk*
- *Policy 26 Natural defences against coastal hazards*

(The content of these policies are attached as Appendix 6.1.2)

Overall, the NZCPS requires the Council to identify the extent and characteristics of the coastal environment within the District. Within this defined area, a range of matters then need to be considered including land use activities, subdivision and development, and their effects on natural character, open space, public access and hazards.

3.5 National Environmental Standards

No National Environmental Standards (NES) are specifically relevant to the subject of this report.

3.6 National Policy Statements

Under Section 75(3)(a) of the Resource Management Act, a District Plan must give effect to any National Policy Statement (NPS). The New Zealand Coastal Policy Statement 2010 has been identified above. The 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. There are no other current NPSs that are considered relevant to the subject of this report.

3.7 Operative Regional Policy Statement & Proposed One Plan

Under Section 74(2) of the Resource Management Act, the Council shall have regard to any proposed regional policy statement, in this case, the Horizons Regional Council Proposed One Plan. In addition, under Section 75(3)(c) of the Resource Management Act, a District Plan must give effect to any Regional Policy Statement. The Operative Manawatu-Wanganui Regional Policy Statement became operative on 18 August 1998. The Proposed One Plan (incorporating the Proposed Regional Policy Statement) was publicly notified on May 2007 and decisions on submissions notified in August 2010. In total 22 appeals were received, with some resolved through mediation while others were heard by the Environment Court. Interim decisions were issued by the Environment Court in August 2012 with final decisions expected in early 2013. In addition, Federated Farmers of NZ Inc and Horticulture NZ have appealed these interim decisions to the High Court in relation to non-point source discharges and run-off (nutrient management).

Given the very advanced nature of the Proposed One Plan in the plan preparation process and that all matters relevant to the District Plan Review are beyond challenge, the Proposed One Plan is considered the primary Regional Policy Statement and should be given effect to by the Proposed District Plan.

The Proposed One Plan in chapter 9 addresses the coastal marine area (CMA) together with the management of the wider coastal environment. The chapter has two elements, firstly it contains objectives, policies and methods for managing activities that occur in the Region's CMA and secondly it identifies the need for integrated management of the coastal environment.

Chapter 10 establishes an overall framework for natural hazard management across the region and has relevance to this report by virtue of addressing coastal hazards.

The following policies from the Proposed One Plan (decisions version) are recognised as being relevant to the Horowhenua coastal environment.

Policy 9-1: Integrated management of the coastal environment

Integrated management of the coastal environment must be sought, including through:

- (a) *provisions in other chapters of this Plan address water quality, erodible land (including the coastal foredune), natural hazards, indigenous biological diversity, landscapes and natural character, air discharges, and infrastructure, energy and waste (including hazardous substances),*
- (b) *provisions in district plans that identify the landward extent of the coastal environment, sustainably manage land use activities and, where appropriate, avoid subdivisions or development in any existing or potential hazard risk area, protect coastal dunes and avoid sprawling subdivision along the coastal edge, and*
- (c) *joint initiatives where resource management issues arise and are not addressed within the existing management frameworks of the respective regional plans and district plans.*

Policy 9-5: Public access

- (a) *Activities in the CMA must be established and operated in a manner which readily provides for public access. Public access must be restricted only where necessary for commercial, safety, cultural or conservation purposes, or to ensure a level of security appropriate for activities authorised by a resource consent.*
- (b) *Public access in the CMA for recreational purposes must be provided in a manner that protects bird habitat areas, estuarine plant communities and dune stability.*

Policy 10-5: Other types of natural hazards

The Regional Council and Territorial Authorities must manage future development and activities in areas susceptible to natural hazard events (excluding flooding) in a manner which:

- (a) ensures that any increase in risk to human life, property or infrastructure^ from natural hazard events is avoided where practicable, or mitigated where the risk cannot be practicably avoided,*
- (b) is unlikely to reduce the effectiveness of existing works, structures, natural landforms or other measures which serve to mitigate the effects of natural hazard events, and*
- (c) is unlikely to cause a significant increase in the scale or intensity of natural hazard events.*

The above policy context outlines the role and responsibility of the District Council to preserve the natural character of the Coastal Environment from inappropriate subdivision, use and development. It is noted that both the NZCPS and the Horizons Proposed One Plan provide a relatively 'new' direction for management of the Coastal Environment.

3.8 Operative Horowhenua District Plan

As noted above, Operative Horowhenua District Plan has been operative for over 13 years (since 13th September 1999) and a number of plan changes made. I note for both Plan Change 20 (Rural Subdivision) and Plan Change 22 (Outstanding Natural Features and Landscapes) land within the Coastal Environment was addressed as part of these plan changes with district wide plan provisions introduced to manage activities such as subdivision, earthworks, new buildings and network utilities. The changes to the District Plan did not involve any changes to Chapter 5 (Coastal Environment). At the time of preparing this report these plan changes have not been made operative and therefore the provisions resulting from these plan changes have not been further reviewed as part of this report. Therefore the provisions that have been reviewed and considered in this report as part of the overall District Plan review are those that formed part of the current District Plan when it first became operative.

4. Analysis of Submissions

4.1 Chapter 5 Introduction

4.1.1 Submissions Received

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
11.23	Philip Taueki	In-Part	There is no reference to customary rights in relation to Hokio Beach. All that is stated in the Introduction is that the coastal landscape contains a significant number of archaeological sites and sites of particular value to Iwi resulting from the historical pattern of settlement in the area. There are no provisions to mitigate the risk of disturbing traditional burial sites.	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	In-Part	The submitter relies on the submission made by Philip Taueki for the following matters. There is no reference to customary rights in relation to Hokio Beach. All that is stated in the Introduction is that the coastal landscape contains a significant number of archaeological sites and sites of particular value to Iwi resulting from the historical pattern of settlement in the area. There are no provisions to mitigate the risk of disturbing traditional burial sites.	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	In-Part	The submitter seeks more discussion on ongoing Māori relationships to access to water bodies, so that particular Māori customary rights to water bodies are recognised and maintained in relation to the procedures to be completed under the Marine and Coastal Areas (Takutai Moana) Act 2011.	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)	In-Part	The discussion of issues, policies and methods of this section are generally supported as written, apart from any specific areas of concern identified below.	Amend paragraph two, third sentence in the Introduction as follows: ... This estuary is considered an important estuarine	

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
				ecosystem...	
101.27	Director-General of Conservation (DoC)	In-Part	The discussion of issues, policies and methods of this section are generally supported as written, apart from any specific areas of concern identified below.	Amend paragraph five, second sentence of the Introduction as follows: ... The preservation of the natural character of the coastal environment, and it's <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)	In-Part	The discussion of issues, policies and methods of this section are generally supported as written, apart from any specific areas of concern identified below.	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)	In-Part	The discussion of issues, policies and methods of this section are generally supported as written, apart from any specific areas of concern identified below. Reference should be made to the National Policy Statement for Freshwater Management 2011 (NPSFWM), as the management of coastal and freshwater requires an integrated and consistent approach.	Include a reference in the Introduction to the National Policy Statement for Freshwater Management 2011 (NPSFWM).	
101.30	Director-General of Conservation (DoC)	In-Part	The discussion of issues, policies and methods of this section are generally supported as written, apart from any specific areas of concern identified below. Pursuant to Section 74(2) and 74(2A) of the RMA, Council shall have regard to relevant Conservation Management Strategy and Iwi Management Plans to the extent their content has a bearing on relevant issues of the District.	Amend paragraph 10 through mentioning relevant Conservation Management Strategy and Iwi Management Plans.	
101.31	Director-General	In-Part	The discussion of issues, policies	Amend Figure 5-1	

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
	of Conservation (DoC)		<p>and methods of this section are generally supported as written, apart from any specific areas of concern identified below.</p> <p>Figure 5-1 as the current approach in identifying Coastal Environment does not appear to give effect to Policy 1 as it does not account for NZCPS 2010 Policy 1(2) or 1(2)(f). Policy 1(2)(f) is an important factor where the coastal environment is concerned. Furthermore, given the recent review of plan change 22, the figure is incorrect. The identification of the Coastal Environment has still not been defined correctly. This is still under review.</p>	through giving effect to Policy 1 of the NZCPS.	
101.32	Director-General of Conservation (DoC)	In-Part	<p>The discussion of issues, policies and methods of this section are generally supported as written, apart from any specific areas of concern identified below.</p> <p>The wording of "Coastal Dominance Zone" is unclear.</p>	Amend Figure 5-1 through clarifying what is meant by the wording "Coastal Dominance Zone"	

Ten submission points were received in relation to the Introduction to Chapter 5. Three of these submission points sought additional reference in the Introduction to customary rights. The other seven submission points were made by the Director-General of Conservation (DoC) and sought amendments to the Introduction that ranged from minor wording amendments to new references or changes to give effect to the NZCPS.

4.1.2 Discussion & Evaluation

1. Taueki (11.23) and Muaupoko Co-operative Society (60.17) supported respectively by Rudd (519.18) and (519.36) oppose in-part the Introduction to Chapter 5 as there is no reference to customary rights in relation to Hokio Beach. There are no provisions included to mitigate the risk of disturbing traditional burial sites. The submitters have not sought specific relief, however it is inferred that the Proposed Plan should include in the Introduction of Chapter 5 a reference to customary rights in relation to Hokio Beach and recognise and mitigate the risk of disturbance of cultural sites of significance.
2. The Marine and Coastal Area (Takutai Moana) Act 2011 provides for the special status of the common marine and coastal area as an area that is incapable of ownership. The common marine and coastal area is the area between the line of mean high water springs (the landward boundary of the part of the beach covered by the ebb and flow of the tide) and the outer limits of the territorial sea (12 nautical miles) excluding existing private titles, the bed of Te Whaanga Lagoon in the Chatham Islands and certain conservation areas. This is

essentially the area of the coast outside the jurisdiction of the District Council and is under the jurisdiction of the Regional Council.

3. Protected customary rights provide recognition and protection of 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. Customary activities can include activities such as fishing, collecting hangi stones, or launching waka.
4. 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.
5. Given the presence of recognised customary rights particularly in the coastal environment (and seaward) I consider it appropriate that a general reference is made to customary rights in the coastal environment. I do not consider the District Plan is the appropriate document to include specific details about the existing recognised customary rights. What is important is that the District Plan recognises that they may be present and will influence how the Coastal Environment will be used and managed now and in the future. Appropriate consideration must be given to the customary activities when preparing Plans and plan changes ensuring that permitted activities do not prevent a customary activity from occurring. Consideration must also be given to customary activities when assessing resource consent applications. It is noted that the majority of customary activities relate to the part of the coast which is outside the jurisdiction of the District Council.
6. To directly address the above submission points I recommend that the following text be added to the Introduction of Chapter 5 as a new fifth paragraph "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."
7. I recommend that the submission points 11.23, 519.18, 60.17 and 519.36 be accepted.

8. Taiao Raukawa Environmental Resource Unit (67.14) seeks more discussion on ongoing Maori relationships to access water bodies, so that particular Maori customary rights to water bodies are recognised and maintained. I support adding some additional context to the values that Maori place on the Coastal Environment and provide a linkage to the new paragraph regarding customary activities that has been recommended to address submissions points 11.23, 519.18, 60.17 and 519.36 above. I recommend that a new fourth paragraph be added to the Introduction that reads “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”. I recommend that submission point 67.14 be accepted.
9. DoC (101.26) and (101.27) seek minor wording edits to the Introduction. The submitted wording changes are considered acceptable. I therefore recommend that submission points 101.26 and 101.27 be accepted.
10. DoC (101.28) supports in-part the Introduction as currently worded but seeks an amendment to the eighth paragraph. The submission point seeks that a new sentence be added at the end of the paragraph to read “It must be given effect to”. I note that the decision requested by the submitter contained in the table above does differ to that in their submission. The proposed change referred to in this paragraph reflects the relief suggested by the submitter in their submission. I support the intent of the change however I suggest an alternative wording, “The District Plan must give effect to the NZCPS”. I consider this to achieve the outcome the submitter sought while giving some additional context. I therefore recommend that submission point 101.28 be accepted in-part.
11. DoC (101.29) supports in-part the Introduction as currently worded but seeks an amendment by adding in reference to the National Policy Statement for Freshwater Management 2011 where the Introduction identifies other plans and policies relevant to sustainable management of the Horowhenua coast. It is acknowledged that there is an overlap between the National Policy Statement for Freshwater Management 2011 and the New Zealand Coastal Policy Statement (NZCPS) so it makes sense to explain the role of the two NPSs and their relationship. I recommend the following wording to be inserted after the paragraph regarding the NZCPS “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”. I recommend that submission point 101.29 be amended and that a new paragraph be added to the Introduction as set out above.
12. DoC (101.30) supports in-part the Introduction as currently worded but seeks an amendment by adding in reference to relevant Conservation Management Strategy and Iwi Management Plans. Adding a reference to these documents would give them appropriate recognition, and

I would be reluctant to see the Proposed Plan simply replicate the requirements of the RMA on all matters. I do however accept that the two examples referred to by the submitter are most likely to be the additional ones (i.e. not currently recognised) that would impact on the management of the coastal environment. I note that there are two current Conservation Management Strategies that apply to Horowhenua (Wellington Conservation Management Strategy – 1996 and Wanganui Conservation Management Strategy – 1997). These are subject to review with development of a new Wellington Hawke's Bay Conservation Management Strategy to start this year to reflect the new conservancies. A paragraph that identifies Council's statutory responsibilities to have regard to these documents and strategies is therefore supported. As no specific wording for this reference in the Proposed Plan was provided by the submitter I recommend the following wording, "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)". I therefore recommend that submission point 101.30 be accepted.

13. DoC (101.31) generally support the discussion of issues, policies and methods of this section, however there is concern regarding how the Proposed Plan uses Figure 5-1 as the approach for identifying the Coastal Environment. The submitter contends that this does not give effect to Policy 1 as it does not account for NZCPS Policy 1(2) or 1(2)(f). The submitter refers to Plan Change 22 and as I have understood suggests that Figure 5-1 is not correct because it does not reflect the Coastal Environment identified in Plan Change 22. The submitter also notes that this is still under review.
14. Dealing with Plan Change 22 first, this plan change has progressed through to the appeal phase of the process. At the time of writing there are still appeal points that have not been officially resolved. I note that the Coastal Outstanding Natural Feature and Landscape (ONFL) identified as part of Plan Change 22 is not the subject of any appeal points. I therefore do not consider there to be any further change to the Coastal ONFL through the resolution of the appeals on Plan Change 22. The Coastal ONFL identified in this plan change was for the purpose of section 6(b) of the RMA. It was prepared for a different purpose using a different methodology to the assessment undertaken to identify the Coastal Environment (in particular the inland extent of it) for the purposes of giving effect to the NZCPS (2010).
15. The Horowhenua Coastal Natural Character Assessment (September 2010) undertaken for the purpose of giving effect to the NZCPS includes the following text in relation to defining the Coastal Environment
16. "The RMA 1991 does not define 'coastal environment' Policy 1 of the NZCPS 2010: 'Extent and Characteristics of the Coastal environment' recognises that the extent and characteristics of the coastal environment will vary from location to location. Policy 1 identifies nine characteristics which may be included in the coastal environment:
 - (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, salt marshes, 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 sector; and
 - (i) Physical resources and built facilities, including infrastructure, that have modified the coastal environment.
17. While this list of characteristics is helpful in establishing which areas are included within the coastal environment, it does not provide any specific guidance in defining the extent for the purposes of assessment and mapping as required by Policy 13.
18. In developing the methodology the study team were guided by all of the identified characteristics, but gave particular consideration to item (c) of Policy 1(2) of the NZCPS 2010 “where coastal process, influences or qualities are significant.”
19. I note that despite DoC publishing a number of implementation guides for policies within the NZCPS no guide has been produced yet for Policy 1. I note that the guidance notes that have been released from the workshops held between landscape architects and DoC in relation to Policy 1 and Policy 13 in particular have been informed by the work that has been undertaken for assessing the Horowhenua Coastal Natural Character.
20. I am therefore satisfied the NZCPS Policy 1 has been taken into account in determining the extent of the Coastal Environment. I am satisfied that the Coastal ONFL identified as part of Plan Change 22 does not need to be aligned with the Coastal Environment identified for the purpose of giving effect to the NZCPS. I therefore recommend that submission point 101.31 be rejected.
21. DoC (101.32) have expressed concern that the wording of “Coastal Dominance Zone” is not clear and seek that amendments are made to clarify this term. The term was used in the Proposed Plan to identify the area of the coast where coastal processes, influences or qualities are significant reflecting Policy 1(2)(c) of the NZCPS. The Horowhenua Coastal Natural Character Assessment referred to this area as the ‘Coastal Significance Sector’. I would be comfortable amending the Proposed Plan to refer to the ‘Coastal Significance Sector’ in place of the current term ‘Coastal Dominance Zone’. I accept that this may be less confusing as it would bring consistency between the Horowhenua Coastal Natural Character Assessment report and the Proposed Plan. I also consider that on first reading the term ‘Coastal Significance Sector’ more accurately reflects the nature of the area it is defining and would have a greater chance of being understood by those not involved in the assessment process. The paragraph in the Proposed Plan prior to the diagram also provides a helpful context. I therefore recommend that submission point 101.32 be accepted and that any consequential amendments to the Plan are also made so that ‘Coastal Dominance Zone’ is replaced by ‘Coastal Significance Sector’.

4.1.3 Reporting Officer's Recommendation

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Officer's Recommendation
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

4.1.4 Recommended Amendments to the Plan Provisions

Amend the second paragraph of the Introduction to read:

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

Include a new fourth paragraph 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.”

Include a new fifth paragraph 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."

Amend the current fifth paragraph of the Introduction to read:

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

Amend the eighth paragraph of the Introduction by adding a new sentence to read

"The District Plan must give effect to the NZCPS".

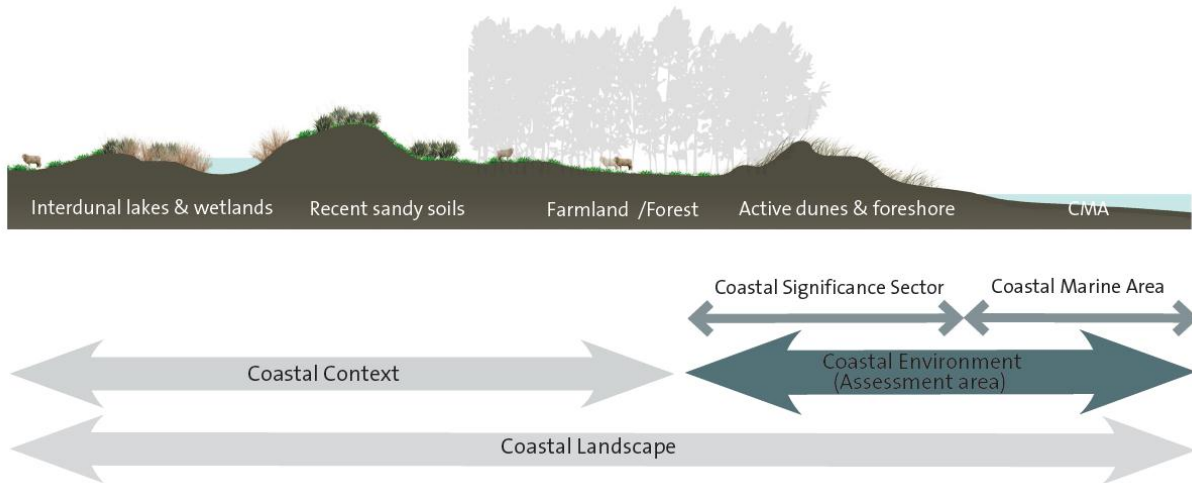
Add new paragraph to the Introduction to be inserted before the paragraph starting "The Proposed One Plan...". New paragraph is to read

"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."

Add new paragraph to the Introduction to be inserted after the paragraph starting "Reserve Management Plans...". New paragraph is to read

"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)."

Amend Figure 5-1 Coastal Landscape Cross Section by replacing the term "Coastal Dominance Zone (CDZ)" with "Coastal Significance Sector" as shown below:



Make a consequential amendment to third paragraph under the heading The Extent of the Coastal Environment to read:

“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.

Make a consequential amendment to Policy 5.1.2 to read

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

4.2 Issue 5.1 Discussion

4.2.1 Submissions Received

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
101.33	Director-General of Conservation (DoC)	In-Part	The discussion of issues, policies and methods of this section are generally supported as written, apart from any specific areas of concern identified below. Referring to the second page of the issue discussion, the seven components of natural character, the use of the word “Perceptual” – Policy 13 (2) e, f, g, h of the NZCPS are all experiential, not perceptual.	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	In-Part	The discussion of issues, policies and methods of this section are generally supported as written,	Amend Paragraph 2 of the Issue Discussion through adding two new	

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
	(DoC)		<p>apart from any specific areas of concern identified below.</p> <p>Referring to the second page of the issue discussion, the seven components of natural character, context and setting are also important components.</p>	bullet points to the seven components of natural character; <u>Context</u> and <u>Setting</u> .	

Two submission points were made by DoC supporting in-part the Issue Discussion for Issue 5.1. The submitter seeks amendments to the components of Natural Character identified in the Proposed Plan.

4.2.2 Discussion & Evaluation

1. DoC (101.33) and (101.34) supports in-part the discussion of Issue 5.1 and seeks amendment to paragraph 2 and specifically the listed components of natural character. The submission points seek to delete one of the components listed (“perceptual”) and add two more components to this list (“context and setting”). As part of the relief sought the submitter has suggested that the word “perceptual” could be replaced with a better term that is aligned with the NZCPS.
2. In January 2011 Council commissioned a Natural Character Assessment of the Horowhenua Coastal Environment to inform the Proposed Plan. The seven components identified in the Discussion for Issue 5.1 in the Proposed Plan reflect the components used in undertaking that assessment. It would therefore be misleading to add two further components to the list and delete one from the list given that these were not directly used in the assessment undertaken. I do note that to be technically correct the Natural Character Assessment undertaken referred to the component as “perceptual/experiential”. Putting aside the components used in the assessment, I have referred to the implementation guidance notes released by DoC titled “Natural Character and the NZCPS 2010”. I note that these guidance notes identify the Horowhenua District Council was one of the first local authorities to undertake a natural character assessment in relation to the NZCPS (2010). I also note that in the discussion notes around the components of natural character the words ‘perceptual’ and ‘experiential’ appear and that the words “context and setting” do not appear as components.
3. NZCPS 2010 provides no specific guidance on methodologies for undertaking natural assessments of the coast. While DoC has produced material from the workshops it convened in 2011, these do not provide guidance on acceptable methodologies per se. Consequently, the coastal natural assessments that various councils have carried out have devised approaches and methodologies that were deemed to be appropriate for that particular district.
4. As I have noted, Horowhenua District Council commissioned its assessment early in 2011 and a draft was produced in June 2011. The assessment was subsequently reviewed by the Council’s consultants undertaking this work in September 2012 and was amended to reflect the refinements in the methodology that had occurred during the intervening period.

