

***Proposed Wairarapa Combined District Plan***  
**Decision Report pursuant to Clause 10 of the First Schedule**  
**of the Resource Management Act 1991**

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**Subject: Chapter 13 – Coastal Environment**

**In Reference to:**

- ***Coastal Provisions 13.1-13.4***
  - ***District Wide Rules 21.1.15, 21.1.25 and 21.3.9***
  - ***Assessment Criteria 22.1.9 and 22.1.18***
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### **13.1 Introduction**

#### **Submission Summary**

<b>Submitter Number</b>	<b>Submitter Name</b>	<b>Further Submitter Name and Number</b>	<b>Further Submission Support/Oppose</b>
507.2	Riversdale Ratepayer's Association	-	-
385.13	J Gleisner	-	-
525.45	Department of Conservation	-	-
525.46	Department of Conservation	-	-
525.47	Department of Conservation	-	-
398.24	Wairarapa Inc/Go Wairarapa	-	-
526.35	Greater Wellington Regional Council	-	-
239.3	S Scott	-	-

## Discussion

The **Department of Conservation** (525.46) seeks that paragraph 7 of the Introduction be amended by adding reference to the important role that river mouths, estuaries and coastal and lowland forest have in the natural ecology of the coastal environment, and that policies and other provisions in the proposed plan (in Section 13) are amended to give effect to the RPS and NZCPS (525.45).

**Greater Wellington Regional Council** (526.35) seeks that either the Introduction be amended by adding further provisions to cover the matters under Section 6 of the Act that affect the coastal environment, or use more explicit cross referencing between the Chapters.

The **Department of Conservation** (525.47) seeks that paragraph 3 of the Introduction refers to the Coastal Strategy, as well as the technical reports which should be utilised when any development is planned or assessed, and which will also ensure that the content and work in these technical reports is not lost.

**Wairarapa Inc/Go Wairarapa** (398.24) seeks clarification whether it is the intention of the Plan to make the provisions of the Wairarapa Coastal Strategy statutory?

**Riversdale Ratepayer's Association** (507.2) support the provisions that relate to Riverdale Beach.

**J Gleisner** (385.13) seek the reinforcement of the spirit of the Coastal Strategy in rigorously protecting the cherished wilderness values of much of the coastline.

**S Scott** (239.3) seeks the retention of 13.1(c).

## Evidence Heard

**Greater Wellington Regional Council** (526.35) spoke in support of their submission and while they noted the Section 42A report recommendation, they seek an amendment regarding the insertion of a paragraph relating to historic heritage values.

The **Department of Conservation** (525.47 and 525.46) expressed their support and acceptance of the Section 42A report recommendations in respect of their submission points. Amendments are sought in respect of submission point 525.45 so as to provide an amended policy to take into account the Wairarapa Coastal Strategy when considering resource consent applications affecting the coastal environment.

## Commissioners Deliberations

The Commissioners note the general support from Greater Wellington Regional Council and the Department of Conservation.

In respect of historic heritage values in the coastal environment, the Commissioners note these are referred to in Point (i) on page 123, and therefore a specific reference as requested by the submitter in point 525.35 is not considered warranted as it is already appropriately addressed.

The Commissioners concur with the Section 42A report recommendations relating to paragraphs 3 and 7 of the Introduction. The amendments proposed to paragraph 3 provide that the technical reports to the Coastal Strategy are to be utilised when assessing applications and Method (k) in 13.3.7 of the Plan requires "reference to the relevant principles and recommendations of the Wairarapa Coastal Strategy (2004) as appropriate in resource consent applications and plan changes." The Commissioners concur with the Section 42A report comments that as the Plan adequately explains the Strategy is a non-statutory document, it still can be had regard to in assessing resource consent applications.

The Commissioners note the Section 42A report comments that Paragraph 10 of the Introduction states that the Wairarapa Coastal Strategy is a non-statutory plan of action.

### Decision: 13.1 Introduction

Submission Reference:

525.45	Reject
525.46	Accept
526.35	Reject
525.47	Accept
398.24	Reject
239.3	Accept

### Decision Amendment: 13.1 Introduction

Amend paragraph 7 of the Introduction as follows:

*The natural ecology of the coastal environment can be adversely affected by activities if not properly managed, such as by septic tank pollution, vegetation clearance and recreational activities. Subdivision can be inappropriate in some areas, given the fragility of ecologically sensitive areas such as dunes. **River mouths, estuaries and associated areas such as sand spits are important areas, including for the purpose of spawning areas and nurseries for fish and breeding, and feeding areas for birds. Coastal and lowland forest is important as a winter food source and habitat for wildlife***".

Amend paragraph 3 of the Introduction as follows:

*This diverse coastal environment is highly valued by both locals and the wider community, in terms of its aesthetic, natural, productive, recreational and historical values. Consequently, the Wairarapa community make considerable use of its coast. However, the proximity of the Wairarapa to the Wellington metropolitan area creates additional pressure to further develop the coastline for holiday and recreational purposes. **The Technical Reports for the Wairarapa Coastal Strategy provide valuable information and rank different parts of the coastal environment for natural values, landscape and natural character values etc. These reports will be utilised when assessing the significance and relative values of the coastal environment.***

### Reasons

This decision is made for the following reasons:

- Sections 6 and 7 of the Act provide for matters of national importance and other matters to which regard is to be had. These matters are provided throughout the Introduction section of the Coastal Environment Chapter. The amendment to paragraph 7 better reflects the matter of national importance.
- The amendment to paragraph 3 in respect of the technical reports accompanying the Coastal Strategy ensure that the content and work in these technical reports is applied in assessing applications in the coastal environment.
- The status of the Coastal Strategy is effectively outlined in paragraph 10.

## 13.2 Significant Resource Management Issues

### Submission Summary

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
526.36	Greater Wellington Regional Council	-	-
526.37	Greater Wellington Regional Council	-	-
525.48	Department of Conservation	-	-
238.3	R Scott	-	-

### Discussion

**Greater Wellington Regional Council** (526.36) and **R Scott** (238.3) are generally supportive of 13.2 Significant Resource Management Issues.

**Greater Wellington Regional Council** (526.37) seeks Issue 6 be amended or a new Issue added to recognise the environmental benefits that may be provided by infrastructure.

The **Department of Conservation** (525.48) seeks that a new Issue be added that specifically recognises the natural values of the coastal environment.

### Evidence Heard

**Greater Wellington Regional Council** spoke in support of their submission in relation to points 525.36 and 525.37, and noted their support and acceptance of the Section 42A report recommendations, particularly the amendment proposed for Issue 6.

The **Department of Conservation** (525.48) noted their support and acceptance of the Section 42A report recommendation for the amendment to Issue 7.

### Commissioners Deliberations

The Commissioners note the general support from submitters and concur with the Section 42A Report recommendation for amendments, which better describe positive contributions of infrastructure and the pressures on ecological values in the coastal environment.

### Decision: 13.2 Significant Resource Management Issues

Submission Reference:

526.36	Accept
526.37	Accept
525.48	Accept in part
238.3	Accept

## Decision Amendment: 13.2 Significant Resource Management Issues

Amend Significant Resource Management Issue 6 as follows:

*6. Infrastructure in the coastal environment, such as reserve facilities and amenities, roading and building structures, can degrade the natural character and landscape values in the coastal environment. **However, there are also occasions where infrastructure can provide environmental benefits to the coastal environment by avoiding, remedying and mitigating the adverse effects of activities. Examples include community sewage schemes or treatment systems, and infrastructure controlling stormwater.***

Add Significant Resource Management Issue 7 as follows:

***“7. Ecologically important areas in the coastal environment can be degraded through the introduction of new pressures on, and disturbance to, wildlife and habitat as a result of new or more intensive subdivision, use and development.”***

## Reasons

This decision is made for the following reasons:

- The amendment to Issue 6 in respect of infrastructure is consistent with the Act in relation to avoiding, remedying or mitigating the adverse effects of activities on the environment.
- The amendment to Issue 7 specifically recognises that wildlife and natural ecosystems of the coast are under particular pressure from new development.
- The reference to the NZ Coastal Policy Statement is not supported as it is not appropriate for issue statements to state policy direction.

### 13.3.1 Objective CE1 – Natural Character

#### Submission Summary

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
525.54	Department of Conservation	-	-
497.13	NZ Historic Places Trust	-	-
380.1	D, J, T, J & E Williams	-	-
264.21	D Riddiford	-	-

## Discussion

The **Department of Conservation** (525.54) seeks that Objective 13.3.1 be retained.

The **NZ Historic Places Trust** (497.13) seeks that Objective 13.3.1 be amended to protect historic heritage in addition to the natural character of the coastal environment.

**D, J, T, J & E Williams** (380.1) oppose Objective 13.3.1 as they consider it does not accurately reflect the purpose and principles of the Act and the overall enabling focus of the legislation. They consider the Objective is inappropriate as it does not recognise that development can be accommodated where due regard is given to the landscape, ecology and other values of the coastline, and that it is the protection of the coastal environment from inappropriate subdivision that is the relevant management issue.

**D Riddiford** (264.21) seeks that subdivision is recognised as a fundamental right of the landowner and should only be regulated when adverse effects are imposed on others.

## Evidence Heard

The **Department of Conservation** (525.54) noted their support and acceptance of the Section 42A report recommendation for the retention of Objective CE1.

**D, J, T, J & E Williams** (380.1) spoke in support of their submission seeking a policy be added and that Objective CE1 be amended to seek to avoid, remedy or mitigate the effects of development, as detailed and outlined in their submission. In summary the submission notes that it is acknowledged that the coastal environment is a Section 6 matter of national importance in terms of the preservation of the natural character of the coastal environment. However, as identified (in the submission) this can be achieved through appropriate development which, as per the primary purpose of the Act, avoids, remedies or mitigates adverse effects. It is considered that such an effects based approach will also accord with the intentions of the New Zealand Coastal Policy Statement.

The **NZ Historic Places Trust** (497.13) spoke in support of their submission and noted that while the objectives, policies and methods contained in Chapter 13 are supported, regulatory protection of the Coastal Environment Management Area is limited. The NZHPT is seeking greater protection of cultural and heritage values in the coastal environment.

**D Riddiford** (264.21) spoke in support of his submission reiterating his issues with process and rules.

## Commissioners Deliberations

After considering the submissions and issues raised and recommendation in the Section 42A report, the Commissioners concur with the Section 42A report recommendation to retain Objective CE1.