5. My understanding from the discussions and meetings our consultants have had with DoC National Office staff involved with NZCPS, is that the approach and method adopted to assess natural character is very much up to individual councils. This point was also reiterated by the DoC planner who attended the recent Environment Court mediation on Plan Change 22.
6. Consequently, I find the comments made in relief sought (Relief f) requesting that “*Council await further studies in regard to defining the Coastal landscape due to the boundaries still under investigation*” contrary to the approach that DoC is advocating. As directed Council has undertaken an assessment of the natural character for its 35km of coastline and has incorporated the findings into the Proposed Plan. The Council is satisfied that this work is in accordance with NZCPS 2010.
7. In considering this submission point, I do not support the requested amendments and recommend that submission point 101.34 be rejected. I recommend to accept in-part submission point 101.33 by adding the words “and experiential” to the list alongside perceptual to correct the full component used in the Natural Character Assessment commissioned by Council.

4.2.3 Reporting Officer’s Recommendation

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Officer’s Recommendation
101.33		DoC		Accept In-Part
101.34		DoC		Reject

4.2.4 Recommended Amendments to the Plan Provisions

Amend the second paragraph of Issue Discussion for Issue 5.1 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”

4.3 Objective 5.1.1

4.3.1 Submissions Received

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
26.05	Horowhenua Astronomical Society Inc	In-Part	The submitter seeks the incorporation of the protection of the natural night environment as an intrinsic feature of the character of the Coastal Environment as proposed by Policy 13-2-e of the NZCPS.	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	In-Part	It is important that the HDC recognise that the Waitarere forest was planted as production/protection forest. One of the intentions of planting was to stem the inland march of sand dunes. Much of the productive landscape behind the forest would not exist if forests had not been planted and the forest acting as a safeguard.	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)	In-Part	Objective 5.1.1 in its current form adds nothing to part 2 of the RMA. Subdivision and development in the coastal environment must be done in an appropriate manner to preserve its natural character.	<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</u></p>	513.39 Rayonier New Zealand Ltd - Support

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
				<u>environment.</u>	

Three quite different submissions were received in relation to Objective 5.1.1. The submission by the Horowhenua Astronomical Society seeks an amendment to the objective as currently worded to provide for the protection of the natural night environment as an intrinsic feature of the character of the Coastal Environment. The submission by Rayonier NZ seeks an amendment to recognise plantation forestry as a significant mitigator of the adverse effects of inland sand drift. The submission by DoC submits alternative wording of the objective.

Objective 5.1.1 currently reads:

“To preserve natural character of the Coastal Environment and avoid, remedy or mitigate the adverse environmental effects from inappropriate subdivision, use and development”.

4.3.2 Discussion & Evaluation

1. Horowhenua Astronomical Society Inc (26.05) support in-part Objective 5.1.1 and seek that it be amended to provide for the protection of the natural night environment as an intrinsic feature of the character of the Coastal Environment. Policy 13(2) of the NZCPS identifies that natural character can include such matters as the natural darkness of the night sky. The requirement of the NZCPS is to preserve the natural character of the coastal environment and to protect it from inappropriate subdivision, use and development. I therefore consider that Objective 5.1.1 gives effect to the policy of the NZCPS and that the protection of the natural night environment is inherent through preserving the overall natural character of the Coastal Environment. To include a specific reference to the natural night environment into the objective would beg the question why all other aspects of natural character are not also referenced in the objective. I consider the proposed amendment to be unnecessary and therefore recommend that the submission point 26.05 be rejected. In making this recommendation I do however draw the submitter’s attention to relief that has been recommended in the first instance through the Section 42A Report for the Open Space Zone and Access to Water Bodies, Water and Surface of Water hearing. In response to similar requests it has been recommended that an additional criterion be included in the Proposed Plan to address the night sky. The recommended criteria reads “The sensitivity of the night sky at the site and surrounds to increases of light spill and the proposed methods to mitigate adverse effects from light spill on the night sky”. I consider that the submitter can take some comfort that this relief will ensure the impact of development and associated light spill on the night sky is considered.
2. Rayonier NZ Ltd (50.03) support in-part Objective 5.1.1 but seek an amendment to the Proposed Plan to recognise that the coastal area of Horowhenua is a highly modified landscape with few natural areas remaining, particularly due to the nature and extent of plantation forestry. The submitter comments one of the intentions of the forestry that is situated within the coastal environment was to manage the inland movement of sand dunes. The submitter contends much of the productive landscape behind the forest would not exist if the forests had not been planted. This submission point is supported by Ernslaw One Ltd (506.73).

3. Objective 5.1.1 gives effect to Policy 13 of the NZCPS as it seeks to preserve the natural character of the coastal environment and to protect it from inappropriate subdivision, use and development. I am satisfied with the wording of Objective 5.1.1 in that it responds to Issue 5.1 and is consistent with the NZCPS. The focus of the issue and the objective are both on preserving the natural character that exists. It is appreciated that the levels of natural character within the Coastal Environment vary. It is also acknowledged that large areas of plantation forest exist in the Coastal Environment. While it could be argued that these plantation forests reduce the natural character, they do limit the type of development activities that take place immediately beyond the foredune which has resulted in these foredune areas generally maintaining a higher level of natural character. It is well understood that the plantation forests have also played a significant role in stabilising historically very active dunefields (especially in the Foxton and Waitarere areas) and as a result created a productive landscape east of these forestry areas. The submitters have sought that the Proposed Plan be amended to recognise this. I consider an additional paragraph being added into the Explanation and Principal Reasons for Objective 5.1.1 would be more appropriate to recognise this matter than amending the objective. The additional paragraph is recommended to read “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”. I therefore recommend that submission points 50.03 and 506.73 be accepted.
4. DoC (101.35) supported by Ernslaw One Ltd (506.73) seek that Objective 5.1.1 be amended. The submitters consider that in its current form the objective adds nothing to Part II of the RMA. By way of relief, two suggested variations to the wording of Objective 5.1.1 have been proposed (set out in the Submissions Received table above). I consider that the Objective as currently worded is both focussed on subdivision, use and development that is new and that which has already occurred. The submitted alternatives for this objective would only be future focussed. I am of the opinion that Council must still be mindful of those subdivisions or developments that are already present but that over time may give rise to adverse environmental effects. I also consider that in ensuring this objective gives effect to Policy 13 of the NZCPS, the emphasis in the first instance should be on the preservation of natural character, not providing for development, subdivision and use in the coastal environment. I am satisfied with the intent and wording of Objective 5.1.1 and do not support the submitted changes. I therefore recommend that submission points 101.35 and 513.39 be rejected.

4.3.3 Reporting Officer's Recommendation

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Officer's Recommendation
26.05		Horowhenua Astronomical Society Inc.		Reject
50.03	506.73	Rayonier NZ Ltd Ernslaw One Ltd	Support	Accept Accept

101.35		DoC		Reject
	513.39	Ernslaw One Ltd	Support	Reject

4.3.4 Recommended Amendments to the Plan Provisions

Amend Explanation and Principal Reasons for Objective 5.1.1 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”

4.4 Policy 5.1.2

4.4.1 Submissions Received

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
101.36	Director-General of Conservation (DoC)	In-Part	The wording “zone of coastal dominance” needs to be defined or have further explanation.	Amend Policy 5.1.2 by providing a definition or further explanation of the term “zone of coastal dominance”	
98.29	Horticulture NZ	Support	Horticulture NZ supports the definition of the coastal environment linked to the Zone of Coastal Dominance.	Retain definition for Coastal Environment.	
98.29	Horticulture NZ	Support	Horticulture NZ supports the definition of the coastal environment linked to the Zone of Coastal Dominance.	Retain Policy 5.1.2.	

Two submissions were made in relation to Policy 5.1.2. One submission point (101.36) supports in-part the wording of this policy but seeks an amendment to provide a definition or further explanation of the term “zone of coastal dominance”.

The submission point by Horticulture NZ (98.29) was received in support of having the definition of Coastal Environment linked to the Zone of Coastal Dominance. The relief sought by the submitter varies from the decision requested set out in the Summary of Submissions (and above). The actual decision requested by the submitter was for Policy 5.1.2 to be retained. In the Summary of Submissions this submission point was incorrectly linked to Chapter 26 Definitions and the

decision requested referred to retaining the definition for Coastal Environment. I have addressed the relief requested by the submitter in their original submission below.

4.4.2 Discussion & Evaluation

1. DoC (101.36) have requested that Policy 5.1.2 be amended by providing a definition or further explanation of the term “zone of coastal dominance”. In response to an earlier submission by DoC 101.32 (discussed in Section 4.1.2 of this report) I have recommended that the term “zone of coastal dominance” be replaced with the term “Coastal Significance Sector”. As a consequential amendment to the wording for Policy 5.1.2 was also recommended. In light of submission 101.36 I consider that some additional text should be added to this policy to help clarify that while the landward extent of the Coastal Environment is heavily based on the area where coastal process, influences and qualities are significant, there were other coastal characteristics that also informed the extent of the Coastal Environment. The characteristics included those listed in Policy 1(2) of the NZCPS. To give greater clarity as sought by the submitter I recommend that Policy 5.1.2 be 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).”

2. As no specific wording or changes were provided by the submitter I consider the amendment to address the concerns raised. I therefore recommend that submission point 101.36 be accepted.
3. Horticulture NZ (98.29) supported the retention of Policy 5.1.2. The support is noted. I recommend that submission point 98.29 be accepted.

4.4.3 Reporting Officer’s Recommendation

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Officer’s Recommendation
101.36		DoC		Accepted
98.29		Horticulture NZ		Accepted

4.4.4 Recommended Amendments to the Plan Provisions

Amend Policy 5.1.2 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~~).”

4.5 Policy 5.1.3

4.5.1 Submissions Received

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
101.37	Director-General of Conservation (DoC)	In-Part	The components listed are acceptable in its current form with the exception of the deletion of “perceptual”. The addition of the word “experiential” (from Policy 12(2) of the NZCPS, reflecting paragraph (e), (f), (g) and (h)) is consistent with the preservation of the natural character. Also the inclusion of two new bullet points Context and Setting add to the components of natural character.	Amend Policy 5.1.3 as follows: Perceptual <u>Context</u> <u>Setting</u>	

One submission was made seeking a change to the wording of Policy 5.1.3. It seeks a similar change to the change sought for Issue Discussion 5.1.

Policy 5.1.3 currently reads

“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”*

4.5.2 Discussion & Evaluation

1. DoC (101.37) supports in-part the Policy 5.1.3 but seeks amendment to the listed components of natural character. The submission point seeks to delete one of the components listed (perceptual) and add two more components to this list (context and setting). As part of the relief sought the submitter has suggested that the word “perceptual” could be replaced with “experiential” to align with the NZCPS.
2. A similar analysis of these matters can be found in Section 4.2.2 of this report. Policy 5.1.3 outlines the basis for how natural character has been assessed in the district. As outlined earlier, Council commissioned a Natural Character Assessment to inform the Proposed Plan,

and the seven components identified in Policy 5.1.3 reflect the components used to undertaking the assessment. For the reasons outlined in Section 4.2.2 above, I do not support the submitted amendments and therefore recommend that submission point 101.37 be accepted in-part and that the words “and experiential” be added to the list alongside perceptual.

4.5.3 Reporting Officer’s Recommendation

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Officer’s Recommendation
101.37		DoC		Accept In-Part

4.5.4 Recommended Amendments to the Plan Provisions

Amend Policy 5.1.3 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

4.6 Policy 5.1.4

4.6.1 Submissions Received

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
101.38	Director-General of Conservation (DoC)	In-Part	Policy 5.1.4 is not necessary given section 6(b) of the RMA provides for this.	Retain intent of Policy 5.1.4	

One submission was received in relation to Policy 5.1.4. The submission point challenges whether this policy is necessary given section 6(b) of the RMA. The submitter supports retaining the intent of Policy 5.1.4.

Policy 5.1.4 currently reads

“Identify in the District Plan Outstanding Natural Features and Landscapes within the Coastal Environment and protect these from inappropriate subdivision, use and development”.

4.6.2 Discussion & Evaluation

1. DoC (101.38) are supportive of the intent of Policy 5.1.4 but consider it to be unnecessary given that Section 6(b) of the Act provides this. Section 6(b) requires Council to recognise and provide for the protection of outstanding natural features and landscapes from inappropriate subdivision, use and development as a matter of national importance. The relief sought in the submission actually supports the retention of Policy 5.1.4 (slightly different to how it has been translated in the Summary of submissions and table above).
2. I consider that Policy 5.1.4 is still relevant because it is part of a suite of policies that shows how Council intend to achieve Objective 5.1.1 and therefore address Issue 5.1. It is acknowledged that although natural features and landscapes are not the same as natural character. Outstanding Natural Features and Landscapes through their contribution to the character and quality of the Coastal Environment and therefore warrant being part of the policy suite. Policy 15 of the NZCPS also requires protection of natural features and natural landscapes of the coastal environment. To protect the natural features and landscapes, they first need to be identified. Policy 5.1.4 therefore is giving effect to the NZCPS requirements as well as contributing towards achieving Objective 5.1.1. As the submission point supports the retention of the Policy 5.1.4 I recommend that submission point 101.38 be accepted and that there no changes are necessary.

4.6.3 Reporting Officer’s Recommendation

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Officer’s Recommendation
101.38		DoC		Accept

4.6.4 Recommended Amendments to the Plan Provisions

No change is recommended to Policy 5.1.4.

4.7 Policy 5.1.5

4.7.1 Submissions Received

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
101.39	Director-General of Conservation (DoC)	In-Part	Policy 5.1.5 is not necessary given Policy 15 of the NZCPS 2010.	Retain intent of Policy 5.1.5	

One submission was received in relation to Policy 5.1.5. The submission point challenges whether Policy 5.1.5 is necessary given Policy 15 of the NZCPS. The submitter supports retaining the intent of this policy

Policy 5.1.5 currently reads

“Avoid significant adverse effects and avoid, remedy, mitigate other adverse effects of subdivision, use and development on the natural character of the Coastal Environment”.

4.7.2 Discussion & Evaluation

1. DoC (101.39) are supportive of the intent of Policy 5.1.5 but consider it to be unnecessary given Policy 15 of the NZCPS (submitter possibly meant to refer to Policy 13 which is more relevant to natural character). The relief sought in the submission actually supports the retention of Policy 5.1.5 (which is slightly different to how it has been translated in the Summary of submissions and table above).
2. I consider Policy 5.1.5 to be giving effect to the NZCPS requirements as well as contributing towards achieving Objective 5.1.1. As the submission point supports the retention of the Policy 5.1.5 I recommend that submission point 101.39 be accepted and that Policy 5.1.5 be retained without amendment.

4.7.3 Reporting Officer’s Recommendation

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Officer’s Recommendation
101.39		DoC		Accept

4.7.4 Recommended Amendments to the Plan Provisions

No changes are recommended to Policy 5.1.5

4.8 Policy 5.1.6

4.8.1 Submissions Received

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
55.13	KiwiRail	Support	Submitter supports Policy 5.1.6 in-particular the recognition of the functional need for location within the Coastal Environment.	Retain Policy 5.1.6	
101.40	Director-General of Conservation (DoC)	In-Part	Policy 5.1.6 is reasonable in its current form. However, it could be improved.	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</u>	

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
				and...	

Two submissions were made in relation to Policy 5.1.6. One submission is in support particularly of the recognition of the functional need to locate within the Coastal Environment. The other submission supports in-part this policy but requests additional wording.

Policy 5.1.6 currently reads:

“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”.

4.8.2 Discussion & Evaluation

1. KiwiRail (55.13) supports Policy 5.1.6 in particular the recognition of the functional need for some development to be located within the Coastal Environment. This is particularly relevant to the submitter because it recognises that important land transport networks can be located in the Coastal Environment. Although the policy was originally drafted regarding development more typically associated with the coastal setting (e.g. Surf Lifesaving facilities), it is recognised there are other types of infrastructure and development such as land transport networks that have a functional requirement which may mean they are also located in the Coastal Environment. The support for the policy is noted. I recommend submission point 55.13 be accepted.
2. DoC (101.40) support in-part Policy 5.1.6 but contend it could be better expressed by adding the words “except where there is a significant public benefit, and there is no reasonable alternative outside very high natural areas of natural character and ...”. I support the inclusion of “significant public benefit” as I think this adds a further consideration to the policy which is consistent with the original intent and aligns with the promotion of sustainable management under the RMA. I am satisfied the submission point made by KiwiRail (55.13) aligns with a change of this nature even though they were accepting of the current wording. I do not consider adding the second part about the “no reasonable alternative” to be effective or efficient in achieving Objective 5.1.1. The submitted wording is vague, uncertain and open to interpretation. What is reasonable and reasonable to whom? I therefore recommend adding the words “there is a significant public benefit and ...” to this policy and recommend that submission point 101.40 is accepted in-part.

4.8.3 Reporting Officer’s Recommendation

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Officer’s Recommendation
55.13		KiwiRail		Accept
101.40		DoC		Accept In-Part

4.8.4 Recommended Amendments to the Plan Provisions

Amend Policy 5.1.6 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”.

4.9 Policy 5.1.7

4.9.1 Submissions Received

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
26.06	Horowhenua Astronomical Society Inc	In-Part	The submitter seeks the incorporation of the protection of the natural night environment as an intrinsic feature of the character of the Coastal Environment as proposed by Policy 13-2-e of the NZCPS.	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.	

One submission was received in relation to Policy 5.1.7 seeking an amendment to the policy to provide for the protection of the natural night environment.

Policy 5.1.7 currently reads:

“Confine urban development in the Coastal Environment to existing settlements and identified growth areas to avoid urban sprawl along the coastal margin”.

4.9.2 Discussion & Evaluation

1. The Horowhenua Astronomical Society Inc (26.06) seek the incorporation of the protection of the natural night environment as an intrinsic feature of the character of the Coastal Environment as proposed by Policy 13(2) of the NZCPS.
2. I consider the purpose of Policy 5.1.7 is focused on avoiding urban sprawl along the coastal margin and developing in currently remote (undeveloped) areas. Indirectly, this policy would contribute to protecting the natural night environment, as well as the matter being inherently addressed through Policy 5.1.5. Policy 5.1.5 seeks to “avoid significant adverse effects and avoid, remedy, mitigate other adverse effects of subdivision, use and development on the natural character of the Coastal Environment”. If this policy (5.1.5) is addressed, then the impact on the natural night environment would be part of that natural character consideration. I therefore am not convinced that an amendment to Policy 5.1.7 is necessary to ensure the protection of the natural night environment, although I acknowledge that this policy as

currently worded may assist in achieving this objective for parts of the coast. I therefore recommend that submission point 26.06 be rejected.

4.9.3 Reporting Officer's Recommendation

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Officer's Recommendation
26.06		Horowhenua Astronomical Society Inc.		Reject

4.9.4 Recommended Amendments to the Plan Provisions

No changes are recommended for Policy 5.1.7

4.10 Policy 5.1.8

4.10.1 Submissions Received

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

One submission was received supporting in-part Policy 5.1.8 and seeking that it be amended to include reference to avoiding adverse effects.

Policy 5.1.8 currently reads:

“Ensure development within the Coastal Environment recognises and respects the sensitive and dynamic landscape, particularly the coastal foredunes in which natural coastal processes dominate”.

4.10.2 Discussion & Evaluation

1. DoC (101.41) support in-part Policy 5.1.8 and seek that the word ‘respects’ is replaced with the words ‘avoids adverse effects on’.
2. The submitted wording would be a significant change for this policy. The introduction of ‘avoids’ means that the policy would become very similar to Policy 5.1.5 which reads ‘Avoid significant adverse effects and avoid, remedy, mitigate other adverse effects of subdivision, use and development on the natural character of the Coastal Environment’. I consider amending Policy 5.1.8 as submitted would essentially result in duplication between Policy 5.1.8 and 5.1.5. I consider that Policy 5.1.8 is designed to have a slightly different intent.

The policy is intended to compliment the other policies in particular Policy 5.1.5. For instance, a building or structure (e.g. walkway) could be designed in such a way that it avoids, remedies or mitigates the adverse effects on the natural character of the Coastal Environment, but is not designed in a way that recognises that the coastal processes such as windblown sand, sand dune movement and potentially wind or wave erosion (e.g. concrete path or other hard surface/structure). However, if a walkway for instance is designed in a way that recognises and respects the coastal processes, then it would be an appropriate development (e.g. a board and chain walkway which can be accommodating of these coastal processes).

3. I consider that the current wording of Policy 5.1.8 captures that intent and should not be amended. I therefore recommend that submission point 101.41 be rejected.

4.10.3 Reporting Officer's Recommendation

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Officer's Recommendation
101.41		DoC		Reject

4.10.4 Recommended Amendments to the Plan Provisions

No changes are recommended for Policy 5.1.8.

4.11 Policy 5.1.9

4.11.1 Submissions Received

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
101.43	Director-General of Conservation (DoC)	In-Part	Policy 5.1.4 is not necessary given section 6(b) of the RMA provides for this.	Retain intent of Policy 5.1.5	
101.43	Director-General of Conservation (DoC)	In-Part	Policy 5.1.9 is vague and its intention is at odds with Policy 14 of the NZCPS	Reword this policy to ensure that it gives effect to Policy 14 of the NZCPS.	

The Summary of Submissions that was publicly notified did not accurately capture the submission made by DoC. The second row above confirms that DoC in their submission seek that Policy 5.1.9 be reworded to give effect to Policy 14 of the NZCPS. This report considers the submission point and decision requested as it was originally submitted.

Policy 5.1.9 currently reads:

“Promote and encourage opportunities to restore or rehabilitate the natural character of the Coastal Environment, particularly at the time of subdivision and development”.

4.11.2 Discussion & Evaluation

1. DoC (101.43) oppose in-part Policy 5.1.9 as they contend it is too vague and its intention is at odds with Policy 14 of the NZCPS. Policy 14 of the NZCPS seeks to promote restoration or rehabilitation of the natural character of the coastal environment and identifies a number of different ways this might be achieved.
2. I consider that Policy 5.1.9 does align with Policy 14 of the NZCPS as it identifies that Council will promote and encourage opportunities to restore and rehabilitate. The explanation and principal reasons set out that rather than apply a directive approach to restoration and rehabilitation of natural character by identifying specific areas, Council has followed an approach that would promote opportunities that arise at the time of subdivision or development. Rather than be constrained to an identified area, Council prefers to use the opportunities as they arise through subdivision and development taking place. In most cases, these areas are not known to Council ahead of time and therefore the opportunity to encourage restoration and rehabilitation could be lost. Identifying specific areas to be consistent with Policy 14 would also run the risk that other opportunities for restoration and rehabilitation would be overlooked due to a potential focus on the identified areas only. Policy 14 suggests a range of different ways to promote restoration or rehabilitation. I am satisfied that the wording of Policy 5.1.9 is appropriate for the Horowhenua context and is consistent with Policy 14 NZCPS. I therefore do not support the change requested by the submitter and recommend that submission point 101.43 be rejected.

4.11.3 Reporting Officer's Recommendation

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Officer's Recommendation
101.43		DoC		Reject

4.11.4 Recommended Amendments to the Plan Provisions

No changes are recommended for policy 5.1.9.

4.12 Issue 5.2 Discussion

4.12.1 Submissions Received

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
101.44	Director-General of Conservation (DoC)	In-Part	Issue discussion does not discuss vehicles access. Policy 20 of the NZCPS is relevant as vehicle access can cause adverse effects in the coastal environment if not managed appropriately.	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	

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
				arise from this use.	

One submission was received in relation to the Issue Discussion for Issue 5.2. The submission supports in-part the discussion text but seeks an amendment to ensure that discussion refers to vehicle access and the issues that typically arise from this in the Coastal Environment.

4.12.2 Discussion & Evaluation

1. DoC (101.44) supports in-part the Issue Discussion for Issue 5.2, but identifies that the Issue Discussion does not discuss vehicle access. As vehicle access is addressed within Policy 20 of the NZCPS and is an issue in the Horowhenua, it is considered that vehicle access is a relevant matter and should be included in this discussion. The submitter seeks that the discussion be amended to include the issues that can arise from this type of activity. The submitter has not requested specific text to be inserted. I recommend that the following paragraph be added after the first paragraph to provide some additional context to this Issue. The text would 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 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”. I consider the additional context provided by this paragraph is helpful and I therefore recommend that submission point 101.44 be accepted.

4.12.3 Reporting Officer’s Recommendation

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Officer’s Recommendation
101.44		DoC		Accept

4.12.4 Recommended Amendments to the Plan Provisions

Amend the Issue Discussion for Issue 5.2 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 exposure 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.”

4.13 Objective 5.1.2

4.13.1 Submissions Received

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
101.45	Director-General of Conservation (DoC)	Support	Support Objective 5.2.1 as written	Retain Objective 5.2.1 as notified.	

One submission was received supporting Objective 5.2.1 and seeking that it be retained as notified.

4.13.2 Discussion & Evaluation

1. The support for Objective 5.2.1 by DoC (101.45) is noted and I therefore recommend that the submission point be accepted.

4.13.3 Reporting Officer's Recommendation

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Officer's Recommendation
101.45		DoC		Accept

4.13.4 Recommended Amendments to the Plan Provisions

No change recommended to Objective 5.2.1.

4.14 Policy 5.2.2

4.14.1 Submissions Received

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
101.46	Director-General of Conservation (DoC)	Support	Support Policy 5.2.2 as written	Retain Policy 5.2.2 as notified.	

One submission was received supporting Policy 5.2.2 and seeking that it be retained as notified.

4.14.2 Discussion & Evaluation

1. The support for Policy 5.2.2 by DoC (101.46) is noted and I therefore recommend that the submission point be accepted.

4.14.3 Reporting Officer's Recommendation

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Officer's Recommendation
101.46		DoC		Accept

4.14.4 Recommended Amendments to the Plan Provisions

No change recommended to Policy 5.2.2.

4.15 Policy 5.2.4

4.15.1 Submissions Received

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
101.47	Director-General of Conservation (DoC)	In-Part	The intent of Policy 5.2.4 is supported but the addition of the word "appropriate" is necessary to ensure the policy captures existing public access.	Amend Policy 5.2.4 as follows: Develop, improve and maintain existing <u>appropriate</u> forms of access to the coast.	

One submission was received supporting in-part Policy 5.2.4 and seeking that it be amended to refer to appropriate forms of existing access to the coast.

Policy 5.2.4 currently reads

"Develop, improve and maintain existing forms of access to the coast".

4.15.2 Discussion & Evaluation

- DoC (101.47) support in-part Policy 5.2.4 but seek an amendment to ensure that this policy is tied back to 'appropriate' forms of access to the coast. I consider this amendment is appropriate given the Council does not want to encourage developing or maintaining forms of access to the coast that have a detrimental environmental impact. I am supportive of the intent of the requested change. However, adding the word "appropriate" to this policy would, in my opinion introduce a vagueness to the policy that could be unhelpful. To achieve the intent of the submission and to align with Objective 5.2.1, I recommend that the policy be amended by adding the words "that do not adversely affect the recognised values of the Coastal Environment" to the end of the policy. I therefore recommend that submission point (101.47) be accepted in-part.

4.15.3 Reporting Officer's Recommendation

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Officer's Recommendation
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101.47		DoC		Accept In-Part
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4.15.4 Recommended Amendments to the Plan Provisions

Amend Policy 5.2.4 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.”

4.16 Policy 5.2.5

4.16.1 Submissions Received

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
101.48	Director-General of Conservation (DoC)	In-Part	The intent of Policy 5.2.5 is supported but the addition of the word “existing” is necessary to ensure the policy capture existing public access.	Amend Policy 5.2.5 as follows: Ensure that adverse effects arising from the provision of <u>existing new</u> or upgraded public access are avoided, remedied or mitigated particularly on areas with high natural character and areas subject to coastal hazards.	

One submission was received supporting in-part Policy 5.2.5 and seeking that it be amended to refer to ‘existing’ public access in addition to new and upgraded public access.

Policy 5.2.5 currently reads:

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

4.16.2 Discussion & Evaluation

- DoC (101.48) support in-part Policy 5.2.5 but seek an amendment to ensure that adverse effects arising from the provision of existing public access are also avoided, remedied or mitigated. It is acknowledged that adverse effects from existing public access should also be addressed in a similar way to new and upgraded forms of public access. The policy as worded provides the options of avoid, remedy or mitigate. However, it is recognised that in the case of existing access, avoiding the adverse effects may not be practical, so they would be remedied or mitigated. The amended policy would remain consistent with Objective 5.2.1. I therefore support the amendment suggested to Policy 5.2.5 and recommend that submission point 101.48 be accepted.

4.16.3 Reporting Officer's Recommendation

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Officer's Recommendation
101.48		DoC		Accept

4.16.4 Recommended Amendments to the Plan Provisions

Amend Policy 5.2.5 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”.

4.17 Policy 5.2.6

4.17.1 Submissions Received

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
101.49	Director-General of Conservation (DoC)	In-Part	The intent of Policy 5.2.6 is supported but it needs to refer to location and construction.	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 marine area is minimised.	

One submission was received supporting in-part Policy 5.2.6 and seeking that it be amended to refer to 'location and construction'.

Policy 5.2.6 currently reads:

“Where new access to the coast is provided, ensure that disturbance to foredunes and adjacent coastal marine area is minimised.”

4.17.2 Discussion & Evaluation

1. DoC (101.49) support in-part Policy 5.2.6 but seek an amendment. The requested amendment would result in the policy reading as follows “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”.
2. I consider the requested amendment to improve the effectiveness of this policy and would better achieve Objective 5.2.1 as the location and construction of the access are the two primary factors which influence the nature and extent of foredune disturbance. I therefore

support the requested amendment. I recommend that submission point (101.49) be accepted.

4.17.3 Reporting Officer's Recommendation

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Officer's Recommendation
101.49		DoC		Accept

4.17.4 Recommended Amendments to the Plan Provisions

Amend Policy 5.2.6 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”.

4.18 Explanation and Principal Reasons (Objective 5.2.1)

4.18.1 Submissions Received

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
101.51	Director-General of Conservation (DoC)	In-Part	There is no mention of vehicle access within this section. This should be considered in order to give effect to the NZCPS Policy 20.	Include a Policy and explanation to control where vehicle access is allowed or to that effect.	

One submission has been received in relation to the Explanation and Principal Reasons. The submission seeks that a new policy and supporting explanation be added to address vehicle access.

4.18.2 Discussion & Evaluation

1. DoC (101.51) support in-part the Explanation and Principal Reasons for Objective 5.2.1 and seek that a new policy and supporting explanation be added to address vehicle access. For an earlier submission (101.44) discussed in Section 4.12.2 of this report I recommended new additional text to the Issue discussion about the issues arising from vehicle access. Consequently, as vehicle access is a recognised issue in the Horowhenua context, I consider it appropriate to support this submission and add a new policy (and supporting explanation) that would address this issue.
2. One of the main issues that arises from vehicles on the beach, is the safety of beach users, with cars travelling (quickly at times) just above the low tide mark. For beach users crossing the beach to get to the sea, this path can at times be a very wide area (the equivalent of crossing an eight lane road) with cars not limited or restricted in where they drive with the absence of any signage or markings. The area where the majority of these vehicle movements occur along the beach falls seaward of the district boundary (i.e. below Mean High Water Springs), although the District Council works with the Regional Council to

manage vehicles on the beach. Therefore, any District Plan provision would not necessarily be effective in resolving the issue in this area. I note that the Council Traffic and Parking Bylaw (2007) does address vehicles on beaches in so far that it states that “*persons driving vehicles in beaches do so at their own risk, with no liability being attributable to Council in the event a vehicle is damaged*”. The Bylaw also sets the speed limit at 30km/hr for vehicles travelling on the District’s various beaches.

3. However, an effective District Plan policy regarding vehicles on the beach would therefore need to focus on the inappropriate use of vehicles in the foredune environment. I recommend that the following policy and explanation be added.
4. Amend Chapter 5 by adding a new Policy 5.2.7 to read “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”.
5. Amend the Explanation and Principal Reasons for Objective 5.2.1 by adding a new third paragraph to read: “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”.
6. I therefore support the submission point (101.51) and recommend that it be accepted.

4.18.3 Reporting Officer’s Recommendation

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Officer’s Recommendation
101.51		DoC		Accept

4.18.4 Recommended Amendments to the Plan Provisions

Amend Chapter 5 by adding a new Policy 5.2.7 to read

“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”.

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

“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”.

4.19 Issue 5.3 Discussion

4.19.1 Submissions Received

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
101.50	Director-General of Conservation (DoC)	In-Part	Sea level rise and climate change are topical issues that are present in every coastal environment. The issue discussion does not discuss sea level rise, climate change effects, or give effect to NZCPS Policies 24 to 27.	Amend Issue discussion 5.3 by reflecting Policies 24 to 27 of the NZCPS in this section and providing for them in the policies.	

One submission was received in relation to the Issue discussion of Issue 5.3. The submitter is of the opinion that the Issue discussion does not discuss sea level rise, climate change effects or give effect to Policies 24 to 27 of the NZCPS. The relief sought includes amending the Issue discussion but also amending the policies for Issue 5.3.

4.19.2 Discussion & Evaluation

- DoC (101.50) oppose in-part the Issue Discussion for Issue 5.3 as there is no discussion about sea level rise, climate change effects or giving effect to NZCPS policies 24 -27. I accept that the Issue Discussion is brief and does not make specific reference to the types of hazards referred to in the NZCPS. Whilst these hazards could be taken as a 'given' for any coastal community in New Zealand, adding specific reference to these hazards in the Issue Discussion would better reflect the types of hazards. I recommend the following amendment to the first paragraph of the Issue Discussion "Subdivision and development can be directly affected by a hazard event. Risks associated with tsunamis, 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 tThe effects of natural hazards ~~need to be~~ avoided or mitigated". Given that the submitter has not requested specific wording amendments to Issue 5.3. The submitter may wish to clarify at the hearing whether the recommended wording fully captures the relief sought. I note consequential changes to the policies for Issue 5.3 may be required to address the full ambit of issues now identified. For this reason I recommend that submission point 101.50 be accepted in-part.

4.19.3 Reporting Officer's Recommendation

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Officer's Recommendation
101.50		DoC		Accept In-Part

4.19.4 Recommended Amendments to the Plan Provisions

Amend the Issue Discussion for Issue 5.3 by amending the first paragraph to read:

“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 the effects of natural hazards need to be avoided or mitigated”

4.20 Objective 5.3.1

4.20.1 Submissions Received

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
101.52	Director-General of Conservation (DoC)	In-Part	Objective 5.3.1 is too wordy and long. It is requested that the paragraph be split into two objectives.	<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>	

One submission was made in relation to Objective 5.3.1. The submission opposes in-part this objective on the basis that it is too wordy.

Objective 5.3.1 currently reads:

“Avoid or mitigate subdivision, land use and development in the Coastal Environment where it is subject to natural hazards 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”.

4.20.2 Discussion & Evaluation

1. DoC 101.52 seeks that objective 5.3.1 be split into two objectives or be made shorter to make it less wordy. I have considered the submission point and accept that the wording of the objective could be made less wordy. However, I do not consider the two relief options submitted better express the objective. I recommend the following wording to make the objective more succinct “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”.
2. I consider the revised wording improves the readability of the objective while maintaining the original intent. As I have not recommended the exact relief sought by the submitter I recommend that submission point 101.52 is accepted in-part.

4.20.3 Reporting Officer’s Recommendation

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Officer’s Recommendation
101.52		DoC		Accept In-Part

4.20.4 Recommended Amendments to the Plan Provisions

Amend Objective 5.3.1 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”.

Note: the amendment above incorporates the additional change recommended in Section 4.22 of this report which deleted the word “significantly”.

4.21 Policy 5.3.3

4.21.1 Submissions Received

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
101.53	Director-General of Conservation	In-Part	Policy 5.3.3 makes no sense. It is too wordy and is not clear in its	Amend Policy 5.3.3 by clarifying what the intent	

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
	(DoC)		intent.	of this policy is.	

One submission was made in relation to Policy 5.3.3. The submission opposes the policy in-part on the basis that it is too wordy and is not clear in intent.

Policy 5.3.3 currently reads:

“Avoid or mitigate the effects of natural hazards on subdivision, use and development in areas subject to Coastal Hazards, 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”.

4.21.2 Discussion & Evaluation

1. DoC (101.53) opposes the policy in-part on the basis that it is too wordy and is not clear in intent. I consider the intent of the policy is to ensure that the effects of coastal natural hazards are avoided or mitigated when development occurs within the Coastal Hazard Area. The policy also recognises that some development must occur in the Coastal Hazard Area because of its functional need (e.g. a surf lifesaving facility). In this situation it recognised that avoidance of the effects of coastal hazards is unlikely to be practicable so the policy seeks to ensure that the design of the development mitigates these effects.
2. In response to the submission to clarify this policy, I recommend the following amendment: “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”.
3. I consider that this amendment would improve the understanding and application of the policy while continuing to keep the original intent and alignment with Issue 5.3 and Objective 5.3.1. I therefore recommend that submission point 101.53 be accepted.

4.21.3 Reporting Officer’s Recommendation

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Officer’s Recommendation
101.53		DoC		Accept

4.21.4 Recommended Amendments to the Plan Provisions

Amend Policy 5.3.3 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”.

4.22 Policy 5.3.4 (and Objective 5.3.1)

4.22.1 Submissions Received

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
101.54	Director-General of Conservation (DoC)	In-Part	Policy 5.3.3 needs to reflect the objective. The objective uses the term “significantly worsen” whereas in this policy it stated that “land does not accelerate or worsen any material...” Consistency is requested when applying such words.	Delete “significant” from Objective 5.3.1 if Policy 5.3.4 is going to remain as notified then.	

One submission was made in relation to Policy 5.3.4. I note that the Summary of Submissions table as notified incorrectly referred to Policy 5.3.3. The correct policy reference in the original submission is Policy 5.3.4. The submitter has identified that there is inconsistent wording between this policy and Objective 5.3.1. The submitter seeks relief that would amend Objective 5.3.1.

Policy 5.3.4 currently reads:

“Ensure that the use and development of land does not accelerate or worsen any material damage from coastal hazards to that land, other land or structure, or the risk of occurrence or the severity of coastal hazards.”

Objective 5.3.1 currently reads

“Avoid or mitigate subdivision, land use and development in the Coastal Environment where it is subject to natural hazards 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.”

4.22.2 Discussion & Evaluation

1. DoC (101.54) has identified that there is inconsistent wording between Policy 5.3.4 and Objective 5.3.1. The objective uses the term “significantly worsen” whereas in this policy it states that “land does not accelerate or worsen any material...”. I accept there is an inconsistency and support a change to ensure there is consistency between the objective and policy.
2. I consider there to be two options for achieving the desired consistency. The first option is to remove “significantly” from the objective, the other option is to insert “significantly” into the policy.
3. The submission point has requested the first option. I note that the word “significantly” does not feature in Policy 25(2) of the NZCPS which states “avoid redevelopment, or change in land use, that would increase the risk of adverse effects from coastal hazards”. I therefore

consider the requested amendment of removing the word “significantly” from Objective 5.3.1 is the most appropriate as it aligns with the NZCPS. In doing so, I note that the test contained in this Objective now becomes a tougher test for those undertaking subdivision, development or land use activities in the Coastal Environment. I recommend that submission point 101.54 be accepted.

4.22.3 Reporting Officer’s Recommendation

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Officer’s Recommendation
101.54		DoC		Accept

4.22.4 Recommended Amendments to the Plan Provisions

Amend Objective 5.3.1 to read

“Avoid or mitigate subdivision, land use and development in the Coastal Environment where it is subject to natural hazards 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”.

Note that this Objective has been recommended to be amended in Section 4.20 of this report. Taking into account both recommendations, Objective 5.3.1 is recommended 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”.

4.23 Policy 5.3.5

4.23.1 Submissions Received

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
101.55	Director-General of Conservation (DoC)	In-Part	New development is acceptable. However, Policy 5.3.5 lacks any mention of hazards which under NZCPS Policy 24 need to be assessed looking at least 100 years out.	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)	In-Part	In general, the overall section is lacking in consideration of the NZCPS. Policies 24; 25 (c) (d), (e); Policy 26, and Policy 27 are not adequately addressed.	Include new policies that align with the NZCPS or to that effect.	

Two submissions were received in relation to Policy 5.3.5, both from DoC. One submission point is more directly related to Policy 5.35 and seeks that the policy be amended to take into account hazard risks over at least 100 years. The second submission point is more generalised and seeks that new policies be included in the Proposed Plan to align with the NZCPS.

Policy 5.3.5 currently reads:

“Ensure that new development within the Coastal Environment, particularly adjacent to the beach, recognises the potential for windblown sand to move from the beach inland (often from public land to private land) as part of the normal coastal processes that occur in this location.”

4.23.2 Discussion & Evaluation

1. DoC (101.55) supports in-part Policy 5.3.5 but identifies that the policy lacks any mention of hazards which under NZCPS Policy 24 need to be assessed looking at least 100 years out.
2. The intent of Policy 5.3.5 is to address a localised issue which in the past has resulted in Council removing windblown sand from beach front residential properties. The policy is to ensure that new development recognises the potential for windblown sand to move from the beach inland. I do not consider this policy needs to refer to hazard risks over at least 100 years. This policy is explicit recognition of a local issue and regular occurrence which in its typical form is at a level that would not be readily identified as a ‘natural hazard’. I therefore recommend that submission point 101.55 be rejected and that no changes are made to wording of Policy 5.3.5.
3. DoC (101.56) have generally opposed this section as they contend it lacks consideration of the NZCPS, in particular Policies 24, 25(c), (d), (e), Policy 26 and Policy 27. The submitter has requested that Council provide policies that align with the NZCPS or to that effect.
4. The Horowhenua District Coastal Environment consists of a generally accreting coastline, with an illustration of this natural process being the Hydrabad shipwreck at Waitarere Beach. In the last 40 years, this shipwreck has changed from being a fully exposed hull and deck sitting on the beach surface to now being buried by the growing foredunes with no readily identifiable elements above ground. Unlike the neighbouring Kapiti Coast district to the south, (particularly areas in Raumati and Paekakariki), the Horowhenua Coastal environment is not subject to the same immediate coastal erosion pressures and risks. Council is however aware of its responsibilities under the NZCPS and considers that for the most part, the Proposed Plan has responded in a way that is appropriate to the current level of pressure from coastal hazards. The Council has for instance included policies such as Policy 5.1.7 which seeks to confine urban development in the Coastal Environment to existing settlements and growth areas rather than allowing for urban sprawl and development in new areas of the coast. Council addresses Policy 24 of the NZCPS through Policy 5.3.2 which sets out that Council will identify in the District Plan the extent of the Coastal Hazard Area. Council addresses Policy 25 of the NZCPS through Policy 5.3.3 which sets out an approach of avoidance or mitigation in areas subject to Coastal Hazards. I accept that Policy 26 of the NZCPS has not been adequately addressed in the Proposed Plan. Therefore, I recommend a new policy be added to address this policy and recommend the following wording “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”.

5. As a consequential amendment to support the new policy, an additional method is also recommended together with supporting text in the Issue Discussion. I recommend the following method be added “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”.
6. I recommend the following text be added to the Issue Discussion for Issue 5.3 “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.
7. 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.
8. 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”.
9. I recommend that a new policy be included to address Policy 27 of the NZCPS. The new policy would read “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”.
10. As a consequential amendment to support the new policy, an additional method is also recommended together with some supporting text in the Issue Discussion. I recommend the following method be added “Require consent applications within the Coastal Environment for hard protection structures to recognise and consider the environmental and social costs.”
11. As a further consequential amendment I recommend the following text be added to the Issue Discussion for Issue 5.3. “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.”
12. I consider that the above amendments improve the alignment of the Proposed Plan with the obligations of the NZCPS. I am also satisfied that the current policies in the Proposed Plan respond to the NZCPS in a way that is appropriate to the Horowhenua context. Given that

the submitter requested that new policies be included to align with the NZCPS or relief to that effect, I therefore recommend that this submission point (101.56) be accepted.

4.23.3 Reporting Officer’s Recommendation

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Officer’s Recommendation
101.55		DoC		Reject
101.56		DoC		Accept

4.23.4 Recommended Amendments to the Plan Provisions

Include a new Policy 5.3.6 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.”

Include a new Method under District Plan Methods for Issue 5.3 & Objective 5.3.1 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.”

Amend the Issue discussion for Issue 5.3 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.”

Include a new Policy 5.3.7 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.”

Include a new Method under District Plan Methods for Issue 5.3 & Objective 5.3.1 that reads:

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

Amend the Issue discussion for Issue 5.3 by including the following new paragraph as a final paragraph (after the other changes recommended 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.”

4.24 Methods for Issue 5.3 & Objective 5.3.1

4.24.1 Submissions Received

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
101.57	Director-General of Conservation (DoC)	In-Part	Bullet point 4 does not give effect to Policy 24 of the NZCPS which requires “Identification of areas that are potentially affected by coastal hazards”.	Amend method by adopting the approach of Policy 24 of the NZCPS or to that effect.	