The objective is considered consistent with, and accurately reflects the purpose and principles of the Act, in particular section 6(a) of the Act, which requires as a matter of national importance, a District Plan to recognise and provide for:

*“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.”*

The Section 42A report provides details on the New Zealand Coastal Policy Statement and the ‘Wairarapa Coastal Strategy (March 2004)’ which involved a strategic review of development and management issues for the coast. While the hearing evidence of D, J, T, J & E Williams notes of particular relevance Policy 3.2.2 of the New Zealand Coastal Policy Statement, the Commissioners also consider Policy 3.2.1 and Policy 1.1.1 to be of particular relevance. Policy 1.1.1 makes explicit reference to “preserve the natural character”. In context of these provisions and documents, the Commissioners considered that the approach adopted is the most efficient and effective to protect the natural character of the coastal environment from inappropriate subdivision, use and development.

With respect to the rights of landowners to subdivide, the Commissioners note that subdivision within the Coastal Environment Management Area is a discretionary activity, at which time the effects of each subdivision proposal would be assessed on a case by case basis.

In respect of historic heritage, the Commissioners noted that the Historic Heritage chapter (10) specifically manages the issue of historic heritage, and Policy 13.3.2(n) addresses the protection of historic heritage as a component of the natural character of the coastal environment.

### **Decision: 13.3.1 Objective CE1 – Natural Character**

Submission Reference:

525.54	Accept
497.13	Reject
380.1	Reject
264.21	Reject

### **Reasons**

This decision is made for the following reasons:

- Objective CE1 is considered consistent with, and accurately reflects the purpose and principles of the Act, in particular section 6(a) of the Act, and policies of the New Zealand Coastal Policy Statement, particularly policies 1.1.1, 3.2.1 and 3.2.2. In context of these provisions and documents, the Commissioners considered that the approach adopted is the most appropriate in achieving the purpose of the Act to protect the natural character of the coastal environment from inappropriate subdivision, use and development.
- Subdivision within the Coastal Environment Management Area is a discretionary activity, at which time effects can be assessed. This approach is considered the most efficient and effective mechanism for coastal subdivision.
- The Historic Heritage chapter (10) specifically manages the issue of historic heritage, and Policy 13.3.2(n) addresses the protection of historic heritage as a component of the natural character of the coastal environment. These existing plan provisions are the most appropriate for managing historic heritage values in the coastal environment.

### **13.3.2 CE1 Policies: Policy (a)**

#### **Submission Summary**

<b>Submitter Number</b>	<b>Submitter Name</b>	<b>Further Submitter Name and Number</b>	<b>Further Submission Support/Oppose</b>
526.38	Greater Wellington Regional Council	-	-
13.2	W Thompson	-	-

## Discussion

**Greater Wellington Regional Council** (526.38) support Policy (a).

**W Thompson** (13.2) opposes Policy (a). No reasons are stated.

## Evidence Heard

**Greater Wellington Regional Council** noted their support and acceptance of the Section 42A report recommendation in relation to submission point 526.38.

## Commissioners Deliberations

In concurring with the Section 42A report recommendation for approval, the Commissioners noted the support from Greater Wellington Regional Council, and the lack of information provided by W Thompson.

## Decision: 13.3.2 CE1 Policies: Policy (a)

Submission Reference:

526.38	Accept
13.2	Reject

## Reasons

This decision is made for the following reasons:

- The coastal environment within the Wairarapa has been defined through the landscape and ecological assessments undertaken for the Wairarapa Coastal Strategy (2004).

## 13.3.2 CE1 Policies: Policy (b)

### Submission Summary

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
525.50	Department of Conservation	FS85 Federated Farmers of New Zealand (Inc) FS112 D Riddiford	Oppose  Oppose
526.38	Greater Wellington Regional Council	-	-
13.2	W Thompson	-	-

## Discussion

The **Department of Conservation** (525.50) requests Policy (b) be amended by adding that adverse effects are to be avoided, remedied or mitigated. **Federated Farmers of New Zealand (Inc)** and **D Riddiford** oppose this submission.



**Greater Wellington Regional Council** (526.38) support Policy (b).

**W Thompson** (13.2) opposes Policy (b). No reason were provided.

### Evidence Heard

**Greater Wellington Regional Council** noted their support and acceptance of the Section 42A report' recommendation in relation to submission point 526.38.

The **Department of Conservation** (525.50) noted their support and acceptance of the Section 42A report recommendation for the amendment to Policy (b).

**D Riddiford** (264.21) spoke in support of his submission reiterating his issues with process and rules.

### Commissioners Deliberations

The Commissioners note the general support from original submitters in respect of the amended policy. The Commissioners consider the amendment appropriate given the requirement under the Act to avoid, remedy or mitigate the adverse effects of activities on the environment and Policy 3.3.2 of the NZCPS gives priority to avoiding effects.

### Decision: 13.3.2 CE1 Policies: Policy (b)

Submission Reference:

525.50	Accept
FS85	Reject
FS112	Reject
526.38	Accept
13.2	Reject

### Decision Amendment: 13.3.2 CE1 Policies: Policy (b)

Amend Policy (b) as follows:

*(b) Manage the design, location and scale of subdivision and development in the identified coastal environment to ensure the special qualities and natural character of the coast are retained **and adverse effects are avoided, remedied or mitigated, with priority given to avoiding effects.***

### Reasons

This decision is made for the following reasons:

- The amendment focuses attention on avoiding adverse effects from land use and subdivision in the identified coastal environment which is consistent with the provisions of the Act and Policy 3.3.2 of the NZCPS gives priority to avoiding effects.

### 13.3.2CE1 Policies: Policy (c)

#### Submission Summary

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
13.2	W Thompson		

#### Discussion

**W Thompson** (13.2) opposes Policy (c). No reasons were provided.

#### Evidence Heard

No specific evidence was presented on this point.

#### Commissioners Deliberations

As no reasons were provided in relation to this submission, the Commissioners concur with the Section 42A report recommendation to retain Policy (c) as currently worded.

#### Decision: 13.3.2 CE1 Policies: Policy (c)

Submission Reference:

13.2          Reject

#### Reasons

This decision is made for the following reasons:

- The policy as existing achieves Objective CE1.

### 13.3.2 CE1 Policies: Policy (d)

#### Submission Summary

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
525.51	Department of Conservation	FS85 Federated Farmers of New Zealand (Inc) FS112 D Riddiford	Oppose  Oppose
441.6	Genesis Power Ltd	FS85 Federated Farmers of New Zealand (Inc) FS112 D Riddiford FS84 Meridian Energy Limited	Support  Support Support
526.38	Greater Wellington Regional Council	-	-

13.2	W Thompson	-	-
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## Discussion

The **Department of Conservation** (525.51) seeks that Policy (d) be amended to ‘avoid’ rather than ‘discourage’ subdivision, land use and development where it would contribute to cumulative adverse effects on the special qualities and natural character of the Wairarapa coast, in order to give effect to 1.1.1(c) of the New Zealand Coastal Policy Statement.

**Genesis Power Ltd** (441.6) seeks that Policy (d) be amended so the focus is not on “discouraging subdivision, land use and development”, but is on avoiding, remedying or mitigating adverse effects. In addition, Genesis identify that it is unclear what the “special qualities” of the Wairarapa Coast are being referred to in this. **Federated Farmers of New Zealand (Inc)**, **D Riddiford** and **Meridian Energy Limited** support this submission.

**W Thompson** (13.2) opposes Policy (d). No reasons are stated.

**Greater Wellington Regional Council** (526.38) supports Policy (d).

## Evidence Heard

The **Department of Conservation** (525.51) noted their support and acceptance of the Section 42A report recommendation for the amendment to Policy (d).

**Genesis Power Ltd** (441.6) noted their support for the amended wording.

**Greater Wellington Regional Council** noted their support and acceptance of the Section 42A Report recommendation in relation to submission point 526.38.

**D Riddiford** (264.21) spoke in support of his submission reiterating his issues with process and rules.

## Commissioners Deliberations

The Commissioners noted the support from submitters in relation to the amended wording for Policy (d). The Commissioners consider the amendments are consistent with the Resource Management Act and New Zealand Coastal Policy Statement. Therefore, for the reasons identified in this report, the Commissioners concur with the Section 42A report recommendation for the amendment of Policy (d).

Given the “special qualities” of the coastal environment are comprehensively described in the *Wairarapa Coastal Strategy* which is referred to a number of times in the District Plan, it is not deemed necessary to add this wording to the policy.

## Decision: 13.3.2 CE1 Policies: Policy (d)

Submission Reference:

525.51	Accept in part
FS85	Accept in part
FS112	Accept in part

441.6	Accept in part
FS85	Accept in part
FS112	Accept in part
FS84	Accept in part

13.2            Reject  
526.38        Accept

### Decision Amendment: 13.3.2 CE1 Policies: Policy (d)

Amend Policy (d) as follows:

***Ensure that adverse cumulative effects of Discourage subdivision, land use and development where it would contribute to cumulative adverse effects on the special qualities and natural character of the Wairarapa coast are avoided, remedied or mitigated.***

### Reasons

This decision is made for the following reasons:

- The Act requires avoiding, remedying or mitigating the adverse effects of activities on the environment. The requested amendment by the Department of Conservation focuses attention on avoiding adverse effects from land use and subdivision in the identified coastal environment in order to give effect to 1.1.1(c) of the New Zealand Coastal Policy Statement. Section 55 of the Act requires a local authority to amend a Plan to give effect to a provision of a National Policy Statement. As stated earlier in this report, Policies 1.1.1, 3.2.1 and 3.2.2 of the New Zealand Coastal Policy Statement (NZCPS) are relevant to the Wairarapa coastal environment.

### 13.3.2 CE1 Policies: Policies (e)-(h)

#### Submission Summary

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
526.38	Greater Wellington Regional Council	-	-
13.2	W Thompson	-	-

### Discussion

**Greater Wellington Regional Council** (526.38) supports Policies (e)-(h).

**W Thompson** (13.2) opposes Policies (e) – (h). No reasons are stated.

### Evidence Heard

**Greater Wellington Regional Council** noted their support and acceptance of the Section 42A report recommendation in relation to submission point 526.38.

## Commissioners Deliberations

Based on the evidence provided, the Commissioners concur with the Section 42A report recommendation to retain existing policies (e) – (h). The support from Greater Wellington Regional Council was noted.