One submission was made in relation to the Methods for Issue 5.3 and Objective 5.3.1. The submitter does not consider that the fourth method under the sub-heading ‘District Plan’ gives effect to Policy 24 of the NZCPS.

The method currently reads:

“Where there are significant risks from coastal hazards (inundation, erosion, sea level rise and tsunami) that have not yet been identified in the District Plan, subdivision will be controlled in these areas through Section 106 of the RMA.”

4.24.2 Discussion & Evaluation

1. DoC (101.57) opposes in-part the fourth method under the sub-heading ‘District Plan’ for Issue 5.3 and Objective 5.3.1 as they contend it does not give effect to Policy 24 of the NZCPS which requires identification of areas that are potentially affected by coastal hazards. I consider this method to be relevant. The method identifies the process to be used to give some confidence that due consideration will be given to the hazard risks even where specific hazard risks may not have been identified in the District Plan. It makes provision for the

situation where as part of a subdivision application a better understanding of the hazard risks becomes available as a result of a site specific assessment. It also recognises that in some instances, information from further hazard investigation work (potentially at a site specific level) may be available before it has formally been incorporated in the District Plan. In addition, I also consider that Proposed Plan gives effect to Policy 24 of the NZCPS and the identification of areas subject to coastal hazards by the first method in this section of the Proposed Plan, which states “Identification of a Coastal Hazard Area on the Planning Maps areas subject to coastal hazard risk”. I therefore consider the current methods (bullet points one and four) to be effective in achieving Objective 5.3.1 and recommend that submission point 101.57 be rejected.

4.24.3 Reporting Officer’s Recommendation

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Officer’s Recommendation
101.57		DoC		Reject

4.24.4 Recommended Amendments to the Plan Provisions

No change is recommended to the Methods for Issue 5.3 and Objective 5.3.1.

4.25 Chapter 5 Anticipated Environmental Results

4.25.1 Submissions Received

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
101.19	Director-General of Conservation (DoC)	In-Part	This section does not have one objective or policy relating to Tangata Whenua. 5 (c) states that “The protection and enhancement of historic and cultural values, including Tangata whenua spiritual values (taonga raranga) associated with the coast”. This needs to be reflected in the objective and policies within this section.	Include an objective and policies that relate to Tangata Whenua and their association with the coastal environment.	

One submission was received in relation to the Anticipated Environmental Results (AER). The submitter identified that there was no supporting objective or policies for the AER 5(c) and requested that an objective and policy be included.

AER 5(c) currently reads:

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

4.25.2 Discussion & Evaluation

1. DoC (101.19) identify that there was no supporting objective or policies for the AER 5(c) and requested that an objective and policy be included. The format of the Proposed Plan is such that specific policy matters are raised within the relevant specific chapter. In relation to this submission point, Chapter 1 (Matters of Importance to Tangata Whenua) addresses the matter of the relationship of Tangata Whenua with inter alia their ancestral lands and coastal areas. I consider that the concern of the submitter has been addressed albeit in a different section of the Proposed Plan (refer Objective 1.2.1 and Policy 1.2.2). The submitter correctly identifies that AER 5(c) does not directly relate to any of the objectives or policies within Chapter 5. I support retaining the AER 5(c) and have considered whether retaining it within Chapter 5 without a supporting policy framework is the best outcome or whether the AER would best sit within Chapter 1 where there is already a supporting policy framework. I do not consider it efficient or necessary to have duplicate policies in different parts of the Proposed Plan. On balance I consider that it would be most appropriate to transfer AER 5(c) to Chapter 1 where the supporting policy framework is already in place. To ensure consistency with the supporting policies, I recommend an amendment so that the AER 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”.
2. This amendment would ensure that the AER for Chapter 1 has the slightly more general focus on ancestral lands reflecting the general nature of this chapter rather than having the narrow focus of just the coast which was appropriate when it was located in Chapter 5. I consider this amendment retains the original intent of the AER in the Proposed Plan and responds to the policy disconnect identified by the submitter. Given the alternative relief I have recommended differs from the relief sought by the submitter, I recommend that submission point 101.19 be accepted in-part.

4.25.3 Reporting Officer’s Recommendation

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Officer’s Recommendation
101.19		DoC		Accept In-Part

4.25.4 Recommended Amendments to the Plan Provisions

Delete AER 5(c) which currently reads “~~The protection and enhancement of historical and cultural values, including Tangata Whenua spiritual values (taonga raranga) associated with the coast~~”.

Include new AER 1(i) 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”.

4.26 General Matters

4.26.1 Submissions Received

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
51.00	Waitarere Beach Progressive & Ratepayers Association (WBPRA)	Support	Submitter is pleased to see that access to the beach for vehicles will be maintained and allow users to spread along the expanse of the coast line.	No specific relief requested. Inferred: retain provisions that maintain vehicle access to the beach.	

A submission of a general nature was made by the Waitarere Beach Progressive Ratepayers Association. These submitters were supportive of the approach that the Proposed Plan had taken in maintaining vehicle access to the beach.

4.26.2 Discussion & Evaluation

1. WBPRA (51.00) made a general submission in relation to vehicle access to the beach. The submitters were pleased to see that access to the beach for vehicles will be maintained and allow users to spread along the expanse of the coast line. The Proposed Plan does recognise that vehicle access to the beach is a very important element of some of the local Horowhenua beaches, especially Waitarere Beach. I note other changes that have been recommended in relation to earlier submission points about vehicle access do not seek to restrict the type of vehicle access to the beach that this submitter refer to. I note the support from WBPRA for the general approach of the Proposed Plan toward vehicle access to the coast. I therefore recommend that submission point 51.00 be accepted.

4.26.3 Reporting Officer's Recommendation

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Officer's Recommendation
51.00		WBPRA		Accept

4.26.4 Recommended Amendments to the Plan Provisions

No changes are recommended.

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

4.27.1 Submissions Received

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
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Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
49.01	Alan & Marie Blundell	Oppose	Oppose the rural grading [zoning] of Reay MacKay/Strathnaver Drives at Waikawa Beach and seek that it be rezoned residential. The hazard situation [overlay] is opposed as the setting up of the area and the margin of sandhill reserve does in no way require hazard zoning and is quite different to the situation faced by Paekakariki and Raumati. The sandhill reserve in place before the development resource consent was granted over compensates for any expected erosion and as such took into consideration any environmental or erosion predictions.	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	Oppose	Submitter opposes Rule 19.4.7 as this rule should only relate to the Hazard zone and not the Coastal Natural Character zone. The hazard area should only relate to the dunes by the foreshore. In the Waikawa Beach rural zone, both Strathnaver and Reay MacKay Grove area have already been subject to subdivision which has shaped and developed the area into a residential lifestyle subdivision.	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	Oppose	Submitter opposes Rule 19.4.7 as this rule should only relate to the Hazard zone and not the Coastal Natural Character zone. The hazard area should only relate to the dunes by the foreshore. In the Waikawa Beach rural zone, both Strathnaver and Reay MacKay Grove area have already been subject to subdivision which has shaped and developed the area into a residential lifestyle subdivision.	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

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
58.00	JS & MJ Campbell	Oppose	Submitter opposes Rule 19.4.7 as this rule should only relate to the Hazard zone and not the Coastal Natural Character area.	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	Oppose	Oppose the rule which seeks to control buildings, structures and subdivisions in the Coastal Natural Character and Hazard Overlay Area as a discretionary activity. The most sensitive areas along the coast are already covered by the restrictions on ONFL and need not apply to the coastal Natural Character and Hazard Overlay Area. This affects the freedom of property owners to do what they wish on their property and also devalues properties significantly due to the uncertainty and costs associated with building a house.	Delete Rule 19.4.7.	527.06 Director-General of Conservation (DoC) - Oppose
69.00	Walls-Bennett & Bailey	Oppose	Oppose Rule 19.4.7 as it should apply only to the hazard zone. The Coastal Natural Character and Hazard Area covers an area which is now a developed subdivision and the hazard should only relate to the foreshore dunes.	Amend Rule 19.4.7 so that it only applies to hazard areas.	525.00 Maurice and Sophie Campbell - Support
76.01	Ann Percy	Oppose	Opposes Rule 19.4.7 as the process is not transparent, not fair and equitable and too adversarial. This will lead to an increase in uncertainty and stress, which will in turn result in escalating housing affordability and increased council overheads. This change will decrease land values, reduce development of communities in coastal areas and place the control of coastal planning in the hands of a	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	

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
			limited number of people.	consultation.	
82.01	Kevin Doncliff	In-Part	Submitter opposes the Proposed Coastal Natural Character and Hazard Area as it relates to the approved Strathnaver subdivision. The lifestyle development is established and it is highly modified, with servicing in place. Residents endeavour to preserve the natural coastal environment.	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	Oppose	Oppose Rule 19.4.7. The submitter is concerned that their property being within the Coastal Natural Character and Hazard Area Overlay will result in a decrease in the property value and cause the cost of insurance to increase. Meanwhile Council rates will not decrease. There is also little certainty where a tsunami would effect.	Delete Rule 19.4.7.	525.02 Maurice and Sophie Campbell - Support

Nine submissions were received generally opposing Rule 19.4.7. The submitters are generally concerned about the application of this rule to the Strathnaver Glen subdivision (Waikawa Beach). The properties in this subdivision are zoned Rural and have been identified within the Coastal Natural Character and Hazard Area overlay. A range of relief has been requested by submitters.

Rule 19.4.7 is a Discretionary Activity rule that currently reads:

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

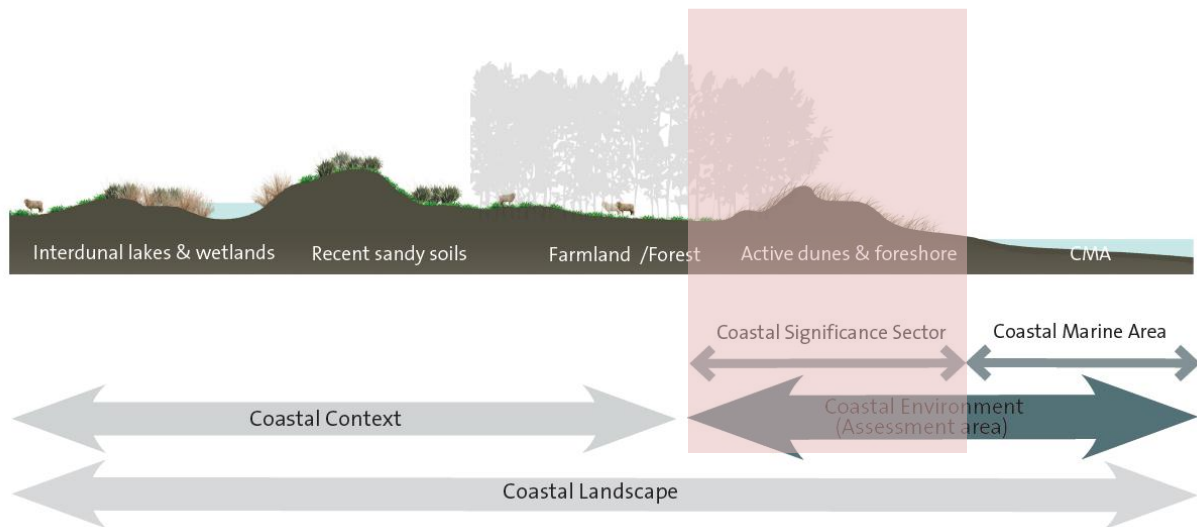
For the purposes of this rule, 'structures' does not include permanent or temporary structures designed to assist or restrict pedestrian access (such as fences, bollards, timber walkways and steps) or for passive recreation use (such as picnic tables, barbeques, and rubbish/recycling bins).

4.27.2 Discussion & Evaluation

1. The identification and extent of the Coastal Natural Character and Hazard Area Overlay appears to underpin the concerns raised by the majority of submitters for Rule 19.4.7. Council in fulfilling its statutory obligations under the NZCPS (Policy 24) is required to identify areas in the coastal environment that are potentially affected by coastal hazards (over at least the next 100 years). The NZCPS also requires that Council map or otherwise identify areas of the Coastal Environment with at least high natural character (Policy 13).
2. Council commissioned a Natural Character Assessment of the District's entire Coastline. This assessment was undertaken in accordance with the NZCPS (2010). The assessment divided the coast line into 11 sections and attributed a level of natural character to each of

these sections. The levels of natural character ranged from low to very high. As part of this assessment it was also necessary to understand and identify the inland extent of the coastal environment.

Extent of Coastal Environment within the jurisdiction of the District Council



3. As Policy 13 of the NZCPS also places an obligation on Council to ensure that adverse effects of activities on natural character (not just the areas of high natural character) are avoided, remedied or mitigated, the Proposed Plan has mapped the entire Coastal Environment Natural Character area, irrespective of its classification level (i.e. low – very high).
4. Council has also considered the current level of risk from coastal natural hazards and pressure and level of development in determining not to undertake extensive and costly research into coastal natural hazards. Instead the Council has identified that currently the most pressing coastal hazards for the Horowhenua are those of inundation, beach flooding and erosion including storm surges and windblown sand erosion. The active dune environment poses the greatest risk for coastal inundation and erosion. The area identified as the active dune environment corresponds to the Coastal Significance Sector which was used to determine the extent of the Natural Character Area (i.e. the same area).
5. For simplicity and ease of administration, the Proposed Plan as notified contained a combined map layer (Coastal Natural Character and Hazard Area) identifying the extent of this area, rather than two map layers covering the same extent and potentially causing confusion,
6. In reviewing the location and extent of the Coastal Natural Character and Hazard Area, it is accepted that the Strathnaver Glen subdivision is a unique situation. This unique situation is due to the level of subdivision (and associated development) that has occurred since the original subdivision was first approved in October 2002. The subdivision when first approved created 28 lots ranging in size from 6,900m² to over 7 hectares. Since the original subdivision, many of the properties have been further subdivided with lot sizes now ranging from 2,000m² up to 2.5 hectares, with the total number of lots created/approved in this area currently at 83. While the original subdivision has intensified over time and is located adjacent to the existing residential settlement of Waikawa Beach, the area has retained a

Rural zoning. The Rule 19.4.7 applies to Rural zoned land but not land zoned Residential or Greenbelt Residential.

7. In reviewing the location and extent of the Coastal Natural Character Overlay in this area, while the subdivision undoubtedly has a coastal character, there needs to be re-consideration whether Natural Character overlay is justified for the identified extent of the Strathnaver Glen subdivision. A common misconception is to only think of 'natural character' as being pristine or unmodified. Natural character is described as a spectrum where pristine/unmodified exists at one end and modified at the other. A site could have natural character anywhere along that spectrum and be argued to have natural character. The Horowhenua Coastal Natural Character Assessment (2012) identified Waikawa as an area of High coastal natural character. I therefore consider that there is a level of coastal natural character present within the subdivision and believe that it warrants being included within the Coastal Environment Natural Character Overlay. I note a number of submitters also acknowledge the natural character present. Therefore, I do not consider it appropriate to amend the location and extent of the Coastal Environment Natural Character Overlay in this area and it be retained as notified.
8. I am sympathetic to the fact that by granting the subdivision consent for Strathnaver Glen (and subsequent subdivision consents) Council has created an expectation that properties within the subdivision would all be suitable for some form of development and potentially a reduced level of natural character. I accept that a discretionary consent regime creates a level of uncertainty for residents wishing to build and develop on the subdivided lots. I am also conscious of the policies set out within the Proposed Plan that give effect to the NZCPS with regards to preserving and protecting the natural character of the Coastal Environment. I therefore do not consider it appropriate to remove all controls for new buildings in this natural character area. In recognition of the level and nature of subdivision in this area and the general expectation for a certain level of development, I consider amending the activity status from full discretionary to restricted discretionary and providing for non-notification of consent applications relating to buildings would be appropriate.
9. In recommending this change, I acknowledge there are a number of properties that have not yet built the principal dwelling on the already subdivided titles within the identified natural character overlay area. For these landowners there would be the cost of reduced flexibility in the design and siting of their buildings, the cost of obtaining consent together with the associated time. The benefits would include managing the impact of the new buildings on the natural character of the surrounding environment. While the proposed rule framework would not involve notification, for other landowners (particularly those already established) in the subdivision the controls and consent requirement would give some certainty about the design and appearance of future development in this subdivision. In considering the information the potential applicants would need to provide with their consent applications, there would be an acknowledgement of the existing level of development in this area. In most cases it would not be necessary for applications to be supported by comprehensive landscape assessments as would usually be anticipated for new development in a less developed area. The environmental costs of not imposing a rule that would require resource consent for new buildings would be the potential for the current level of coastal natural character to be adversely affected. The reverse of the costs mentioned above to landowners would apply. On balance I consider it appropriate that a rule require new buildings and structures in this area of coastal natural character to obtain resource consent.

10. I draw the Commissioners attention to Plan Change 22 which has rules relating to buildings and applies to properties in this subdivision. The decision on Plan Change 22 would make buildings over 5 metres in height in the Coastal Environment Landscape Domain (being a domain of high landscape amenity) a Limited (read Restricted) Discretionary activity. The Limited Discretionary rule (which is not the subject of any appeal points to the Environment Court) reads:

“Buildings within those parts of the Coastal Environment and Coastal Lakes, Landscape Domains that are not Outstanding Natural Features and Landscapes except for:

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

The exercise of Council’s discretion shall be restricted to design, siting with particular respect to proximity to ONFL boundary, external appearance and landscaping.

Applications pursuant to this rule need not be publicly notified or served on affected parties.”

11. I note that these rules would not specifically address the impact on the natural character of the Coastal Environment as the current rule regime of the Proposed Plan would.
12. There is the potential for confusion and for rules to be in conflict with one another between Plan Change 22 (which could become operative before the Proposed Plan) and the rules recommended here. For the majority of the Coastal Environment the rules for new buildings within the Proposed Plan would be more onerous by virtue of the full discretionary status than the rules from Plan Change 22 would be the equivalent of a restricted discretionary activity. There would be logic in arguing that the newer rules of the Proposed Plan which are the more onerous rules would be the overriding rules. For the Strathnaver Overlay the rules in relation to building would have the same activity status, albeit slightly different matters of discretion. There will need to be some additional work undertaken by way of a plan change initiated by Council to ensure there is a smooth fit between Plan Changes 20, 21 and 22 and the Proposed Plan. The Commissioners could consider whether it is appropriate to signal through the Proposed Plan that the rules associated with the Overlays in the Proposed Plan would override those coming out of Plan Change 22 in relation to the domains of high landscape amenity. The rules in relation to the Coastal ONFL from Plan Change 22 should be considered alongside the Proposed Plan rules with the more onerous rules applying. I have included in Appendix 6.3 a summary table of the Plan Change 22 rules (decision version) relating to the Coastal ONFL and the Coastal Environment and Coastal Lakes domains together with some related maps to identify the overlapping overlays. Given that the appeal points on Plan Change 22 do not impact on these matters, there is the opportunity to rework the rules to address this matter should this approach be accepted.
13. I consider it appropriate that the Strathnaver subdivision be separated out from the balance of the Coastal Natural Character and Hazard Overlay Area for the purpose of the rules relating to new buildings and structures only. I confirm however that this exemption would not apply to subdivision which would remain subject to a discretionary consent regime (with the exception of Boundary Adjustments which would remain a controlled activity created through Plan Change 20).

14. In turning to the extent of the Coastal Hazard overlay, I generally support the submission points that have requested that the Coastal Hazard overlay should only relate to the foredune dunes. I agree that the Hazard overlay in this area should relate to the active dune environment and consider it appropriate that a new overlay be created for the Waikawa Beach –Strathnaver Coastal Hazard Area Overlay to recognise this unique situation. Visually there are some distinct differences between the sand dunes and vegetation on the western side of Reay MacKay to those on the eastern side, with the dunes on the eastern side being larger established and well vegetated secondary dunes. The dunes on the western side are of a lower profile, consist of less established or mature vegetation. I recommend that the extent of this new overlay area would be from the high tide mark (MHWS) to the western boundary of Reay MacKay Grove.
15. In considering a revised extent of the Coastal Hazard overlay, and recognising this area adjoins the Kapiti Coast District immediately to the south, I have looked at the Coastal Hazard Management Area (CHMA) identified for the adjoining area in the Proposed Kapiti Coast District Plan. The Kapiti Coast District Council publicly notified their Proposed District Plan on 29 November 2012. Having undertaken significant research regarding the coastal environment and the coastal hazard risk to their district, the Proposed Kapiti Coast District Plan identified (at the northern boundary of the Kapiti Coast District) a Coastal Environment that extends approximately three (3) kilometres inland and a CHMA that extends approximately 230 metres inland. At the boundary of the two districts, the proposed CHMA would appear to stop at the inland point where Reay MacKay Grove meets the boundary.
16. The recommended extent of the new Coastal Hazard overlay area for the Strathnaver subdivision would therefore align with the CHMA in the Proposed Kapiti Coast District Plan at the boundary of the districts.
17. I acknowledge that this new Coastal Hazard overlay area would result in 11 rural properties remaining within the Coastal Hazard overlay (five of which have yet to have a dwelling constructed). Having recommended a revised Coastal Hazard overlay area, it is necessary to consider whether it is necessary or appropriate to manage development within this area. Options available to Council including have a permitted activity rule that would enable development to occur without needing resource consent. An alternative option is to manage development in this Hazard overlay area through a rule that would require resource consent. It is recognised that first option (Permitted Activity rule) would give landowners greater flexibility to develop their land and in terms of the design and appearance of any built structures. The absence of a rule would remove the costs of obtaining information and making a resource consent application, together with the associated processing times. The costs of this option however would be that the risks and effects of natural hazards would not be assessed at the time of development.
18. The alternative option of having a rule in the Proposed Plan to require consent for new buildings in the Hazard overlay would have the reverse costs and benefits of those mentioned above.
19. I consider these costs to landowners to be outweighed by the benefits of this approach which would include ensuring that the risks and effects of Coastal Hazards are considered at the time of development. I remain of the view that a discretionary activity status rule as proposed in the Proposed Plan should apply to this Coastal Hazard area for subdivision, buildings and structures due to the risks and costs associated with natural hazards.

20. I note that in terms of consistency and for comparative purposes, the Kapiti Coast District Council in their Proposed Plan have proposed a much more restrictive rule regime than has been proposed by HDC for their CHMA. This more restrictive regime is reflective of the much greater hazard risks and pressure for development that parts of the Kapiti coastline are under from coastal hazards and development. I have included as an appendix (6.2) a list of activities and their activity statuses as per the Proposed Kapiti Coast District Plan and in doing so highlight the prohibited activity status for the erection of any new building or coastal protection structure in the no build rural CHMA.
21. The Proposed Kapiti Coast District Plan was publicly notified for submissions in November 2012. Due to the high level of interest combined with the new restrictive approach to management of the Coastal Environment provisions of the Proposed Plan, the period for submissions on this part of the Proposed Plan was extended by an additional month (closing 2 April 2013). As the Proposed Kapiti Coast District Plan has not advanced beyond this point in the review process, it is unknown whether there are likely to be changes to the rules and provisions for the CHMA as a result of any submissions received. I understand that this is anticipated to be a contentious part of the Plan and may well come under considerable public pressure to change.
22. While it is desirable to achieve consistency across territorial boundaries, I consider that for this matter, the two Councils have taken very different approaches to managing the risks of coastal hazards. I consider this difference is appropriate given the generally different coastal hazard risks between the Horowhenua district and the Kapiti district and pressure for development. I consider the less restrictive approach in the Horowhenua Proposed Plan is appropriate due to the hazard risks and level of development pressure and existing environment. In reaching this opinion I have considered the different stages of the plan review process that the Proposed Plans for each district are at. I have also considered the different levels of existing land use development between these two areas, with the rural land uses and isolated buildings on the Kapiti side of the boundary and the Strathnaver subdivision and associated development on the Horowhenua side of the boundary.
23. Given the above recommended changes to mapping and rules, it will be necessary to make some consequential changes to the Planning Maps and Chapter 5 to ensure that there is a supporting policy framework. I therefore recommend the following changes:

Include new final paragraph for Issue Discussion of Issue 5.1

“It is also recognised that there are a couple of areas within the Coastal Environment where notable rural subdivisions occurred. 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.”

Include new Policy 5.1.X that reads

“Ensure that development within the Waikawa Beach – Strathnaver Coastal Natural Character Area Overlay 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.”

Include new paragraph in the Explanation and Principal Reasons for Objective 5.1.1

“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 this situation, it will be necessary to recognise the reduced levels of natural character that may exist as a result of subdivisions having been historically approved.”

Include new Restricted Discretionary Activity Rule 19.3.X 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”.

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)

- (a) Matters of Discretion
- (i) Design, siting, external appearance of building or structure
- (ii) Impact on natural character of the coastal environment”
- (b) 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 circumstance exist (pursuant to Section 95A(4) or the applicant request public notification (pursuant to Section 95A(2)(b))”

Include new Discretionary Activity Rule 19.4.X 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”

Include new Discretionary Activity Rule 19.4.X 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”

Amend 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” (Refer to Appendix 6.3)

24. Given there were some slight variations in the relief sought by submitters, below I address each submission point in turn and confirm my recommendation based on the amendments I have recommended.
25. Blundell (49.01) sought that Rule 19.4.7 should not be applied to the properties in Reay MacKay/Strathnaver Drive. This submission point was supported by Campbell (525.15). The proposed amendments do not entirely remove the application of Rule 19.4.7 (albeit a variation of this as a new rule) from properties in this vicinity. I recommend that submission points 49.01 and 525.15 be accepted in-part as the relief does address some of the concerns expressed by the submitters but not in the exact manner requested.
26. Saunders (52.00) sought that Rule 19.4.7 be amended by distinguishing between the Natural Character Area and the Hazard Area, and that the later be limited to the dunes immediately adjacent to the foreshore. This submission point was supported by Campbell (525.09). I recommend that submission points 52.00 and 525.09 be accepted in-part as the relief does address some of the concerns expressed by the submitters but not in the exact manner requested.
27. Friends of Strathnaver (57.00) sought that Rule 19.4.7 be amended by distinguishing between the Natural Character Area and the Hazard Area, and that the later be limited to the dunes immediately adjacent to the foreshore. This submission point was supported by Campbell (525.06) and opposed by DoC (527.04). I recommend that submission points 57.00 and 525.06 be accepted in-part as the relief does address some of the concerns expressed by the submitters but not in the exact manner requested. I recommend that the further submission point 527.04 also be accepted in-part as Rule 19.4.7 would be retained, however the amendments recommended do alter the application of this rule.
28. Campbell (58.00) sought that Rule 19.4.7 be amended by distinguishing between the Natural Character Area and the Hazard Area, and that the later be limited to the dunes immediately adjacent to the foreshore. This submission point was opposed by DoC (527.05). I recommend that submission point 58.00 be accepted in-part as the relief does address some of the concerns expressed by the submitters but not in the exact manner requested. I recommend that the further submission point 527.05 also be accepted in-part as Rule 19.4.7 would be retained, however the amendments recommended do alter the application of this rule.
29. Watt (64.00) sought the deletion of Rule 19.4.7. The submission was opposed by a further submission by DoC (527.06). As Rule 19.4.7 is being retained, I recommend that submission point 64.00 be rejected. I recommend that the further submission point 527.06 be accepted in-part as Rule 19.4.7 would be retained, however the amendments recommended do alter the application of this rule.
30. Walls-Bennett & Bailey (69.00) sought that Rule 19.4.7 be amended to only apply to the hazard areas. The submission was supported by Campbell 525.00. Although I consider that

the recommended amendments would address some of the submitter's concerns, the relief recommended has not involved amending Rule 19.4.7 in the way the submitters have requested. I therefore recommend that the submission points 69.00 and 525.00 be rejected.

31. Percy (76.01) has requested the Rule 19.4.7 be deleted, and that if this was not possible the submitter has requested that comprehensive guidelines are put in place and that the costs of consents are not passed onto the landowner. The relief recommended does not follow any of these submitted changes and therefore I recommend that submission point 76.01 be rejected.
32. Doncliff (82.00) opposed the natural character and hazard area as it relates to the Strathnaver subdivision. The submission was supported by Campbell (525.05). The submitter did not request specific relief. It was inferred that the submitter sought the deletion of the word hazard from Rule 19.4.7. The relief recommended has not removed the word hazard from Rule 19.4.7 and therefore I recommend that submission points 82.00 and 525.05 be rejected.
33. Zanobergen (113.00) opposed Rule 19.4.7 and requested that the rule be deleted. The submitter raised concerns about the impact that the Coastal Natural Character and Hazard Area overlay would have on property values and the cost of insurance. The submission was supported by Campbell (525.02). As the relief recommended does not delete Rule 19.4.7 I therefore recommend that submission points 113.00 and 525.02 be rejected.

4.27.3 Reporting Officer's Recommendation

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Officer's Recommendation
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
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		Doncliff		Reject

	525.05	Campbell	Support	Reject
113.00		Zanobergen		Reject
	525.02	Campbell	Support	Reject

4.27.4 Recommended Amendments to the Plan Provisions

Include new final paragraph for Issue Discussion of Issue 5.1

“It is also here are a couple of areas within the Coastal Environment where notable rural subdivisions have occurred. 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.”

Include new Policy 5.1.X 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.”

Include new paragraph in the Explanation and Principal Reasons for Objective 5.1.1

“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.”

Include new Restricted Discretionary Activity Rule 19.3.X 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”.

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)

- (a) Matters of Discretion

- (i) Design, siting, external appearance of building or structure
- (ii) Impact on natural character of the coastal environment”
- (b) 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 circumstance exist (pursuant to Section 95A(4) or the applicant request public notification (pursuant to Section 95A(2)(b))”

Include new Discretionary Activity Rule 19.4.X 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”

Include new Discretionary Activity Rule 19.4.X 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”

Amend 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” (Refer to Appendix 6.3)

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

4.28.1 Submissions Received

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
46.02	Vincero Holdings Ltd	Oppose	Submitter opposes Planning Map 7 which show part of the submitter’s land within the Proposed Coastal Natural Character and Hazards Area and Coastal Outstanding Natural Feature Landscape (ONFL). These matters have already been addressed through a comprehensive management plan for the property. The implications of the planning maps could result in inconsistent administration of the provisions applying the planning	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 1 DP 48282.	

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
			maps and management plan.		
46.03	Vincero Holdings Ltd	Oppose	Submitter opposes Planning Map 41 which show part of the submitter's land within the Proposed Coastal Natural Character and Hazards Area and Coastal Outstanding Natural Feature Landscape (ONFL). These matters have already been addressed through a comprehensive management plan for the property. The implications of the planning maps could result in inconsistent administration of the provisions applying the planning maps and management plan.	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.	

Two submission points from the same submitter were made in relation to Planning Map 7 and Planning Map 41. The submitter opposes the identification of their site within the Coastal Natural Character and Hazard Overlay Area and Coastal Outstanding Natural Feature and Landscape.

4.28.2 Discussion & Evaluation

1. Vincero Holdings Ltd (46.02) opposes Planning Map 7 and 41 and in particular the identification of their site (Lot 1 DP 48282 located on Muhunua West Road) within the Coastal Natural Character and Hazard Overlay Area and Coastal Outstanding Natural Feature and Landscape.
2. In a similar manner to that of the Strathnaver subdivision submitters, the submitter has identified that subdivision consent has been granted (27 January 2011) for a rural subdivision for this property (a portion of which is within the Coastal Environment). At this point in time there has been no development of the site, with the subdivision yet to proceed to section 224 approval. The physical development of the site (e.g. access) associated with the subdivision is still to occur. As part of this subdivision consent a comprehensive and site specific Management Plan was approved to guide and manage the associated development of this subdivision. The subdivision consent for this property requires that a Resident's Association be formed who will be responsible for ensuring all members comply with the provisions of the Management Plan.
3. A further condition of the consent requires that the Management Plan shall be updated and a copy lodged with the Horowhenua District Council every two (2) years and that the Management Plan shall include incorporating any consents issued for development of individual lots and archaeological authorisations. In the event that any objectives are amended this will be processed as a section 127 alteration to the consent. The Management Plan sets out the framework for management, including provisions relating to: vehicular and pedestrian access, management of the wetland, forestry, planting, weed and pest animal management, building, curtilage and effluent disposal area management, monitoring and review.

4. The submitter has argued that as matters such as Natural Character and Natural Hazards have been addressed through a comprehensive management plan purposefully prepared for this property it would be better to rely on this method rather than the generic provisions that are proposed for the Coastal Environment within the Proposed Plan. The implications of addressing the site generically through the Proposed Plan are that it could result in inconsistent administration of the site between the provisions of the Proposed Plan and the management plan.
5. The comprehensive management plan for this site (Muhunua 'Forest Park' Management Plan) addresses a wide range of matters associated with the future development of the sites within the subdivision. These matters include controls in relation to the design and siting of dwellings and buildings. Included are controls over the exterior finish of the building, roof profile and roofing material, reflectivity of glass material, exterior lighting, the siting of television antennae, chimneys, clotheslines and letterboxes.
6. Specific curtilage areas for each lot have been identified to limit where development can occur and to minimise disturbance to the existing vegetation. These areas are however large enough to provide some flexibility for landowners while also being safe areas to build in terms of coastal hazards.
7. To ensure that each new dwelling has appropriate foundations, each owner within the subdivision is required to obtain advice from a Chartered Professional Engineer prior to applying for building consent.
8. Evidence was presented at the hearing of this subdivision on behalf of the applicant by James (Jim) Dahm, a Coastal Scientist and Director of Eco Nomos Ltd. I have attached a copy of the evidence as Appendix 6.4. Mr Dahm summarised his evidence by stating that the proposed subdivision is secure from coastal erosion and flooding and likely to remain so over at least the next century, even with the worst likely sea level rise over that period.
9. In granting the subdivision specific consideration was given to the impact of coastal hazards on the site. In issuing the decision the Commissioner was satisfied on the basis of the evidence provided that the foredunes would remain adequately protected and that dwellings on the sections developed will be capable of construction in locations that avoid the hazard risks. In the event that research over the next few years justifies a more conservative approach this will be able to be taken into account as individual developments come forward.
10. The consideration of the hazard risks to this site have therefore been given careful consideration at a site specific level and therefore justify a site specific response rather than the generic approach for this site set out in the Proposed Plan.
11. On balance I am satisfied that the comprehensive management plan would provide an appropriate level of protection to the natural character of the coastal environment while also responding appropriately to the risks of natural hazards.
12. I note that the submitter has sought amendment to the Coastal Outstanding Natural Feature and Landscape (ONFL) which includes this site. The ability to amend the extent of the ONFL is outside the scope of the Proposed Plan. The Coastal ONFL was identified as part of Plan Change 22 which is currently under appeal to the Environment Court and not yet operative. Due to the status of this Plan Change it is not possible to amend the map as requested.

13. I consider that by identifying the subject site as a separate overlay with related rules is the most effective approach within the structure of the Proposed Plan provisions. The overall Coastal Natural Character and Hazards overlay would then not apply. An exception could be added so the Rules for the domains of high landscape amenity (Coastal Environment Landscape Domain) do not inadvertently apply to this site.
14. I have considered whether it is appropriate to remove the Coastal Natural Character and Hazard Area overlay for this site. I have been convinced that it should be retained in some form to both recognise that there is an area of this site that has greater potential to be affected by coastal hazards and a high level of coastal natural character. In the event that development did not comply with the Management Plan I consider it appropriate that the matters of natural character and coastal hazards would be assessed and the assessment guided by relevant policies. I also recognise that there is a risk that the subdivision may not proceed in which case there would be a single title subject to a separate overlay. I consider the risk of removing this site from the Coastal Natural Character and Hazard Area overlay to be relatively low. If the subdivision did not proceed the current title would still be subject to the rules of the Rural zone so a dwelling, family flat and accessory buildings would be the extent of what would be permitted on the site. Further subdivision of the site should be subject to a Discretionary Consent (except for a Boundary Adjustment subdivision not creating any additional titles which would be a Controlled Activity) enabling Council the opportunity to consider the potential environmental effects arising from the subdivision and consider whether specific controls similar to those currently addressed by the Management Plan need to be imposed.
15. I therefore recommend showing the Coastal Natural Character and Hazard Area overlay as the Muhunua West Forest Park Coastal Natural Character and Hazard Area overlay. The only rule that would specifically apply to this overlay would be a rule requiring subdivision to be a discretionary activity. Other activities as discussed above that do not comply with the Management Plan would then be able to benefit from a policy direction already provided in the Plan.
16. I consider the changes previously recommended to Chapter 5 regarding historical subdivisions (refer to Section 4.27.2 of this report) would also be relevant to this site.
17. Although the submitter seeks amendments to the Planning Maps, I consider that there are several consequential changes that are necessary to other parts of the Proposed Plan as a result of this new overlay and to achieve the relief sought by the submitter. I recommend the following changes to the Proposed Plan.

Include new Policy 5.1.X 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.”

Include a new Permitted Activity Rule 19.1.X that reads:

“Buildings and development within the Muhunua West Forest Park Overlay”.

Include a new Condition for Permitted Activities Rule 19.6.X that reads:

“Buildings and development within the Muhunoa West Forest Park Overlay

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

Include new Discretionary Activity Rule 19.4.X that reads:

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

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

Amend 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”.

- 18. Due to not having the scope within the Proposed Plan to address the full relief requested by the submitter. I therefore recommend that submission points 46.02 and 46.03 be accepted in-part.

4.28.3 Reporting Officer’s Recommendation

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Officer’s Recommendation
46.02		Vincero Holdings Ltd		Accept In-Part
46.03		Vincero Holdings Ltd		Accept In-Part

4.28.4 Recommended Amendments to the Plan Provisions

Include new Policy 5.1.X that reads

“Ensure that development within the Muhunoa 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.”

Include a new Permitted Activity Rule 19.1.X that reads:

“Buildings and development within the Muhunoa West Forest Park Overlay”.

Include a new Condition for Permitted Activities Rule 19.6.X that reads:

“Buildings and development within the Muhunoa West Forest Park Overlay

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

Include new Discretionary Activity Rule 19.4.X that reads:

“Subdivision in the Muhunoa 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”.

Amend Planning Maps 7 and 41 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”.

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

4.29.1 Submissions Received

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
52.01	Rosemaire Saunders	Oppose	Submitter opposes Planning map 10 as it joins the Coastal Natural Character area and Hazard zone together as if they are the same thing. It is an area of Coastal Natural Character. Submitter opposes the area being called a Hazard zone. The Hazard zone should relate to the dunes by the foreshore.	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	Oppose	Submitter opposes Planning map 10 as it joins the Coastal Natural Character area and Hazard zone together as if they are the same thing. It is an area of Coastal Natural Character. Submitter opposes the area being called a Hazard zone. The Hazard zone should relate to the dunes by the foreshore.	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	Oppose	Submitter opposes Planning map 10 as it lumps the Coastal Natural Character area and Hazard zone together as if they are the same thing. The coastline in this location is accreting so these zones should be shown separately. The Hazard zone should be reduced to the dune area adjacent to the foreshore.	Amend Planning Map 10 by distinguishing between the Coastal Natural Character zone and the Hazard zone and identify as two separate areas. The Hazard zone should be reduced to the dune area adjacent to the foreshore.	

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
69.01	Walls-Bennett & Bailey	In-Part	Oppose the Coastal Natural Character and Hazard Area on Planning Map 10. The area defined as Coastal Natural Character and Hazard Area is now a developed subdivision and the hazard should only relate to the dunes by the foreshore. This area is not applicable as it combines Coastal Natural Character and Hazard Zone.	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	Oppose	The submitter opposes the extent and purpose of the Proposed Coastal Natural Character and Hazard Area Overlay. No evidence to justify the purpose of the overlay to manage coastal "hazard". The overlay should not extend to include the approved Strathnaver subdivision, and should only include the dunes.	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	Oppose	Oppose the inclusion of 59a Reay MacKay Grove, Waikawa Beach within the proposed Coastal Natural Character and Hazard Area.	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

Six submissions were received in relation to Planning Maps 10 and 36. The submitters generally oppose the Coastal Natural Character and Hazard Area identified on these maps. The submissions are in relation to properties in the Strathnaver Glen subdivision at Waikawa Beach. The relief requested by the submitters generally seeks that the Coastal Natural Character area is separated from the Coastal Hazard Area.

4.29.2 Discussion & Evaluation

1. Saunders (52.01) supported by Campbell (525.10), Friends of Strathnaver (57.01) supported by Campbell (525.07) and Campbell (58.01) oppose Planning Map 10 because it joins the Coastal Natural Character area and Hazard zone together as if they are the same. The submitters acknowledge that the Strathnaver subdivision is an area of Coastal Natural Character. The submitters oppose the area (Strathnaver subdivision) being called a hazard zone. They contend the hazard zone should only relate to the dunes by the foreshore. The relief requested includes separately identifying the Natural Character Area and the Hazard Area, with the hazard area limited to the dunes immediately adjacent to the foreshore.
2. Walls-Bennett & Bailey (69.01) supported by Campbell (525.01) oppose the Coastal Natural Character and Hazard Area on Planning Map 10. The submitter states that the area defined as Natural Character and Hazard Area is now a developed subdivision. The relief requested includes separately identifying the Natural Character Area and the Hazard Area, with the hazard area limited to the dunes immediately adjacent to the foreshore. Specifically the submitter seeks that Lot 8 of Uxbridge Terrace (the submitter's property) be removed from the Coastal Natural Character zone.
3. Doncliff (82.00) supported by Campbell (525.04) opposes Planning Map 10 and potentially Map 36 and in particular the extent of the Coastal Natural Character and Hazard Area Overlay. The hazard overlay should only include the dunes not the approved Strathnaver subdivision. The submitter seeks that Planning Map 10 and potentially Planning Map 36 be amended by removing the reference to 'Hazard' in the Proposed Coastal Natural Character and Hazard Area Overlay. The submitter also seeks that the extent of the Proposed Coastal Natural Character and Hazard Area Overlay be amended so it only includes the dunes and not the approved Strathnaver subdivision. Finally the submitter seeks any consequential changes to Proposed District Plan text provisions.
4. Zanobergen (113.01) supported by Campbell (525.03) oppose Planning Map 36 and in particular the inclusion of 59a Reay MacKay Grove within the Proposed Coastal Natural Character and Hazard Area. The submitter seeks that Planning Map 36 be amended to exclude 59a Reay MacKay Grove from the Proposed Coastal Natural Character and Hazard Area.
5. In respect of the submission points made on the Planning Maps, the relief sought is related to Rule 19.4.7 discussed earlier in this report (Section 4.27). In evaluating the submissions on this rule, I recommend amending the Planning Maps to create a specific map overlay for the area within the Strathnaver Glen subdivision currently identified as part of the Proposed Coastal Natural Character and Hazard Overlay Area. This specific overlay would distinguish between the Hazard Overlay area and the Natural Character Area in this area. In line with the submission points made, it is recommended the Hazard Area would be reduced in extent to only apply to the area from the high tide mark up (MHWS) to the western boundary of Reay Mackay Grove. New specific rules would apply to these two overlay areas and the application of Rule 19.4.7 would be removed from these properties. It is noted that these recommendations mean a Natural Character overlay would still apply to some properties in this area. The submitters themselves have acknowledged the coastal natural character present within the subdivision. The Council has a statutory obligation to map or otherwise identify the areas of natural character, so I do not consider it appropriate to remove the Natural Character overlay. However, I consider a narrower Coastal Hazard area which

applies to the active dune and foredune environment would be appropriate given the coastal hazards in this area.

6. As the relief recommended has addressed the submissions in a slightly different manner to what has been requested, I recommend that the following submission points by Saunders (52.01), Friends of Strathnaver (57.01), Campbell (58.01), Walls-Bennett & Bailey (69.01), Doncliff (82.00), Zanobergen (113.01) and the further submission points by Campbell (525.01, 525.03, 525.04, 525.07 and 525.10) all be accepted in-part.

4.29.3 Reporting Officer's Recommendation

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Officer's Recommendation
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

4.29.4 Recommended Amendments to the Plan Provisions

Amend 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 this report.

5. Conclusion and Main Recommended changes from Proposed Horowhenua District Plan (as notified)

In preparing Chapter 5 (Coastal Environment) of the Proposed Plan it was necessary to undertake a thorough review of the Operative District Plan provisions on this subject. These provisions had not been subject to any formal review or plan change process since the District Plan became operative in September 1999. The new direction provided by overriding documents such as the NZCPS (2010) and the Proposed One Plan has been reflected in Chapter 5 and in the changes recommended.

The changes that have been recommended as a result of submissions received are set out in their entirety in Section 6.5 below.

The officer's recommendations on the key issues raised in the submissions include:

- Providing additional text to better recognise customary rights
- Providing recognition for the NPS Freshwater Management
- Amending the term 'Coastal Dominance Zone' to 'Coastal Significance Sector'
- Providing recognition for the role that plantation forests have played in stabilising the coastal environment
- Providing for significant public benefits to be considered in evaluating subdivision and development that would reduce the natural character in areas of the Coastal Environment with high or very high natural character
- Providing additional text to recognise the issues associated with vehicles on the beach and including supporting policy framework
- Improving the wording of policies regarding pedestrian beach access
- Improving the wording of the objectives and policies relating to coastal hazards
- Providing a new policy and supporting discussion to encourage protection, restoration and enhancement of natural defences
- Providing a new policy and supporting discussion to address the environmental and social costs of hard protection structures
- Identifying new separate overlays for Natural Character and Coastal Hazards to replace part of the Coastal Natural Character and Hazard Overlay area at Waikawa Beach and provide a new policy and rule framework for these two areas
- Identifying new separate overlays for the Muhunua West Forest Park and Muhunua West Forest Park Coastal Natural Character and Hazard Area to replace part of the Coastal Natural Character and Hazard Overlay area and provide a new policy and rule framework for this area.