### Decision: 13.3.2 CE1 Policies: Policy (e)-(h)

Submission Reference:

526.38	Accept
13.2	Reject

## Reasons

This decision is made for the following reasons:

- The current provisions are consistent with the purpose and principles of the Resource Management Act, and are efficient and effective in achieving Coastal Environment Objective CE1.

### 13.3.2 CE1 Policies: Policy (i)

## Submission Summary

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
525.52	Department of Conservation	FS85 Federated Farmers of New Zealand (Inc) FS112 D Riddiford	Oppose Oppose
526.39	Greater Wellington Regional Council	FS85 Federated Farmers of New Zealand (Inc) FS112 D Riddiford	Oppose Oppose
13.2	W Thompson	-	-

## Discussion

The **Department of Conservation** (525.52) and **Greater Wellington Regional Council** (526.39) support Policy (i) to discourage development between the foreshore and roads close to the coast. However, they seek that Policy (i) be amended to recognise that the retention of open vistas from other key viewing areas is also important (DOC) and that it should also recognise improved access for recreation or enjoyment of amenity values and to discourage 'privatisation' of the coast (GWRC). **Federated Farmers of New Zealand (Inc)** and **D Riddiford** oppose these submissions.

**W Thompson** (13.2) opposes Policy (i). No reasons are stated.

## Evidence Heard

**Greater Wellington Regional Council** (526.39) noted they accept the Section 42A report recommendation for their submission reference 526.39 and is in general support of the proposed Objective CE3 – Public Access and Enjoyment and supporting provisions to meet

the Section 6 requirement to provide for the maintenance and enhancement of public access along the coastal marine area. However the proposed wording is not in accordance with the arguments presented for its inclusion.

The **Department of Conservation** (525.52) noted their support and acceptance of the Section 42A report recommendation for the insertion of a new objective and policy relating to public access and enjoyment.

**D Riddiford** (264.21) spoke in support of his submission reiterating his issues with process and rules.

### Commissioners Deliberations

The Commissioners noted the Section 42A report recommendation for the retention of policy (i) and insertion of a new objective and corresponding policies and provisions relating to public access and enjoyment. The Commissioners believe the retention of policy (i) satisfies the further submissions. Amendments have been proposed in the Section 42A report and the Commissioners note the acceptance and support from original submitters. The Commissioners considered the evidence provided by Greater Wellington Regional Council at the hearing and agree with the proposed further amendment to delete the last portion of the proposed objective on the basis that recognising protection of property rights is not the intent of the RMA and the objective does not reflect Section 6(d) or the Act.

### Decision: 13.3.2 CE1 Policies: Policy (i)

Submission Reference:

525.52	Reject
FS85	Accept
FS112	Accept
526.39	Accept in part
FS85	Accept in part
FS112	Accept in part
13.2	Reject

### Decision Amendment: 13.3.2 CE1 Policies: Policy (i)

Add a new Objective 13.3.7 as follows:

#### ***13.3.7 Objective CE3 – Public Access & Enjoyment***

***To facilitate public access to and enjoyment of the Wairarapa's coast and its margins in a manner that protects its natural character.***

Add a new Policy 13.3.8(a) as follows:

#### ***13.3.8 CE3 Policies***

***(a) Recognise and provide for existing recreational activities on the coast and its margins that do not cause detrimental effects to the coastal environment.***

Delete Policy 13.3.2(n) and add it as Policy 13.3.8(b) as follows:

***(b) Ensure use, subdivision and development of the coastal environment provides for, or enhances, public access to and along the coast. Access should only be restricted for the following reasons:***

- i. To protect natural habitats;*
- ii. To protect historic heritage features and areas; or*
- iii To protect public health and safety.*

Add a new Policy 13.3.8(c) as follows:

***(c) Manage the potential for reverse sensitivity to arise when land use and development occurs in close proximity to areas of public recreation.***

Add a new Explanation 13.3.9 by relocating the existing paragraph 14 from 13.3.3 as follows:

**13.3.9 Explanation**

***The maintenance and enhancement of public access to and from the coast is a matter of national importance. Provision of public access to and along the coast occurs on a systematic basis through the subdivision process, and occasionally through taking other opportunities as they arise. However, provision of access can potentially have adverse effects on the physical environment and can be detrimental to the character of the coast – for example, by establishing roads and access in erosion prone areas or significant natural areas. Therefore, proposals involving new forms of public access need to be carefully assessed.***

Re-number existing section “13.3.7” to “13.3.10”, and re-number existing section “13.3.8” to “13.3.11”.

## Reasons

This decision is made for the following reasons:

- It is considered that Policy (i) as currently worded together with the other Policies under ‘13.3.2 CE1 Policies’ is consistent with Policies 1.1.1, 3.2.1 and 3.2.2 of the New Zealand Coastal Policy Statement.
- The proposed amendments and additions are considered the most appropriate for giving effect to public access to the coastal environment as a matter of national importance under section 6(d) of the Act. In addition, the maintenance and enhancement of public access to and along the coastal marine area is a matter to be recognised and provided for under 3.5 of the New Zealand Coastal Policy Statement.

## 13.3.2 CE1 Policies: Policy (j)

### Submission Summary

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
526.40	Greater Wellington Regional Council	-	-
13.2	W Thompson	-	-

## Discussion

**Greater Wellington Regional Council** (526.40) supports Policy (j) and considers that further policy should be added to postpone new development in areas where management plans have been identified but have yet to be developed.

**W Thompson** (13.2) opposes Policy (j). No reasons are stated.

## Evidence Heard

**Greater Wellington Regional Council** spoke in support of their submission point 526.38 and request that the Commissioners consider a provision which gives a timeline for management plan to be completed.

## Commissioners Deliberations

The Commissioners carefully considered the issue of a timeline for the development of Management Plans for all coastal settlements but do not believe such a blanket approach is appropriate or an efficient use of resources. The Commissioners believe it would be more efficient to commit the resources and time to prepare the corresponding plans for areas as the resource management issues and pressures arise.

The Commissioners concur with the Section 42A Report recommendation to not introduce a policy postponing development in those areas where management plans have been identified but not yet developed. As Council has the ability to manage proposed development via the resource consent process, it is considered onerous to add a Policy to postpone new development in areas identified for Management Plans that are yet to be developed.

## Decision: 13.3.2 CE1 Policies: Policy (j)

Submission Reference:

526.40	Accept
13.2	Reject

## Reasons

This decision is made for the following reasons:

- The current provisions provide for the most efficient use of resources, and are consistent with the purpose and principles of the Resource Management Act 1991.
- Council has the ability to manage proposed development via the resource consent process in that all subdivision in the coastal environment is a discretionary activity.
- Methods 13.3.7(e) and 13.3.7(k) of the Plan require all subdivision to be a discretionary activity, and for resource consent applications and plan changes to take due cognisance of the Wairarapa Coastal Strategy

## 13.3.2 CE1 Policies: Policy (m)

### Submission Summary

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
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526.41	Greater Wellington Regional Council	-	-
13.2	W Thompson	-	-

## Discussion

**Greater Wellington Regional Council** (526.41) supports Policy (m).

**W Thompson** (13.2) opposes Policy (m). No reasons are stated.

## Evidence Heard

**Greater Wellington Regional Council** noted their support and acceptance of the Section 42A report recommendation in relation to replacing the words “cautionary approach” with “precautionary approach”

## Commissioners Deliberations

The Commissioners accept the evidence provided by the submitter and within the Section 42A report for the replacement of the words “cautionary approach” with “precautionary approach”. The Commissioners agree that ‘Precautionary’ implies forethought whereas ‘cautious’ could be perceived as being more indecisive and reactive to events.

## Decision: 13.3.2 CE1 Policies: Policy (m)

Submission Reference:

526.41	Accept
13.2	Reject

## Decision Amendment: 13.3.2 CE1 Policies: Policy (m)

Amend Policy (m) as follows:

*Adopt a ~~cautious~~ **precautionary** approach to new subdivision and development where knowledge is lacking about coastal processes and where the risks from natural hazards are likely to be high.*

## Reasons

This decision is made for the following reasons:

- The Commissioners believe the use of the word “precautionary” better reflects the intent of the policy.
- The terminology ‘precautionary approach’ is in accordance with NZ Coastal Policy Statement (NZCPS) policy.

### 13.3.2 CE1 Policies: Policy (n)

#### Submission Summary

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
526.42	Greater Wellington Regional Council	FS85 Federated Farmers of New Zealand (Inc) FS112 D Riddiford	Oppose  Oppose
13.2	W Thompson	-	-

#### Discussion

**Greater Wellington Regional Council** (526.42) seek that Policy (n) be amended to give effect to Policy 3.5.1 of the New Zealand Coastal Policy Statement in that the words in Policy (m) of the Plan (*"it may be desirable to restrict public access"*) are not consistent with the New Zealand Coastal Policy Statement. **Federated Farmers of New Zealand (Inc)** and **D Riddiford** oppose this submission.

**W Thompson** (13.2) opposes Policy (n). No reasons are stated.

#### Evidence Heard

**Greater Wellington Regional Council** noted their support and acceptance of the Section 42A report recommendation in relation to amendments to Policy (n) as requested in their submission.

**D Riddiford** (264.21) spoke in support of his submission reiterating his issues with process and rules.

#### Commissioners Deliberations

As highlighted in the Section 42A Report, Section 55(2) of the Act requires a local authority to amend a Plan to give effect to a provision in a National Policy Statement. The Commissioners concur with the Section 42A Report recommendation that Policy (n) be amended so to ensure consistency with the New Zealand Coastal Policy Statement.

#### Decision: 13.3.2 CE1 Policies: Policy (n)

Submission Reference:

526.42	Accept
FS85	Reject
FS112	Reject
13.2	Reject

#### Decision Amendment: 13.3.2 CE1 Policies: Policy (n)

Delete Policy 13.3.2(n) and add it as Policy 13.3.8(b) as follows:

***(b) Ensure use, subdivision and development of the coastal environment provides for, or enhances, public access to and along the coast. Access should only be restricted for the following reasons:***

- i. To protect natural habitats;***
- ii. To protect historic heritage features and areas; or***
- iii To protect public health and safety.***

## Reasons

This decision is made for the following reasons:

- The amendment ensures consistency with the New Zealand Coastal Policy Statement, thereby ensuring compliance with Section 55(2) of the Act requires a local authority to amend a Plan to give effect to a provision in a National Policy Statement.

## 13.3.2 CE1 Policies: Policy (o)

### Submission Summary

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
525.57	Department of Conservation	FS85 Federated Farmers of New Zealand (Inc) FS112 D Riddiford	Oppose  Oppose
13.2	W Thompson	-	-

## Discussion

The **Department of Conservation** (525.57) seek Policy (o) be amended to also require esplanade reserves/strips around coastal water bodies with important natural values including estuaries and river mouths. **Federated Farmers of New Zealand (Inc)** and **D Riddiford** oppose this submission.

**W Thompson** (13.2) opposes Policy (o). No reasons are stated.

## Evidence Heard

The **Department of Conservation** (525.57) noted their support and acceptance of the Section 42A report recommendation in relation to amendments to Policy (o) to make reference to estuaries and waterbodies

**D Riddiford** (264.21) spoke in support of his submission reiterating his issues with process and rules.

## Commissioners Deliberations

The Commissioners concur with the recommendation in the Section 42A Report. Given the definition of Coastal Marine Area under the Act and the Significant Waterbodies listed in Appendix 1.9, the Commissioners consider the amendment to be most appropriate and more consistent with Objective CE1.

### Decision: 13.3.2 CE1 Policies: Policy (o)

Submission Reference:

525.57	Accept in part
FS85	Reject
FS112	Reject
13.2	Reject

### Decision Amendment: 13.3.2 CE1 Policies: Policy (o)

Amend Policy (o) as follows:

*(o) Require esplanade reserves/strips along the coastal ~~margin~~ **marine area and estuaries and river mouths of significant waterbodies**, recognising that esplanade strips may be more appropriate if the special qualities of the coastal environment are likely to be detrimentally affected by esplanade reserves.*

### Reasons

This decision is made for the following reasons:

- The amendment provides consistency with the definition of the Coastal Marine Area, as provided in the Act.
- The amendment provides clarity as to the intent of the policy.

### 13.3.2 CE1 Policies: Add New Policies

#### Submission Summary

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
525.49	Department of Conservation	FS85 Federated Farmers of New Zealand (Inc) FS112 D Riddiford	Oppose Oppose
525.53	Department of Conservation	-	-
525.55	Department of Conservation	FS85 Federated Farmers of New Zealand (Inc) FS112 D Riddiford	Oppose Oppose
525.56	Department of Conservation	FS85 Federated Farmers of New Zealand (Inc) FS112 D Riddiford	Oppose Oppose
497.14	New Zealand Historic Places Trust	-	-
380.2	D, J, T, J & E Williams	-	-

## Discussion

The **Department of Conservation** (525.49) seeks that a new Policy be added regarding hazard avoidance in the coastal area to be consistent with the New Zealand Coastal Policy Statement. **Federated Farmers of New Zealand (Inc)** and **D Riddiford** oppose this submission.

The **Department of Conservation** (525.53) seeks that a new Policy be added to give effect to the Wairarapa Coastal Strategy by providing specific reference to it in a new Policy to give it statutory weight.

The **Department of Conservation** (525.55) seeks that a new Policy be added to include policy guidance in relation to the special ecological values in the coastal area to give effect to NZ Coastal Policy Statement policy 1.1.2. **Federated Farmers of New Zealand (Inc)** and **D Riddiford** oppose this submission.

The **Department of Conservation** (525.56) seeks that a new Policy be added to provide greater guidance in relation to the NZ Coastal Policy Statement Policy 1.1.1 relating to the spread of development in the coastal area. **Federated Farmers of New Zealand (Inc)** and **D Riddiford** oppose this submission.

The **NZ Historic Places Trust** (497.14) seeks that a new Policy be added specifically relating to historic heritage.

The **D, J, T, J & E Williams** (380.2) request a new Policy be added to recognise that natural character of the coastal environment can be preserved and enhanced through appropriate subdivision, use and development. The submitter noted his original submission points 1.2 and 1.3 showing the belief that Otahome was an existing coastal settlement.

## Evidence Heard

The **Department of Conservation** noted their support and acceptance of the Section 42A report recommendation in relation to the amendment to Policy 13.3.2(h). The Section 42A Report recommendation in relation to submission points 525.54 and 525.56 were also accepted and supported by the **Department of Conservation**. In respect of submission point 525.53 requesting the Wairarapa Coastal Strategy be given effect to in a new policy, the **Department of Conservation** note their acceptance of the recommendation but expect the District Plan to adopt individual objectives and policies as sought in submissions on the coastal environment and natural hazards.

The **NZ Historic Places Trust** (497.13) spoke in support of their submission and noted that while the objectives, policies and methods contained in Chapter 13 are supported, regulatory protection of the Coastal Environment Management Area is limited. The NZHPT is seeking greater protection of cultural and heritage values in the coastal environment.

**T Williams** spoke on behalf of **D, J, T, J & E Williams** (380.2) in support of their submission requesting a new Policy be added to avoid, remedy or mitigate the effects of development.

**D Riddiford** (264.21) spoke in support of his submission reiterating his issues with process and rules.

## Commissioners Deliberations

For the reasons outlined in the Section 42A Report, the Commissioners support the retention of the status quo in relation to policies. The minor amendment to Policy (h) is supported so as to clarify the duty to avoid hazard risks. A new policy is not considered warranted as it is considered that the District wide provisions in Policy 13.3.2(h) (Chapter 13 Coastal Environment), together with Objective 14.3.1, Policies 14.3.2(a)-(d) and Methods 14.3.4(a)-

(d) & (j) (Chapter 14 Natural Hazards) of the Plan appropriately cover hazard avoidance which includes hazards in the coastal area.

In respect of the statutory weight of the Wairarapa Coastal Strategy (2004), it would therefore not be appropriate to provide a Policy requiring the District Plan to give effect to the said Strategy as only parts of the Wairarapa Coastal Strategy (2004) cover matters within the realm of the Resource Management Act.

The Commissioners considered the submission in respect of ecological values, and noted that Policy guidance for ecological values are covered by the District Wide provisions in 'Chapter 11 Indigenous Biodiversity' and 'Chapter 9 Landscape' of the Plan which provide for appropriate consideration of the ecology and habitats throughout the Districts including the coastal areas. Specific provisions are 11.3.1 Objective Bio1 – Biological Diversity, 11.3.4 Objective Bio2 – Significant Vegetation and Habitats, 9.3.1 Objective Lan1 – Outstanding Landscape & Natural Features and Policy 11.3.2(i). Given ecological values are already provided for by the existing provisions of the Plan, the Commissioners do not consider it necessary to add a new Policy in relation to the ecological values of the coastal area.

With respect to the insertion of a new policy regarding special ecological values in the coastal area to give effect to NZ Coastal Policy Statement policy 1.1.2, the Commissioners do not believe this is warranted as 'Chapter 13 Coastal Environment' already contains comprehensive provisions addressing the matter raised and are covered by the provisions in 'Chapter 11 Indigenous Biodiversity'. This existing mix of policy frameworks is effective in providing for the special ecological values in the coastal environment.

In relation to historic heritage, Chapter 10 in the Proposed Plan sets out the policy framework for managing historic heritage in the Wairarapa, including the coastal environment. In particular, Objective 10.3.1, Policies 10.3.2(a)-(f) and Methods 10.3.4(a)-(q) provide a comprehensive approach to protecting areas, sites, buildings, structures and features of historical value. The Commissioners therefore consider the relief sought by the NZ Historic Places Trust is already provided for in the current Plan provisions, and it is most effective in that Chapter, rather than by adding a new Policy regarding historic heritage to Chapter 13.

In respect of the submission contending that Otahome was (is) an existing coastal settlement, the Commissioners at this time do not consider it is a settlement, as the rural environmental qualities predominate over urban characteristics in this location. However, the District Plan seeks to manage subdivision and development in the coastal environment in an integrated and structured manner. Therefore the Commissioners recommend that a structure plan be prepared for Otahome to determine whether it is appropriate to develop as a settlement and if so, the size, scale and form of the settlement.

The final matter raised in submissions relates to appropriate subdivision, use and development. The Commissioners consider the current policies in the Proposed Plan provide considerable direction in terms of the nature of subdivision, use and development in the coastal environment. These policies include 'restrictive' policies, which provide direction in terms of inappropriate development (e.g. Policies 13.3.2 (d) and (i)), and 'supportive' policies which provide direction in terms of appropriate development (e.g. Policies 13.3.2(e) and (k)). Therefore, it is considered the current policies provide an appropriate framework for subdivision, use and development in the coastal environment, and it is decided to not add any new policy.

### **Decision: 13.3.2 CE1 Policies: Add New Policies**

Submission Reference:

525.49	Accept in Part
FS85	Accept in part
FS112	Accept in part

525.53 Reject

525.55 Reject  
FS85 Accept  
FS112 Accept

525.56 Reject  
FS85 Accept  
FS112 Accept

497.14 Reject

380.2 Reject

### Decision Amendment: 13.3.2 CE1 Policies: Add New Policies

Amend Policy 13.3.2(h) as follows:

*(h) Protect foreshore amenity values and **avoid** hazard risks by controlling the location of structures in close proximity to the foreshore.*

### Reasons

This decision is made for the following reasons:

- The retention of the existing provisions, subject to the minor amendment, are considered to be consistent with the purpose and principles of the Act, and the most efficient and effective ways of achieving Objective CE1.

### 13.3.2 CE1 Policies: All Policies

#### Submission Summary

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
290.4	K Reedy	FS157 G & J Diederich FS155 K Reedy FS85 Federated Farmers of New Zealand (Inc) FS112 D Riddiford	Support Support Support Support
331.3	D & S Murphy	FS85 Federated Farmers of New Zealand (Inc) FS112 D Riddiford	Support Support

### Discussion

**K Reedy** (290.4) opposes 13.3.2 and seeks Councils to adopt a partnership with coastal landowners. **K Reedy, G & J Diederich, Federated Farmers of New Zealand (Inc)** and **D Riddiford** support this submission.

**D & S Murphy** (331.3) requests that structures and services necessary for existing farming and fishing operations be excluded from the provisions of 13.3.2. **Federated Farmers of New Zealand (Inc)** and **D Riddiford** support this submission.

### **Evidence Heard**

**D & S Murphy** (331.3) spoke in support of their submission outlining the type and nature of structures and services required.