Overall, it is recommended that Council proceed with Chapter 5 (Coastal Environment) and the related plan provisions, subject to the amendments recommended in this report.

6. Appendices

6.1 Legislation and Policy Extracts

6.1.1 Resource Management Act 1991

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.

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) the protection of historic heritage from inappropriate subdivision, use, and development:
- (g) the protection of protected customary rights.

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) the protection of the habitat of trout and salmon:
- (i) the effects of climate change:
- (j) the benefits to be derived from the use and development of renewable energy.

8 Treaty of Waitangi

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 take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi).

74 Matters to be considered by territorial authority

(1) A territorial authority shall prepare and change its district plan in accordance with its functions under section 31, the provisions of Part 2, a direction given under section 25A(2), its duty under section 32, and any regulations.

(2) In addition to the requirements of section 75(3) and (4), when preparing or changing a district plan, a territorial authority shall have regard to—

- (a) any—
 - (i) proposed regional policy statement; or
 - (ii) proposed regional plan of its region in regard to any matter of regional significance or for which the regional council has primary responsibility under Part 4; and
- (b) any—
 - (i) management plans and strategies prepared under other Acts; and
 - (ii) *[Repealed]*
 - (iia) relevant entry in the Historic Places Register; and
 - (iii) regulations relating to ensuring sustainability, or the conservation, management, or sustainability of fisheries resources (including regulations or bylaws relating to taiapure, mahinga mataitai, or other non-commercial Maori customary fishing),—to the extent that their content has a bearing on resource management issues of the district; and
- (c) the extent to which the district plan needs to be consistent with the plans or proposed plans of adjacent territorial authorities.

(2A) A territorial authority, when preparing or changing a district plan, must take into account any relevant planning document recognised by an iwi authority and lodged with the territorial authority, to the extent that its content has a bearing on the resource management issues of the district.

(3) In preparing or changing any district plan, a territorial authority must not have regard to trade competition or the effects of trade competition.

6.1.2 New Zealand Coastal Policy Statement 2010

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.

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:
 - (i) avoidable social and economic loss and harm to communities does not occur;
 - (ii) natural adjustments for coastal processes, natural defences, ecosystems, habitat and species are allowed to occur; and
 - (iii) the natural character, public access, amenity and other values of the coastal environment meet the needs of future generations.

Policy 4 Integration

Provide for the integrated management of natural and physical resources in the coastal environment, and activities that affect the coastal environment. This requires:

- (a) co-ordinated management or control of activities within the coastal environment, and which could cross administrative boundaries, particularly:
 - (i) the local authority boundary between the coastal marine area and land;
 - (ii) local authority boundaries within the coastal environment, both within the coastal marine area and on land; and
 - (iii) where hapū or iwi boundaries or rohe cross local authority boundaries;
- (b) working collaboratively with other bodies and agencies with responsibilities and functions relevant to resource management, such as where land or waters are held or managed for conservation purposes; and
- (c) particular consideration of situations where:
 - (i) subdivision, use or development and its effects above or below the line of mean high water springs will require, or is likely to result in, associated use or development that crosses the line of mean high water springs ; or
 - (ii) public use and enjoyment of public space in the coastal environment is affected, or is likely to be affected; or
 - (iii) development or land management practices may be affected by physical changes to the coastal environment or potential inundation from coastal hazards, including as a result of climate change; or
 - (iv) land use activities affect, or are likely to affect, water quality in the coastal environment and marine ecosystems through increasing sedimentation; or
 - (v) significant adverse cumulative effects are occurring, or can be anticipated.

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 papakāinga, 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;
 - (j) where appropriate, buffer areas and sites of significant indigenous biological diversity, or historic heritage value.
- (2) Additionally, in relation to the coastal marine area:
- (a) recognise potential contributions to the social, economic and cultural wellbeing of people and communities from use and development of the coastal marine area, including the potential for renewable marine energy to contribute to meeting the energy needs of future generations;
 - (b) recognise the need to maintain and enhance the public open space and recreation qualities and values of the coastal marine area;
 - (c) recognise that there are activities that have a functional need to be located in the coastal marine area, and provide for those activities in appropriate places;
 - (d) recognise that activities that do not have a functional need for location in the coastal marine area generally should not be located there;
 - (e) promote the efficient use of occupied space, including by:
 - (i) requiring that structures be made available for public or multiple use wherever reasonable and practicable;
 - (ii) requiring the removal of any abandoned or redundant structure that has no heritage, amenity or reuse value; and
 - (iii) considering whether consent conditions should be applied to ensure that space occupied for an activity is used for that purpose effectively and without unreasonable delay.

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;
 - (h) experiential attributes, including the sounds and smell of the sea; and their context or setting.

Policy 14 Restoration of natural character

Promote restoration or rehabilitation of the natural character of the coastal environment, including by:

- (a) identifying areas and opportunities for restoration or rehabilitation
- (b) providing policies, rules and other methods directed at restoration or rehabilitation in regional policy statements, and plans;
- (c) where practicable, imposing or reviewing restoration or rehabilitation conditions on resource consents and designations, including for the continuation of activities; and recognising that where degraded areas of the coastal environment require restoration or rehabilitation, possible approaches include:
 - (i) restoring indigenous habitats and ecosystems, using local genetic stock where practicable; or
 - (ii) encouraging natural regeneration of indigenous species, recognising the need for effective weed and animal pest management; or
 - (iii) creating or enhancing habitat for indigenous species; or
 - (iv) rehabilitating dunes and other natural coastal features or processes, including saline wetlands and intertidal saltmarsh; or
 - (v) restoring and protecting riparian and intertidal margins; or
 - (vi) reducing or eliminating discharges of contaminants; or
 - (vii) removing redundant structures and materials that have been assessed to have minimal heritage or amenity values and when the removal is authorised by required permits, including an archaeological authority under the Historic Places Act 1993; or
 - (viii) restoring cultural landscape features; or
 - (ix) redesign of structures that interfere with ecosystem processes; or
 - (x) decommissioning or restoring historic landfill and other contaminated sites which are, or have the potential to, leach material into the coastal marine area.

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;
 - (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 20 Vehicle access

- (1) Control use of vehicles, apart from emergency vehicles, on beaches, foreshore, seabed and adjacent public land where:
 - (a) damage to dune or other geological systems and processes; or
 - (b) harm to ecological systems or to indigenous flora and fauna, for example marine mammal and bird habitats or breeding areas and shellfish beds; or
 - (c) danger to other beach users; or
 - (d) disturbance of the peaceful enjoyment of the beach environment; or
 - (e) damage to historic heritage; or
 - (f) damage to the habitats of fisheries resources of significance to customary, commercial or recreational users; or
 - (g) damage to sites of significance to tangata whenua; might result.
- (2) Identify the locations where vehicular access is required for boat launching, or as the only practicable means of access to private property or public facilities, or for the operation of existing commercial activities, and make appropriate provision for such access.
- (3) Identify any areas where and times when recreational vehicular use on beaches, foreshore and seabed may be permitted, with or without restriction as to type of vehicle, without a likelihood of any of (1) (a) to (g) occurring.

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 risk 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.

6.2 Proposed Kapiti Coast District Plan (notified 29 November 2012)

Summary of Rules for the No Build Rural Coastal Hazard Management Area and Area of High Natural Character (Relevant to the land at the northern boundary of the Kapiti Coast District)

Activity	Activity Status
Within the no build rural and urban CHMA <ul style="list-style-type: none"> a) Safety signage/structures b) Fencing for dune planting protection c) Public access structures that connect to public land d) Planting of locally indigenous species e) Planting of exotic garden and lawn plants f) Maintenance of existing stormwater and stream control structures (i.e. existing as of November 2012) g) Garden edging, steps and access structures with a total height less than 0.8 metres with a metres with a maximum horizontal dimension of 5 metres. 	Permitted Activity
Alteration of buildings in the no build rural CHMA	Permitted Activity
The removal of buildings in the no build rural CHMA	Permitted Activity
Earthworks and vegetation clearance on dunes undertaken for the purpose of dune restoration and the associated removal of non-native plant species within the no build rural CHMA	Controlled Activity
Buildings and earthworks on land in the coastal environment which has been identified as having high natural character in District Plan Maps where they are not located in a CHMA	Restricted Discretionary Activity
Earthworks and vegetation disturbance or clearance on dunes that does not meet the Controlled Activity conditions	Discretionary Activity
New and replacement infrastructure and network utilities within the no build rural CHMA	Discretionary Activity
Coastal protection structures in the no build rural CHMA	Non-complying Activity
The erection of any new building or coastal protection structure in the no build rural CHMA	Prohibited Activity
Subdivision of land in any of the no build CHMA to create additional lots for residential, rural or business activities in the CHMA	Prohibited Activity

Figure 1: Proposed KCDC District Planning Map identifying the Rural No Build Coastal Hazard Management Area at the northern Kapiti district boundary

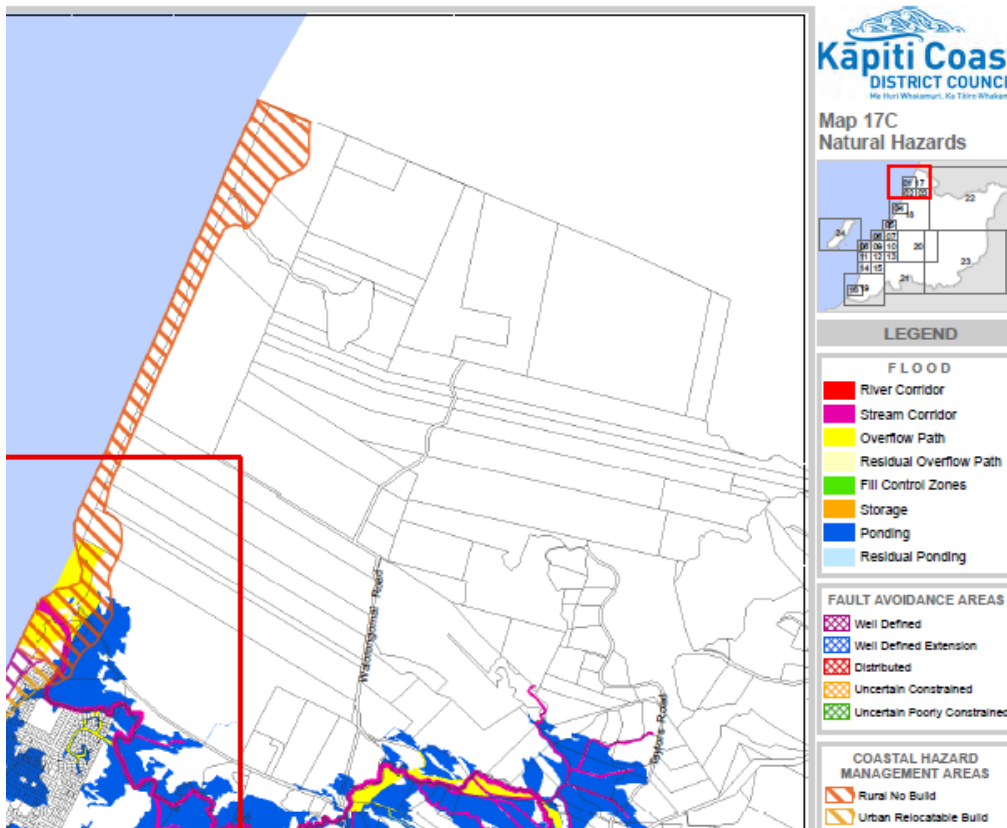


Figure 2: Proposed KCDC District Planning Map identifying the Coastal Environment at the northern Kapiti district boundary.

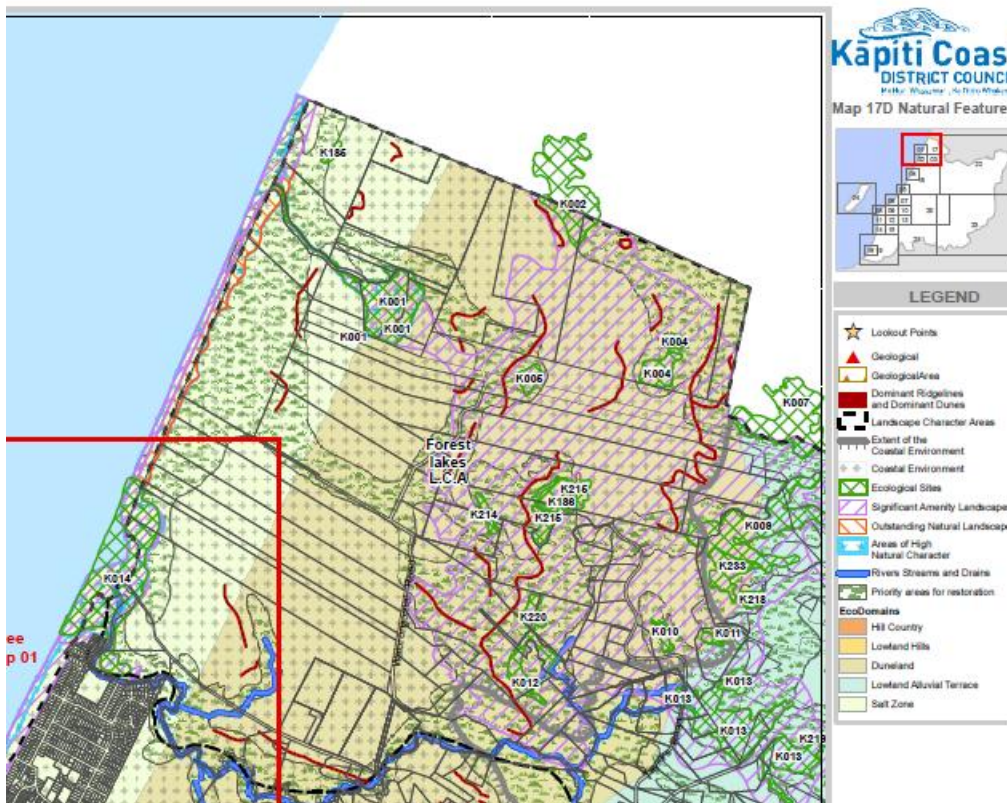
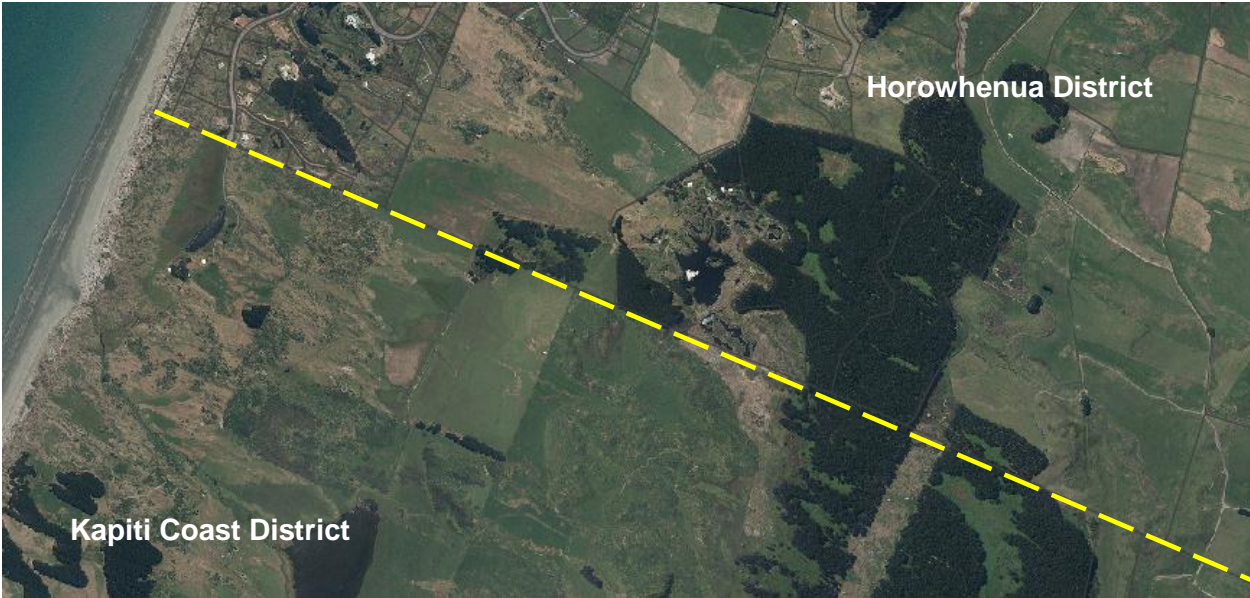


Figure 3: Aerial Photograph identifying the Kapiti Coast and Horowhenua Territorial Boundary at the coast.



6.3 Plan Change 22 Rules (Decision Version) And Related Maps

Plan Change 22 sets out the following rules that are relevant buildings in the coastal portion of the District. These rules are not subject to any appeal points and would therefore become operative once the outstanding appeals on other parts of Plan Change 22 have been resolved.

Area	Activity Status and Standards
Coastal ONFL	<p>Permitted Activity</p> <p>Any building with a height of 3 metres or less.</p> <p>Discretionary Activity</p> <p>Any building or network utility with a height of more than 3m and less than 7m on any land shown or specified as an Outstanding Natural Feature and Landscape on Planning Maps 32 and 33.</p> <p>Non-Complying Activity</p> <p>Any building or network utility with a height of more than 7m, or earthworks on any land shown or specified as an Outstanding Natural Feature and Landscape on Planning Maps 32 and 33, except for earthworks on land that is within the Coastal Outstanding Natural Feature and Landscape.</p>
Coastal Environment & Coastal Lakes – domains of high landscape amenity	<p>Permitted Activity</p> <p>Buildings, additions and alterations that do not exceed 5m in height.</p> <p>Buildings, additions and alterations that do not exceed 5m in height and are on a dune or part of a dune that is no greater than 10m from toe to summit.</p> <p>Primary production buildings</p> <p>Buildings for temporary activities</p> <p>Limited Discretionary</p> <p>Buildings within those parts of the Coastal Environment and Coastal Lakes, Landscape Domains that are not Outstanding Natural Features and Landscapes except for:</p> <ul style="list-style-type: none"> • Buildings, additions and alterations that do not exceed 5m in height. • Buildings, additions and alterations that do not exceed 5m in height and are on a dune or part of a dune that is no greater than 10m from toe to summit. • Primary production buildings • Buildings for temporary activities <p>The exercise of Council's discretion shall be restricted to design, siting with particular respect to proximity to ONFL boundary, external appearance and landscaping.</p> <p>Applications pursuant to this rule need not be publicly notified or served on affected parties.</p> <p>Discretionary Activity</p> <p>Buildings that do not comply with the above two rules would be a Discretionary activity</p>

Figure 1: Strathnaver Subdivision showing Proposed Plan Coastal Natural Character and Hazard Area



Figure 2: Strathnaver Subdivision showing Coastal ONFL from Plan Change 22



Figure 3: Strathnaver Subdivision showing Coastal ONFL from Plan Change 22 (brown) and Coastal Environment Landscape Domain (yellow)

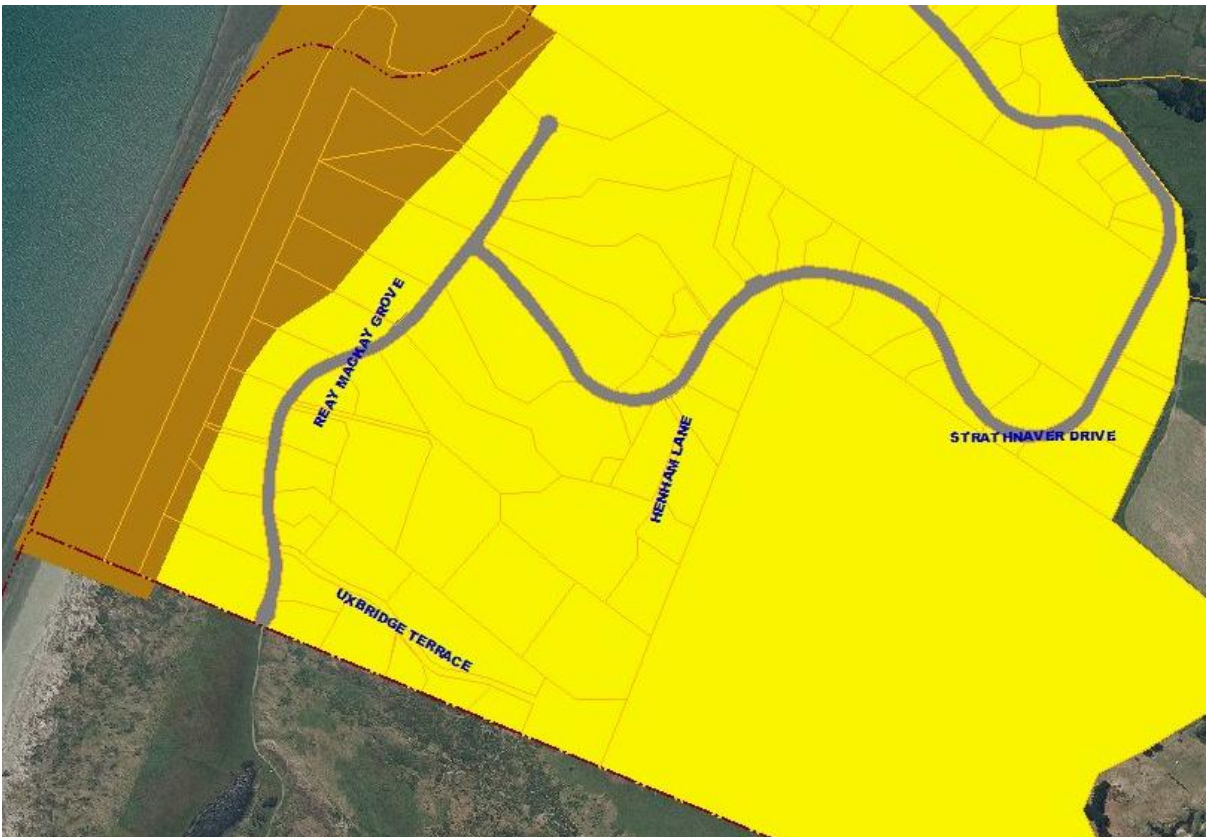


Figure 4: Muhunua Forest Park Subdivision showing the Proposed Plan Coastal Natural Character and Hazard Area



Figure 5: Muhunoa Forest Park Subdivision showing the Coastal ONFL from Plan Change 22



Figure 6: Muhunoa Forest Park Subdivision showing the Coastal ONFL from Plan Change 22 (brown) and Coastal Environment Landscape Domain (yellow).