**D Riddiford** (264.21) spoke in support of his submission reiterating his issues with process and rules.

### **Commissioners Deliberations**

The Commissioners consider it appropriate to retain the Policies in 13.3.2 which contain an appropriate mix of regulatory and collaborative provisions as it is a matter of national importance under section 6 of the Act to recognise and provide for the preservation of the natural character of the coastal environment and the protection of it from inappropriate subdivision, use and development; as well as to maintain and enhance public access to and along the coastal marine area. In order to achieve this, it is necessary to have a regulatory framework to ensure that the environmental outcomes would be achieved. Drawing on the Wairarapa Coastal Strategy and its consultation process, and that the Draft Plan and the Proposed Plan have involved public consultation, these processes have enabled all views of the community to be heard and considered before final decisions are made.

The issue of structures for fishing and farming operations is discussed later in this report with the decision to amend the provisions. However, while it is recognised some structures by their very nature and purpose, must be located in the foreshore area, the location and design of some structures may influence coastal processes. Therefore, a case by case assessment is warranted for those structures not exempt, to ensure they do not worsen or change the natural processes, and increase the risks of damage from natural hazards. Therefore, has been determined to retain the current policy wording.

### **Decision: 13.3.2 CE1 Policies: All Policies**

#### Submission Reference:

290.4	Reject
FS157	Reject
FS155	Reject
FS85	Reject
FS112	Reject
331.3	Reject
FS85	Reject
FS112	Reject

### **Reasons**

This decision is made for the following reasons:

- Existing structures in the foreshore areas if lawfully established would have existing use rights under the Act. Given the risk of natural hazards affecting land along the coastal margins, a managed approach is warranted.



- It is a matter of national importance under section 6 of the Act to recognise and provide for the preservation of the natural character of the coastal environment and the protection of it from inappropriate subdivision, use and development; as well as to maintain and enhance public access to and along the coastal marine area. The mix of policies are considered the most efficient and effective approach for achieving this part of the Act.

### 13.3.3 Explanation

#### Submission Summary

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
525.58	Department of Conservation	-	-
526.43	Greater Wellington Regional Council	-	-
526.44	Greater Wellington Regional Council	-	-
34.3	J & M McGuinness	-	-

#### Discussion

The **Department of Conservation** (525.58) seeks that paragraph 7 of the Introduction be amended to recognise 'Outstanding Natural Features' in accordance with section 6(b) of the Act.

**Greater Wellington Regional Council** (526.43) seeks a definition of the Coastal Environment Management Area to be provided in the 'Coastal Environment' chapter and the 'Definitions section of the Plan'; and that the Maps are either amended or clarified to provide for any inconsistencies between the Proposed District Plan maps and that of the Wairarapa Coastal Strategy (e.g. at Riversdale); and ensure that the mapping of the Coastal Environment Management Area covers all of the area between its inland boundary and Mean High Water Springs, irrespective of underlying Environmental Zones.

**Greater Wellington Regional Council** (526.44) requests paragraph 12 of '13.3.3 Explanation' provide further clarification of the criteria used for the "Foreshore Protection Area" and how this has been derived.

**J & M McGuinness** (34.3) also requests paragraph 12 to provide further clarification of the criteria used for the "Foreshore Protection Area" and how this has been derived, and for the 2nd paragraph, to legalise the area definition of the CEMA in consultation and agreement with landowners, acknowledging existing infrastructure and future potential requirements, or delete the area definition from the plan. They also request Flat Point be added to paragraph 10 as a developing community.

## Evidence Heard

The **Department of Conservation** (525.58) spoke in support and acceptance of the Section 42A report recommendation that the words “*and Outstanding Natural Features*” be added to the second sentence of paragraph 7 of the Explanation.

**Greater Wellington Regional Council** (526.43) noted their support for the recommendation for amendment to paragraph 2 of the Explanation, in the form of additional text, and agreed a change to paragraph 12 was not required.

## Commissioners Deliberations

The Commissioners agree that to be consistent with the terminology and requirements of section 6(b) of the Act that the words “*and Outstanding Natural Features*” should be added to the second sentence of paragraph 7 of the Explanation.

While the specific location and extent of the Foreshore Protection Area is defined and notated on the Planning Maps of the Plan and the purpose of the Foreshore Protection Area and criteria for it are explained in the explanation, the Commissioners concur that for the purpose of clarity, a further sentence should be added to paragraph 12 as outlined in the Section 42A Report.

In regards to Flat Point, while the Commissioners concur with the submitter that it is an area that has experienced recent development, we do not consider it is a “settlement” in its current scale and form. We also do not consider it appropriate to rezone the land as residential without consultation with affected landowners. In addition, we also do not consider adding Flat Point to the list of locations in paragraph 10 to be the most appropriate approach for recognising the developing nature of this location. Rather, the Commissioners consider it more appropriate to add new text to Section 13.3.6 which is the Explanation for the Coastal Settlement policies to describe the process for managing the further development.

The final outstanding matter in relation to the Explanation section for consideration, is in relation to definitions, mapping and clarification of the criteria used for the “Foreshore Protection Area”.

As noted in the Section 42A Report, it is not considered necessary to provide a definition of the Coastal Environment Management Area in ‘Chapter 27 Definitions’ of the Plan because its specific location and extent is defined and notated on the Planning Maps based on a comprehensive assessment and consultation process for the Wairarapa Coastal Strategy. However, in the context of paragraphs 1 and 2 of the Explanation has been determined to describe the Coastal Environment Management Area in paragraph 2. The rationalise for the extent and mapping of the Coastal Environment Management Area (CEMA) is commented on in the Section 42A Report and the Commissioners concur with these statements.

## Decision: 13.3.3 Explanation

Submission Reference:

525.58	Accept
526.43	Accept in part
526.44	Accept in part
34.3	Accept in part

## Decision Amendment: 13.3.3 Explanation

Amend paragraph 7 of the Explanation as follows:

*A number of specific landscapes and natural features along the coast have been identified as outstanding, and these are identified within the Landscape section of this Plan (Section 9). Development within identified Outstanding Landscapes **and Outstanding Natural Features** needs to be carefully controlled to ensure it does not compromise the visual integrity of these iconic and important landscapes.*

Amend paragraph 2 of the Explanation as follows:

*Based on this definition, the Coastal Environment Management Area (CEMA) is an overlay on top of the environmental zones that manage land use and subdivision along the coast (primarily Rural, ~~and Residential and Commercial in the settlements~~). Controls for the CEMA either supercede or are applied in combination with zone rules. **CEMA is described in the Wairarapa Coastal Strategy (2004) as being the area between the seaward boundary and the inland coastal boundary. The seaward boundary is mean high water springs (MHWS) or approximately the high tide mark. The inland coastal boundary is based on the 'landscape' definition of the coast (usually the top of the first inland hill) but in some places follows the 'ecological' boundary (where salt laden winds influence ecology).***

Amend paragraph 12 of the Explanation as follows:

*....variable boundary has been defined). **The Foreshore Protection Area is of a width to generally provide adequate distance to avoid potential hazards associated with the natural processes of the ocean such as storm surges and coastal erosion, and to avoid the adverse effects of development on the natural character and ecology of the foreshore.***

### **Consequential Amendment: Decision Amendment: 13.3.6 Explanation**

Add a new paragraph below paragraph 5 in 13.3.6 Explanation as follows:

***Any expansion of existing coastal settlements and provision of new settlements should occur by rezoning areas to urban through a Plan Change. It is anticipated that any Plan Change would include a Structure Plan to determine the spatial layout and pattern of the settlement and future development, in accordance with the Wairarapa Coastal Strategy.***

### **Reasons**

This decision is made for the following reasons:

- The amendments provide clarification and better description as to the nature and extent of the Coastal Environment Management Area and Foreshore Protection Area.
- The addition of text to the Coastal Settlement explanation provides guidance for the process to be followed for managing the expansion of existing coastal settlements and provision of new settlements.

### 13.3.5 CE2 Policies – Coastal Settlements

#### Submission Summary

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
525.59	Department of Conservation	-	-
526.45	Greater Wellington Regional Council	-	-
13.3	W Thompson	-	-
264.21	D Riddiford	-	-

#### Discussion

The **Department of Conservation** (525.59) seeks that Policy (a) be amended to apply to other areas where development pressures are considered likely to occur and require a planned approach. The Department of Conservation also support Policy (b).

**Greater Wellington Regional Council** (526.45) support Policy (e) and requests a new Method to require Plan changes for implementing structure plans and management plans.

**W Thompson** (13.3) opposes Policies (a), (b), (c), (d), (e) and (f). No reasons are stated. **D Riddiford** (264.21) also oppose these Policies.

#### Evidence Heard

The **Department of Conservation** (525.59) noted their support for the recommendation for the retention of Policy (a) and (b).

**Greater Wellington Regional Council** (526.45) noted their support for the recommendation for the retention of Policy (e).

**D Riddiford** (264.21) spoke in support of his submission reiterating his issues with process and rules.

#### Commissioners Deliberations

The Commissioners concur with the Section 42A Report to retain CE2 Policies – Coastal Settlements Policies. The support from submitters is noted. No further evidence was provided at the hearing to outline the relief sought to change the existing policies. Given the sensitivity of the coastal environment, it is considered a discretionary activity status is an effective and efficient regime for managing subdivision, as it provides an assessment to be made on a case-by-case basis.

#### Decision: 13.3.5 CE2 Policies

Submission Reference:

525.59	Accept in part
526.45	Accept in part
13.3	Reject

264.21 Reject

## Reasons

This decision is made for the following reasons:

- The retention of the existing provisions is consistent with the purpose and principles of the Resource Management Act, by protecting the coastal environment from inappropriate subdivision, use and development.
- Given the sensitivity of the coastal environment, it is considered a discretionary activity status is an effective and efficient regime for managing subdivision, as it provides an assessment to be made on a case-by-case basis.

### 13.3.7 Methods to Implement the Coastal Environment Policies

#### Submission Summary

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
13.4	W Thompson	-	-
264.21	D Riddiford	-	-
525.60	Department of Conservation	-	-
497.15	NZ Historic Places Trust	-	-
431.7	Wairarapa Branch and National Office of the NZ Forest and Bird Society	-	-
526.46	Greater Wellington Regional Council	-	-
34.4	J & M McGuinness	-	-

## Discussion

The **Department of Conservation** (525.60) and the **NZ Historic Places Trust** (497.15) support Method (e).

The **Wairarapa Branch and National Office of the NZ Forest and Bird Society** (431.7) opposes Method (i) and Method (k).

**Greater Wellington Regional Council** (526.46) requests a new Method to require Plan changes for implementing structure plans and management plans.

**J & M McGuinness** (34.4) requests Method (a) to state 'legally identify' or add 'define' to mean 'legally identify' in Definitions. He also requests Method (e) lower the subdivision scrutiny basis where subdivision of existing dwellings is involved.

**W Thompson** (13.4) opposes Methods (a) – (q). **D Riddiford** (264.21) also oppose these Methods. No reasons are provided.

### **Evidence Heard**

The **Department of Conservation** (525.60) noted their support for the recommendation for the retention of Policy (e)

The **NZ Historic Places Trust** (497.13) spoke in support of their submission and noted that while the objectives, policies and methods contained in Chapter 13 are supported, regulatory protection of the Coastal Environment Management Area is limited. The NZHPT is seeking greater protection of cultural and heritage values in the coastal environment.

**Greater Wellington Regional Council** (526.46) noted their support for the recommendation for the retention of the policies, and noted that Policy (j) addresses concerns raised in their submission.

**J & M McGuinness** (34.4) spoke in support of their submission.

**D Riddiford** (264.21) spoke in support of his submission reiterating his issues with process and rules.

### **Commissioners Deliberations**

The Commissioners note the general support from submitters for the retention of existing policies.

In respect of the definition of “define”, Method (a) is the foundation for the management framework for the coastal environment, and one of the key methods is to identify the extent of the coastal environment. The Coastal Environment Management Area is defined on the Planning Maps which the Commissioners consider to be the most effective and certain method. As the Coastal Environment Management Area is graphically defined, adding a definition of this term to the Plan in text form is not considered the most effective approach.

In respect of the discretionary activity status of subdivisions and the rights of landowners to subdivide their property, the Commissioners believe it is appropriate Method (e) is retained. Given the sensitivity of the coastal environment, it is considered a discretionary activity status is an effective and efficient regime for managing subdivision, as it provides an assessment to be made on a case-by-case basis. In addition, if you subdivide an existing dwelling on to a standalone lot, the balance lot would have new land development rights, such as constructing a new dwelling.

All of the Methods under 13.3.7 including Method (i) provide the commitment to implement the Coastal Environment Policies. The Plan in its entirety, together with the District Wide Rules are considered to give effect to the NZ Coastal Policy Statement. Method (k) makes reference to the Wairarapa Coastal Strategy because that document is a non-statutory document. Therefore, it is decided to retain Method (k) as currently worded.

### **Decision: 13.3.7 Methods to Implement the Coastal Environment Policies**

Submission Reference:

525.60	Accept
497.15	Accept
431.7	Reject
526.46	Reject
34.4	Reject
13.4	Reject

264.21 Reject

## Reasons

This decision is made for the following reasons:

- The retention of the existing provisions is consistent with the purpose and principals of the Resource Management Act.
- Given the sensitivity of the coastal environment, it is considered a discretionary activity status is an effective and efficient regime for managing subdivision, as it provides an assessment to be made on a case-by-case basis.

## 13.4 Anticipated Environmental Outcomes

### Submission Summary

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
13.5	W Thompson		
499.2	D Daniell	FS85 Federated Farmers of New Zealand (Inc)	Support
		FS112 D Riddiford	Support
52.1	R Broughton	-	-

## Discussion

**W Thompson** (13.5) opposes Anticipated Environmental Outcomes (a) – (e).

**D Daniell** (499.2) opposes '13.4 Anticipated Environmental Outcomes' and submits coastal development should be permitted with an advisory service as to how to achieve a high value outcome. **Federated Farmers of New Zealand (Inc)** and **D Riddiford** support this submission.

**R Broughton** (52.1) request Anticipated Environmental Outcomes (a) – (c) be retained

## Evidence Heard

**D Daniell** (499.2) spoke in support of his submission. As did **D Riddiford**.

## Commissioners Deliberations

The Commissioners consider the Anticipated Environmental Outcomes provisions pertaining to the coastal environment are best retained. The provisions seek to achieve the Purpose and Principles of Part II of the Act, including the matters of national importance under section 6 of the Act to recognise and provide for the preservation of the natural character of the coastal environment and the protection of it from inappropriate subdivision, use and development; the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna; and the maintenance and enhancement of public access to and along the coastal marine area.

The Commissioners do not believe the provisions provide a blanket “no” in relation to development, rather provide guidance and certainty as to where and how development can occur in order to achieve the sustainable management of the natural and physical resources of the coastal environment. Guidance for achieving high quality outcomes is available through non-regulatory documents.

## Decision: 13.4 Anticipated Environmental Outcomes

Submission Reference:

13.5 Reject

499.2 Reject

FS85 Reject

FS112 Reject

52.1 Accept

## Reasons

This decision is made for the following reasons:

- The retention of the existing provisions is consistent with the purpose and principals of the Resource Management Act by protecting the coastal environment from inappropriate subdivision use and development.
- Given the sensitivity of the coastal environment, it is considered a discretionary activity status is an effective and efficient regime for managing subdivision, as it provides an assessment to be made on a case-by-case basis. Guidance for achieving high quality outcomes is provided through non-regulatory documents.

### 21.1.15 Permitted Activity - Foreshore Protection Area

## Submission Summary

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
525.90	Department of Conservation	FS34 Adamson Land Surveyors	Oppose
524.70	Federated Farmers of New Zealand (Inc)	FS157 G & J Diederich FS155 K Reedy	Support Support
526.99	Wellington Regional Council	-	-
230.5	R, A & J Boyne	-	-
34.9	J & M McGuinness	-	-



331.1	D & S Murphy	-	-
264.33	D Riddiford	FS157 G & J Diederich FS155 K Reedy	Support Support
278.3	G & C Tyer	-	-
507.5	Riversdale Ratepayer's Association	-	-

## Discussion

**Department of Conservation** (525.90) requests that the Foreshore Protection Area be widened from 50m to 100m as they consider the 50m zone may be inadequate for hazard avoidance and does not appear to have been based on research, modelling or historic information of hazard events and may be inadequate. **Adamson Land Surveyors** oppose this submission.

**D & S Murphy** (331.1) requests that the Foreshore Protection Area be reduced from 50m to 30m. **Riversdale Ratepayer's Association** (507.5) request a 50m width along the full length of Riversdale coastline.

**Greater Wellington Regional Council** (526.99) seek clarification of the criteria used to define the Foreshore Protection Area, and request flexibility in its application.

**R, A & J Boyne** (230.5) request the rule be amended to permit structures for any purpose/use associated with primary farming activity (e.g. hayshed, woolshed, covered yards, deer pen). **J & M McGuinness** (34.9) requests existing structures be permitted. **D Riddiford** (264.33) requests the rule permit fences and aquaculture structures. **G & J Diederich** and **K Reedy** support this submission.

**Federated Farmers of NZ (Inc)** (524.70) request Rule 21.1.15 be deleted. **G & J Diederich** and **K Reedy** support this submission.

**G & C Tyer** (278.3) request the coastal environment rules be amended.

## Evidence Heard

**Department of Conservation** (525.90) provided evidence at the hearing supporting their submission and request for a 100 metre zone.

**Greater Wellington Regional Council** (526.99) noted their support and acceptance of the Section 42A report recommendation in relation to 21.1.15 and proposed amendment in relation to fence structures.

**D & S Murphy** (331.1) spoke in support of their submission.

**R, A & J Boyne** (230.5) spoke in support of their submission with particular concern raised in respect of the need to obtain resource consent for structures associated with primary production.

**J & M McGuinness** (34.9) also spoke in support of their submission.

**D Riddiford** (264.33) spoke in support of his submission opposing Rule 21.1.15 and raising process and rule issues.

## Commissioners Deliberations

The Commissioners note the two main issues raised by submitters relate to the width of the Foreshore Protection Area, and the restriction on structures within this area.

With respect to the width of the Foreshore Protection Area, Commissioners note that as discussed for the submissions on the policy framework, the Foreshore Protection Area has been defined based on the combination of a number of factors. These factors include risks from natural hazards (e.g. storm surges, coastal erosion, tsunami) and the natural character and ecological values of the coastal edge. In response to other submission points discussed earlier in this report, has been determined that a further sentence be added to paragraph 12 as follows, to better describe the reason for the Foreshore Protection Area:

*“...variable boundary has been defined). The Foreshore Protection Area is of a width to promote development to avoid potential hazards associated with the natural processes of the ocean such as storm surges and coastal erosion, and to avoid the adverse effects of development on the natural character and ecology of the foreshore.”*

The Commissioners consider the 50m width except where specifically varied at Riversdale, is the most appropriate approach at this time. Given the variable nature of the Wairarapa coastline, there is a degree of variable hazard risk along the coast. As Riversdale is the only location where a detailed survey has been completed, 50m width is considered a precautionary width based on currently available information. A reduction or increase in width is not considered warranted.

With respect to structures within the Foreshore Protection Area, the Commissioners note the concerns raised by submitters. The Commissioners note that submitters have requested some forms of structures be permitted in the Foreshore Protection Area to enable the efficient use of land. The Commissioners have considered these concerns and have amended Rule 21.1.15 accordingly. The amendment allows for certain sized and types of structures as permitted within the identified Foreshore Protection Area. These include fences up to a height of 1.8m, and non habitable structures up to 3m in height and 15m<sup>2</sup> gross floor area, per site. These dimensions would allow for structures such as water tanks and small sheds. Such structures would not compromise the natural character and it is acceptable to expose these structures to the risks of natural hazards. In terms of the overall control on structures within the Foreshore Protection Area, the Commissioners concur with the Section 42A Report that given the risks from natural hazards to development in the Foreshore Protection Area, a regulatory approach is considered the most efficient and effective regime for achieving the Objective for the coastal environment. Therefore, it is decided to retain rules for the Foreshore Protection Area in terms of requiring resource consent for certain new structures. As the Foreshore Protection Area applies to a narrow strip along the coastline, it is not considered to unduly constrain the efficient use of the land resource. Most properties have sufficient land area outside of the Foreshore Protection Area to continue using and developing the land for a range of purposes.

The Commissioners note that existing structures, if they were lawfully established, have existing use rights under Section 10 of the Act, and therefore an exclusion relating to existing structures is not considered necessary.