6.4 Statement of Evidence of Jim Dahm

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IN THE MATTER

of the Resource Management Act 1991

AND

IN THE MATTER

An Application Made to the Horowhenua District
Council for Subdivision and Land Use Consent
(Sub/2729/2008)

**STATEMENT OF EVIDENCE OF JIM DAHM
ON BEHALF OF VINCERO HOLDINGS LIMITED**

Introduction

1. My name is James (Jim) Dahm. I am a Coastal Scientist and Director of Eco Nomos Ltd. I have a Masters degree in Earth Sciences from the University of Waikato specialising in coastal processes and am a member of the Royal Society of New Zealand and the New Zealand Coastal Society. I specialise in applied coastal processes and management and have 27 years work experience in this area.
2. I have been engaged by Vincero Holdings to provide comment on the proposed subdivision of Lot 1 DP 48282 located at the end of Muhunua West Road, Ohau in regard to coastal processes, hazards and dune management.
3. I have extensive experience in the matters on which I am giving this evidence. In respect to coastal hazards I have over 20 years experience and have undertaken various regional and district wide coastal hazard assessments over that period including region-wide assessments of coastal erosion and coastal flooding hazard for the Waikato Region and development of coastal setbacks for the settlements of the Coromandel Peninsula, Otorohanga District, for the Franklin District Council Rural Review, and for Opotiki District. I have been involved coastal hazard assessment and/or management at numerous (>200) specific sites around New Zealand. In relation to dune management, I was responsible for initiating in New Zealand the now nationwide Beachcare/Coastcare dune restoration programme, have managed the Environment Waikato Beachcare dune restoration programme since its inception in January 1993, am the primary author of the national guidelines for community-based dune restoration using native species, have been involved in designing and implementing numerous (>200)

dune restoration projects, and am a trustee of the Dune Restoration Trust of New Zealand (Dunes Trust).

4. In preparing this evidence I have reviewed available information and undertaken a site inspection.
5. I am familiar with the Code of Conduct for Expert Witnesses in the Environment Court and have read and agree to comply with that Code in this hearing. Except where I state that I am relying upon the specified evidence or report of another person, any evidence in this statement is within my area of expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions that I express.

Outline of Evidence

6. My evidence is structured as follows:
 - Brief discussion of the coastal setting of the proposal
 - Consideration of the risk posed by coastal hazards in relation to the proposed subdivision - including coastal erosion, wind erosion, coastal storm surge and wave flooding, tsunami flooding and the likely effect of projected climate change on these various coastal hazards
 - Comment on the potential effect of the proposed subdivision on coastal dunes and dune vegetation and associated recommendations.

Site Description and Coastal Setting

7. The site is located between the Ohau River and Waiwiri Stream on the southern Manawatu coast at the seaward end of Muhunua Road West. The layout of the proposed subdivision is shown in Appendix 1 "Concept Plan" of the Muhunua Forest Park Management Plan prepared in August 2010 by Land Matters.
8. The seaward edge of the property is fronted by a wide frontal foredune with a maximum height of up to about 11 m. Further landwards, the ground level drops on the other side of the fore dune and is typically about 4 m above mean sea level in that area according to information in the subdivision consent application prepared by Pritchard Group Ltd. There are higher areas of consolidated secondary dunes further landward into the property.
9. The property is fronted to seaward by an esplanade reserve. The surveyed area of the reserve has an average width of about 65 m, though the land now extends about 100-110 metres inland from the existing seaward toe of the dune due to ongoing seaward advance of the shoreline. The Pritchard Group report notes that the boundary with the reserve typically coincides approximately with the crest of the wide frontal foredune.
10. The beach to seaward is characterised by fine grained sands derived primarily from the greywacke Tararu Ranges, as typical of the Manawatu-Wanganui coastline. Large volumes of sediment are delivered by various rivers draining to the coast, particularly the Wanganui, Rangitikei, and Manawatu.
11. Waves result in a dominant net southwards movement of the river derived sediment. The large volumes of sand moved into the area by littoral drift result in

the Manawatu being a constructional coast – i.e. a coast that is advancing seaward over time. The coast has advanced approximately 4 km since sea level stabilised at or about existing elevations about 6500-7500 years ago.

12. The Manawatu-Wanganui coast is backed by an extensive dune field, the largest in New Zealand – covering approximately 900 km². The dune field consists largely of stabilised parabolic dunes which originally migrated inland from the coast. Conditions on this coast favour the development of transgressive (i.e. migrating) dunes due to the abundant sediment supply, the fine grained nature of the sediments, the dominant and strong onshore winds (being sufficiently strong to initiate sand transport about one third of the time) and the flat low gradient of the beaches (the latter factor exposing large surface areas to drying out and wind transport during lower tidal stages).
13. Historically, transgressive dunes have migrated up to 16 km inland on parts of the coast. The original inland migrating dunes also often blocked small streams leading to the formation of numerous small lakes and wetlands – including the wetland on the northeastern corner of this property.
14. Available evidence suggests that the transgressive dunes were initiated at the coast in various ^{TIME} phases by processes which disrupted or overwhelmed the stabilising dune vegetation. Past studies suggest these phases were apparently separated by periods of relative stability along the coast - though the transgressive dunes already formed often continued to migrate inland during these periods. ^{INSERT TIME}

15. The earliest phases of inland migrating dunes were initiated by natural causes. However, over the last 1000 years there appear to have been two phases of transgressive dune formation either initiated or severely aggravated by human disturbance of stabilising dune vegetation. The first of these (known as the Motuiti Phase) is attributed to vegetation disturbance associated with Maori settlement. The second (known as the Waitarere Phase) is attributed to vegetation disturbance associated with overgrazing and burning of vegetation associated with European settlement.
16. The property that is the subject of this application is largely covered by stabilised parabolic dunes formed during the Waitarere Phase – i.e. inland migrating dunes formed largely as a consequence of human destabilisation of natural dune vegetation by early European land use activities. These and other inland migrating dunes along the Manawatu coast were only stabilised by extensive human intervention in the early-mid 1900's.

Coastal Hazards

17. The primary coastal hazards relevant to the coast adjacent to the site of the proposed subdivision are coastal erosion, wind erosion, and coastal flooding. Coastal erosion and coastal flooding are addressed in this section, while wind erosion is discussed in the later section.

Coastal erosion

18. Assessment of coastal erosion hazard on this coast requires consideration of dynamic shoreline changes, dune face collapse following severe erosion, any long term trends for shoreline advance or retreat and the potential impact of projected climate change. In addition, the potential for erosion associated with stream

entrance changes has to be considered for areas of the property closest to the Waiwiri and Ohau Stream entrances.

19. Normal practice is to consider these factors in relation to a planning horizon of 100 years (i.e. to 2110). A factor of safety can also be added – though best practice is to adopt a precautionary approach in regard to the calculation of each parameter and thereby avoid the need for subjective judgment as to an appropriate safety factor.
20. In relation to **erosion associated with dynamic shoreline changes** (e.g. storm erosion and recovery), there is very little existing information available for this site. A detailed analysis of available historic aerial photographs and surveys was also beyond the scope of this project given its relatively small scale nature. *of development*
However, a precautionary approach has to be adopted in estimating this factor.
21. Field inspection indicates a well vegetated frontal dune that appears to be actively accreting, with no evidence of historic erosion scarps (Figure 1 – see also Figure 4). Therefore, the present morphology of the dunes offers little assistance in estimating the scale of historic storm erosion.
22. The nearest existing data on dynamic shoreline fluctuations along this coast is from a 2008 coastal erosion hazard assessment at Foxton Beach. The work was undertaken for Horizons Regional Council by an experienced coastal scientist (Dr Roger Shand). The study included an extensive analysis of historic shoreline change as well as careful use of present best practice methodologies to separate short term fluctuations from longer term trends. It is probable that the maximum dynamic shoreline fluctuations at Foxton Beach are more significant than at this

site due to the close proximity of Foxton Beach to a major river entrance. Nonetheless, to be precautionary and in the absence of other data, the upper end values from that study have been adopted. Dr Shand assessed dynamic shoreline fluctuations ranging from 5.2 to 24.4 m for Foxton Beach and a value of 25 m has been adopted for this site. This is almost certainly an overly precautionary value.

23. In relation to **long term trends**, the shoreline along this coast has prograded approximately 4 km seaward since sea level stabilised at or about existing elevations some 6500-7500 years ago. This suggests a time-averaged rate of seaward advance in the order of 0.6 metres per year. The actual rate of advance at this site may even be higher according to evidence in the report by Pritchard Group. They note that comparison of the western boundary of the esplanade reserve (surveyed in 1976) with the mean high water mark shown on a 2004/2005 aerial photo suggests the coastline advanced by an average of about 2 metres per year between 1976 and 2004. However, to be precautionary (i.e. err on the side of caution) the lesser time-averaged rate of 0.6 metres per year has been assumed.
24. The effects of **projected climate change** on coastal erosion along this coast are difficult to reliably assess as climate change may impact on a wide range of coastal erosion drivers. For instance, increased rainfall intensities and flood flows may increase sediment supply to the coast – which may decrease potential for erosion. Any changes in prevailing winds could also have a very significant effect on longshore transport and the overall plan shape of the coast – possibly causing accretion in some areas and erosion in others. However, these factors are very difficult to quantify on the basis of existing information, although this would be inconsequential for this rural subdivision given the natural and proposed building setbacks.

25. Normal practice in coastal hazard assessment is to estimate the potential impact of projected sea level rise and to use this as an indicative estimate of the erosion that may occur.
26. The most recent (2007) Ministry for Environment guidelines suggest consideration of sea level rise of up to *at least* 0.9 m over the next 100 years (i.e. to 2110). On the basis of recent scientific publications, I believe that reasonable upper and lower limit estimates are 1.5 m and 0.5 m, respectively. Accordingly, calculations were conducted for sea level rise estimates of 0.5 m, 0.9 m and 1.5 m – as lower, mid and upper range estimates respectively.
27. Erosion for these sea level rise scenarios was estimated using the Komar Model. (Note for technical staff: The Komar Model calculations adopted an average foreshore slope of 0.018 based on the 2008 work of Dr Shand at Foxton Beach – where the beach sand size is very similar). The calculations suggest that the 0.5, 0.9 and 1.5 m sea level rise scenarios could give rise to net erosion of 28 m, 50 m and about 83 m respectively. The upper limit estimate of 83 m has been adopted to ensure a precautionary approach.
28. The above factors can be combined using the following equation to estimate the maximum shoreline width likely to be affected by coastal erosion over the next 100 years:

$$\text{Erosion} = S + LT + X + D_s + F_s, \text{ where}$$

S = maximum erosion associated with dynamic shoreline fluctuations (25 m from above)

L = present long term trend for shoreline change (shoreline advance of 0.6 m per year from above)

X = maximum erosion likely to be associated with projected sea level rise over the next 100 years (83 m from above estimate)

D_s = maximum retreat of the dune crest associated with collapse of the near vertical over-steepened bank typically formed by coastal erosion (adopted as 11 m – based on maximum existing frontal dune height and collapse to a 1: 2 stable angle of repose)

F_s = factor of safety (adopted as 0 given the precautionary approach adopted to estimate each of the individual parameters)

L = planning time frame (adopted as 100 years as is standard practice for coastal erosion hazard assessments)

29. The above calculation suggests that maximum erosion over the next 100 years is likely to be up to about 59 m (say 60 m) from the existing shoreline. This is seaward of both the existing dune crest and the boundary between the property and the esplanade reserve to seaward. As noted above, the estimate has adopted very conservative (i.e. precautionary) values for each parameter. In my opinion, more detailed investigation is likely to reduce these values and therefore the estimate of erosion.
30. Accordingly, the worst likely coastal erosion over the next 100 years is unlikely to impact the property. Equally significantly, it is unlikely to reduce the maximum height of the existing wide protective dune seaward of the property. This has implications for coastal flooding as discussed later.

Erosion associated with stream entrances

31. Historically, streams and rivers along this coast have often migrated significant distances alongshore – associated both with alongshore movements of the entrances and with upstream channel changes. In more recent decades, the streams have been more actively managed in upstream areas reducing the potential for major upstream channel changes. However, the stream, entrances are still free to migrate reasonable distances alongshore.

32. In recent years, the entrance of the Waiwiri Stream has tended to migrate southwards alongshore in the direction of net littoral drift – eroding dune areas up to 150-160 m inland and 350-400 m alongshore (Figure 2). On the basis of morphologic evidence from field inspection and recent aerial photographs, it is my opinion that the stream is very unlikely to erode sufficiently far inland to threaten any houses located landward of the “no build” zone shown on the Layout Plan.

33. Aerial photography indicates that the larger Ohau River entrance has in recent decades migrated considerable distances alongshore – eroding the dunes over a distance of at least 3-3.5 km alongshore and up to 600-650 m inland from the current shoreline (Figure 3). However, this entrance migration has been southwards alongshore in the direction of net littoral drift. Morphologic evidence suggest this has been the prevailing direction of alongshore entrance migration for this river and that the entrance has not moved significantly northwards alongshore in recent decades. The river is eroding dunes on the true right bank in some areas in its lower reaches but the channel in these areas lies at least 800-1000 m south of the proposed subdivision. In my opinion, given the prevailing

southwards littoral drift and current stream conditions, it is extremely unlikely that the Ohau River will erode sufficiently far northwards to affect the proposed subdivision in the foreseeable future.

Coastal flooding - waves and storm surge

34. An assessment of the risk posed by storm surge and wave flooding at Foxton Beach was conducted in 2007 by Mr. Peter Blackwood of Horizons Regional Council, a respected coastal and river engineer with considerable experience in coastal flood assessment. Mr. Blackwood recommended that design allow for storm surge and wave runup to a level of 9 m above mean sea level. The calculations include allowance for sea level rise of 0.43 m to 2100 and 0.5 m freeboard.
35. In my opinion, this assessment is adequately precautionary for this area of the Manawatu coast – including the areas seaward of the proposed subdivision.
36. As noted earlier, the property is fronted by a wide and relatively high frontal foredune, with the property boundary and highest areas of the dune crest approximately ¹⁰⁰⁻¹¹⁰~~65~~ m inland and up to 11 m high. In my opinion, this frontal dune provides more than adequate protection from coastal flooding associated with storm surge and wave effects. Moreover, as noted above, erosion associated with projected sea level rise is unlikely to extend landward to the present dune crest even allowing for sea level rise of up to 1.5 m. Accordingly, the wide foredune is likely to continue to provide adequate protection from storm surge and wave coastal flooding, even with upper limit estimates of sea level rise over the next 100 years.

Coastal flooding associated with tsunami

37. There is presently little information on the risk from flooding posed by tsunami along this coast – though the coast is generally regarded as one of the areas of the New Zealand coast subject to the least risk from tsunami.
38. However, a 2006 report compiled by Dr Kelvin Berryman of the Institute of Geological and Nuclear Sciences provides an overview of tsunami sources and likely tsunami risk throughout New Zealand. The review involved most of New Zealand's key experts on tsunami. The study examined all the likely sources of tsunami that can affect New Zealand and evaluated their potential to generate tsunami, the likely waves produced, and their impact on the principal urban centres around the New Zealand coastline. They calculated the range in wave height of tsunami at the shoreline for principal urban areas around the coast and, based on other considerations, developed a map of "best estimate" wave height for a 500 year return period for the whole country. The map is indicative only and is in several parts based on judgement rather than calculation. Nonetheless, it is probably the best guidance presently available for the coast of the Horowhenua District.
39. The 500 year return period tsunami for the Horowhenua District coastline in the area of this subdivision is estimated to lie in the range of 0 to 2 m, including tsunami from all potential sources, both local and distant.
40. Accordingly, given the wide high frontal dune seaward of the proposed subdivision and typical ground elevations within the likely areas for buildings of around 3 - 4 m above mean sea level, and even higher at up to 20m in places, the

risk from tsunami flooding is assessed as negligible for events with return periods up to at least 500 years.

Wind erosion

41. As noted earlier, this coast has a natural propensity for severe wind erosion and has experienced various phases of transgressive dune formation. This property is largely covered by (now stabilised) low transgressive dunes formed during the most recent (Waitarere) phase of serious wind erosion and transgressive dune formation.
42. Historically, considerable investment was required to stabilise migrating dunes formed along the Manawatu coast. Examination of aerial photography in Google Earth indicates that areas along the coastal margin that have been cleared of forests and subject to intensifying land use show evidence of wind erosion and transgressive dune formation. This is, for instance, particularly notable between Foxton Beach and Himatangi.
43. In contrast, the Wood property and the frontal dune to seaward presently show little evidence of wind erosion. The property itself has been managed and a useful forest cover established and maintained by the present owners. Examination of aerial photography on Google Earth indicates only relatively minor areas of blow-outs and wind erosion within the property. The frontal foredune to seaward also has very good vegetation cover and has no evidence of any serious wind erosion.

44. In regard to the property, the management plan proposes to retain the same total area of forestry and to undertake compensatory planting where required for any areas removed for the ETS liability for such work. Accordingly, the proposal is not likely to lead to the issues observed in other areas where forest cover on the coastal margin has been replaced by more intensive land use.
45. The management plan also establishes a Landscape and Foreshore Management Area on seaward areas of the property adjacent to the esplanade reserve – with guidelines for planting of this area. The guidelines provide for native planting only and I believe this a very positive initiative with potential for significant natural gains over time. As discussed later in this evidence, I recommend that owners focus this planting on native trees and shrubs – both to maintain wind and salt protection for areas further landward and to enhance natural values.
46. The frontal dune along the seaward margin of the property (i.e. the esplanade reserve) is the most critical area for wind erosion. At present, this area is subject to very little human pressure and is in a well vegetated state with no signs of any significant wind erosion.
47. The subdivision and the accompanying provision of public access along the southern edge will however increase human pressure on the frontal dune. Beach access from both public and private land will need to be managed carefully to avoid wind erosion issues. This is especially so in regard to access over the most seaward face of the wide frontal dune – the spinifex zone (Figure 4) discussed later in this evidence. This area is exposed to strong onshore winds and the spinifex vegetation is particularly vulnerable to disturbance by high intensity pedestrian trampling and vehicles. Poorly managed access will damage this area

and could initiate wind erosion. Uncontrolled vehicle use within the spinifex zone is likely result in damage.

48. The management plan provides controls for access to the esplanade from the proposed subdivision – with provision for access to the boundary esplanade reserve restricted to two locations. The provisions also preclude owners from forming, using or maintaining pathways in a manner that would affect the stability of the sand dunes and contain a requirement to prevent wind erosion of the sand dunes. I support these provisions.
49. The public access will also need to be carefully managed. The isolation of the site and the length of the accessway will probably preclude high use. However, the coastal values of particularly the beach area are such that it will probably see increasing human use as it becomes known.
50. I recommend that any accessways crossing the seaward face of the frontal dune (particularly within the area of spinifex vegetation) be orientated oblique to both the coastline and to the prevailing WNW winds. ~~This includes any public accessways and the two accessways from the subdivision on the seaward face of the frontal dune.~~
51. Introducing reasonable curvature in any accessway is also a useful approach to minimise wind erosion, but should not lengthen the accessways to the extent that short-cutting is encouraged. It is important to maintain relatively direct access to avoid pedestrians diverting off the path across the dune, particularly within the spinifex zone.

52. Accessways in such areas would normally involve some form of guidance fencing within the sensitive spinifex zone - to guide people along the desired path. However, given the very high natural character of the frontal dune, visible fencing is undesirable – since the human-built element it introduces would detract from the natural character of the esplanade reserve and seaward margin of the subdivision site. However, a marker post at the seaward end is probably desirable on at least the public accessway to discourage people short-cutting across the dune on their return from the beach.
53. Emphasis however needs to be placed on any community involvement and education. The management plan is effective in informing any new owners of the lots of the coastal nature of the land. It is now well established that these elements are critical to effective management of dune use to prevent wind erosion and maintain natural values. It is recommended that the management plan should also include simple guidelines for beach access (e.g. keep to the defined accessways within the spinifex zone) to inform future landowners. Good, informative and positive signage could also be important for Council to consider in the future for Lot 16 and it appears they have a good timeframe for thinking about this given there are no immediate plans for the area for the next 10 years.
54. In the future Horowhenua District Council and Horizons could consider establishing and supporting a community based Beachcare group for the public accessway and the esplanade reserve. The proposed Residents Association gives the advantage of having one entity to deal with in this area.

55. Active involvement of landowners in a Beachcare group would also be highly desirable (and quite likely given the strong commitment to environmental values evident in the present proposal).
56. An important consideration at this site will be managing any vehicle access over the frontal dunes of the esplanade reserve (especially the spinifex zone) through appropriately located and designed accessways. The spinifex zone is very sensitive and careful management of any vehicle accessway across the reserve will be required to avoid damage consequent wind erosion.
57. The public access proposed opens up potential for issues with off-road vehicles on the more seaward dune areas. The public beach accessway should therefore be limited to pedestrian access and designed to prevent vehicle access. Similarly, the management plan will need to specify to land owners that any vehicle access across the esplanade reserve to and from the beach is managed in line with my recommendations and agreements reached with Council.
58. If public use substantially increases in the esplanade area, Council may need to give consideration to providing access to sheltered backdune areas within the reserve as well as the occasional viewing vantage points. This will provide for use while preventing a proliferation of ad hoc tracks and damage to dune vegetation.

Management of natural values

59. Natural dune ecosystems around New Zealand have been significantly modified by a wide range of human activities. The recent Threatened Environments

classification has identified dune ecosystems as among the most modified and threatened of New Zealand's natural land environments. Accordingly, protection and enhancement of native dune ecosystems and biodiversity is a desirable activity where practical.

60. Field inspection indicates that the dunes at this site include areas of significant natural dune vegetation on the esplanade reserve seaward of the property. There are very useful opportunities to enhance this vegetation over time and these are briefly discussed below – together with restoration opportunities on the seaward edge of the property. This restoration work could be a focus for any future community-based Beachcare group established (for work on the esplanade reserve) and for restoration plantings on private land which the management plan covers in its Foreshore Management Area.
61. The following sections discuss various dune zones (from the sea landward) and discuss the values, issues and opportunities in respect to these areas.

Spinifex dominated zone (typically about 40 m wide)

62. The most seaward dune area on the esplanade reserve has very high natural character, being dominated by a good cover of the native sand binder spinifex (*Spinifex sericeus*) (Figure 4). No significant wind erosion or disturbance of the vegetation cover is evident. As noted earlier, it is important that this spinifex zone is managed to avoid major wind erosion problems as public use increases over time. Removal of clumps of marram and restoration of pingao would enhance this area. . These applications do not seek such disturbance of this area.