## Decision: 21.1.15 Permitted Activity – Foreshore Protection Area

Submission Reference:

525.90	Reject
FS34	Accept

524.70	Reject
--------	--------

FS157	Reject
FS155	Reject
526.99	Reject
230.5	Accept in part
34.9	Reject
331.1	Reject
264.33	Accept in part
FS157	Accept in part
FS155	Accept in part
278.3	Reject
507.5	Reject

### Decision Amendment: 21.1.15 Permitted Activity – Foreshore Protection Area

Amend Rule 21.1.15 as follows:

*(a) ~~No~~ Any structure shall be constructed or located within the Foreshore Protection Area, being 50 metres landward of Mean High Water Springs for all areas, except as otherwise identified in the Planning Maps, shall comply with the following standards:*

*(i) Fences shall not exceed 1.8m in height;*

*(ii) Non-habitable structures shall not exceed 3 metres in height and shall not exceed 15m<sup>2</sup> gross floor area (GFA) per site.*

### Reasons

This decision is made for the following reasons:

- The retention of the existing rule is consistent with the purpose and principals of the Resource Management Act, in protecting the foreshore area from inappropriate development.
- The 50m width, except where specifically varied, is considered appropriate given the variable nature of the Wairarapa coastline and considered effective in collectively considering the effects of development on natural character together with the risks from natural hazards of the coastal edge.
- A restriction on structures is considered appropriate to avoid the risks from natural hazards and to protect the natural character of the coastal margin.

### 21.1.25 Permitted Activity - Coastal Environment Management Area

#### Submission Summary

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
525.92	Department of Conservation	-	-
524.74	Federated Farmers of	FS157 G & J Diederich	Support

	New Zealand (Inc)	FS155 K Reedy	Support
522.59	Planning Departments of Masterton, Carterton and South Wairarapa District Councils	FS103 Windy Peak Trust	Oppose
327.16	Telecom New Zealand Limited	-	-
526.102	Wellington Regional Council	-	-
402.7	A Crofoot	-	-
401.7	E Crofoot	-	-
166.2	S Foreman	-	-
323.1	A, D & P Furniss	-	-
323.2	A, D & P Furniss	-	-
34.10	J & M McGuinness	-	-
264.41	D Riddiford	FS157 G & J Diederich FS155 K Reedy	Support Support
273.22	Tomlinson & Carruthers	-	-
238.9	R Scott	-	-
213.2	K Stephen	-	-
213.3	K Stephen	-	-
213.4	K Stephen	-	-
213.5	K Stephen	-	-
229.3	A Barton	-	-
260.8	G & J Diederich	FS157 G & J Diederich	Support
264.7	D Riddiford	FS157 G & J Diederich FS155 K Reedy	Support Support

## Discussion

**Department of Conservation** (525.92) requests the rule be amended by replacing '50m' with '100m' from MHWS in (a)(i)(1). In addition, they seek the 'no' be removed from (a)(i)(1).

**Planning Departments of Masterton, Carterton and South Wairarapa District Councils** (522.59) request (a)(i)(1) be amended to refer to the 50m contour above MHWS and 50m from a terrace or escarpment. **Windy Peak Trust** oppose this submission.

**Greater Wellington Regional Council** (526.102) seeks clarification of the rule in relation to building structures inland of 50m from MWHS.

**A Crofoot** (402.7) and **E Crofoot** (401.7) request (a)(i)(1) be amended to clarify if it means vertically or horizontally. In addition, they request all references to MHWS be changed to Mean High Water (MWH).

**K Stephen** (213.2) requests (a)(i)(1) be amended to clarify whether a structures location is measured from ground or roof height. In addition, he requests (a)(i)(2) be amended to clarify that it refers to slopes physically under the construction (213.3). He also requests Rule (a)(i)(3) be amended to retain the existing plan height restriction (213.4).

**J & M McGuinness** (34.10) requests the CEMA be legally defined or deleted. In addition, he requests the height reference in Rule (a)(i)(1) be deleted.

**J & M McGuinness** (34.10) seeks to amend Rule 21.1.25 (a)(i)(4)(c) by replacing the current wording with 'locally occurring natural colours, other than short term flower colours'.

**Tomlinson & Carruthers** (273.22) request (a)(4)(c) in relation to painted colours be deleted.

**Telecom New Zealand Limited** (327.16) requests that Rule 21.1.25 be amended to exclude or provide for telecommunication and radio communication masts, towers and associated antennas and aerials.

**Federated Farmers of New Zealand (Inc)** (524.74), **S Foreman** (166.2), **A, D & P Furniss** (323.1, 323.2) and **D Riddiford** (264.41) request Rule 21.1.25 be deleted. **G & J Diederich** and **K Reedy** support the Federated Farmers of New Zealand (Inc) and D Riddiford submissions.

**D Riddiford** (264.7) also requests Rule 21.1.25 be amended to provide for an "Aquaculture Precinct" (including farming and forestry uses) at Te Awaitei. **G & J Diederich** and **K Reedy** support this submission.

**R Scott** (238.9) requests the Rule be retained.

**A Barton** (229.3) and **G & J Diederich** (260.8) request (b)(i) be deleted in relation to the number of dwellings on a site. **G & J Diederich** supports her own original submission.

**K Stephen** (213.5) requests (b)(i) be amended to cater for the differing size of lots in one title.

## Evidence Heard

**The Department of Conservation** (525.91) noted their support and acceptance of the Section 42A Report recommendation for the retention of the existing rules with the modification of Rule 21.1.25(a)(i)(1).

**Greater Wellington Regional Council** (526.102) noted their acceptance of the Section 42A Report recommendation.

**A Crofoot** (402.7) and **E Crofoot** (401.7) spoke in support of their submission seeking amendment and clarification on terminology used.

**J & M McGuinness** (34.10) spoke in support of their submission, and in particular Rule 21.1.25(a)(i)(4).

**Tomlinson & Carruthers** (273.22) also spoke in support of their submission and commented Rule 21.1.25 was not necessary.

**D Riddiford** (264.7) spoke in support of his submission.

## Commissioners Deliberations

Rule 21.1.25 is considered an effective and efficient approach for managing built development in the coastal environment. The landscape values, natural character and historic heritage in the coastal environment are susceptible to degradation from inappropriately sited and designed buildings, therefore, regulatory controls are considered the most efficient and effective approach to manage inappropriate development.

The Commissioners have considered issues raised by submitters in relation to the intent and wording and terminology used in Rule 21.1.25(a)(i) and the Section 42A Report recommending amendment to Rule 21.1.25(a)(i)(1). For the reasons identified in the Section 42A Report and taking into consideration the information presented at the hearing, the Commissioners support the Section 42A Report rewording of Rule 21.1.25(a)(i)(1).

Rule 21.1.25(a)(i)(1) seeks to manage structures in the coastal environment, to ensure their location avoids visually prominent sites and areas potentially subject to risk from natural hazards. The amended rule restricts structures from being constructed on elevated land 40m above MHWS to avoid structures being constructed in visually prominent locations; and secondly limits structures from being built within 50m of a terrace or escarpment to avoid the risk of natural hazards, particularly instability and fallen debris. The application of a contour level provides a measurable position in which structures can be sited. While submitters have requested a change in terminology from MHWS, the Commissioners concur with the Section 42A Report which provides that for consistency with the Act, the MHWS level is considered the appropriate benchmark to measure the contour level from.

In respect of Rule 21.1.25(a)(i)(2) and (3), the Commissioners believe these provisions are clear, workable and warranted. Both provisions assist the overall aim to ensure structures are managed to ensure their location avoids visually prominent sites and areas potentially subject to risk from natural hazards.

In respect of colours and materials of residential structures, it is noted that submitters requested amendments to the current provisions. The Commissioners consider it appropriate Rule 21.1.25(a)(i)(4) be retained as this restriction is to manage the appearance of the buildings to ensure they do not detract from the landscape values and natural character of the coastal environment. Given submitters have requested amendments to the provisions, the Commissioners consider that in order to address issues of uncertainty and provide clarification in the application of the rules, an amendment is made in respect of the extent of the control relating to exterior materials. Given the present reference to cladding does not include roof or window treatments which can be visually obtrusive, it is decided the clause be amended to make reference to exterior materials.

The submitter's reference to "locally occurring natural colours" is considered to be a subjective phrase. There are a number of potential interpretations as to what is a "natural colour", and as all permitted activity standards have to be certain, an amendment to this effect is not considered appropriate and therefore the Commissioners have retained the current wording.

The Commissioners note that structures, including buildings for primary production activities, are permitted under Rule 21.1.25 in the CEMA, provided they meet the particular standards. Therefore, a special precinct is not considered necessary.

It is recognised that telecommunication and radio communication structures could be located and designed in the coastal environment that do not detract from the natural character and landscape values. However, excluding these types of structures from complying with the standards in Rule 21.1.25 is not considered appropriate, as masts, towers and associated antennas and aerials in poorly sited locations and/or poorly designed, could compromise the special qualities of the coastal area. Therefore, it is decided to retain the current rule.

Submitters raised issue with Rule 21.1.25(b) as is it limited their ability to effectively use their land. The number of dwellings in the Coastal Environment Management Area has a direct affect on the concentration of development in the coastal environment. An increase in the number of dwellings has the potential to compromise the natural character, and result in a more cluttered, modified landscape. The Commissioners concur with comments made in the Section 42A Report that additional dwellings could be established in the coastal environment by either subdividing or applying for resource consent where an assessment of the effects on the natural character and landscape values would be undertaken, taking into account the siting and design of the proposed dwelling. If the dwelling was considered to be appropriately sited and designed, consent would be granted. Therefore, it is decided to retain the current wording of Rule 21.1.25(b)(i).

### **Decision: 21.1.25 Coastal Environment Management Area**

Submission Reference:

525.91	Reject
524.74	Reject
FS157	Reject
FS155	Reject
522.59	Accept
FS103	Reject
327.16	Reject
526.102	Accept in part
402.7	Accept in part
401.7	Accept in part
166.2	Reject
323.1	Reject
323.2	Reject
34.10	Reject
264.41	Reject
FS157	Reject
FS155	Reject
273.22	Reject
238.9	Accept
213.2	Accept in part
213.3	Reject
213.4	Reject
229.3	Reject
260.8	Reject
FS157	Reject
213.5	Reject
264.7	Reject
FS157	Reject
FS155	Reject

## Decision Amendment: 21.1.25 Coastal Environment Management Area

Amend Rule 21.1.25(a)(i) as follows:

~~(1) The structure shall be located no higher than 50m above MHWS; and no closer than 50m from the face of the terrace or escarpment.~~

**(1) No part of any structure shall be located above the 40m contour above MHWS;**

**(2) No part of any structure shall be located closer than 50m (in both the seaward and landward direction) from the steepest part of a terrace or escarpment.**

Re-number Rule 21.1.25(a)(i) (2)-(4) to (3)-(5).