63. The restoration of a useful pingao population would significantly enhance the natural character and native biodiversity of the frontal dune. It would also enhance cultural values of the dunelands as pingao is highly valued material for weaving.

Secondary dune vegetation zone (typically 40-50 m wide, but up to 80 m)

64. Further landward within the esplanade reserve, spinifex gradually gives way to a wide range of both native and exotic species. Patches of the native shrub tauhinu (*Ozothamnus leptophyllus*) are relatively common as are dense communities of the native dune rush *Ficinia nodosa* (knobby clubrush) (Figures 6 and 7). Stock damage was noted in some of these areas towards the north of the esplanade reserve (Figure 7) – presumably from stock accessing alongshore from areas further north. An advantage of the proposed subdivision and increased human occupation will be better monitoring of such issues in the future.
65. A range of other native species also occur including most commonly the sprawling native ground cover pohuehue (*Muehlenbeckia complexa*), and occasional occurrences of other native species including the native spinach (*Tetragonia tetragonoides*), *Carex testacea* and sand coprosma (*Coprosma acerosa*) (Figure 8).
66. This area of the esplanade reserve also includes extensive exotic vegetation including marram, occasional gorse, the Australian coastal wattle (*Acacia sophorae*), and lupins. Coastal wattle can be a serious invasive weed on dunelands and it is desirable to eliminate this weedy species over time.

67. The extensive native vegetation that already occurs means that this area of the reserve has considerable restoration potential

Foreshore and landscape management area

68. The seaward edge of the property and the subdivision is fronted by the proposed Foreshore and Landscape Management Area. The management plan provides that any planting in this area shall use native species sourced locally and endemic to the Foxton Ecological District. Open. In my opinion, this is an extremely useful initiative that could significantly enhance the values of the area over time.
69. The present vegetation is characterised by a mix of exotic and native vegetation, including extensive areas of trees and shrubs. The taller trees along the seaward margin (including macrocarpa and pine) (Figure 8) provide important protection from salt winds to production forests and other areas further landward.
70. Climax native vegetation in this area of the property is likely to be native duneland forest – rather than the knobby clubrush-pohuehue communities and shrubs (e.g. ngaio, coprosma propinqua) that characterise existing native vegetation. Therefore it is recommended that native plantings in this area focus on appropriate native trees and shrubs. The more seaward areas will need to emphasize hardy salt and wind tolerant species.
71. Over time, such plantings will gradually restore native duneland forest along the seaward edge of the property. This will not only provide useful protection for production forests and other uses further landward but will also restore a native dune vegetation sequence from spinifex through to duneland forest along the coastal margin. Such sequences from spinifex to duneland forest are presently

extremely rare around the New Zealand coast. Therefore, this would be a significant natural outcome – though it is likely to take some time to achieve.

72. However, it is recommended that the most seaward exotic trees that currently occupy this area should also be maintained until suitable hardy native species attain similar height – except as necessary to create space or a suitable environment for suitable native species. These exotic trees provide important salt and wind shelter for areas further landward. The value of this protection should not be under-estimated. With appropriate care and design, use of existing exotic trees and shrubs for shelter could also enhance the establishment and growth rates of native species.
73. The only exception is the coastal wattle – the property containing a number of areas of this species. Given its weedy nature, coastal wattle should be progressively removed over time - as quickly as reasonably practicable.

Overall

74. In summary, the proposal opens up an opportunity to enhance the present natural values and to gradually restore a native dune succession from spinifex through to appropriate duneland forest. This succession would extend over the esplanade reserve and the seaward portion of the property within the landscape and foreshore management area. This outcome is likely to require a number of decades to achieve but would be a very significant natural outcome.
75. The work could be progressively undertaken using community based approaches on the public land and encouragement of appropriate planting within the Landscape and Foreshore Management Area on private land.

Summary

76. The proposed subdivision is secure from coastal erosion and flooding and is likely to remain so over at least the next century, even with the worst likely sea level rise over that period.

77. The area can be vulnerable to wind erosion and careful management of access and use is required along the coastal margin (particularly in respect to beach access) and recommendation are provided both in this evidence and in the management plan.

78. The proposal offers significant opportunities to enhance the natural dune vegetation along the seaward margin – which are broadly discussed. In the longer term, there is potential to restore a native dune succession from spinifex to coastal forest within the esplanade reserve and the Landscape and Foreshore Management Area. This would be a useful objective to guide public and private dune restoration activities within this area.



Figure 1: View along foreshore showing actively accreting dune

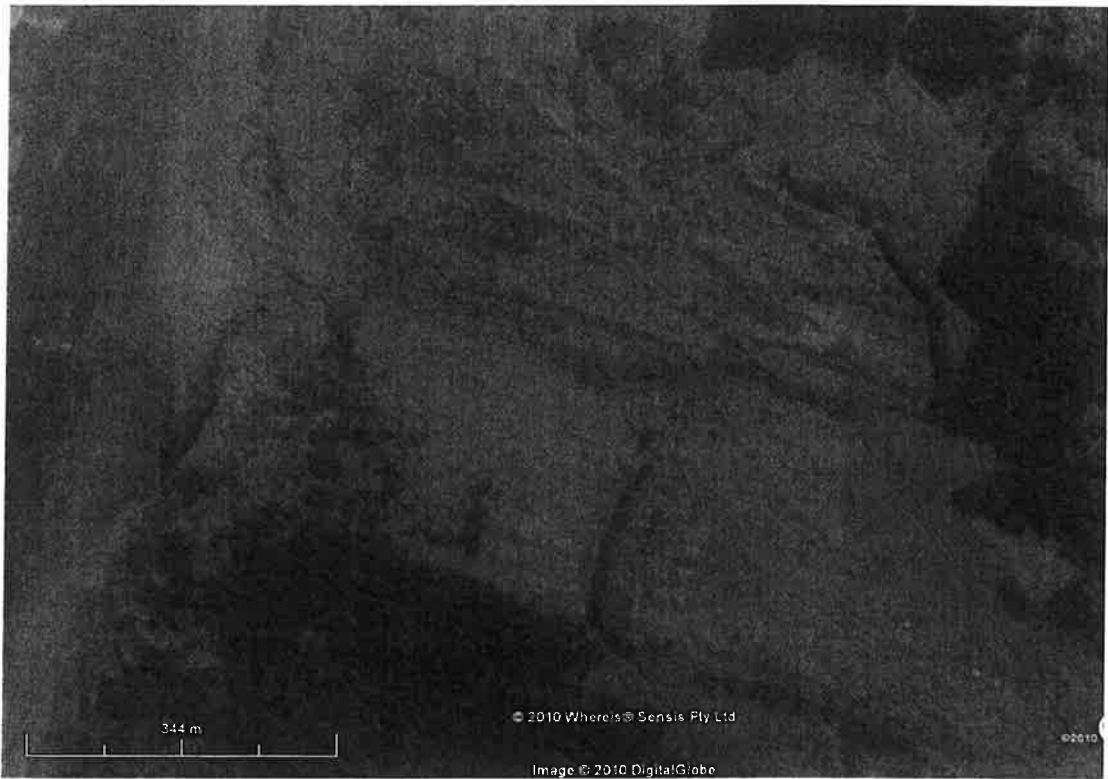


Figure 2: View of Waiwiri Stream entrance showing alongshore extent of erosional influence (arrowed)



Figure 3: Ohau River – showing erosion due to periodic southwards longshore movement of stream entrance



Figure 4: View along foreshore showing well vegetated spinifex zone



Figure 5: Tauhinu developing among spinifex



Figure 5: Dense knobby club rush community in back-dune area (yellow flowers are lupin)



Figure 6: Stock damage to back-dune vegetation just south of Waiwiri Stream

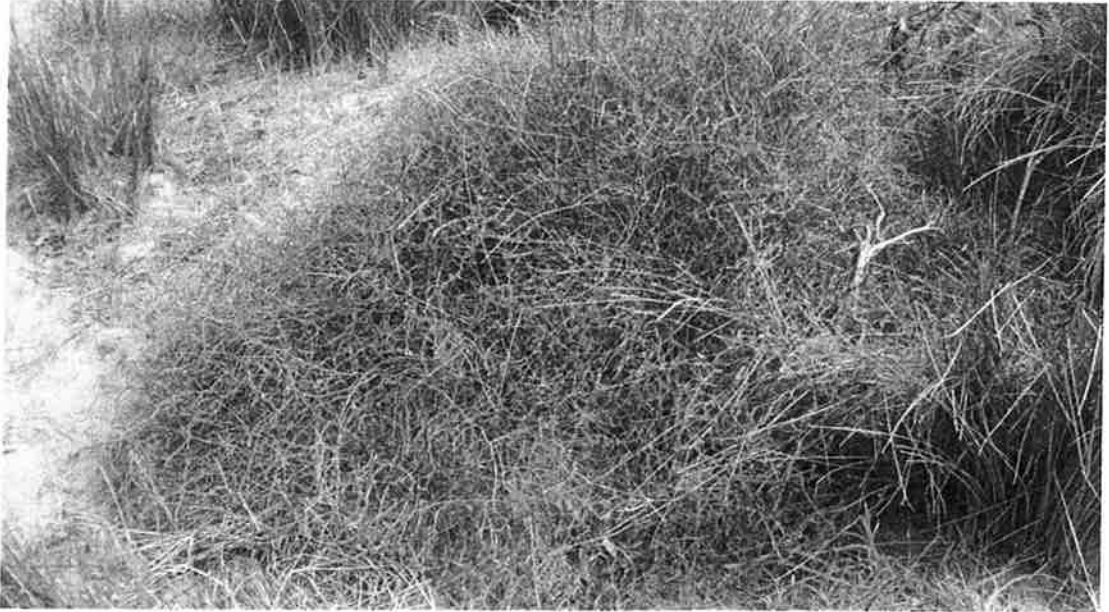


Figure 7: Patch of sand coprosma among knobby clubrush



Figure 8: Macrocarpa and pine along seaward edge of property – providing salt and wind protection to areas further landward

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6.5 Proposed District Plan as amended per officer's recommendations

Amend the second paragraph of the Introduction to read:

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

Include a new fourth paragraph 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."

Include a new fifth paragraph 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."

Amend the current fifth paragraph of the Introduction 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))".

Amend the eighth paragraph of the Introduction by adding a new sentence to read:

“The District Plan must give effect to the NZCPS”.

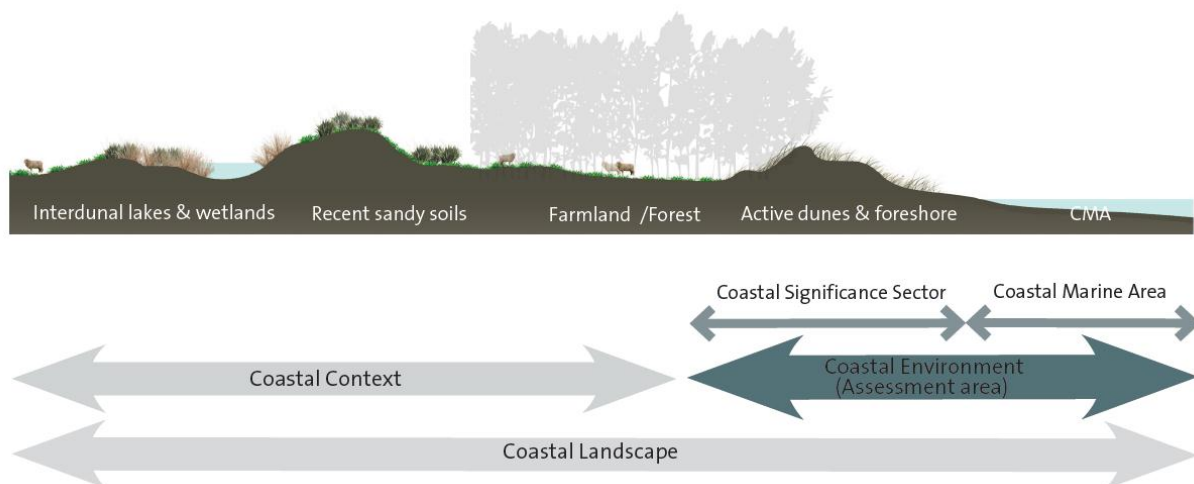
Include new paragraph to the Introduction to be inserted before the paragraph starting “The Proposed One Plan...”. New paragraph is to read:

“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.”

Include new paragraph to the Introduction to be inserted after the paragraph starting “Reserve Management Plans...”. New paragraph is to read:

“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).”

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



Include a consequential amendment to third paragraph under the heading The Extent of the Coastal Environment to read:

“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.”

Amend the second paragraph of Issue Discussion for Issue 5.1 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”

Include new final paragraph for Issue Discussion of Issue 5.1

“It is also here are a couple of areas within the Coastal Environment where notable rural subdivisions have occurred. 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.”

Amend Policy 5.1.2 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).”

Amend Policy 5.1.3 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"

Amend Policy 5.1.6 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".

Include new Policy 5.1.X 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."

Include new Policy 5.1.X 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."

Amend Explanation and Principal Reasons for Objective 5.1.1 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"

Include new paragraph in the Explanation and Principal Reasons for Objective 5.1.1

"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.”

Amend the Issue Discussion for Issue 5.2 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 exposure 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.”.

Amend Policy 5.2.4 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.”

Amend Policy 5.2.5 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”.

Amend Policy 5.2.6 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”.

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

“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”.

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

“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”.

Amend the Issue Discussion for Issue 5.3 by amending the first paragraph to read:

“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 the effects of natural hazards need to be avoided or mitigated”

Amend the Issue discussion for Issue 5.3 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.”

Amend the Issue discussion for Issue 5.3 by including the following new paragraph as a final paragraph (after the other changes recommended 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.”

Amend Objective 5.3.1 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”.

Amend Policy 5.3.3 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”.

Include a new Policy 5.3.6 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.”

Include a new Policy 5.3.7 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.”

Include a new Method under District Plan Methods for Issue 5.3 & Objective 5.3.1 that reads:

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

Include a new Method under District Plan Methods for Issue 5.3 & Objective 5.3.1 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.”

Delete AER 5(c) which currently reads “~~The protection and enhancement of historical and cultural values, including Tangata Whenua spiritual values (taonga raranga) associated with the coast~~”.

Include new AER 1(i) 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”.

Include a new Permitted Activity Rule 19.1.X that reads:

“Buildings and development within the Muhunua West Forest Park Overlay”.

Include a new Condition for Permitted Activities Rule 19.6.X 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).”

Include new Restricted Discretionary Activity Rule 19.3.X 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”.

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

(i) Matters of Discretion

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

Include new Discretionary Activity Rule 19.4.X 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”

Include new Discretionary Activity Rule 19.4.X 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”

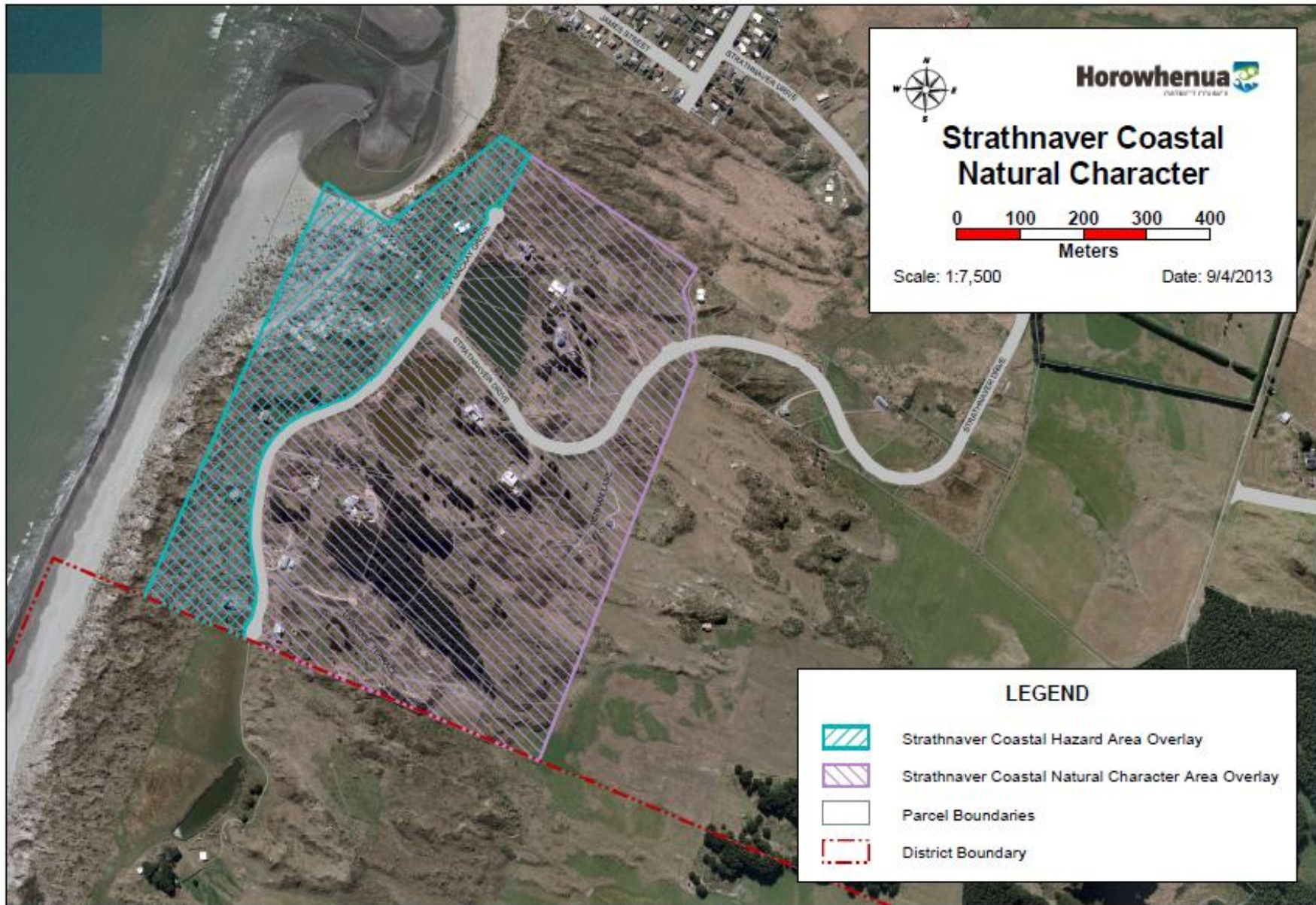
Include new Discretionary Activity Rule 19.4.X that reads:

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

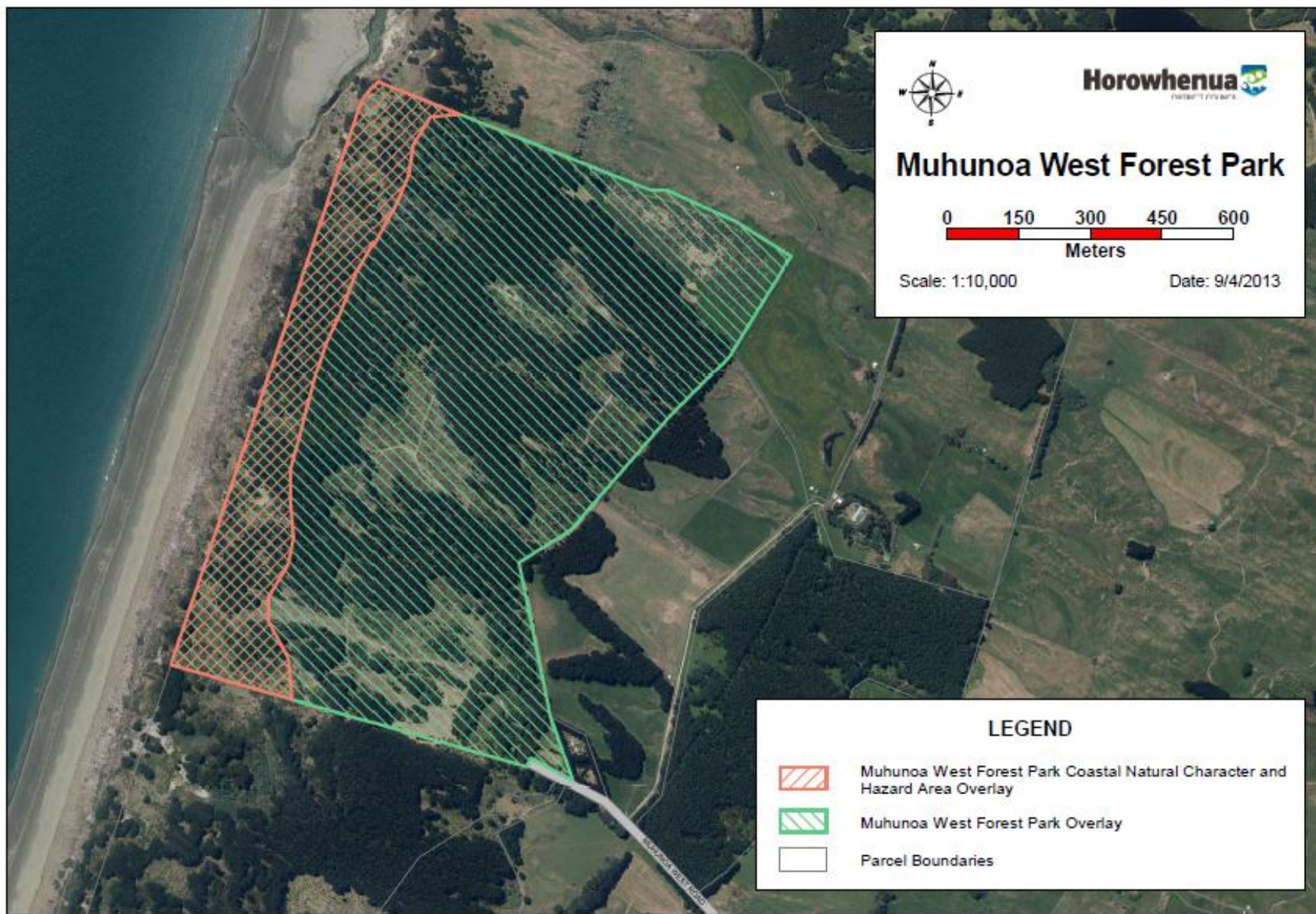
Any subdivision of land (excluding boundary adjustments in the Muhunua West Forest Park Coastal Natural Character and Hazard Area Overlay”.

Amend Planning Maps 7 and 41 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).

Amend 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 Area Overlay” (as shown on the following maps).



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6.6 Schedule of Officer's Recommendations on Submission Points

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Officer's Recommendation
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	Officer's Recommendation
101.40		DoC		Accept In-Part
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	Officer's Recommendation
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

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