Amend Rule 21.1.25 (a)(i)(4) as follows:

~~Each dwelling and associated residential accessory building(s) shall be clad in:~~

**All buildings shall use as exterior materials:**

## Reasons

This decision is made for the following reasons:

- The amended text and existing provisions achieve the purpose of managing structures in the coastal environment, to ensure their location avoids visually prominent sites and areas potentially subject to risk from natural hazards.
- For consistency with the Act, the MHWS level is considered the appropriate benchmark to measure the contour level from.
- Rule 21.1.25 is considered an effective and efficient approach for managing built development in the coastal environment. The landscape values, natural character and historic heritage in the coastal environment are susceptible to degradation from inappropriately sited and designed buildings, therefore, regulatory controls are considered the most efficient and effective approach to manage inappropriate development.
- The number of dwellings in the Coastal Environment Management Area has a direct affect on the concentration of development in the coastal environment and has the potential to compromise the natural character, and result in a more cluttered, modified landscape. It is therefore appropriate that additional dwellings be established in the coastal environment by either subdividing or applying for resource consent where an assessment of the effects on the natural character and landscape values would be undertaken.

## 21.3.9 Restricted Discretionary Activity - Structures in the Coastal Environment

### Submission Summary

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
525.94	Department of	-	-



	Conservation		
497.24	New Zealand Historic Places Trust	-	-
526.104	Wellington Regional Council	-	-
34.11	J & M McGuinness	-	-
264.46	D Riddiford	FS157 G & J Diederich FS155 K Reedy	Support Support
238.12	R Scott	-	-

## Discussion

**Department of Conservation** (525.94) requests the rule be amended by adding the impacts on natural values and hazard risks.

**Greater Wellington Regional Council** (526.104) requests the effects on coastal processes, effects on ecological values of indigenous vegetation and fauna, and effects on public access be added to the matters of discretion.

**J & M McGuinness** (34.11) requests the matters of discretion include a reference to allow more than one dwelling.

**New Zealand Historic Places Trust** (497.24) and **R Scott** (238.12) request Rule 21.3.9 be retained.

**D Riddiford** (264.46) opposes Rule 21.3.9. **G & J Diederich** and **K Reedy** support this submission.

## Evidence Heard

**Department of Conservation** (525.94) presented evidence that the recommended amendments in the Section 42A Report largely address the Department's concerns.

**Greater Wellington Regional Council** (526.104) spoke in support of their submission noting that the addition of a discretionary criterion for risk is supported. In respect of indigenous vegetation and fauna, they noted at the hearing that a separate rule is not required.

**J & M McGuinness** (34.11) spoke in support of their submission.

**New Zealand Historic Places Trust** (497.24) spoke in support of their submission, seeking greater protection of cultural and heritage values in the coastal environment.

**D Riddiford** (264.46) spoke in support of his submission.

## Commissioners Deliberations

Submitters have requested the matters of discretion be extended to include natural values, hazard risks, ecological values, public access and allowing more residential dwellings.

The Commissioners note the support from submitters on components of 21.3.9.

Rule 21.3.9 correlates with Rule 21.1.25 in that any proposal which does not comply with the standards in Rule 21.1.25 would be assessed as a restricted discretionary activity under Rule 21.3.9.

The Commissioners concur with the Section 42A Report recommendation for the inclusion of the assessment criterion in relation to risks from natural hazards as the setback standard from the escarpment/terrace is applied to manage the risk of natural hazards, and therefore, it is appropriate to add this as an assessment matter.

The amendment of the assessment criterion in relation to natural character and landscape values is supported by submitters.

As assessed in the Section 42A report, public access to the coast is managed through the esplanade reserve/strip provisions in the Plan and therefore, it is not decided to add public access to the matters of discretion relating to structures.

In relation to the request for adding a specific matter of discretion for allowing more than one dwelling, this is not considered appropriate, as this would not be relevant for non-compliance with the other standards for structures in the coastal environment. All of the matters of discretion would be assessed in determining whether it was appropriate to grant consent for more than one dwelling to be established on a site.

### Decision: 21.3.9 Structures in the Coastal Environment

Submission Reference:

525.94	Accept in part
497.24	Accept
526.104	Reject
34.11	Reject
264.46	Reject
FS157	Reject
FS155	Reject
38.12	Accept

### Decision Amendment: 21.3.9 Structures in the Coastal Environment

Amend Rule 21.3.9 as follows:

*(a) Any structure not complying with the permitted activity standards for structures in the Coastal Environment Management Area.*

*Discretion is restricted to the following matters:*

*(i) Design and appearance of buildings and outdoor areas;*

*(ii) Landscape treatment and screening;*

***(iii) Effects on the natural character and landscape values'***

***(iv) Effects of activities on adjacent properties and public open spaces;***

***(v) Effects on any historic, cultural or archaeological site;***

***(vi) Risks from natural hazards;***

***(vii) Access.***

## Reasons

This decision is made for the following reasons:

- The amended text and existing provisions achieve the purpose of managing the effects of structures in the coastal environment, to ensure their location avoids visually prominent sites and areas potentially subject to risk from natural hazards.
- Rule 21.3.9 is considered an effective and efficient approach for managing built development in the coastal environment, as it provides for a case-by-case assessment of each proposal, to determine whether the adverse effects on the environment have been avoided, remedied or mitigated.

### 22.1.9 Assessment Criteria - Foreshore Protection Area

#### Submission Summary

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
525.102	Department of Conservation	FS85 Federated Farmers of New Zealand (Inc) FS112 D Riddiford	Oppose  Oppose
514.11	Rangitane o Wairarapa Inc	-	-

#### Discussion

**Department of Conservation** (525.102) requests the protection of the natural character values and avoidance of hazards be added to the Assessment Criteria. **Federated Farmers of New Zealand (Inc)** and **D Riddiford** oppose this submission.

**Rangitane o Wairarapa Inc** (514.11) requests the criteria be amended to include provision for consultation with Tangata Whenua.

#### Evidence Heard

**Department of Conservation** (525.102) spoke in support of their submission requesting that in addition to the recommended criterion for 22.1.9 as provided in the Section 42A report, the following additional criterion as detailed in their evidence is added.

*(x) The likelihood of development resulting in demand in future for hazard protection works.*

*(v) In the case of hazard protection works, whether alternative options are practicable (including retreat or relocation of development, or enhancement of natural defences) that will have less adverse effects on the environment.*

**D Riddiford** spoke in support of his submission.

#### Commissioners Deliberations

The Section 42A report recommended amendments to the criterion relating to landscape values and natural hazards, so as to better describe the effects to be assessed. The Commissioners support this amendment and do not believe further amendments, as outlined above, are an efficient or effective approach for assessing structures in the

Foreshore Protection Area as the resulting criterion are considered the most efficient and effective in assessing activities in the Foreshore Protection Area.

With respect to consultation with Tangata Whenua, the Commissioners note the comments in the Section 42A report that the Act does not require consultation to occur for any resource consent application. However, consultation is encouraged as it can assist in identifying and assessing the effects of a proposal. As such no criterion is included.

### Decision: 22.1.9 Foreshore Protection Area

Submission Reference:

525.102	Accept in part
FS85	Accept in part
FS112	Accept in part
514.11	Reject

### Decision Amendment: 22.1.9 Foreshore Protection Area

Amend the Assessment Criteria as follows:

- (i) The nature, form, scale and extent of the proposed building or structure.*
- (ii) The necessity for the building or structure, and any alternative methods and locations available.*
- (iii) The effect the building or structure will have on the visual amenity, openness, **landscape values** and natural character of the foreshore.*
- (iv) Changes to the hazard risk resulting from climate change.*
- (v) The risk to structures from coastal erosion, storm surges, tsunami, flooding, instability, erosion, landslip or subsidence, and the extent to which these risks have been avoided or mitigated.***

### Reasons

This decision is made for the following reasons:

- The existing provisions and amendments are considered an efficient and effective approach for assessing structures in the Foreshore Protection Area and clarify the intent of the assessment criteria.
- Consultation is encouraged for any resource consent application as it can assist in identifying and assessing the effects of a proposal.

### 22.1.18 Assessment Criteria - Coastal Environment

#### Submission Summary

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
514.12	Rangitane o Wairarapa Inc	-	-

## Discussion

**Rangitane o Wairarapa Inc** (514.12) requests the criteria be amended to include consideration of cultural values.

## Evidence Heard

No evidence was presented on this matter at the hearing.

## Commissioners Deliberations

The Commissioners note the assessment provided in the Section 42A report that the Assessment Criteria corresponds with specific rules in the District Wide Subdivision and Land Use Rules and Standards for development in the coastal environment. It is considered clauses (vi) and (vii) already recognise the cultural values in the Assessment Criteria. In terms of the “effects” on wahi tapu sites, the effects of any subdivision or development are to be assessed under clause (i). Therefore, the relief sought by the submitter are considered to be adequately provided for in the current Assessment Criteria, and it is decided to retain the current wording.

## Decision: 22.1.18 Coastal Environment

Submission Reference:

514.12      Reject

## Reasons

This decision is made for the following reasons:

- The consideration of cultural values are considered in Assessment Criteria clauses 22.1.18 (vi) and (vii).

## 27 Definitions - Coastal Environment Management Area

### Submission Summary

Submitter Number	Submitter Name	Further Submitter Name and Number	Further Submission Support/Oppose
526.114	Greater Wellington Regional Council	-	-

## Discussion

**Greater Wellington Regional Council** (526.114) requests a definition be added for the Coastal Environment Management Area.

## **Evidence Heard**

**Greater Wellington Regional Council** (526.114) noted their support and acceptance of the Section 42A report recommendation for maintaining the status quo.

## **Commissioners Deliberations**

The Commissioners note the assessment provided in the Section 42A report that the as discussed in the evaluation on other submission points, the Coastal Environment Management Area is defined on the Planning Maps. This area is based on the delineation of the coastal environment determined through the Wairarapa Coastal Strategy. Therefore, it is not necessary to add a definition to the Chapter 27

## **Decision: 22.1.18 Coastal Environment**

Submission Reference:

526.114     Reject

## **Reasons**

This decision is made for the following reasons:

- The Coastal Environment Management Area is defined on the Planning Maps. This area is based on the delineation of the coastal environment determined through the Wairarapa Coastal Strategy.